

## As Introduced

131st General Assembly  
Regular Session  
2015-2016

H. B. No. 64

Representative Smith, R.

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of the 130th General Assembly, to amend Section 5 190  
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Assembly, and to amend Section 20.15 of H.B. 215 192  
of the 122nd General Assembly; to repeal Sections 193  
701.10 and 701.61 of Am. Sub. H.B. 59 of the 130th 194  
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H.B. 483 of the 130th General Assembly; to amend 196  
the versions of sections 340.01, 340.03, 340.08, 197  
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Revised Code that are scheduled to take effect 199  
September 15, 2016, to continue the provisions of 200  
this act on and after the effective date, to make 201  
operating appropriations for the biennium 202  
beginning July 1, 2015, and ending June 30, 2017, 203  
and to provide authorization and conditions for 204  
the operation of state programs. 205

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

**Section 101.01.** That sections 9.312, 9.333, 9.83, 9.833, 206  
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5751.21, 5751.22, 5751.50, 5902.02, 5903.12, 5910.08, 5919.341, 303  
6109.08, 6109.10, 6109.24, 6109.30, 6109.34, 6111.03, 6111.036, 304  
6111.05, 6111.30, and 6111.99 be amended; sections 3333.031 305  
(3333.012), 5108.05 (5108.041), 5108.051 (5108.042), 5108.03 306  
(5108.05), 5123.1610 (5123.1611), and 5101.98 (5902.05) be amended 307  
for the purpose of adopting new section numbers as indicated in 308  
parentheses; new sections 5123.1610 and 5164.37 and sections 309  
118.041, 125.035, 125.061, 131.025, 173.57, 173.571, 173.572, 310  
173.573, 173.574, 173.575, 173.576, 173.577, 173.578, 173.579, 311  
174.09, 190.01, 190.02, 190.03, 190.04, 321.50, 903.40, 905.326, 312  
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1511.11, 3301.0728, 3302.16, 3302.42, 3304.171, 3313.721, 3314.46, 314  
3317.018, 3319.113, 3319.67, 3333.0414, 3333.92, 3345.35, 315

3354.071, 3357.071, 3358.071, 3701.70, 3701.701, 3701.702, 316  
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4762.133, 4774.133, 4778.141, 4923.041, 4927.10, 4927.101, 318  
5101.612, 5101.621, 5101.622, 5101.691, 5101.692, 5104.042, 319  
5108.021, 5108.03, 5123.376, 5124.155, 5124.68, 5124.69, 5124.70, 320  
5160.401, 5162.365, 5164.302, 5165.158, 5166.40, 5166.41, 5166.42, 321  
5166.43, 5166.44, 5166.45, 5166.46, 5166.47, 5166.48, 5166.49, 322  
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5743.365, 5744.01, 5744.02, 5744.03, 5744.04, 5744.05, 5744.06, 325  
5744.07, 5744.08, 5744.09, 5744.10, 5744.11, 5744.12, 5744.13, 326  
5744.14, 5744.15, 5744.97, 5744.99, 6111.32, and 6301.16 of the 327  
Revised Code be enacted to read as follows: 328

**Sec. 9.312.** (A) If a state agency or political subdivision is 329  
required by law or by an ordinance or resolution adopted under 330  
division (C) of this section to award a contract to the lowest 331  
responsive and responsible bidder, a bidder on the contract shall 332  
be considered responsive if the bidder's proposal responds to bid 333  
specifications in all material respects and contains no 334  
irregularities or deviations from the specifications which would 335  
affect the amount of the bid or otherwise give the bidder a 336  
competitive advantage. The factors that the state agency or 337  
political subdivision shall consider in determining whether a 338  
bidder on the contract is responsible include the experience of 339  
the bidder, the bidder's financial condition, conduct and 340  
performance on previous contracts, facilities, management skills, 341  
and ability to execute the contract properly. 342

For purposes of this division, the provision of a bid 343  
guaranty in accordance with divisions (A)(1) and (B) of section 344  
153.54 of the Revised Code issued by a surety licensed to do 345  
business in this state is evidence of financial responsibility, 346

but a state agency or political subdivision may request additional 347  
financial information for review from an apparent low bidder after 348  
it opens all submitted bids. A state agency or political 349  
subdivision shall keep additional financial information it 350  
receives pursuant to a request under this division confidential, 351  
except under proper order of a court. The additional financial 352  
information is not a public record under section 149.43 of the 353  
Revised Code. 354

An apparent low bidder found not to be responsive and 355  
responsible shall be notified by the state agency or political 356  
subdivision of that finding and the reasons for it. Except for 357  
contracts awarded by the department of administrative services 358  
pursuant to section 125.11 of the Revised Code, the notification 359  
shall be given in writing and by certified mail. When awarding 360  
contracts pursuant to section 125.11 of the Revised Code, the 361  
department may send such notice in writing by first class mail or 362  
by electronic means. 363

(B) Where a state agency or a political subdivision that has 364  
adopted an ordinance or resolution under division (C) of this 365  
section determines to award a contract to a bidder other than the 366  
apparent low bidder or bidders for the construction, 367  
reconstruction, improvement, enlargement, alteration, repair, 368  
painting, or decoration of a public improvement, it shall meet 369  
with the apparent low bidder or bidders upon a filing of a timely 370  
written protest. The protest must be received within five days of 371  
the notification required in division (A) of this section. No 372  
final award shall be made until the state agency or political 373  
subdivision either affirms or reverses its earlier determination. 374  
Notwithstanding any other provisions of the Revised Code, the 375  
procedure described in this division is not subject to Chapter 376  
119. of the Revised Code. 377

(C) A municipal corporation, township, school district, board 378

of county commissioners, any other county board or commission, or 379  
any other political subdivision required by law to award contracts 380  
by competitive bidding may by ordinance or resolution adopt a 381  
policy of requiring each competitively bid contract it awards to 382  
be awarded to the lowest responsive and responsible bidder in 383  
accordance with this section. 384

**Sec. 9.333.** (A) No public authority shall enter into a 385  
construction management contract with a construction manager 386  
unless the construction manager provides a letter of credit 387  
pursuant to Chapter 1305. of the Revised Code, a surety bond 388  
pursuant to sections 153.54 and 153.57 of the Revised Code, a 389  
certified check or cashier's check in an amount equal to the value 390  
of the construction management contract for the project, or 391  
provides other reasonable financial assurance of a nature and in 392  
an amount satisfactory to the public authority. The public 393  
authority may waive this requirement for good cause. 394

(B) Before construction begins pursuant to a construction 395  
management contract with a construction manager at risk, the 396  
construction manager at risk shall provide a surety bond to the 397  
public authority in accordance with rules adopted by the executive 398  
director of ~~administrative services~~ the Ohio facilities 399  
construction commission under Chapter 119. of the Revised Code. 400

**Sec. 9.83.** (A) The state and any political subdivision may 401  
procure a policy or policies of insurance insuring its officers 402  
and employees against liability for injury, death, or loss to 403  
person or property that arises out of the operation of an 404  
automobile, truck, motor vehicle with auxiliary equipment, 405  
self-propelling equipment or trailer, aircraft, or watercraft by 406  
the officers or employees while engaged in the course of their 407  
employment or official responsibilities for the state or the 408  
political subdivision. The state is authorized to expend funds to 409

pay judgments that are rendered in any court against its officers 410  
or employees and that result from such operation, and is 411  
authorized to expend funds to compromise claims for liability 412  
against its officers or employees that result from such operation. 413  
No insurer shall deny coverage under such a policy, and the state 414  
shall not refuse to pay judgments or compromise claims, on the 415  
ground that an automobile, truck, motor vehicle with auxiliary 416  
equipment, self-propelling equipment or trailer, aircraft, or 417  
watercraft was not being used in the course of an officer's or 418  
employee's employment or official responsibilities for the state 419  
or a political subdivision unless the officer or employee who was 420  
operating an automobile, truck, motor vehicle with auxiliary 421  
equipment, or self-propelling equipment or trailer is convicted of 422  
a violation of section 124.71 of the Revised Code as a result of 423  
the same events. 424

(B) Funds shall be reserved as necessary, in the exercise of 425  
sound and prudent actuarial judgment, to cover potential expense, 426  
fees, damage, loss, or other liability. The office of risk 427  
management may recommend or, if the state requests of the office 428  
of risk management, shall recommend a specific amount for any 429  
period of time that, in the opinion of the office of risk 430  
management, represents such a judgment. 431

(C) Nothing in this section shall be construed to require the 432  
department of administrative services to purchase liability 433  
insurance for all state vehicles in a single policy of insurance 434  
or to cover all state vehicles under a single plan of 435  
self-insurance. 436

(D) Insurance procured by the state pursuant to this section 437  
shall be procured as provided in division (G) of section ~~125.03~~ 438  
125.02 of the Revised Code. 439

(E) For purposes of liability insurance procured under this 440  
section to cover the operation of a motor vehicle by a prisoner 441

for whom the insurance is procured, "employee" includes a prisoner 442  
in the custody of the department of rehabilitation and correction 443  
who is enrolled in a work program that is established by the 444  
department pursuant to section 5145.16 of the Revised Code and in 445  
which the prisoner is required to operate a motor vehicle, as 446  
defined in section 4509.01 of the Revised Code, and who is engaged 447  
in the operation of a motor vehicle in the course of the work 448  
program. 449

(F) All contributions collected by the director of 450  
administrative services under division (H) of this section shall 451  
be deposited into the risk management reserve fund created in 452  
section 9.823 of the Revised Code to the credit of the vehicle 453  
liability program. 454

(G) Reserves shall be maintained in the risk management 455  
reserve fund to the credit of the vehicle liability program in any 456  
amount that is necessary and adequate, in the exercise of sound 457  
and prudent actuarial judgment, to cover potential liability 458  
claims, expenses, fees, or damages. Money in the fund may be 459  
applied to the payment of liability claims that are filed against 460  
the state in the court of claims and determined in the manner 461  
provided in Chapter 2743. of the Revised Code. The director of 462  
administrative services may procure the services of a qualified 463  
actuarial firm for the purpose of recommending the specific amount 464  
of money that is required to maintain adequate reserves for a 465  
specified period of time. 466

(H) The director of administrative services shall collect 467  
from each state agency or any participating state body its 468  
contribution to the vehicle liability program for the purpose of 469  
purchasing insurance or administering self-insurance programs for 470  
coverage authorized under this section. The amount of the 471  
contribution shall be determined by the director, with the 472  
approval of the director of budget and management. It shall be 473

based upon actuarial assumptions and the relative risk and loss 474  
experience of each state agency or participating state body. The 475  
amount of the contribution also shall include a reasonable sum to 476  
cover administrative costs of the department of administrative 477  
services. The amounts collected pursuant to this division shall be 478  
deposited in the risk management reserve fund to the credit of the 479  
vehicle liability program. 480

**Sec. 9.833.** (A) As used in this section, "political 481  
subdivision" has the meaning defined in sections 2744.01 and 482  
3905.36 of the Revised Code. For purposes of this section, 483  
"political subdivision" includes municipal corporations as defined 484  
in section 5705.01 of the Revised Code. 485

(B) Political subdivisions that provide health care benefits 486  
for their officers or employees may do any of the following: 487

(1) Establish and maintain an individual self-insurance 488  
program with public moneys to provide authorized health care 489  
benefits, including but not limited to, health care, prescription 490  
drugs, dental care, and vision care, in accordance with division 491  
(C) of this section; 492

(2) Establish and maintain a health savings account program 493  
whereby employees or officers may establish and maintain health 494  
savings accounts in accordance with section 223 of the Internal 495  
Revenue Code. Public moneys may be used to pay for or fund 496  
federally qualified high deductible health plans that are linked 497  
to health savings accounts or to make contributions to health 498  
savings accounts. A health savings account program may be a part 499  
of a self-insurance program. 500

(3) After establishing an individual self-insurance program, 501  
agree with other political subdivisions that have established 502  
individual self-insurance programs for health care benefits, that 503  
their programs will be jointly administered in a manner specified 504

in the agreement; 505

(4) Pursuant to a written agreement and in accordance with 506  
division (C) of this section, join in any combination with other 507  
political subdivisions to establish and maintain a joint 508  
self-insurance program to provide health care benefits; 509

(5) Pursuant to a written agreement, join in any combination 510  
with other political subdivisions to procure or contract for 511  
policies, contracts, or plans of insurance to provide health care 512  
benefits, which may include a health savings account program for 513  
their officers and employees subject to the agreement; 514

(6) Use in any combination any of the policies, contracts, 515  
plans, or programs authorized under this division. 516

(7) Any agreement made under division (B)(3), (4), (5), or 517  
(6) of this section shall be in writing, comply with division (C) 518  
of this section, and contain best practices established in 519  
consultation with and approved by the department of administrative 520  
services. The best practices may be reviewed and amended at the 521  
discretion of the political subdivisions in consultation with the 522  
department. Detailed information regarding the best practices 523  
shall be made available to any employee upon that employee's 524  
request. 525

(8) Purchase plans containing best practices ~~established~~ 526  
identified by the department of administrative services under 527  
section 9.901 of the Revised Code. 528

(C) Except as otherwise provided in division (E) of this 529  
section, the following apply to individual or joint self-insurance 530  
programs established pursuant to this section: 531

(1) Such funds shall be reserved as are necessary, in the 532  
exercise of sound and prudent actuarial judgment, to cover 533  
potential cost of health care benefits for the officers and 534  
employees of the political subdivision. A certified audited 535

financial statement and a report of aggregate amounts so reserved 536  
and aggregate disbursements made from such funds, together with a 537  
written report of a member of the American academy of actuaries 538  
certifying whether the amounts reserved conform to the 539  
requirements of this division, are computed in accordance with 540  
accepted loss reserving standards, and are fairly stated in 541  
accordance with sound loss reserving principles, shall be prepared 542  
and maintained, within ninety days after the last day of the 543  
fiscal year of the entity for which the report is provided for 544  
that fiscal year, in the office of the program administrator 545  
described in division (C)(3) of this section. 546

The report required by division (C)(1) of this section shall 547  
include, but not be limited to, the aggregate of disbursements 548  
made for the administration of the program, including claims paid, 549  
costs of the legal representation of political subdivisions and 550  
employees, and fees paid to consultants. 551

The program administrator described in division (C)(3) of 552  
this section shall make the report required by this division 553  
available for inspection by any person at all reasonable times 554  
during regular business hours, and, upon the request of such 555  
person, shall make copies of the report available at cost within a 556  
reasonable period of time. The program administrator shall further 557  
provide the report to the auditor of state under Chapter 117. of 558  
the Revised Code. The report required by this division is in lieu 559  
of the records required by division (A) of section 149.431 of the 560  
Revised Code. 561

(2) Each political subdivision shall reserve funds necessary 562  
for an individual or joint self-insurance program in a special 563  
fund that may be established for political subdivisions other than 564  
an agency or instrumentality pursuant to an ordinance or 565  
resolution of the political subdivision and not subject to section 566  
5705.12 of the Revised Code. An agency or instrumentality shall 567

reserve the funds necessary for an individual or joint 568  
self-insurance program in a special fund established pursuant to a 569  
resolution duly adopted by the agency's or instrumentality's 570  
governing board. The political subdivision may allocate the costs 571  
of insurance or any self-insurance program, or both, among the 572  
funds or accounts established under this division on the basis of 573  
relative exposure and loss experience. 574

(3) A contract may be awarded, without the necessity of 575  
competitive bidding, to any person, political subdivision, 576  
nonprofit corporation organized under Chapter 1702. of the Revised 577  
Code, or regional council of governments created under Chapter 578  
167. of the Revised Code for purposes of administration of an 579  
individual or joint self-insurance program. No such contract shall 580  
be entered into without full, prior, public disclosure of all 581  
terms and conditions. The disclosure shall include, at a minimum, 582  
a statement listing all representations made in connection with 583  
any possible savings and losses resulting from the contract, and 584  
potential liability of any political subdivision or employee. The 585  
proposed contract and statement shall be disclosed and presented 586  
at a meeting of the political subdivision not less than one week 587  
prior to the meeting at which the political subdivision authorizes 588  
the contract. 589

A contract awarded to a nonprofit corporation or a regional 590  
council of governments under this division may provide that all 591  
employees of the nonprofit corporation or regional council of 592  
governments, the employees of all entities related to the 593  
nonprofit corporation or regional council of governments, and the 594  
employees of other nonprofit corporations that have fifty or fewer 595  
employees and have been organized for the primary purpose of 596  
representing the interests of political subdivisions, may be 597  
covered by the individual or joint self-insurance program under 598  
the terms and conditions set forth in the contract. 599

(4) The individual or joint self-insurance program shall 600  
include a contract with a certified public accountant and a member 601  
of the American academy of actuaries for the preparation of the 602  
written evaluations required under division (C)(1) of this 603  
section. 604

(5) A joint self-insurance program may allocate the costs of 605  
funding the program among the funds or accounts established under 606  
this division to the participating political subdivisions on the 607  
basis of their relative exposure and loss experience. 608

(6) An individual self-insurance program may allocate the 609  
costs of funding the program among the funds or accounts 610  
established under this division to the political subdivision that 611  
established the program. 612

(7) Two or more political subdivisions may also authorize the 613  
establishment and maintenance of a joint health care cost 614  
containment program, including, but not limited to, the employment 615  
of risk managers, health care cost containment specialists, and 616  
consultants, for the purpose of preventing and reducing health 617  
care costs covered by insurance, individual self-insurance, or 618  
joint self-insurance programs. 619

(8) A political subdivision is not liable under a joint 620  
self-insurance program for any amount in excess of amounts payable 621  
pursuant to the written agreement for the participation of the 622  
political subdivision in the joint self-insurance program. Under a 623  
joint self-insurance program agreement, a political subdivision 624  
may, to the extent permitted under the written agreement, assume 625  
the risks of any other political subdivision. A joint 626  
self-insurance program established under this section is deemed a 627  
separate legal entity for the public purpose of enabling the 628  
members of the joint self-insurance program to obtain insurance or 629  
to provide for a formalized, jointly administered self-insurance 630  
fund for its members. An entity created pursuant to this section 631

is exempt from all state and local taxes. 632

(9) Any political subdivision, other than an agency or 633  
instrumentality, may issue general obligation bonds, or special 634  
obligation bonds that are not payable from real or personal 635  
property taxes, and may also issue notes in anticipation of such 636  
bonds, pursuant to an ordinance or resolution of its legislative 637  
authority or other governing body for the purpose of providing 638  
funds to pay expenses associated with the settlement of claims, 639  
whether by way of a reserve or otherwise, and to pay the political 640  
subdivision's portion of the cost of establishing and maintaining 641  
an individual or joint self-insurance program or to provide for 642  
the reserve in the special fund authorized by division (C)(2) of 643  
this section. 644

In its ordinance or resolution authorizing bonds or notes 645  
under this section, a political subdivision may elect to issue 646  
such bonds or notes under the procedures set forth in Chapter 133. 647  
of the Revised Code. In the event of such an election, 648  
notwithstanding Chapter 133. of the Revised Code, the maturity of 649  
the bonds may be for any period authorized in the ordinance or 650  
resolution not exceeding twenty years, which period shall be the 651  
maximum maturity of the bonds for purposes of section 133.22 of 652  
the Revised Code. 653

Bonds and notes issued under this section shall not be 654  
considered in calculating the net indebtedness of the political 655  
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 656  
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 657  
hereby made applicable to bonds or notes authorized under this 658  
section. 659

(10) A joint self-insurance program is not an insurance 660  
company. Its operation does not constitute doing an insurance 661  
business and is not subject to the insurance laws of this state. 662

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

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

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

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

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

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

**Sec. 9.90.** (A) The board of trustees or other governing body

of a state institution of higher education, as defined in section 693  
3345.011 of the Revised Code, board of education of a school 694  
district, or governing board of an educational service center may, 695  
in addition to all other powers provided in the Revised Code: 696

(1) Contract for, purchase, or otherwise procure from an 697  
insurer or insurers licensed to do business by the state of Ohio 698  
for or on behalf of such of its employees as it may determine, 699  
life insurance, or sickness, accident, annuity, endowment, health, 700  
medical, hospital, dental, or surgical coverage and benefits, or 701  
any combination thereof, by means of insurance plans or other 702  
types of coverage, family, group or otherwise, and may pay from 703  
funds under its control and available for such purpose all or any 704  
portion of the cost, premium, or charge for such insurance, 705  
coverage, or benefits. However, the governing board, in addition 706  
to or as an alternative to the authority otherwise granted by 707  
division (A)(1) of this section, may elect to procure coverage for 708  
health care services, for or on behalf of such of its employees as 709  
it may determine, by means of policies, contracts, certificates, 710  
or agreements issued by at least two health insuring corporations 711  
holding a certificate of authority under Chapter 1751. of the 712  
Revised Code and may pay from funds under the governing board's 713  
control and available for such purpose all or any portion of the 714  
cost of such coverage. 715

(2) Make payments to a custodial account for investment in 716  
regulated investment company stock that is treated as an annuity 717  
under Internal Revenue Code section 403(b). 718

Any income of an employee deferred under divisions (A)(1) and 719  
(2) of this section in a deferred compensation program eligible 720  
for favorable tax treatment under the Internal Revenue Code shall 721  
continue to be included as regular compensation for the purpose of 722  
computing the contributions to and benefits from the retirement 723  
system of such employee. Any sum so deferred shall not be included 724

in the computation of any federal and state income taxes withheld 725  
on behalf of any such employee. 726

(B) All or any portion of the cost, premium, or charge 727  
therefor may be paid in such other manner or combination of 728  
manner as the board or governing body may determine, including 729  
direct payment by the employee in cases under division (A)(1) of 730  
this section, and, if authorized in writing by the employee in 731  
cases under division (A)(1) or (2) of this section, by the board 732  
or governing body with moneys made available by deduction from or 733  
reduction in salary or wages or by the foregoing of a salary or 734  
wage increase. Nothing in section 3917.01 or section 3917.06 of 735  
the Revised Code shall prohibit the issuance or purchase of group 736  
life insurance authorized by this section by reason of payment of 737  
premiums therefor by the board or governing body from its funds, 738  
and such group life insurance may be so issued and purchased if 739  
otherwise consistent with the provisions of sections 3917.01 to 740  
3917.07 of the Revised Code. 741

(C) The board of education of any school district may 742  
exercise any of the powers granted to the governing boards of 743  
public institutions of higher education under divisions (A) and 744  
(B) of this section. All health care benefits provided to persons 745  
employed by the public schools of this state shall be through 746  
health care plans that contain best practices ~~established~~ 747  
identified by the department of administrative services ~~pursuant~~ 748  
~~to~~ under section 9.901 of the Revised Code. 749

**Sec. 9.901.** (A)(1) ~~All health~~ Health care plans that provide 750  
benefits ~~provided~~ to persons employed by public employers as 751  
defined by this section ~~shall be provided by health care plans~~ 752  
~~that contain~~ may consider best practices established by the former 753  
school employees health care board or identified by the department 754  
of administrative services. All policies or contracts for health 755

care benefits that are issued or renewed after the expiration of 756  
any applicable collective bargaining agreement ~~must contain all~~ 757  
may consider any best practices ~~established pursuant to identified~~ 758  
under this section at the time of renewal. Health care plans that 759  
contain the best practices may be self-insured. 760

~~(2) Upon consulting with the department of administrative 761  
services, a political subdivision may adopt a delivery system of 762  
benefits that is not in accordance with the department's adopted 763  
best practices if it is considered by the department to be most 764  
financially advantageous to the political subdivision. 765~~

~~(3) As used in this section: 766~~

(a) "Public employer" means political subdivisions, public 767  
school districts, or state institutions of higher education. 768

(b) "Public school district" means a city, local, exempted 769  
village, or joint vocational school district; a STEM school 770  
established under Chapter 3326. of the Revised Code; or an 771  
educational service center. "Public school district" does not mean 772  
a community school established under Chapter 3314. of the Revised 773  
Code. 774

(c) "State institution of higher education" or "state 775  
institution" means a state institution of higher education as 776  
defined in section 3345.011 of the Revised Code. 777

(d) "Political subdivision" has the same meaning as defined 778  
in section 9.833 of the Revised Code. 779

(e) A "health care plan" includes group policies, contracts, 780  
and agreements that provide hospital, surgical, or medical expense 781  
coverage, including self-insured plans. A "health care plan" does 782  
not include an individual plan offered to the employees of a 783  
political subdivision, public school district, or state 784  
institution, or a plan that provides coverage only for specific 785  
disease or accidents, or a hospital indemnity, medicare 786

supplement, or other plan that provides only supplemental 787  
benefits, paid for by the employees of a political subdivision, 788  
public school district, or state institution. 789

(f) A "health plan sponsor" means a political subdivision, 790  
public school district, a state institution of higher education, a 791  
consortium of political subdivisions, public school districts, or 792  
state institutions, or a council of governments. 793

~~(4) The public employees health care fund is hereby created 794  
in the state treasury. The department shall use all funds in the 795  
public employees health care fund solely to carry out the 796  
provisions of this section and related administrative costs. 797~~

(B) The department of administrative services shall do all of 798  
the following: 799

(1) Identify strategies to manage health care costs; 800

(2) Study the potential benefits of state or regional 801  
consortiums of public employers' health care plans; 802

(3) ~~Publish~~ Study information regarding the health care plans 803  
offered by political subdivisions, public school districts, state 804  
institutions, and existing consortiums; 805

(4) ~~Assist in the design~~ Provide representative cost 806  
estimates of options for health care plans for political 807  
subdivisions, public school districts, and state institutions of 808  
higher education in accordance with division (A) of this section 809  
separate from the plans for state agencies; 810

(5) ~~Adopt~~ Study and release ~~a set of~~ standards that ~~shall~~ may 811  
be considered the best practices for health care plans offered to 812  
employees of political subdivisions, public school districts, and 813  
state institutions; 814

(6) Require that plans the health plan sponsors administer 815  
make readily available to the public all cost and design elements 816

of the plan; 817

(7) Promote cooperation among all organizations affected by 818  
this section in identifying the elements for successful 819  
implementation of this section; and 820

(8) Promote cost containment measures aligned with patient, 821  
plan, and provider management strategies in developing and 822  
managing health care plans; ~~and~~ 823

~~(9) Prepare and disseminate to the public an annual report on 824  
the status of health plan sponsors' effectiveness in complying 825  
with best practices and making progress to reduce the rate of 826  
increase in insurance premiums and employee out of pocket 827  
expenses, as well as progress in improving the health status of 828  
employees and their families. 829~~

(C) The director of administrative services may convene a 830  
public health care advisory committee to assist in studying the 831  
issues discussed in this section. ~~The committee shall make 832  
recommendations to the director of administrative services or the 833  
director's designee on the development and adoption of best 834  
practices under this section. The committee shall consist of 835  
fifteen members: five members appointed by the speaker of the 836  
house of representatives; five members appointed by the president 837  
of the senate; and five members appointed by the governor and 838  
shall include representatives from state and local government 839  
employers, state and local government employees, insurance agents, 840  
health insurance companies, and joint purchasing arrangements 841  
currently in existence. Members shall serve without compensation. 842~~

~~(D) The department may adopt rules for the enforcement of 843  
health plan sponsors' compliance with the best practices standards 844  
adopted by the department pursuant to this section. 845~~

~~(E) Any health care plan providing coverage for the employees 846  
of political subdivisions, public school districts, or state 847~~

institutions of higher education, or that have provided coverage 848  
within two years before ~~the effective date of this amendment~~ June 849  
30, 2011, shall provide nonidentifiable aggregate claims and 850  
administrative data for the coverage provided as required by the 851  
department, without charge, within thirty days after receiving a 852  
written request from the department. The claims data shall include 853  
data relating to employee group benefit sets, demographics, and 854  
claims experience. 855

~~(F)~~(E) The department may work with other state agencies to 856  
obtain services as the department deems necessary for the 857  
implementation and operation of this section, based on 858  
demonstrated experience and expertise in administration, 859  
management, data handling, actuarial studies, quality assurance, 860  
or for other needed services. 861

~~(G)~~(F) The department shall hire staff as necessary to 862  
provide administrative support to the department and the public 863  
employee health care plan program established by this section. 864

~~(H)~~(G) Nothing in this section shall be construed as 865  
prohibiting political subdivisions, public school districts, or 866  
state institutions from consulting with and compensating insurance 867  
agents and brokers for professional services or from establishing 868  
a self-insurance program. 869

~~(I)~~(H) Pursuant to Chapter 117. of the Revised Code, the 870  
auditor of state shall conduct all necessary and required audits 871  
of the department. The auditor of state, upon request, also shall 872  
furnish to the department copies of audits of political 873  
subdivisions, public school districts, or consortia performed by 874  
the auditor of state. 875

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 876  
criminal identification and investigation shall procure from 877  
wherever procurable and file for record photographs, pictures, 878

descriptions, fingerprints, measurements, and other information 879  
that may be pertinent of all persons who have been convicted of 880  
committing within this state a felony, any crime constituting a 881  
misdemeanor on the first offense and a felony on subsequent 882  
offenses, or any misdemeanor described in division (A)(1)(a), 883  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 884  
all children under eighteen years of age who have been adjudicated 885  
delinquent children for committing within this state an act that 886  
would be a felony or an offense of violence if committed by an 887  
adult or who have been convicted of or pleaded guilty to 888  
committing within this state a felony or an offense of violence, 889  
and of all well-known and habitual criminals. The person in charge 890  
of any county, multicounty, municipal, municipal-county, or 891  
multicounty-municipal jail or workhouse, community-based 892  
correctional facility, halfway house, alternative residential 893  
facility, or state correctional institution and the person in 894  
charge of any state institution having custody of a person 895  
suspected of having committed a felony, any crime constituting a 896  
misdemeanor on the first offense and a felony on subsequent 897  
offenses, or any misdemeanor described in division (A)(1)(a), 898  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 899  
having custody of a child under eighteen years of age with respect 900  
to whom there is probable cause to believe that the child may have 901  
committed an act that would be a felony or an offense of violence 902  
if committed by an adult shall furnish such material to the 903  
superintendent of the bureau. Fingerprints, photographs, or other 904  
descriptive information of a child who is under eighteen years of 905  
age, has not been arrested or otherwise taken into custody for 906  
committing an act that would be a felony or an offense of violence 907  
who is not in any other category of child specified in this 908  
division, if committed by an adult, has not been adjudicated a 909  
delinquent child for committing an act that would be a felony or 910

an offense of violence if committed by an adult, has not been 911  
convicted of or pleaded guilty to committing a felony or an 912  
offense of violence, and is not a child with respect to whom there 913  
is probable cause to believe that the child may have committed an 914  
act that would be a felony or an offense of violence if committed 915  
by an adult shall not be procured by the superintendent or 916  
furnished by any person in charge of any county, multicounty, 917  
municipal, municipal-county, or multicounty-municipal jail or 918  
workhouse, community-based correctional facility, halfway house, 919  
alternative residential facility, or state correctional 920  
institution, except as authorized in section 2151.313 of the 921  
Revised Code. 922

(2) Every clerk of a court of record in this state, other 923  
than the supreme court or a court of appeals, shall send to the 924  
superintendent of the bureau a weekly report containing a summary 925  
of each case involving a felony, involving any crime constituting 926  
a misdemeanor on the first offense and a felony on subsequent 927  
offenses, involving a misdemeanor described in division (A)(1)(a), 928  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 929  
involving an adjudication in a case in which a child under 930  
eighteen years of age was alleged to be a delinquent child for 931  
committing an act that would be a felony or an offense of violence 932  
if committed by an adult. The clerk of the court of common pleas 933  
shall include in the report and summary the clerk sends under this 934  
division all information described in divisions (A)(2)(a) to (f) 935  
of this section regarding a case before the court of appeals that 936  
is served by that clerk. The summary shall be written on the 937  
standard forms furnished by the superintendent pursuant to 938  
division (B) of this section and shall include the following 939  
information: 940

(a) The incident tracking number contained on the standard 941  
forms furnished by the superintendent pursuant to division (B) of 942

this section;	943
(b) The style and number of the case;	944
(c) The date of arrest, offense, summons, or arraignment;	945
(d) The date that the person was convicted of or pleaded	946
guilty to the offense, adjudicated a delinquent child for	947
committing the act that would be a felony or an offense of	948
violence if committed by an adult, found not guilty of the	949
offense, or found not to be a delinquent child for committing an	950
act that would be a felony or an offense of violence if committed	951
by an adult, the date of an entry dismissing the charge, an entry	952
declaring a mistrial of the offense in which the person is	953
discharged, an entry finding that the person or child is not	954
competent to stand trial, or an entry of a nolle prosequi, or the	955
date of any other determination that constitutes final resolution	956
of the case;	957
(e) A statement of the original charge with the section of	958
the Revised Code that was alleged to be violated;	959
(f) If the person or child was convicted, pleaded guilty, or	960
was adjudicated a delinquent child, the sentence or terms of	961
probation imposed or any other disposition of the offender or the	962
delinquent child.	963
If the offense involved the disarming of a law enforcement	964
officer or an attempt to disarm a law enforcement officer, the	965
clerk shall clearly state that fact in the summary, and the	966
superintendent shall ensure that a clear statement of that fact is	967
placed in the bureau's records.	968
(3) The superintendent shall cooperate with and assist	969
sheriffs, chiefs of police, and other law enforcement officers in	970
the establishment of a complete system of criminal identification	971
and in obtaining fingerprints and other means of identification of	972
all persons arrested on a charge of a felony, any crime	973

constituting a misdemeanor on the first offense and a felony on 974  
subsequent offenses, or a misdemeanor described in division 975  
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 976  
Revised Code and of all children under eighteen years of age 977  
arrested or otherwise taken into custody for committing an act 978  
that would be a felony or an offense of violence if committed by 979  
an adult. The superintendent also shall file for record the 980  
fingerprint impressions of all persons confined in a county, 981  
multicounty, municipal, municipal-county, or multicounty-municipal 982  
jail or workhouse, community-based correctional facility, halfway 983  
house, alternative residential facility, or state correctional 984  
institution for the violation of state laws and of all children 985  
under eighteen years of age who are confined in a county, 986  
multicounty, municipal, municipal-county, or multicounty-municipal 987  
jail or workhouse, community-based correctional facility, halfway 988  
house, alternative residential facility, or state correctional 989  
institution or in any facility for delinquent children for 990  
committing an act that would be a felony or an offense of violence 991  
if committed by an adult, and any other information that the 992  
superintendent may receive from law enforcement officials of the 993  
state and its political subdivisions. 994

(4) The superintendent shall carry out Chapter 2950. of the 995  
Revised Code with respect to the registration of persons who are 996  
convicted of or plead guilty to a sexually oriented offense or a 997  
child-victim oriented offense and with respect to all other duties 998  
imposed on the bureau under that chapter. 999

(5) The bureau shall perform centralized recordkeeping 1000  
functions for criminal history records and services in this state 1001  
for purposes of the national crime prevention and privacy compact 1002  
set forth in section 109.571 of the Revised Code and is the 1003  
criminal history record repository as defined in that section for 1004  
purposes of that compact. The superintendent or the 1005

superintendent's designee is the compact officer for purposes of 1006  
that compact and shall carry out the responsibilities of the 1007  
compact officer specified in that compact. 1008

(B) The superintendent shall prepare and furnish to every 1009  
county, multicounty, municipal, municipal-county, or 1010  
multicounty-municipal jail or workhouse, community-based 1011  
correctional facility, halfway house, alternative residential 1012  
facility, or state correctional institution and to every clerk of 1013  
a court in this state specified in division (A)(2) of this section 1014  
standard forms for reporting the information required under 1015  
division (A) of this section. The standard forms that the 1016  
superintendent prepares pursuant to this division may be in a 1017  
tangible format, in an electronic format, or in both tangible 1018  
formats and electronic formats. 1019

(C)(1) The superintendent may operate a center for 1020  
electronic, automated, or other data processing for the storage 1021  
and retrieval of information, data, and statistics pertaining to 1022  
criminals and to children under eighteen years of age who are 1023  
adjudicated delinquent children for committing an act that would 1024  
be a felony or an offense of violence if committed by an adult, 1025  
criminal activity, crime prevention, law enforcement, and criminal 1026  
justice, and may establish and operate a statewide communications 1027  
network to be known as the Ohio law enforcement gateway to gather 1028  
and disseminate information, data, and statistics for the use of 1029  
law enforcement agencies and for other uses specified in this 1030  
division. The superintendent may gather, store, retrieve, and 1031  
disseminate information, data, and statistics that pertain to 1032  
children who are under eighteen years of age and that are gathered 1033  
pursuant to sections 109.57 to 109.61 of the Revised Code together 1034  
with information, data, and statistics that pertain to adults and 1035  
that are gathered pursuant to those sections. 1036

(2) The superintendent or the superintendent's designee shall 1037

gather information of the nature described in division (C)(1) of 1038  
this section that pertains to the offense and delinquency history 1039  
of a person who has been convicted of, pleaded guilty to, or been 1040  
adjudicated a delinquent child for committing a sexually oriented 1041  
offense or a child-victim oriented offense for inclusion in the 1042  
state registry of sex offenders and child-victim offenders 1043  
maintained pursuant to division (A)(1) of section 2950.13 of the 1044  
Revised Code and in the internet database operated pursuant to 1045  
division (A)(13) of that section and for possible inclusion in the 1046  
internet database operated pursuant to division (A)(11) of that 1047  
section. 1048

(3) In addition to any other authorized use of information, 1049  
data, and statistics of the nature described in division (C)(1) of 1050  
this section, the superintendent or the superintendent's designee 1051  
may provide and exchange the information, data, and statistics 1052  
pursuant to the national crime prevention and privacy compact as 1053  
described in division (A)(5) of this section. 1054

(4) The attorney general may adopt rules under Chapter 119. 1055  
of the Revised Code establishing guidelines for the operation of 1056  
and participation in the Ohio law enforcement gateway. The rules 1057  
may include criteria for granting and restricting access to 1058  
information gathered and disseminated through the Ohio law 1059  
enforcement gateway. The attorney general shall permit the state 1060  
medical board and board of nursing to access and view, but not 1061  
alter, information gathered and disseminated through the Ohio law 1062  
enforcement gateway. 1063

The attorney general may appoint a steering committee to 1064  
advise the attorney general in the operation of the Ohio law 1065  
enforcement gateway that is comprised of persons who are 1066  
representatives of the criminal justice agencies in this state 1067  
that use the Ohio law enforcement gateway and is chaired by the 1068  
superintendent or the superintendent's designee. 1069

(D)(1) The following are not public records under section 1070  
149.43 of the Revised Code: 1071

(a) Information and materials furnished to the superintendent 1072  
pursuant to division (A) of this section; 1073

(b) Information, data, and statistics gathered or 1074  
disseminated through the Ohio law enforcement gateway pursuant to 1075  
division (C)(1) of this section; 1076

(c) Information and materials furnished to any board or 1077  
person under division (F) or (G) of this section. 1078

(2) The superintendent or the superintendent's designee shall 1079  
gather and retain information so furnished under division (A) of 1080  
this section that pertains to the offense and delinquency history 1081  
of a person who has been convicted of, pleaded guilty to, or been 1082  
adjudicated a delinquent child for committing a sexually oriented 1083  
offense or a child-victim oriented offense for the purposes 1084  
described in division (C)(2) of this section. 1085

(E)(1) The attorney general shall adopt rules, in accordance 1086  
with Chapter 119. of the Revised Code and subject to division 1087  
(E)(2) of this section, setting forth the procedure by which a 1088  
person may receive or release information gathered by the 1089  
superintendent pursuant to division (A) of this section. A 1090  
reasonable fee may be charged for this service. If a temporary 1091  
employment service submits a request for a determination of 1092  
whether a person the service plans to refer to an employment 1093  
position has been convicted of or pleaded guilty to an offense 1094  
listed or described in division (A)(1), (2), or (3) of section 1095  
109.572 of the Revised Code, the request shall be treated as a 1096  
single request and only one fee shall be charged. 1097

(2) Except as otherwise provided in this division or division 1098  
(E)(3) or (4) of this section, a rule adopted under division 1099  
(E)(1) of this section may provide only for the release of 1100

information gathered pursuant to division (A) of this section that 1101  
relates to the conviction of a person, or a person's plea of 1102  
guilty to, a criminal offense or to the arrest of a person as 1103  
provided in division (E)(3) of this section. The superintendent 1104  
shall not release, and the attorney general shall not adopt any 1105  
rule under division (E)(1) of this section that permits the 1106  
release of, any information gathered pursuant to division (A) of 1107  
this section that relates to an adjudication of a child as a 1108  
delinquent child, or that relates to a criminal conviction of a 1109  
person under eighteen years of age if the person's case was 1110  
transferred back to a juvenile court under division (B)(2) or (3) 1111  
of section 2152.121 of the Revised Code and the juvenile court 1112  
imposed a disposition or serious youthful offender disposition 1113  
upon the person under either division, unless either of the 1114  
following applies with respect to the adjudication or conviction: 1115

(a) The adjudication or conviction was for a violation of 1116  
section 2903.01 or 2903.02 of the Revised Code. 1117

(b) The adjudication or conviction was for a sexually 1118  
oriented offense, the juvenile court was required to classify the 1119  
child a juvenile offender registrant for that offense under 1120  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1121  
classification has not been removed, and the records of the 1122  
adjudication or conviction have not been sealed or expunged 1123  
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 1124  
section 2952.32 of the Revised Code. 1125

(3) A rule adopted under division (E)(1) of this section may 1126  
provide for the release of information gathered pursuant to 1127  
division (A) of this section that relates to the arrest of a 1128  
person who is eighteen years of age or older when the person has 1129  
not been convicted as a result of that arrest if any of the 1130  
following applies: 1131

(a) The arrest was made outside of this state. 1132

(b) A criminal action resulting from the arrest is pending, 1133  
and the superintendent confirms that the criminal action has not 1134  
been resolved at the time the criminal records check is performed. 1135

(c) The bureau cannot reasonably determine whether a criminal 1136  
action resulting from the arrest is pending, and not more than one 1137  
year has elapsed since the date of the arrest. 1138

(4) A rule adopted under division (E)(1) of this section may 1139  
provide for the release of information gathered pursuant to 1140  
division (A) of this section that relates to an adjudication of a 1141  
child as a delinquent child if not more than five years have 1142  
elapsed since the date of the adjudication, the adjudication was 1143  
for an act that would have been a felony if committed by an adult, 1144  
the records of the adjudication have not been sealed or expunged 1145  
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 1146  
the request for information is made under division (F) of this 1147  
section or under section 109.572 of the Revised Code. In the case 1148  
of an adjudication for a violation of the terms of community 1149  
control or supervised release, the five-year period shall be 1150  
calculated from the date of the adjudication to which the 1151  
community control or supervised release pertains. 1152

(F)(1) As used in division (F)(2) of this section, "head 1153  
start agency" means an entity in this state that has been approved 1154  
to be an agency for purposes of subchapter II of the "Community 1155  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1156  
as amended. 1157

(2)(a) In addition to or in conjunction with any request that 1158  
is required to be made under section 109.572, 2151.86, 3301.32, 1159  
3301.541, division (C) of section 3310.58, or section 3319.39, 1160  
3319.391, 3327.10, 3701.881, ~~5104.012~~, 5104.013, 5123.081, or 1161  
5153.111 of the Revised Code or that is made under section 1162  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1163  
board of education of any school district; the director of 1164

developmental disabilities; any county board of developmental 1165  
disabilities; any provider or subcontractor as defined in section 1166  
5123.081 of the Revised Code; the chief administrator of any 1167  
chartered nonpublic school; the chief administrator of a 1168  
registered private provider that is not also a chartered nonpublic 1169  
school; the chief administrator of any home health agency; the 1170  
chief administrator of or person operating any child day-care 1171  
center, type A family day-care home, or type B family day-care 1172  
home licensed under Chapter 5104. of the Revised Code; the chief 1173  
administrator of any head start agency; the executive director of 1174  
a public children services agency; a private company described in 1175  
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 1176  
Code; or an employer described in division (J)(2) of section 1177  
3327.10 of the Revised Code may request that the superintendent of 1178  
the bureau investigate and determine, with respect to any 1179  
individual who has applied for employment in any position after 1180  
October 2, 1989, or any individual wishing to apply for employment 1181  
with a board of education may request, with regard to the 1182  
individual, whether the bureau has any information gathered under 1183  
division (A) of this section that pertains to that individual. On 1184  
receipt of the request, subject to division (E)(2) of this 1185  
section, the superintendent shall determine whether that 1186  
information exists and, upon request of the person, board, or 1187  
entity requesting information, also shall request from the federal 1188  
bureau of investigation any criminal records it has pertaining to 1189  
that individual. The superintendent or the superintendent's 1190  
designee also may request criminal history records from other 1191  
states or the federal government pursuant to the national crime 1192  
prevention and privacy compact set forth in section 109.571 of the 1193  
Revised Code. Within thirty days of the date that the 1194  
superintendent receives a request, subject to division (E)(2) of 1195  
this section, the superintendent shall send to the board, entity, 1196  
or person a report of any information that the superintendent 1197

determines exists, including information contained in records that 1198  
have been sealed under section 2953.32 of the Revised Code, and, 1199  
within thirty days of its receipt, subject to division (E)(2) of 1200  
this section, shall send the board, entity, or person a report of 1201  
any information received from the federal bureau of investigation, 1202  
other than information the dissemination of which is prohibited by 1203  
federal law. 1204

(b) When a board of education or a registered private 1205  
provider is required to receive information under this section as 1206  
a prerequisite to employment of an individual pursuant to division 1207  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 1208  
may accept a certified copy of records that were issued by the 1209  
bureau of criminal identification and investigation and that are 1210  
presented by an individual applying for employment with the 1211  
district in lieu of requesting that information itself. In such a 1212  
case, the board shall accept the certified copy issued by the 1213  
bureau in order to make a photocopy of it for that individual's 1214  
employment application documents and shall return the certified 1215  
copy to the individual. In a case of that nature, a district or 1216  
provider only shall accept a certified copy of records of that 1217  
nature within one year after the date of their issuance by the 1218  
bureau. 1219

(c) Notwithstanding division (F)(2)(a) of this section, in 1220  
the case of a request under section 3319.39, 3319.391, or 3327.10 1221  
of the Revised Code only for criminal records maintained by the 1222  
federal bureau of investigation, the superintendent shall not 1223  
determine whether any information gathered under division (A) of 1224  
this section exists on the person for whom the request is made. 1225

(3) The state board of education may request, with respect to 1226  
any individual who has applied for employment after October 2, 1227  
1989, in any position with the state board or the department of 1228  
education, any information that a school district board of 1229

education is authorized to request under division (F)(2) of this 1230  
section, and the superintendent of the bureau shall proceed as if 1231  
the request has been received from a school district board of 1232  
education under division (F)(2) of this section. 1233

(4) When the superintendent of the bureau receives a request 1234  
for information under section 3319.291 of the Revised Code, the 1235  
superintendent shall proceed as if the request has been received 1236  
from a school district board of education and shall comply with 1237  
divisions (F)(2)(a) and (c) of this section. 1238

(5) When a recipient of a classroom reading improvement grant 1239  
paid under section 3301.86 of the Revised Code requests, with 1240  
respect to any individual who applies to participate in providing 1241  
any program or service funded in whole or in part by the grant, 1242  
the information that a school district board of education is 1243  
authorized to request under division (F)(2)(a) of this section, 1244  
the superintendent of the bureau shall proceed as if the request 1245  
has been received from a school district board of education under 1246  
division (F)(2)(a) of this section. 1247

(G) In addition to or in conjunction with any request that is 1248  
required to be made under section 3701.881, 3712.09, or 3721.121 1249  
of the Revised Code with respect to an individual who has applied 1250  
for employment in a position that involves providing direct care 1251  
to an older adult or adult resident, the chief administrator of a 1252  
home health agency, hospice care program, home licensed under 1253  
Chapter 3721. of the Revised Code, or adult day-care program 1254  
operated pursuant to rules adopted under section 3721.04 of the 1255  
Revised Code may request that the superintendent of the bureau 1256  
investigate and determine, with respect to any individual who has 1257  
applied after January 27, 1997, for employment in a position that 1258  
does not involve providing direct care to an older adult or adult 1259  
resident, whether the bureau has any information gathered under 1260  
division (A) of this section that pertains to that individual. 1261

In addition to or in conjunction with any request that is 1262  
required to be made under section 173.27 of the Revised Code with 1263  
respect to an individual who has applied for employment in a 1264  
position that involves providing ombudsman services to residents 1265  
of long-term care facilities or recipients of community-based 1266  
long-term care services, the state long-term care ombudsman, the 1267  
director of aging, a regional long-term care ombudsman program, or 1268  
the designee of the ombudsman, director, or program may request 1269  
that the superintendent investigate and determine, with respect to 1270  
any individual who has applied for employment in a position that 1271  
does not involve providing such ombudsman services, whether the 1272  
bureau has any information gathered under division (A) of this 1273  
section that pertains to that applicant. 1274

In addition to or in conjunction with any request that is 1275  
required to be made under section 173.38 of the Revised Code with 1276  
respect to an individual who has applied for employment in a 1277  
direct-care position, the chief administrator of a provider, as 1278  
defined in section 173.39 of the Revised Code, may request that 1279  
the superintendent investigate and determine, with respect to any 1280  
individual who has applied for employment in a position that is 1281  
not a direct-care position, whether the bureau has any information 1282  
gathered under division (A) of this section that pertains to that 1283  
applicant. 1284

In addition to or in conjunction with any request that is 1285  
required to be made under section 3712.09 of the Revised Code with 1286  
respect to an individual who has applied for employment in a 1287  
position that involves providing direct care to a pediatric 1288  
respite care patient, the chief administrator of a pediatric 1289  
respite care program may request that the superintendent of the 1290  
bureau investigate and determine, with respect to any individual 1291  
who has applied for employment in a position that does not involve 1292  
providing direct care to a pediatric respite care patient, whether 1293

the bureau has any information gathered under division (A) of this 1294  
section that pertains to that individual. 1295

On receipt of a request under this division, the 1296  
superintendent shall determine whether that information exists 1297  
and, on request of the individual requesting information, shall 1298  
also request from the federal bureau of investigation any criminal 1299  
records it has pertaining to the applicant. The superintendent or 1300  
the superintendent's designee also may request criminal history 1301  
records from other states or the federal government pursuant to 1302  
the national crime prevention and privacy compact set forth in 1303  
section 109.571 of the Revised Code. Within thirty days of the 1304  
date a request is received, subject to division (E)(2) of this 1305  
section, the superintendent shall send to the requester a report 1306  
of any information determined to exist, including information 1307  
contained in records that have been sealed under section 2953.32 1308  
of the Revised Code, and, within thirty days of its receipt, shall 1309  
send the requester a report of any information received from the 1310  
federal bureau of investigation, other than information the 1311  
dissemination of which is prohibited by federal law. 1312

(H) Information obtained by a government entity or person 1313  
under this section is confidential and shall not be released or 1314  
disseminated. 1315

(I) The superintendent may charge a reasonable fee for 1316  
providing information or criminal records under division (F)(2) or 1317  
(G) of this section. 1318

(J) As used in this section: 1319

(1) "Pediatric respite care program" and "pediatric care 1320  
patient" have the same meanings as in section 3712.01 of the 1321  
Revised Code. 1322

(2) "Sexually oriented offense" and "child-victim oriented 1323  
offense" have the same meanings as in section 2950.01 of the 1324

Revised Code. 1325

(3) "Registered private provider" means a nonpublic school or 1326  
entity registered with the superintendent of public instruction 1327  
under section 3310.41 of the Revised Code to participate in the 1328  
autism scholarship program or section 3310.58 of the Revised Code 1329  
to participate in the Jon Peterson special needs scholarship 1330  
program. 1331

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 1332  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1333  
a completed form prescribed pursuant to division (C)(1) of this 1334  
section, and a set of fingerprint impressions obtained in the 1335  
manner described in division (C)(2) of this section, the 1336  
superintendent of the bureau of criminal identification and 1337  
investigation shall conduct a criminal records check in the manner 1338  
described in division (B) of this section to determine whether any 1339  
information exists that indicates that the person who is the 1340  
subject of the request previously has been convicted of or pleaded 1341  
guilty to any of the following: 1342

(a) A violation of section 2903.01, 2903.02, 2903.03, 1343  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1344  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1345  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1346  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1347  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1348  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1349  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1350  
penetration in violation of former section 2907.12 of the Revised 1351  
Code, a violation of section 2905.04 of the Revised Code as it 1352  
existed prior to July 1, 1996, a violation of section 2919.23 of 1353  
the Revised Code that would have been a violation of section 1354  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1355

had the violation been committed prior to that date, or a 1356  
violation of section 2925.11 of the Revised Code that is not a 1357  
minor drug possession offense; 1358

(b) A violation of an existing or former law of this state, 1359  
any other state, or the United States that is substantially 1360  
equivalent to any of the offenses listed in division (A)(1)(a) of 1361  
this section; 1362

(c) If the request is made pursuant to section 3319.39 of the 1363  
Revised Code for an applicant who is a teacher, any offense 1364  
specified in section 3319.31 of the Revised Code. 1365

(2) On receipt of a request pursuant to section 3712.09 or 1366  
3721.121 of the Revised Code, a completed form prescribed pursuant 1367  
to division (C)(1) of this section, and a set of fingerprint 1368  
impressions obtained in the manner described in division (C)(2) of 1369  
this section, the superintendent of the bureau of criminal 1370  
identification and investigation shall conduct a criminal records 1371  
check with respect to any person who has applied for employment in 1372  
a position for which a criminal records check is required by those 1373  
sections. The superintendent shall conduct the criminal records 1374  
check in the manner described in division (B) of this section to 1375  
determine whether any information exists that indicates that the 1376  
person who is the subject of the request previously has been 1377  
convicted of or pleaded guilty to any of the following: 1378

(a) A violation of section 2903.01, 2903.02, 2903.03, 1379  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1380  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1381  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1382  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1383  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1384  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1385  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1386  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1387

(b) An existing or former law of this state, any other state, 1388  
or the United States that is substantially equivalent to any of 1389  
the offenses listed in division (A)(2)(a) of this section. 1390

(3) On receipt of a request pursuant to section 173.27, 1391  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 1392  
or 5123.169 of the Revised Code, a completed form prescribed 1393  
pursuant to division (C)(1) of this section, and a set of 1394  
fingerprint impressions obtained in the manner described in 1395  
division (C)(2) of this section, the superintendent of the bureau 1396  
of criminal identification and investigation shall conduct a 1397  
criminal records check of the person for whom the request is made. 1398  
The superintendent shall conduct the criminal records check in the 1399  
manner described in division (B) of this section to determine 1400  
whether any information exists that indicates that the person who 1401  
is the subject of the request previously has been convicted of, 1402  
has pleaded guilty to, or (except in the case of a request 1403  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1404  
Code) has been found eligible for intervention in lieu of 1405  
conviction for any of the following, regardless of the date of the 1406  
conviction, the date of entry of the guilty plea, or (except in 1407  
the case of a request pursuant to section 5164.34, 5164.341, or 1408  
5164.342 of the Revised Code) the date the person was found 1409  
eligible for intervention in lieu of conviction: 1410

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1411  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1412  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1413  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1414  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1415  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1416  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 1417  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 1418  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 1419

2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1420  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 1421  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 1422  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 1423  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 1424  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 1425  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 1426  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 1427  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 1428  
2927.12, or 3716.11 of the Revised Code; 1429

(b) Felonious sexual penetration in violation of former 1430  
section 2907.12 of the Revised Code; 1431

(c) A violation of section 2905.04 of the Revised Code as it 1432  
existed prior to July 1, 1996; 1433

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1434  
the Revised Code when the underlying offense that is the object of 1435  
the conspiracy, attempt, or complicity is one of the offenses 1436  
listed in divisions (A)(3)(a) to (c) of this section; 1437

(e) A violation of an existing or former municipal ordinance 1438  
or law of this state, any other state, or the United States that 1439  
is substantially equivalent to any of the offenses listed in 1440  
divisions (A)(3)(a) to (d) of this section. 1441

(4) On receipt of a request pursuant to section 2151.86 of 1442  
the Revised Code, a completed form prescribed pursuant to division 1443  
(C)(1) of this section, and a set of fingerprint impressions 1444  
obtained in the manner described in division (C)(2) of this 1445  
section, the superintendent of the bureau of criminal 1446  
identification and investigation shall conduct a criminal records 1447  
check in the manner described in division (B) of this section to 1448  
determine whether any information exists that indicates that the 1449  
person who is the subject of the request previously has been 1450

convicted of or pleaded guilty to any of the following: 1451

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1452  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1453  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1454  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1455  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1456  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1457  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1458  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1459  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1460  
of the Revised Code, a violation of section 2905.04 of the Revised 1461  
Code as it existed prior to July 1, 1996, a violation of section 1462  
2919.23 of the Revised Code that would have been a violation of 1463  
section 2905.04 of the Revised Code as it existed prior to July 1, 1464  
1996, had the violation been committed prior to that date, a 1465  
violation of section 2925.11 of the Revised Code that is not a 1466  
minor drug possession offense, two or more OVI or OVUAC violations 1467  
committed within the three years immediately preceding the 1468  
submission of the application or petition that is the basis of the 1469  
request, or felonious sexual penetration in violation of former 1470  
section 2907.12 of the Revised Code; 1471

(b) A violation of an existing or former law of this state, 1472  
any other state, or the United States that is substantially 1473  
equivalent to any of the offenses listed in division (A)(4)(a) of 1474  
this section. 1475

(5) Upon receipt of a request pursuant to section ~~5104.012~~ or 1476  
5104.013 of the Revised Code, a completed form prescribed pursuant 1477  
to division (C)(1) of this section, and a set of fingerprint 1478  
impressions obtained in the manner described in division (C)(2) of 1479  
this section, the superintendent of the bureau of criminal 1480  
identification and investigation shall conduct a criminal records 1481  
check in the manner described in division (B) of this section to 1482

determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

division (A)(5)(a) of this section. 1515

(6) Upon receipt of a request pursuant to section 5153.111 of 1516  
the Revised Code, a completed form prescribed pursuant to division 1517  
(C)(1) of this section, and a set of fingerprint impressions 1518  
obtained in the manner described in division (C)(2) of this 1519  
section, the superintendent of the bureau of criminal 1520  
identification and investigation shall conduct a criminal records 1521  
check in the manner described in division (B) of this section to 1522  
determine whether any information exists that indicates that the 1523  
person who is the subject of the request previously has been 1524  
convicted of or pleaded guilty to any of the following: 1525

(a) A violation of section 2903.01, 2903.02, 2903.03, 1526  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1527  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1528  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1529  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1530  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1531  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1532  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1533  
felonious sexual penetration in violation of former section 1534  
2907.12 of the Revised Code, a violation of section 2905.04 of the 1535  
Revised Code as it existed prior to July 1, 1996, a violation of 1536  
section 2919.23 of the Revised Code that would have been a 1537  
violation of section 2905.04 of the Revised Code as it existed 1538  
prior to July 1, 1996, had the violation been committed prior to 1539  
that date, or a violation of section 2925.11 of the Revised Code 1540  
that is not a minor drug possession offense; 1541

(b) A violation of an existing or former law of this state, 1542  
any other state, or the United States that is substantially 1543  
equivalent to any of the offenses listed in division (A)(6)(a) of 1544  
this section. 1545

(7) On receipt of a request for a criminal records check from 1546

an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving

theft, receiving stolen property, embezzlement, forgery, fraud, 1580  
passing bad checks, money laundering, or drug trafficking, or any 1581  
criminal offense involving money or securities, as set forth in 1582  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1583  
the Revised Code; or any existing or former law of this state, any 1584  
other state, or the United States that is substantially equivalent 1585  
to those offenses. 1586

(9) On receipt of a request for a criminal records check from 1587  
the treasurer of state under section 113.041 of the Revised Code 1588  
or from an individual under section 4701.08, 4715.101, 4717.061, 1589  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 1590  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 1591  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 1592  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 1593  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 1594  
accompanied by a completed form prescribed under division (C)(1) 1595  
of this section and a set of fingerprint impressions obtained in 1596  
the manner described in division (C)(2) of this section, the 1597  
superintendent of the bureau of criminal identification and 1598  
investigation shall conduct a criminal records check in the manner 1599  
described in division (B) of this section to determine whether any 1600  
information exists that indicates that the person who is the 1601  
subject of the request has been convicted of or pleaded guilty to 1602  
any criminal offense in this state or any other state. Subject to 1603  
division (F) of this section, the superintendent shall send the 1604  
results of a check requested under section 113.041 of the Revised 1605  
Code to the treasurer of state and shall send the results of a 1606  
check requested under any of the other listed sections to the 1607  
licensing board specified by the individual in the request. 1608

(10) On receipt of a request pursuant to section 1121.23, 1609  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1610  
Code, a completed form prescribed pursuant to division (C)(1) of 1611

this section, and a set of fingerprint impressions obtained in the 1612  
manner described in division (C)(2) of this section, the 1613  
superintendent of the bureau of criminal identification and 1614  
investigation shall conduct a criminal records check in the manner 1615  
described in division (B) of this section to determine whether any 1616  
information exists that indicates that the person who is the 1617  
subject of the request previously has been convicted of or pleaded 1618  
guilty to any criminal offense under any existing or former law of 1619  
this state, any other state, or the United States. 1620

(11) On receipt of a request for a criminal records check 1621  
from an appointing or licensing authority under section 3772.07 of 1622  
the Revised Code, a completed form prescribed under division 1623  
(C)(1) of this section, and a set of fingerprint impressions 1624  
obtained in the manner prescribed in division (C)(2) of this 1625  
section, the superintendent of the bureau of criminal 1626  
identification and investigation shall conduct a criminal records 1627  
check in the manner described in division (B) of this section to 1628  
determine whether any information exists that indicates that the 1629  
person who is the subject of the request previously has been 1630  
convicted of or pleaded guilty or no contest to any offense under 1631  
any existing or former law of this state, any other state, or the 1632  
United States that is a disqualifying offense as defined in 1633  
section 3772.07 of the Revised Code or substantially equivalent to 1634  
such an offense. 1635

(12) On receipt of a request pursuant to section 2151.33 or 1636  
2151.412 of the Revised Code, a completed form prescribed pursuant 1637  
to division (C)(1) of this section, and a set of fingerprint 1638  
impressions obtained in the manner described in division (C)(2) of 1639  
this section, the superintendent of the bureau of criminal 1640  
identification and investigation shall conduct a criminal records 1641  
check with respect to any person for whom a criminal records check 1642  
is required by that section. The superintendent shall conduct the 1643

criminal records check in the manner described in division (B) of 1644  
this section to determine whether any information exists that 1645  
indicates that the person who is the subject of the request 1646  
previously has been convicted of or pleaded guilty to any of the 1647  
following: 1648

(a) A violation of section 2903.01, 2903.02, 2903.03, 1649  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1650  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1651  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1652  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1653  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1654  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1655  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1656  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1657

(b) An existing or former law of this state, any other state, 1658  
or the United States that is substantially equivalent to any of 1659  
the offenses listed in division (A)(12)(a) of this section. 1660

(B) Subject to division (F) of this section, the 1661  
superintendent shall conduct any criminal records check to be 1662  
conducted under this section as follows: 1663

(1) The superintendent shall review or cause to be reviewed 1664  
any relevant information gathered and compiled by the bureau under 1665  
division (A) of section 109.57 of the Revised Code that relates to 1666  
the person who is the subject of the criminal records check, 1667  
including, if the criminal records check was requested under 1668  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 1669  
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1670  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 1671  
3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 1672  
~~5104.012~~, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 1673  
5123.169, or 5153.111 of the Revised Code, any relevant 1674  
information contained in records that have been sealed under 1675

section 2953.32 of the Revised Code; 1676

(2) If the request received by the superintendent asks for 1677  
information from the federal bureau of investigation, the 1678  
superintendent shall request from the federal bureau of 1679  
investigation any information it has with respect to the person 1680  
who is the subject of the criminal records check, including 1681  
fingerprint-based checks of national crime information databases 1682  
as described in 42 U.S.C. 671 if the request is made pursuant to 1683  
section 2151.86, ~~5104.012~~, or 5104.013 of the Revised Code or if 1684  
any other Revised Code section requires fingerprint-based checks 1685  
of that nature, and shall review or cause to be reviewed any 1686  
information the superintendent receives from that bureau. If a 1687  
request under section 3319.39 of the Revised Code asks only for 1688  
information from the federal bureau of investigation, the 1689  
superintendent shall not conduct the review prescribed by division 1690  
(B)(1) of this section. 1691

(3) The superintendent or the superintendent's designee may 1692  
request criminal history records from other states or the federal 1693  
government pursuant to the national crime prevention and privacy 1694  
compact set forth in section 109.571 of the Revised Code. 1695

(4) The superintendent shall include in the results of the 1696  
criminal records check a list or description of the offenses 1697  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 1698  
(7), (8), (9), (10), (11), or (12) of this section, whichever 1699  
division requires the superintendent to conduct the criminal 1700  
records check. The superintendent shall exclude from the results 1701  
any information the dissemination of which is prohibited by 1702  
federal law. 1703

(5) The superintendent shall send the results of the criminal 1704  
records check to the person to whom it is to be sent not later 1705  
than the following number of days after the date the 1706  
superintendent receives the request for the criminal records 1707

check, the completed form prescribed under division (C)(1) of this 1708  
section, and the set of fingerprint impressions obtained in the 1709  
manner described in division (C)(2) of this section: 1710

(a) If the superintendent is required by division (A) of this 1711  
section (other than division (A)(3) of this section) to conduct 1712  
the criminal records check, thirty; 1713

(b) If the superintendent is required by division (A)(3) of 1714  
this section to conduct the criminal records check, sixty. 1715

(C)(1) The superintendent shall prescribe a form to obtain 1716  
the information necessary to conduct a criminal records check from 1717  
any person for whom a criminal records check is to be conducted 1718  
under this section. The form that the superintendent prescribes 1719  
pursuant to this division may be in a tangible format, in an 1720  
electronic format, or in both tangible and electronic formats. 1721

(2) The superintendent shall prescribe standard impression 1722  
sheets to obtain the fingerprint impressions of any person for 1723  
whom a criminal records check is to be conducted under this 1724  
section. Any person for whom a records check is to be conducted 1725  
under this section shall obtain the fingerprint impressions at a 1726  
county sheriff's office, municipal police department, or any other 1727  
entity with the ability to make fingerprint impressions on the 1728  
standard impression sheets prescribed by the superintendent. The 1729  
office, department, or entity may charge the person a reasonable 1730  
fee for making the impressions. The standard impression sheets the 1731  
superintendent prescribes pursuant to this division may be in a 1732  
tangible format, in an electronic format, or in both tangible and 1733  
electronic formats. 1734

(3) Subject to division (D) of this section, the 1735  
superintendent shall prescribe and charge a reasonable fee for 1736  
providing a criminal records check under this section. The person 1737  
requesting the criminal records check shall pay the fee prescribed 1738

pursuant to this division. In the case of a request under section 1739  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 1740  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 1741  
the manner specified in that section. 1742

(4) The superintendent of the bureau of criminal 1743  
identification and investigation may prescribe methods of 1744  
forwarding fingerprint impressions and information necessary to 1745  
conduct a criminal records check, which methods shall include, but 1746  
not be limited to, an electronic method. 1747

(D) The results of a criminal records check conducted under 1748  
this section, other than a criminal records check specified in 1749  
division (A)(7) of this section, are valid for the person who is 1750  
the subject of the criminal records check for a period of one year 1751  
from the date upon which the superintendent completes the criminal 1752  
records check. If during that period the superintendent receives 1753  
another request for a criminal records check to be conducted under 1754  
this section for that person, the superintendent shall provide the 1755  
results from the previous criminal records check of the person at 1756  
a lower fee than the fee prescribed for the initial criminal 1757  
records check. 1758

(E) When the superintendent receives a request for 1759  
information from a registered private provider, the superintendent 1760  
shall proceed as if the request was received from a school 1761  
district board of education under section 3319.39 of the Revised 1762  
Code. The superintendent shall apply division (A)(1)(c) of this 1763  
section to any such request for an applicant who is a teacher. 1764

(F)(1) All information regarding the results of a criminal 1765  
records check conducted under this section that the superintendent 1766  
reports or sends under division (A)(7) or (9) of this section to 1767  
the director of public safety, the treasurer of state, or the 1768  
person, board, or entity that made the request for the criminal 1769  
records check shall relate to the conviction of the subject 1770

person, or the subject person's plea of guilty to, a criminal 1771  
offense. 1772

(2) Division (F)(1) of this section does not limit, restrict, 1773  
or preclude the superintendent's release of information that 1774  
relates to the arrest of a person who is eighteen years of age or 1775  
older, to an adjudication of a child as a delinquent child, or to 1776  
a criminal conviction of a person under eighteen years of age in 1777  
circumstances in which a release of that nature is authorized 1778  
under division (E)(2), (3), or (4) of section 109.57 of the 1779  
Revised Code pursuant to a rule adopted under division (E)(1) of 1780  
that section. 1781

(G) As used in this section: 1782

(1) "Criminal records check" means any criminal records check 1783  
conducted by the superintendent of the bureau of criminal 1784  
identification and investigation in accordance with division (B) 1785  
of this section. 1786

(2) "Minor drug possession offense" has the same meaning as 1787  
in section 2925.01 of the Revised Code. 1788

(3) "OVI or OVUAC violation" means a violation of section 1789  
4511.19 of the Revised Code or a violation of an existing or 1790  
former law of this state, any other state, or the United States 1791  
that is substantially equivalent to section 4511.19 of the Revised 1792  
Code. 1793

(4) "Registered private provider" means a nonpublic school or 1794  
entity registered with the superintendent of public instruction 1795  
under section 3310.41 of the Revised Code to participate in the 1796  
autism scholarship program or section 3310.58 of the Revised Code 1797  
to participate in the Jon Peterson special needs scholarship 1798  
program. 1799

**Sec. 113.07.** The treasurer of state may enter into a contract 1800

with any financial institution under which the financial 1801  
institution, in accordance with the terms of the contract, 1802  
receives tax and fee payments at a post office box, opens the mail 1803  
delivered to that box, processes the checks and other payments 1804  
received in such mail and deposits them into the treasurer of 1805  
state's account, and provides the treasurer of state daily receipt 1806  
information with respect to such payments. The contract shall not 1807  
be entered into unless: 1808

(A) There is attached to the contract a certification by the 1809  
auditor of state that the financial institution and the treasurer 1810  
of state have given assurances satisfactory to the auditor of 1811  
state that the records of the financial institution which relate 1812  
to tax and fee payments covered by the contract, and only such 1813  
records, shall be subject to audit by the auditor of state to the 1814  
same extent as if the services which the financial institution has 1815  
agreed to perform were being performed by the treasurer of state; 1816

(B) The contract is awarded in accordance with ~~section 125.07~~ 1817  
Chapter 125. of the Revised Code; 1818

(C) The treasurer of state's surety bond includes within its 1819  
coverage any loss that may occur as the result of the contract; 1820

(D) The contract does not conflict with the requirements for 1821  
accounting and financial reporting for public offices prescribed 1822  
by the auditor of state. 1823

**Sec. 118.04.** (A) The existence of a fiscal emergency 1824  
condition constitutes a fiscal emergency. The existence of fiscal 1825  
emergency conditions shall be determined by the auditor of state. 1826  
Such determination, for purposes of this chapter, may be made only 1827  
upon the filing with the auditor of state of a written request for 1828  
such a determination by the governor, by the county budget 1829  
commission, by the mayor of the municipal corporation, or by the 1830  
presiding officer of the legislative authority of the municipal 1831

corporation when authorized by a majority of the members of such 1832  
legislative authority, by the board of county commissioners, or by 1833  
the board of township trustees, or upon initiation by the auditor 1834  
of state. The request may designate in general or specific terms, 1835  
but without thereby limiting the determination thereto, the 1836  
condition or conditions to be examined to determine whether they 1837  
constitute fiscal emergency conditions. Promptly upon receipt of 1838  
such written request, or upon initiation by the auditor of state, 1839  
the auditor of state shall transmit copies of such request or a 1840  
written notice of such initiation to the mayor and the presiding 1841  
officer of the legislative authority of the municipal corporation 1842  
or to the board of county commissioners or the board of township 1843  
trustees by personal service or certified mail. Such 1844  
determinations shall be set forth in written reports and 1845  
supplemental reports, which shall be filed with the mayor, fiscal 1846  
officer, and presiding officer of the legislative authority of the 1847  
municipal corporation, or with the board of county commissioners 1848  
or the board of township trustees, and with the treasurer of 1849  
state, secretary of state, governor, director of budget and 1850  
management, and county budget commission, within thirty days after 1851  
the request. The auditor of state shall so file an initial report 1852  
immediately upon determining the existence of any fiscal emergency 1853  
condition. 1854

(B) In making such determination, the auditor of state may 1855  
rely on reports or other information filed or otherwise made 1856  
available by the municipal corporation, county, or township, 1857  
accountants' reports, or other sources and data the auditor of 1858  
state considers reliable for such purpose. As to the status of 1859  
funds or accounts, a determination that the amounts stated in 1860  
section 118.03 of the Revised Code are exceeded may be made 1861  
without need for determination of the specific amount of the 1862  
excess. The auditor of state may engage the services of 1863  
independent certified or registered public accountants, including 1864

public accountants engaged or previously engaged by the municipal corporation, county, or township, to conduct audits or make reports or render such opinions as the auditor of state considers desirable with respect to any aspect of the determinations to be made by the auditor of state.

(C) A determination by the auditor of state under this section that a fiscal emergency condition does not exist is final and conclusive and not appealable. A determination by the auditor of state under this section that a fiscal emergency exists is final, except that the mayor of any municipal corporation affected by a determination of the existence of a fiscal emergency condition under this section, when authorized by a majority of the members of the legislative authority, or the board of county commissioners or board of township trustees, may appeal the determination of the existence of a fiscal emergency condition to the court of appeals having territorial jurisdiction over the municipal corporation, county, or township. The appeal shall be heard expeditiously by the court of appeals and for good cause shown shall take precedence over all other civil matters except earlier matters of the same character. Notice of such appeal must be filed with the auditor of state and such court within thirty days after certification by the auditor of state to the mayor and presiding officer of the legislative authority of the municipal corporation or to the board of county commissioners or board of township trustees as provided for in division (A) of this section. In such appeal, determinations of the auditor of state shall be presumed to be valid and the municipal corporation, county, or township shall have the burden of proving, by clear and convincing evidence, that each of the determinations made by the auditor of state as to the existence of a fiscal emergency condition under section 118.03 of the Revised Code was in error. If the municipal corporation, county, or township fails, upon presentation of its case, to prove by clear and convincing evidence that each such

determination by the auditor of state was in error, the court 1898  
shall dismiss the appeal. The municipal corporation, county, or 1899  
township and the auditor of state may introduce any evidence 1900  
relevant to the existence or nonexistence of such fiscal emergency 1901  
conditions at the times indicated in the applicable provisions of 1902  
divisions (A) and (B) of section 118.03 of the Revised Code. The 1903  
pendency of any such appeal shall not affect or impede the 1904  
operations of this chapter; no restraining order, temporary 1905  
injunction, or other similar restraint upon actions consistent 1906  
with this chapter shall be imposed by the court or any court 1907  
pending determination of such appeal; and all things may be done 1908  
under this chapter that may be done regardless of the pendency of 1909  
any such appeal. Any action taken or contract executed pursuant to 1910  
this chapter during the pendency of such appeal is valid and 1911  
enforceable among all parties, notwithstanding the decision in 1912  
such appeal. If the court of appeals reverses the determination of 1913  
the existence of a fiscal emergency condition by the auditor of 1914  
state, the determination no longer has any effect, and any 1915  
procedures undertaken as a result of the determination shall be 1916  
terminated. 1917

(D) All expenses incurred by the auditor of state relating to 1918  
a determination or termination of a fiscal emergency under this 1919  
section, a fiscal watch under section 118.021 of the Revised Code, 1920  
or a fiscal caution under section 118.025 of the Revised Code, 1921  
including providing technical and support services, or for 1922  
conducting a performance audit under section 118.041 of the 1923  
Revised Code, shall be reimbursed from an appropriation for that 1924  
purpose. If necessary, the controlling board may provide 1925  
sufficient funds for these purposes. 1926

Sec. 118.041. The auditor of state, on the auditor of state's 1927  
initiative, may conduct a performance audit of a municipal 1928  
corporation, county, or township that is under a fiscal caution, a 1929

fiscal watch, or a fiscal emergency. 1930

**Sec. 119.12.** Any party adversely affected by any order of an 1931  
agency issued pursuant to an adjudication denying an applicant 1932  
admission to an examination, or denying the issuance or renewal of 1933  
a license or registration of a licensee, or revoking or suspending 1934  
a license, or allowing the payment of a forfeiture under section 1935  
4301.252 of the Revised Code may appeal from the order of the 1936  
agency to the court of common pleas of the county in which the 1937  
place of business of the licensee is located or the county in 1938  
which the licensee is a resident, except that appeals from 1939  
decisions of the liquor control commission, the Ohio casino 1940  
control commission, the state medical board, the state 1941  
chiropractic board, and the board of nursing shall be to the court 1942  
of common pleas of Franklin county. If any party appealing from 1943  
the order is not a resident of and has no place of business in 1944  
this state, the party may appeal to the court of common pleas of 1945  
Franklin county. 1946

Any party adversely affected by any order of an agency issued 1947  
pursuant to any other adjudication may appeal to the court of 1948  
common pleas of Franklin county, except that appeals from orders 1949  
of the fire marshal issued under Chapter 3737. of the Revised Code 1950  
may be to the court of common pleas of the county in which the 1951  
building of the aggrieved person is located and except that 1952  
appeals under division (B) of section 124.34 of the Revised Code 1953  
from a decision of the state personnel board of review or a 1954  
municipal or civil service township civil service commission shall 1955  
be taken to the court of common pleas of the county in which the 1956  
appointing authority is located or, in the case of an appeal by 1957  
the department of rehabilitation and correction, to the court of 1958  
common pleas of Franklin county. 1959

This section does not apply to appeals from the department of 1960

taxation. 1961

Any party desiring to appeal shall file a notice of appeal 1962  
with the agency setting forth the order appealed from and stating 1963  
that the agency's order is not supported by reliable, probative, 1964  
and substantial evidence and is not in accordance with law. The 1965  
notice of appeal may, but need not, set forth the specific grounds 1966  
of the party's appeal beyond the statement that the agency's order 1967  
is not supported by reliable, probative, and substantial evidence 1968  
and is not in accordance with law. The notice of appeal shall also 1969  
be filed by the appellant with the court. In filing a notice of 1970  
appeal with the agency or court, the notice that is filed may be 1971  
either the original notice or a copy of the original notice. 1972  
Unless otherwise provided by law relating to a particular agency, 1973  
notices of appeal shall be filed within fifteen days after the 1974  
mailing of the notice of the agency's order as provided in this 1975  
section. For purposes of this paragraph, an order includes a 1976  
determination appealed pursuant to division (C) of section 119.092 1977  
of the Revised Code. The amendments made to this paragraph by Sub. 1978  
H.B. 215 of the 128th general assembly are procedural, and this 1979  
paragraph as amended by those amendments shall be applied 1980  
retrospectively to all appeals pursuant to this paragraph filed 1981  
before ~~the effective date of those amendments~~ September 13, 2010, 1982  
but not earlier than May 7, 2009, which was the date the supreme 1983  
court of Ohio released its opinion and judgment in *Medcorp, Inc.* 1984  
*v. Ohio Dep't. of Job and Family Servs.* (2009), 121 Ohio St.3d 1985  
622. 1986

The filing of a notice of appeal shall not automatically 1987  
operate as a suspension of the order of an agency. If it appears 1988  
to the court that an unusual hardship to the appellant will result 1989  
from the execution of the agency's order pending determination of 1990  
the appeal, the court may grant a suspension and fix its terms. If 1991  
an appeal is taken from the judgment of the court and the court 1992

has previously granted a suspension of the agency's order as 1993  
provided in this section, the suspension of the agency's order 1994  
shall not be vacated and shall be given full force and effect 1995  
until the matter is finally adjudicated. No renewal of a license 1996  
or permit shall be denied by reason of the suspended order during 1997  
the period of the appeal from the decision of the court of common 1998  
pleas. In the case of an appeal from the Ohio casino control 1999  
commission, the state medical board, or the state chiropractic 2000  
board, the court may grant a suspension and fix its terms if it 2001  
appears to the court that an unusual hardship to the appellant 2002  
will result from the execution of the agency's order pending 2003  
determination of the appeal and the health, safety, and welfare of 2004  
the public will not be threatened by suspension of the order. This 2005  
provision shall not be construed to limit the factors the court 2006  
may consider in determining whether to suspend an order of any 2007  
other agency pending determination of an appeal. 2008

The final order of adjudication may apply to any renewal of a 2009  
license or permit which has been granted during the period of the 2010  
appeal. 2011

Notwithstanding any other provision of this section, any 2012  
order issued by a court of common pleas or a court of appeals 2013  
suspending the effect of an order of the liquor control commission 2014  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 2015  
suspends, revokes, or cancels a permit issued under Chapter 4303. 2016  
of the Revised Code or that allows the payment of a forfeiture 2017  
under section 4301.252 of the Revised Code shall terminate not 2018  
more than six months after the date of the filing of the record of 2019  
the liquor control commission with the clerk of the court of 2020  
common pleas and shall not be extended. The court of common pleas, 2021  
or the court of appeals on appeal, shall render a judgment in that 2022  
matter within six months after the date of the filing of the 2023  
record of the liquor control commission with the clerk of the 2024

court of common pleas. A court of appeals shall not issue an order 2025  
suspending the effect of an order of the liquor control commission 2026  
that extends beyond six months after the date on which the record 2027  
of the liquor control commission is filed with a court of common 2028  
pleas. 2029

Notwithstanding any other provision of this section, any 2030  
order issued by a court of common pleas or a court of appeals 2031  
suspending the effect of an order of the Ohio casino control 2032  
commission issued under Chapter 3772. of the Revised Code that 2033  
limits, conditions, restricts, suspends, revokes, denies, not 2034  
renews, fines, or otherwise penalizes an applicant, licensee, or 2035  
person excluded or ejected from a casino facility in accordance 2036  
with section 3772.031 of the Revised Code shall terminate not more 2037  
than six months after the date of the filing of the record of the 2038  
Ohio casino control commission with the clerk of the court of 2039  
common pleas and shall not be extended. The court of common pleas, 2040  
or the court of appeals on appeal, shall render a judgment in that 2041  
matter within six months after the date of the filing of the 2042  
record of the Ohio casino control commission with the clerk of the 2043  
court of common pleas. A court of appeals shall not issue an order 2044  
suspending the effect of an order of the Ohio casino control 2045  
commission that extends beyond six months after the date on which 2046  
the record of the Ohio casino control commission is filed with the 2047  
clerk of a court of common pleas. 2048

Notwithstanding any other provision of this section, any 2049  
order issued by a court of common pleas suspending the effect of 2050  
an order of the state medical board or state chiropractic board 2051  
that limits, revokes, suspends, places on probation, or refuses to 2052  
register or reinstate a certificate issued by the board or 2053  
reprimands the holder of the certificate shall terminate not more 2054  
than fifteen months after the date of the filing of a notice of 2055  
appeal in the court of common pleas, or upon the rendering of a 2056

final decision or order in the appeal by the court of common 2057  
pleas, whichever occurs first. 2058

Within thirty days after receipt of a notice of appeal from 2059  
an order in any case in which a hearing is required by sections 2060  
119.01 to 119.13 of the Revised Code, the agency shall prepare and 2061  
certify to the court a complete record of the proceedings in the 2062  
case. Failure of the agency to comply within the time allowed, 2063  
upon motion, shall cause the court to enter a finding in favor of 2064  
the party adversely affected. Additional time, however, may be 2065  
granted by the court, not to exceed thirty days, when it is shown 2066  
that the agency has made substantial effort to comply. The record 2067  
shall be prepared and transcribed, and the expense of it shall be 2068  
taxed as a part of the costs on the appeal. The appellant shall 2069  
provide security for costs satisfactory to the court of common 2070  
pleas. Upon demand by any interested party, the agency shall 2071  
furnish at the cost of the party requesting it a copy of the 2072  
stenographic report of testimony offered and evidence submitted at 2073  
any hearing and a copy of the complete record. 2074

Notwithstanding any other provision of this section, any 2075  
party desiring to appeal an order or decision of the state 2076  
personnel board of review shall, at the time of filing a notice of 2077  
appeal with the board, provide a security deposit in an amount and 2078  
manner prescribed in rules that the board shall adopt in 2079  
accordance with this chapter. In addition, the board is not 2080  
required to prepare or transcribe the record of any of its 2081  
proceedings unless the appellant has provided the deposit 2082  
described above. The failure of the board to prepare or transcribe 2083  
a record for an appellant who has not provided a security deposit 2084  
shall not cause a court to enter a finding adverse to the board. 2085

Unless otherwise provided by law, in the hearing of the 2086  
appeal, the court is confined to the record as certified to it by 2087  
the agency. Unless otherwise provided by law, the court may grant 2088

a request for the admission of additional evidence when satisfied 2089  
that the additional evidence is newly discovered and could not 2090  
with reasonable diligence have been ascertained prior to the 2091  
hearing before the agency. 2092

The court shall conduct a hearing on the appeal and shall 2093  
give preference to all proceedings under sections 119.01 to 119.13 2094  
of the Revised Code, over all other civil cases, irrespective of 2095  
the position of the proceedings on the calendar of the court. An 2096  
appeal from an order of the state medical board issued pursuant to 2097  
division (G) of either section 4730.25 or 4731.22 of the Revised 2098  
Code, ~~or~~ the state chiropractic board issued pursuant to section 2099  
4734.37 of the Revised Code, ~~or~~ the liquor control commission 2100  
issued pursuant to Chapter 4301. or 4303. of the Revised Code, or 2101  
the Ohio casino control commission issued pursuant to Chapter 2102  
3772. of the Revised Code shall be set down for hearing at the 2103  
earliest possible time and takes precedence over all other 2104  
actions. The hearing in the court of common pleas shall proceed as 2105  
in the trial of a civil action, and the court shall determine the 2106  
rights of the parties in accordance with the laws applicable to a 2107  
civil action. At the hearing, counsel may be heard on oral 2108  
argument, briefs may be submitted, and evidence may be introduced 2109  
if the court has granted a request for the presentation of 2110  
additional evidence. 2111

The court may affirm the order of the agency complained of in 2112  
the appeal if it finds, upon consideration of the entire record 2113  
and any additional evidence the court has admitted, that the order 2114  
is supported by reliable, probative, and substantial evidence and 2115  
is in accordance with law. In the absence of this finding, it may 2116  
reverse, vacate, or modify the order or make such other ruling as 2117  
is supported by reliable, probative, and substantial evidence and 2118  
is in accordance with law. The court shall award compensation for 2119  
fees in accordance with section 2335.39 of the Revised Code to a 2120

prevailing party, other than an agency, in an appeal filed 2121  
pursuant to this section. 2122

The judgment of the court shall be final and conclusive 2123  
unless reversed, vacated, or modified on appeal. These appeals may 2124  
be taken either by the party or the agency, shall proceed as in 2125  
the case of appeals in civil actions, and shall be pursuant to the 2126  
Rules of Appellate Procedure and, to the extent not in conflict 2127  
with those rules, Chapter 2505. of the Revised Code. An appeal by 2128  
the agency shall be taken on questions of law relating to the 2129  
constitutionality, construction, or interpretation of statutes and 2130  
rules of the agency, and, in the appeal, the court may also review 2131  
and determine the correctness of the judgment of the court of 2132  
common pleas that the order of the agency is not supported by any 2133  
reliable, probative, and substantial evidence in the entire 2134  
record. 2135

The court shall certify its judgment to the agency or take 2136  
any other action necessary to give its judgment effect. 2137

**Sec. 121.03.** The following administrative department heads 2138  
shall be appointed by the governor, with the advice and consent of 2139  
the senate, and shall hold their offices during the term of the 2140  
appointing governor, and are subject to removal at the pleasure of 2141  
the governor. 2142

- (A) The director of budget and management; 2143
- (B) The director of commerce; 2144
- (C) The director of transportation; 2145
- (D) The director of agriculture; 2146
- (E) The director of job and family services; 2147
- (F) Until July 1, 1997, the director of liquor control; 2148
- (G) The director of public safety; 2149

(H) The superintendent of insurance;	2150
(I) The director of development services;	2151
(J) The tax commissioner;	2152
(K) The director of administrative services;	2153
(L) The director of natural resources;	2154
(M) The director of mental health and addiction services;	2155
(N) The director of developmental disabilities;	2156
(O) The director of health;	2157
(P) The director of youth services;	2158
(Q) The director of rehabilitation and correction;	2159
(R) The director of environmental protection;	2160
(S) The director of aging;	2161
(T) The administrator of workers' compensation who meets the	2162
qualifications required under division (A) of section 4121.121 of	2163
the Revised Code;	2164
(U) The director of veterans services who meets the	2165
qualifications required under section 5902.01 of the Revised Code;	2166
(V) The <del>chancellor of the Ohio board of regents</del> <u>director of</u>	2167
<u>higher education</u> ;	2168
(W) The medicaid director.	2169
<b>Sec. 121.08.</b> (A) There is hereby created in the department of	2170
commerce the position of deputy director of administration. This	2171
officer shall be appointed by the director of commerce, serve	2172
under the director's direction, supervision, and control, perform	2173
the duties the director prescribes, and hold office during the	2174
director's pleasure. The director of commerce may designate an	2175
assistant director of commerce to serve as the deputy director of	2176

administration. The deputy director of administration shall 2177  
perform the duties prescribed by the director of commerce in 2178  
supervising the activities of the division of administration of 2179  
the department of commerce. 2180

(B)(1) Except as provided in section 121.07 of the Revised 2181  
Code, the department of commerce shall have all powers and perform 2182  
all duties vested in the deputy director of administration, the 2183  
state fire marshal, the superintendent of financial institutions, 2184  
the superintendent of real estate and professional licensing, the 2185  
superintendent of liquor control, the superintendent of industrial 2186  
compliance, the superintendent of unclaimed funds, and the 2187  
commissioner of securities, and shall have all powers and perform 2188  
all duties vested by law in all officers, deputies, and employees 2189  
of those offices. Except as provided in section 121.07 of the 2190  
Revised Code, wherever powers are conferred or duties imposed upon 2191  
any of those officers, the powers and duties shall be construed as 2192  
vested in the department of commerce. 2193

(2) There is hereby created a unit within the division of 2194  
administration of the department of commerce that can administer 2195  
the licensing, registration, and related ministerial functions of 2196  
the divisions within the department of commerce that will be under 2197  
the control and supervision of the director of commerce and 2198  
administered by the deputy director of administration. 2199

(C)(1) There is hereby created in the department of commerce 2200  
a division of financial institutions, which shall have all powers 2201  
and perform all duties vested by law in the superintendent of 2202  
financial institutions. Wherever powers are conferred or duties 2203  
imposed upon the superintendent of financial institutions, those 2204  
powers and duties shall be construed as vested in the division of 2205  
financial institutions. The division of financial institutions 2206  
shall be administered by the superintendent of financial 2207  
institutions. 2208

(2) All provisions of law governing the superintendent of financial institutions shall apply to and govern the superintendent of financial institutions provided for in this section; all authority vested by law in the superintendent of financial institutions with respect to the management of the division of financial institutions shall be construed as vested in the superintendent of financial institutions created by this section with respect to the division of financial institutions provided for in this section; and all rights, privileges, and emoluments conferred by law upon the superintendent of financial institutions shall be construed as conferred upon the superintendent of financial institutions as head of the division of financial institutions. The director of commerce shall not transfer from the division of financial institutions any of the functions specified in division (C)(2) of this section.

(D) There is hereby created in the department of commerce a division of liquor control, which shall have all powers and perform all duties vested by law in the superintendent of liquor control. Wherever powers are conferred or duties are imposed upon the superintendent of liquor control, those powers and duties shall be construed as vested in the division of liquor control. The division of liquor control shall be administered by the superintendent of liquor control.

(E) The director of commerce shall not be interested, directly or indirectly, in any firm or corporation which is a dealer in securities as defined in sections 1707.01 and 1707.14 of the Revised Code, or in any firm or corporation licensed under sections 1321.01 to 1321.19 of the Revised Code.

(F) The director of commerce shall not have any official connection with a savings and loan association, a savings bank, a bank, a bank holding company, a savings and loan association holding company, a consumer finance company, or a credit union

that is under the supervision of the division of financial 2241  
institutions, or a subsidiary of any of the preceding entities, or 2242  
be interested in the business thereof. 2243

(G) There is hereby created in the state treasury the 2244  
division of administration fund. The fund shall receive 2245  
assessments on the operating funds of the department of commerce 2246  
in accordance with procedures prescribed by the director of 2247  
commerce and approved by the director of budget and management. 2248  
All operating expenses of the division of administration shall be 2249  
paid from the division of administration fund. 2250

(H) There is hereby created in the department of commerce a 2251  
division of real estate and professional licensing, which shall be 2252  
under the control and supervision of the director of commerce. The 2253  
division of real estate and professional licensing shall be 2254  
administered by the superintendent of real estate and professional 2255  
licensing. The superintendent of real estate and professional 2256  
licensing shall exercise the powers and perform the functions and 2257  
duties delegated to the superintendent under Chapters 4735., 2258  
4763., and 4767. of the Revised Code. 2259

(I) There is hereby created in the department of commerce a 2260  
division of industrial compliance, which shall have all powers and 2261  
perform all duties vested by law in the superintendent of 2262  
industrial compliance. Wherever powers are conferred or duties 2263  
imposed upon the superintendent of industrial compliance, those 2264  
powers and duties shall be construed as vested in the division of 2265  
industrial compliance. The division of industrial compliance shall 2266  
be under the control and supervision of the director of commerce 2267  
and be administered by the superintendent of industrial 2268  
compliance. 2269

(J) There is hereby created in the department of commerce a 2270  
division of unclaimed funds, which shall have all powers and 2271  
perform all duties delegated to or vested by law in the 2272

superintendent of unclaimed funds. Wherever powers are conferred 2273  
or duties imposed upon the superintendent of unclaimed funds, 2274  
those powers and duties shall be construed as vested in the 2275  
division of unclaimed funds. The division of unclaimed funds shall 2276  
be under the control and supervision of the director of commerce 2277  
and shall be administered by the superintendent of unclaimed 2278  
funds. The superintendent of unclaimed funds shall exercise the 2279  
powers and perform the functions and duties delegated to the 2280  
superintendent by the director of commerce under section 121.07 2281  
and Chapter 169. of the Revised Code, and as may otherwise be 2282  
provided by law. 2283

(K) The department of commerce or a division of the 2284  
department created by the Revised Code that is acting with 2285  
authorization on the department's behalf may request from the 2286  
bureau of criminal identification and investigation pursuant to 2287  
section 109.572 of the Revised Code, or coordinate with 2288  
appropriate federal, state, and local government agencies to 2289  
accomplish, criminal records checks for the persons whose 2290  
identities are required to be disclosed by an applicant for the 2291  
issuance or transfer of a permit, license, certificate of 2292  
registration, or certification issued or transferred by the 2293  
department or division. At or before the time of making a request 2294  
for a criminal records check, the department or division may 2295  
require any person whose identity is required to be disclosed by 2296  
an applicant for the issuance or transfer of such a license, 2297  
permit, certificate of registration, or certification to submit to 2298  
the department or division valid fingerprint impressions in a 2299  
format and by any media or means acceptable to the bureau of 2300  
criminal identification and investigation and, when applicable, 2301  
the federal bureau of investigation. The department or division 2302  
may cause the bureau of criminal identification and investigation 2303  
to conduct a criminal records check through the federal bureau of 2304  
investigation only if the person for whom the criminal records 2305

check would be conducted resides or works outside of this state or 2306  
has resided or worked outside of this state during the preceding 2307  
five years, or if a criminal records check conducted by the bureau 2308  
of criminal identification and investigation within this state 2309  
indicates that the person may have a criminal record outside of 2310  
this state. 2311

In the case of a criminal records check under section 109.572 2312  
of the Revised Code, the department or division shall forward to 2313  
the bureau of criminal identification and investigation the 2314  
requisite form, fingerprint impressions, and fee described in 2315  
division (C) of that section. When requested by the department or 2316  
division in accordance with this section, the bureau of criminal 2317  
identification and investigation shall request from the federal 2318  
bureau of investigation any information it has with respect to the 2319  
person who is the subject of the requested criminal records check 2320  
and shall forward the requisite fingerprint impressions and 2321  
information to the federal bureau of investigation for that 2322  
criminal records check. After conducting a criminal records check 2323  
or receiving the results of a criminal records check from the 2324  
federal bureau of investigation, the bureau of criminal 2325  
identification and investigation shall provide the results to the 2326  
department or division. 2327

The department or division may require any person about whom 2328  
a criminal records check is requested to pay to the department or 2329  
division the amount necessary to cover the fee charged to the 2330  
department or division by the bureau of criminal identification 2331  
and investigation under division (C)(3) of section 109.572 of the 2332  
Revised Code, including, when applicable, any fee for a criminal 2333  
records check conducted by the federal bureau of investigation. 2334

(L) The director of commerce, or the director's designee, may 2335  
adopt rules to enhance compliance with statutes pertaining to, and 2336  
rules adopted by, divisions under the direction, supervision, and 2337

control of the department or director by offering incentive-based 2338  
programs that ensure safety and soundness while promoting growth 2339  
and prosperity in the state. 2340

**Sec. 121.22.** (A) This section shall be liberally construed to 2341  
require public officials to take official action and to conduct 2342  
all deliberations upon official business only in open meetings 2343  
unless the subject matter is specifically excepted by law. 2344

(B) As used in this section: 2345

(1) "Public body" means any of the following: 2346

(a) Any board, commission, committee, council, or similar 2347  
decision-making body of a state agency, institution, or authority, 2348  
and any legislative authority or board, commission, committee, 2349  
council, agency, authority, or similar decision-making body of any 2350  
county, township, municipal corporation, school district, or other 2351  
political subdivision or local public institution; 2352

(b) Any committee or subcommittee of a body described in 2353  
division (B)(1)(a) of this section; 2354

(c) A court of jurisdiction of a sanitary district organized 2355  
wholly for the purpose of providing a water supply for domestic, 2356  
municipal, and public use when meeting for the purpose of the 2357  
appointment, removal, or reappointment of a member of the board of 2358  
directors of such a district pursuant to section 6115.10 of the 2359  
Revised Code, if applicable, or for any other matter related to 2360  
such a district other than litigation involving the district. As 2361  
used in division (B)(1)(c) of this section, "court of 2362  
jurisdiction" has the same meaning as "court" in section 6115.01 2363  
of the Revised Code. 2364

(2) "Meeting" means any prearranged discussion of the public 2365  
business of the public body by a majority of its members. 2366

(3) "Regulated individual" means either of the following: 2367

(a) A student in a state or local public educational institution;	2368 2369
(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.	2370 2371 2372 2373
(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.	2374 2375
(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.	2376 2377 2378 2379 2380
The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.	2381 2382 2383 2384 2385
(D) This section does not apply to any of the following:	2386
(1) A grand jury;	2387
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	2388 2389 2390
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	2391 2392 2393
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	2394 2395
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, <u>meetings related to a</u>	2396 2397

<u>review conducted pursuant to guidelines established by the</u>	2398
<u>director of health under section 3701.70 of the Revised Code, and</u>	2399
meetings conducted pursuant to sections 5153.171 to 5153.173 of	2400
the Revised Code;	2401
(6) The state medical board when determining whether to	2402
suspend a certificate without a prior hearing pursuant to division	2403
(G) of either section 4730.25 or 4731.22 of the Revised Code;	2404
(7) The board of nursing when determining whether to suspend	2405
a license or certificate without a prior hearing pursuant to	2406
division (B) of section 4723.281 of the Revised Code;	2407
(8) The state board of pharmacy when determining whether to	2408
suspend a license without a prior hearing pursuant to division (D)	2409
of section 4729.16 of the Revised Code;	2410
(9) The state chiropractic board when determining whether to	2411
suspend a license without a hearing pursuant to section 4734.37 of	2412
the Revised Code;	2413
(10) The executive committee of the emergency response	2414
commission when determining whether to issue an enforcement order	2415
or request that a civil action, civil penalty action, or criminal	2416
action be brought to enforce Chapter 3750. of the Revised Code;	2417
(11) The board of directors of the nonprofit corporation	2418
formed under section 187.01 of the Revised Code or any committee	2419
thereof, and the board of directors of any subsidiary of that	2420
corporation or a committee thereof;	2421
(12) An audit conference conducted by the audit staff of the	2422
department of job and family services with officials of the public	2423
office that is the subject of that audit under section 5101.37 of	2424
the Revised Code;	2425
(13) The occupational therapy section of the occupational	2426
therapy, physical therapy, and athletic trainers board when	2427

determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;

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

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

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

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;

(4) Financial projections;

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

The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or board

not subject to this division, shall be open to the public and 2458  
governed by this section. 2459

(F) Every public body, by rule, shall establish a reasonable 2460  
method whereby any person may determine the time and place of all 2461  
regularly scheduled meetings and the time, place, and purpose of 2462  
all special meetings. A public body shall not hold a special 2463  
meeting unless it gives at least twenty-four hours' advance notice 2464  
to the news media that have requested notification, except in the 2465  
event of an emergency requiring immediate official action. In the 2466  
event of an emergency, the member or members calling the meeting 2467  
shall notify the news media that have requested notification 2468  
immediately of the time, place, and purpose of the meeting. 2469

The rule shall provide that any person, upon request and 2470  
payment of a reasonable fee, may obtain reasonable advance 2471  
notification of all meetings at which any specific type of public 2472  
business is to be discussed. Provisions for advance notification 2473  
may include, but are not limited to, mailing the agenda of 2474  
meetings to all subscribers on a mailing list or mailing notices 2475  
in self-addressed, stamped envelopes provided by the person. 2476

(G) Except as provided in divisions (G)(8) and (J) of this 2477  
section, the members of a public body may hold an executive 2478  
session only after a majority of a quorum of the public body 2479  
determines, by a roll call vote, to hold an executive session and 2480  
only at a regular or special meeting for the sole purpose of the 2481  
consideration of any of the following matters: 2482

(1) To consider the appointment, employment, dismissal, 2483  
discipline, promotion, demotion, or compensation of a public 2484  
employee or official, or the investigation of charges or 2485  
complaints against a public employee, official, licensee, or 2486  
regulated individual, unless the public employee, official, 2487  
licensee, or regulated individual requests a public hearing. 2488  
Except as otherwise provided by law, no public body shall hold an 2489

executive session for the discipline of an elected official for 2490  
conduct related to the performance of the elected official's 2491  
official duties or for the elected official's removal from office. 2492  
If a public body holds an executive session pursuant to division 2493  
(G)(1) of this section, the motion and vote to hold that executive 2494  
session shall state which one or more of the approved purposes 2495  
listed in division (G)(1) of this section are the purposes for 2496  
which the executive session is to be held, but need not include 2497  
the name of any person to be considered at the meeting. 2498

(2) To consider the purchase of property for public purposes, 2499  
or for the sale of property at competitive bidding, if premature 2500  
disclosure of information would give an unfair competitive or 2501  
bargaining advantage to a person whose personal, private interest 2502  
is adverse to the general public interest. No member of a public 2503  
body shall use division (G)(2) of this section as a subterfuge for 2504  
providing covert information to prospective buyers or sellers. A 2505  
purchase or sale of public property is void if the seller or buyer 2506  
of the public property has received covert information from a 2507  
member of a public body that has not been disclosed to the general 2508  
public in sufficient time for other prospective buyers and sellers 2509  
to prepare and submit offers. 2510

If the minutes of the public body show that all meetings and 2511  
deliberations of the public body have been conducted in compliance 2512  
with this section, any instrument executed by the public body 2513  
purporting to convey, lease, or otherwise dispose of any right, 2514  
title, or interest in any public property shall be conclusively 2515  
presumed to have been executed in compliance with this section 2516  
insofar as title or other interest of any bona fide purchasers, 2517  
lessees, or transferees of the property is concerned. 2518

(3) Conferences with an attorney for the public body 2519  
concerning disputes involving the public body that are the subject 2520  
of pending or imminent court action; 2521

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;	2522 2523 2524
(5) Matters required to be kept confidential by federal law or regulations or state statutes;	2525 2526
(6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;	2527 2528 2529 2530 2531
(7) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, a joint township hospital operated pursuant to Chapter 513. of the Revised Code, or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, to consider trade secrets, as defined in section 1333.61 of the Revised Code;	2532 2533 2534 2535 2536 2537
(8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:	2538 2539 2540 2541 2542 2543 2544
<del>(1)</del> (a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.	2545 2546 2547 2548 2549 2550 2551 2552

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

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

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

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

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

(2)(a) If the court of common pleas issues an injunction

pursuant to division (I)(1) of this section, the court shall order 2584  
the public body that it enjoins to pay a civil forfeiture of five 2585  
hundred dollars to the party that sought the injunction and shall 2586  
award to that party all court costs and, subject to reduction as 2587  
described in division (I)(2) of this section, reasonable 2588  
attorney's fees. The court, in its discretion, may reduce an award 2589  
of attorney's fees to the party that sought the injunction or not 2590  
award attorney's fees to that party if the court determines both 2591  
of the following: 2592

(i) That, based on the ordinary application of statutory law 2593  
and case law as it existed at the time of violation or threatened 2594  
violation that was the basis of the injunction, a well-informed 2595  
public body reasonably would believe that the public body was not 2596  
violating or threatening to violate this section; 2597

(ii) That a well-informed public body reasonably would 2598  
believe that the conduct or threatened conduct that was the basis 2599  
of the injunction would serve the public policy that underlies the 2600  
authority that is asserted as permitting that conduct or 2601  
threatened conduct. 2602

(b) If the court of common pleas does not issue an injunction 2603  
pursuant to division (I)(1) of this section and the court 2604  
determines at that time that the bringing of the action was 2605  
frivolous conduct, as defined in division (A) of section 2323.51 2606  
of the Revised Code, the court shall award to the public body all 2607  
court costs and reasonable attorney's fees, as determined by the 2608  
court. 2609

(3) Irreparable harm and prejudice to the party that sought 2610  
the injunction shall be conclusively and irrebuttably presumed 2611  
upon proof of a violation or threatened violation of this section. 2612

(4) A member of a public body who knowingly violates an 2613  
injunction issued pursuant to division (I)(1) of this section may 2614

be removed from office by an action brought in the court of common  
pleas for that purpose by the prosecuting attorney or the attorney  
general.

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

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

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

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

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

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

**Sec. 121.372.** (A) As used in this section, "substitute care

provider" means any of the following: 2645

(1) A community addiction services provider ~~subject to~~ 2646  
~~certification under section 5119.36, as defined in section 5119.01~~ 2647  
of the Revised Code; 2648

(2) An institution or association subject to certification 2649  
under section 5103.03 of the Revised Code; 2650

(3) A residential facility subject to licensure under section 2651  
5119.34 of the Revised Code; 2652

(4) A residential facility subject to licensure under section 2653  
5123.19 of the Revised Code. 2654

(B) Not later than ninety days after March 18, 1999, the 2655  
members of the Ohio family and children first cabinet council, 2656  
other than the director of budget and management, shall enter into 2657  
an agreement to establish an office to perform the duties 2658  
prescribed by division (C) of this section. The agreement shall 2659  
specify one of the departments represented on the council as the 2660  
department responsible for housing and supervising the office. The 2661  
agreement shall include the recommendation of the council for 2662  
funding the office. 2663

(C) The office established pursuant to the agreement entered 2664  
into under this section shall review rules governing the 2665  
certification and licensure of substitute care providers and 2666  
determine which of the rules can be made substantively identical 2667  
or more similar in order to minimize the number of differing 2668  
certification and licensure standards and simplify the 2669  
certification or licensure process for substitute care providers 2670  
seeking certification or licensure from two or more of the 2671  
departments represented on the council. The office shall provide 2672  
county family and children first councils, substitute care 2673  
providers, and persons interested in substitute care providers the 2674  
opportunity to help the office with the review and determination. 2675

The office shall report its findings to the council. Each of the departments represented on the council that has adopted rules governing the certification or licensure of substitute care providers shall review the report and amend the rules as that department considers appropriate, except that no rule shall be amended so as to make it inconsistent with substitute care provider certification or licensure procedures and standards established by federal or state law. A department shall give priority to amendments that will not increase the department's administrative costs. In amending a rule, a department shall comply with Chapter 119. or section 111.15 of the Revised Code, as required by the Revised Code section governing the adoption of the particular rule.

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

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

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

taxpayer becomes eligible for the credit and retirement or other 2707  
benefits paid or contributed by the employer to or on behalf of 2708  
employees. 2709

(2) "Baseline ~~income tax revenue payroll~~" means ~~income tax~~ 2710  
~~revenue~~ Ohio employee payroll, except that the applicable 2711  
~~withholding~~ measurement period is the twelve months immediately 2712  
preceding the date the tax credit authority approves the 2713  
taxpayer's application or the date the tax credit authority 2714  
receives the recommendation described in division (C)(2)(a) of 2715  
this section, whichever occurs first, multiplied by the sum of one 2716  
plus an annual pay increase factor to be determined by the tax 2717  
credit authority. 2718

(3) "Ohio employee payroll" means the total taxable income 2719  
paid by the employer during the employer's taxable year, or during 2720  
the calendar year that includes the employer's tax period, to each 2721  
employee employed in the project who is a resident of this state, 2722  
as defined in section 5747.01 of the Revised Code, or to each 2723  
home-based employee employed in the project, to the extent such 2724  
payroll is not used to determine the credit under section 122.171 2725  
of the Revised Code. "Ohio employee payroll" excludes amounts paid 2726  
before the day the taxpayer becomes eligible for the credit and 2727  
retirement or other benefits paid or contributed by the employer 2728  
to or on behalf of employees. 2729

(4) "Excess ~~income tax revenue payroll~~" means ~~income tax~~ 2730  
~~revenue~~ Ohio employee payroll minus baseline ~~income tax revenue~~ 2731  
payroll. 2732

(4)(5) "Home-based employee" means an employee whose services 2733  
are performed primarily from the employee's residence in this 2734  
state exclusively for the benefit of the project and whose rate of 2735  
pay is at least one hundred thirty-one per cent of the federal 2736  
minimum wage under 29 U.S.C. 206. 2737

(6) "Full-time equivalent employees" means the quotient 2738  
obtained by dividing the total number of hours for which employees 2739  
were compensated for employment in the project by two thousand 2740  
eighty. "Full-time equivalent employees" excludes hours that are 2741  
counted for a credit under section 122.171 of the Revised Code. 2742

(7) "Metric evaluation date" means the date by which the 2743  
taxpayer must meet all of the commitments included in the 2744  
agreement. 2745

(B) The tax credit authority may make grants under this 2746  
section to foster job creation in this state. Such a grant shall 2747  
take the form of a refundable credit allowed against the tax 2748  
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 2749  
5747.02 or levied under Chapter 5751. of the Revised Code. The 2750  
credit shall be claimed for the taxable years or tax periods 2751  
specified in the taxpayer's agreement with the tax credit 2752  
authority under division (D) of this section. With respect to 2753  
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 2754  
Chapter 5751. of the Revised Code, the credit shall be claimed in 2755  
the order required under section 5726.98, 5733.98, 5747.98, or 2756  
5751.98 of the Revised Code. The amount of the credit available 2757  
for a taxable year or for a calendar year that includes a tax 2758  
period equals the excess ~~income tax revenue payroll~~ for that year 2759  
multiplied by the percentage specified in the agreement with the 2760  
tax credit authority. ~~Any credit granted under this section~~ 2761  
~~against the tax imposed by section 5733.06 or 5747.02 of the~~ 2762  
~~Revised Code, to the extent not fully utilized against such tax~~ 2763  
~~for taxable years ending prior to 2008, shall automatically be~~ 2764  
~~converted without any action taken by the tax credit authority to~~ 2765  
~~a credit against the tax levied under Chapter 5751. of the Revised~~ 2766  
~~Code for tax periods beginning on or after July 1, 2008, provided~~ 2767  
~~that the person to whom the credit was granted is subject to such~~ 2768  
~~tax. The converted credit shall apply to those calendar years in~~ 2769

~~which the remaining taxable years specified in the agreement end.~~ 2770

(C)(1) A taxpayer or potential taxpayer who proposes a 2771  
project to create new jobs in this state may apply to the tax 2772  
credit authority to enter into an agreement for a tax credit under 2773  
this section. 2774

An application shall not propose to include both home-based 2775  
employees and employees who are not home-based employees in the 2776  
computation of ~~income tax revenue~~ Ohio employee payroll for the 2777  
purposes of the same tax credit agreement. If a taxpayer or 2778  
potential taxpayer employs both home-based employees and employees 2779  
who are not home-based employees in a project, the taxpayer shall 2780  
submit separate applications for separate tax credit agreements 2781  
for the project, one of which shall include home-based employees 2782  
in the computation of ~~income tax revenue~~ Ohio employee payroll and 2783  
one of which shall include all other employees in the computation 2784  
of ~~income tax revenue~~ Ohio employee payroll. 2785

The director of development services shall prescribe the form 2786  
of the application. After receipt of an application, the authority 2787  
may enter into an agreement with the taxpayer for a credit under 2788  
this section if it determines all of the following: 2789

(a) The taxpayer's project will increase payroll ~~and income~~ 2790  
~~tax revenue;~~ 2791

(b) The taxpayer's project is economically sound and will 2792  
benefit the people of this state by increasing opportunities for 2793  
employment and strengthening the economy of this state; 2794

(c) Receiving the tax credit is a major factor in the 2795  
taxpayer's decision to go forward with the project. 2796

(2)(a) A taxpayer that chooses to begin the project prior to 2797  
receiving the determination of the authority may, upon submitting 2798  
the taxpayer's application to the authority, request that the 2799  
chief investment officer of the nonprofit corporation formed under 2800

section 187.01 of the Revised Code and the director review the taxpayer's application and recommend to the authority that the taxpayer's application be considered. As soon as possible after receiving such a request, the chief investment officer and the director shall review the taxpayer's application and, if they determine that the application warrants consideration by the authority, make that recommendation to the authority not later than six months after the application is received by the authority.

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

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

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

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

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

(3) A requirement that the taxpayer shall maintain operations at the project location for at least the greater of seven years or

the term of the credit plus three years; 2832

(4) The percentage, as determined by the tax credit 2833  
authority, of excess ~~income tax revenue~~ payroll that will be 2834  
allowed as the amount of the credit for each taxable year or for 2835  
each calendar year that includes a tax period; 2836

(5) The pay increase factor to be applied to the taxpayer's 2837  
baseline ~~income tax revenue~~ payroll; 2838

(6) A requirement that the taxpayer annually shall report to 2839  
the director of development services ~~employment, tax withholding~~ 2840  
full-time equivalent employees, payroll, Ohio employee payroll, 2841  
investment, the provision of health care benefits and tuition 2842  
reimbursement if required in the agreement, and other information 2843  
the director needs to perform the director's duties under this 2844  
section; 2845

(7) A requirement that the director of development services 2846  
annually review the information reported under division (D)(6) of 2847  
this section and verify compliance with the agreement; if the 2848  
taxpayer is in compliance, a requirement that the director issue a 2849  
certificate to the taxpayer stating that the information has been 2850  
verified and identifying the amount of the credit that may be 2851  
claimed for the taxable or calendar year; 2852

(8) A provision providing that the taxpayer may not relocate 2853  
a substantial number of employment positions from elsewhere in 2854  
this state to the project location unless the director of 2855  
development services determines that the legislative authority of 2856  
the county, township, or municipal corporation from which the 2857  
employment positions would be relocated has been notified by the 2858  
taxpayer of the relocation. 2859

For purposes of this section, the movement of an employment 2860  
position from one political subdivision to another political 2861  
subdivision shall be considered a relocation of an employment 2862

position unless the employment position in the first political 2863  
subdivision is replaced. 2864

(9) If the tax credit is computed on the basis of home-based 2865  
employees, that the tax credit may not be claimed by the taxpayer 2866  
until the taxable year or tax period in which the taxpayer employs 2867  
at least two hundred employees more than the number of employees 2868  
the taxpayer employed on June 30, 2011. 2869

(E) If a taxpayer fails to meet or comply with any condition 2870  
or requirement set forth in a tax credit agreement, the tax credit 2871  
authority may amend the agreement to reduce the percentage or term 2872  
of the tax credit. The reduction of the percentage or term may 2873  
take effect in the current taxable or calendar year. 2874

(F) Projects that consist solely of point-of-final-purchase 2875  
retail facilities are not eligible for a tax credit under this 2876  
section. If a project consists of both point-of-final-purchase 2877  
retail facilities and nonretail facilities, only the portion of 2878  
the project consisting of the nonretail facilities is eligible for 2879  
a tax credit and only the excess ~~income tax revenue~~ payroll from 2880  
the nonretail facilities shall be considered when computing the 2881  
amount of the tax credit. If a warehouse facility is part of a 2882  
point-of-final-purchase retail facility and supplies only that 2883  
facility, the warehouse facility is not eligible for a tax credit. 2884  
Catalog distribution centers are not considered 2885  
point-of-final-purchase retail facilities for the purposes of this 2886  
division, and are eligible for tax credits under this section. 2887

(G) Financial statements and other information submitted to 2888  
the development services agency or the tax credit authority by an 2889  
applicant or recipient of a tax credit under this section, and any 2890  
information taken for any purpose from such statements or 2891  
information, are not public records subject to section 149.43 of 2892  
the Revised Code. However, the chairperson of the authority may 2893  
make use of the statements and other information for purposes of 2894

issuing public reports or in connection with court proceedings 2895  
concerning tax credit agreements under this section. Upon the 2896  
request of the tax commissioner or, if the applicant or recipient 2897  
is an insurance company, upon the request of the superintendent of 2898  
insurance, the chairperson of the authority shall provide to the 2899  
commissioner or superintendent any statement or information 2900  
submitted by an applicant or recipient of a tax credit in 2901  
connection with the credit. The commissioner or superintendent 2902  
shall preserve the confidentiality of the statement or 2903  
information. 2904

(H) A taxpayer claiming a credit under this section shall 2905  
submit to the tax commissioner or, if the taxpayer is an insurance 2906  
company, to the superintendent of insurance, a copy of the 2907  
director of development services' certificate of verification 2908  
under division (D)(7) of this section with the taxpayer's tax 2909  
report or return for the taxable year or for the calendar year 2910  
that includes the tax period. Failure to submit a copy of the 2911  
certificate with the report or return does not invalidate a claim 2912  
for a credit if the taxpayer submits a copy of the certificate to 2913  
the commissioner or superintendent within ~~sixty~~ thirty days after 2914  
the commissioner or superintendent requests it. 2915

(I) The director of development services, after consultation 2916  
with the tax commissioner and the superintendent of insurance and 2917  
in accordance with Chapter 119. of the Revised Code, shall adopt 2918  
rules necessary to implement this section, including rules that 2919  
establish a procedure to be followed by the tax credit authority 2920  
and the development services agency in the event the authority 2921  
considers a taxpayer's application for which it receives a 2922  
recommendation under division (C)(2)(a) of this section but does 2923  
not approve it. The rules may provide for recipients of tax 2924  
credits under this section to be charged fees to cover 2925  
administrative costs of the tax credit program. The fees collected 2926

shall be credited to the business assistance fund created in 2927  
section 122.174 of the Revised Code. At the time the director 2928  
gives public notice under division (A) of section 119.03 of the 2929  
Revised Code of the adoption of the rules, the director shall 2930  
submit copies of the proposed rules to the chairpersons of the 2931  
standing committees on economic development in the senate and the 2932  
house of representatives. 2933

(J) For the purposes of this section, a taxpayer may include 2934  
a partnership, a corporation that has made an election under 2935  
subchapter S of chapter one of subtitle A of the Internal Revenue 2936  
Code, or any other business entity through which income flows as a 2937  
distributive share to its owners. A partnership, S-corporation, or 2938  
other such business entity may elect to pass the credit received 2939  
under this section through to the persons to whom the income or 2940  
profit of the partnership, S-corporation, or other entity is 2941  
distributed. The election shall be made on the annual report 2942  
required under division (D)(6) of this section. The election 2943  
applies to and is irrevocable for the credit for which the report 2944  
is submitted. If the election is made, the credit shall be 2945  
apportioned among those persons in the same proportions as those 2946  
in which the income or profit is distributed. 2947

(K)(1) If the director of development services determines 2948  
that a taxpayer who has received a credit under this section is 2949  
not complying with the ~~requirement under division (D)(3) of this~~ 2950  
~~section~~ requirements of the agreement, the director shall notify 2951  
the tax credit authority of the noncompliance. After receiving 2952  
such a notice, and after giving the taxpayer an opportunity to 2953  
explain the noncompliance, the tax credit authority may require 2954  
the taxpayer to refund to this state a portion of the credit in 2955  
accordance with the following: 2956

~~(1)(a)~~ If the taxpayer fails to comply with the requirement 2957  
under division (D)(3) of this section, an amount determined in 2958

accordance with the following: 2959

(i) If the taxpayer maintained operations at the project 2960  
location for a period less than or equal to the term of the 2961  
credit, an amount not exceeding one hundred per cent of the sum of 2962  
any credits allowed and received under this section; 2963

~~(2)~~(ii) If the taxpayer maintained operations at the project 2964  
location for a period longer than the term of the credit, but less 2965  
than the greater of seven years or the term of the credit plus 2966  
three years, an amount not exceeding seventy-five per cent of the 2967  
sum of any credits allowed and received under this section. 2968

(b) If, on the metric evaluation date, the taxpayer fails to 2969  
substantially meet the job creation, payroll, or investment 2970  
requirements included in the agreement, an amount determined at 2971  
the discretion of the authority; 2972

(c) If the taxpayer fails to substantially maintain the 2973  
number of new full-time equivalent employees or amount of payroll 2974  
required under the agreement at any time during the term of the 2975  
agreement after the metric evaluation date, an amount determined 2976  
at the discretion of the authority. 2977

(2) If a taxpayer files for bankruptcy and fails as described 2978  
in division (K)(1)(a), (b), or (c) of this section, the director 2979  
may immediately commence an action to recoup an amount not 2980  
exceeding one hundred per cent of the sum of any credits received 2981  
by the taxpayer under this section. 2982

(3) In determining the portion of the tax credit to be 2983  
refunded to this state, the tax credit authority shall consider 2984  
the effect of market conditions on the taxpayer's project and 2985  
whether the taxpayer continues to maintain other operations in 2986  
this state. After making the determination, the authority shall 2987  
certify the amount to be refunded to the tax commissioner or 2988  
superintendent of insurance, as appropriate. If the amount is 2989

certified to the commissioner, the commissioner shall make an 2990  
assessment for that amount against the taxpayer under Chapter 2991  
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 2992  
amount is certified to the superintendent, the superintendent 2993  
shall make an assessment for that amount against the taxpayer 2994  
under Chapter 5725. or 5729. of the Revised Code. The time 2995  
limitations on assessments under those chapters do not apply to an 2996  
assessment under this division, but the commissioner or 2997  
superintendent, as appropriate, shall make the assessment within 2998  
one year after the date the authority certifies to the 2999  
commissioner or superintendent the amount to be refunded. 3000

(L) On or before the first day of August each year, the 3001  
director of development services shall submit a report to the 3002  
governor, the president of the senate, and the speaker of the 3003  
house of representatives on the tax credit program under this 3004  
section. The report shall include information on the number of 3005  
agreements that were entered into under this section during the 3006  
preceding calendar year, a description of the project that is the 3007  
subject of each such agreement, and an update on the status of 3008  
projects under agreements entered into before the preceding 3009  
calendar year. 3010

(M) There is hereby created the tax credit authority, which 3011  
consists of the director of development services and four other 3012  
members appointed as follows: the governor, the president of the 3013  
senate, and the speaker of the house of representatives each shall 3014  
appoint one member who shall be a specialist in economic 3015  
development; the governor also shall appoint a member who is a 3016  
specialist in taxation. ~~Of the initial appointees, the members~~ 3017  
~~appointed by the governor shall serve a term of two years; the~~ 3018  
~~members appointed by the president of the senate and the speaker~~ 3019  
~~of the house of representatives shall serve a term of four years.~~ 3020  
Thereafter, terms Terms of office shall be for four years. ~~Initial~~ 3021

~~appointments to the authority shall be made within thirty days~~ 3022  
~~after January 13, 1993.~~ Each member shall serve on the authority 3023  
until the end of the term for which the member was appointed. 3024  
Vacancies shall be filled in the same manner provided for original 3025  
appointments. Any member appointed to fill a vacancy occurring 3026  
prior to the expiration of the term for which the member's 3027  
predecessor was appointed shall hold office for the remainder of 3028  
that term. Members may be reappointed to the authority. Members of 3029  
the authority shall receive their necessary and actual expenses 3030  
while engaged in the business of the authority. The director of 3031  
development services shall serve as chairperson of the authority, 3032  
and the members annually shall elect a vice-chairperson from among 3033  
themselves. Three members of the authority constitute a quorum to 3034  
transact and vote on the business of the authority. The majority 3035  
vote of the membership of the authority is necessary to approve 3036  
any such business, including the election of the vice-chairperson. 3037

The director of development services may appoint a 3038  
professional employee of the development services agency to serve 3039  
as the director's substitute at a meeting of the authority. The 3040  
director shall make the appointment in writing. In the absence of 3041  
the director from a meeting of the authority, the appointed 3042  
substitute shall serve as chairperson. In the absence of both the 3043  
director and the director's substitute from a meeting, the 3044  
vice-chairperson shall serve as chairperson. 3045

(N) For purposes of the credits granted by this section 3046  
against the taxes imposed under sections 5725.18 and 5729.03 of 3047  
the Revised Code, "taxable year" means the period covered by the 3048  
taxpayer's annual statement to the superintendent of insurance. 3049

(O) On or before the first day of March of each of the five 3050  
calendar years beginning with 2014, each taxpayer subject to an 3051  
agreement with the tax credit authority under this section on the 3052  
basis of home-based employees shall report the number of 3053

home-based employees and other employees employed by the taxpayer 3054  
in this state to the development services agency. 3055

(P) On or before the first day of January of 2019, the 3056  
director of development services shall submit a report to the 3057  
governor, the president of the senate, and the speaker of the 3058  
house of representatives on the effect of agreements entered into 3059  
under this section in which the taxpayer included home-based 3060  
employees in the computation of income tax revenue, as that term 3061  
was defined in this section prior to the amendment of this section 3062  
by ...B... of the 131st general assembly. The report shall include 3063  
information on the number of such agreements that were entered 3064  
into in the preceding six years, a description of the projects 3065  
that were the subjects of such agreements, and an analysis of 3066  
nationwide home-based employment trends, including the number of 3067  
home-based jobs created from July 1, 2011, through June 30, 2017, 3068  
and a description of any home-based employment tax incentives 3069  
provided by other states during that time. 3070

(Q) The director of development services may require any 3071  
agreement entered into under this section for a tax credit 3072  
computed on the basis of home-based employees to contain a 3073  
provision that the taxpayer makes available health care benefits 3074  
and tuition reimbursement to all employees. 3075

(R) Original agreements approved by the tax credit authority 3076  
under this section in 2014 or 2015 before the effective date of 3077  
this division may be revised at the request of the taxpayer to 3078  
conform with the amendments to this section and sections 3079  
5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised Code by 3080  
...B... of the 131st general assembly, upon mutual agreement of 3081  
the taxpayer and the development services agency, and approval by 3082  
the tax credit authority. 3083

**Sec. 122.171.** (A) As used in this section: 3084

(1) "Capital investment project" means a plan of investment	3085
at a project site for the acquisition, construction, renovation,	3086
or repair of buildings, machinery, or equipment, or for	3087
capitalized costs of basic research and new product development	3088
determined in accordance with generally accepted accounting	3089
principles, but does not include any of the following:	3090
(a) Payments made for the acquisition of personal property	3091
through operating leases;	3092
(b) Project costs paid before January 1, 2002;	3093
(c) Payments made to a related member as defined in section	3094
5733.042 of the Revised Code or to a consolidated elected taxpayer	3095
or a combined taxpayer as defined in section 5751.01 of the	3096
Revised Code.	3097
(2) "Eligible business" means a taxpayer and its related	3098
members with Ohio operations satisfying all of the following:	3099
(a) The taxpayer employs at least five hundred full-time	3100
equivalent employees or has an annual <u>Ohio employee</u> payroll of at	3101
least thirty-five million dollars at the time the tax credit	3102
authority grants the tax credit under this section;	3103
(b) The taxpayer makes or causes to be made payments for the	3104
capital investment project of one of the following:	3105
(i) If the taxpayer is engaged at the project site primarily	3106
as a manufacturer, at least fifty million dollars in the aggregate	3107
at the project site during a period of three consecutive calendar	3108
years, including the calendar year that includes a day of the	3109
taxpayer's taxable year or tax period with respect to which the	3110
credit is granted;	3111
(ii) If the taxpayer is engaged at the project site primarily	3112
in significant corporate administrative functions, as defined by	3113
the director of development services by rule, at least twenty	3114

million dollars in the aggregate at the project site during a 3115  
period of three consecutive calendar years including the calendar 3116  
year that includes a day of the taxpayer's taxable year or tax 3117  
period with respect to which the credit is granted. 3118

~~(iii) If the taxpayer is applying to enter into an agreement 3119  
for a tax credit authorized under division (B)(3) of this section, 3120  
at least five million dollars in the aggregate at the project site 3121  
during a period of three consecutive calendar years, including the 3122  
calendar year that includes a day of the taxpayer's taxable year 3123  
or tax period with respect to which the credit is granted. 3124~~

(c) The taxpayer had a capital investment project reviewed 3125  
and approved by the tax credit authority as provided in divisions 3126  
(C), (D), and (E) of this section. 3127

(3) "Full-time equivalent employees" means the quotient 3128  
obtained by dividing the total number of hours for which employees 3129  
were compensated for employment in the project by two thousand 3130  
eighty. "Full-time equivalent employees" shall exclude hours that 3131  
are counted for a credit under section 122.17 of the Revised Code. 3132

(4) ~~"Income tax revenue Ohio employee payroll" means the 3133  
total amount withheld under section 5747.06 of the Revised Code by 3134  
the taxpayer during the taxable year, or during the calendar year 3135  
that includes the tax period, from the compensation of all 3136  
employees employed in the project whose hours of compensation are 3137  
included in calculating the number of full-time equivalent 3138  
employees has the same meaning as in section 122.17 of the Revised 3139  
Code. 3140~~

(5) "Manufacturer" has the same meaning as in section 3141  
5739.011 of the Revised Code. 3142

(6) "Project site" means an integrated complex of facilities 3143  
in this state, as specified by the tax credit authority under this 3144  
section, within a fifteen-mile radius where a taxpayer is 3145

primarily operating as an eligible business. 3146

(7) "Related member" has the same meaning as in section 3147  
5733.042 of the Revised Code as that section existed on the 3148  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 3149  
general assembly, September 29, 1997. 3150

(8) "Taxable year" includes, in the case of a domestic or 3151  
foreign insurance company, the calendar year ending on the 3152  
thirty-first day of December preceding the day the superintendent 3153  
of insurance is required to certify to the treasurer of state 3154  
under section 5725.20 or 5729.05 of the Revised Code the amount of 3155  
taxes due from insurance companies. 3156

(B) The tax credit authority created under section 122.17 of 3157  
the Revised Code may grant a nonrefundable tax credit ~~credits~~ credit to 3158  
an eligible business under this section for the purpose of 3159  
fostering job retention in this state. Upon application by an 3160  
eligible business and upon consideration of the ~~recommendation~~ 3161  
determination of the director of budget and management, tax 3162  
commissioner, and the superintendent of insurance in the case of 3163  
an insurance company, and the recommendation and determination of 3164  
the director of development services under division (C) of this 3165  
section, the tax credit authority may grant the ~~following credits~~ 3166  
credit against the tax imposed by section 5725.18, 5726.02, 3167  
5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised 3168  
Code+ 3169

~~(1) A nonrefundable credit to an eligible business;~~ 3170

~~(2) A refundable credit to an eligible business meeting the 3171  
following conditions, provided that the director of budget and 3172  
management, tax commissioner, superintendent of insurance in the 3173  
case of an insurance company, and director of development services 3174  
have recommended the granting of the credit to the tax credit 3175  
authority before July 1, 2011;~~ 3176

~~(a) The business retains at least one thousand full time  
equivalent employees at the project site.~~ 3177  
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~~(b) The business makes or causes to be made payments for a  
capital investment project of at least twenty five million dollars  
in the aggregate at the project site during a period of three  
consecutive calendar years, including the calendar year that  
includes a day of the business' taxable year or tax period with  
respect to which the credit is granted.~~ 3179  
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~~(c) In 2010, the business received a written offer of  
financial incentives from another state of the United States that  
the director determines to be sufficient inducement for the  
business to relocate the business' operations from this state to  
that state.~~ 3185  
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~~(3) A refundable credit to an eligible business with a total  
annual payroll of at least twenty million dollars, provided that  
the tax credit authority grants the tax credit on or after July 1,  
2011, and before January 1, 2014.~~ 3190  
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The ~~credits~~ credit authorized in ~~divisions (B)(1), (2), and  
(3)~~ of this section may be granted for a period up to fifteen 3194  
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taxable years or, in the case of the tax levied by section 5736.02 3196  
or 5751.02 of the Revised Code, for a period of up to fifteen 3197  
calendar years. The credit amount for a taxable year or a calendar 3198  
year that includes the tax period for which a credit may be 3199  
claimed equals the ~~income tax revenue~~ Ohio employee payroll for 3200  
that year multiplied by the percentage specified in the agreement 3201  
with the tax credit authority. ~~The percentage may not exceed~~ 3202  
~~seventy five per cent.~~ The credit shall be claimed in the order 3203  
required under section 5725.98, 5726.98, 5729.98, 5733.98, 3204  
5747.98, or 5751.98 of the Revised Code. In determining the 3205  
percentage and term of the credit, the tax credit authority shall 3206  
consider both the number of full-time equivalent employees and the 3207  
value of the capital investment project. The credit amount may not 3208

be based on the ~~income tax revenue~~ Ohio employee payroll for a 3209  
calendar year before the calendar year in which the tax credit 3210  
authority specifies the tax credit is to begin, and the credit 3211  
shall be claimed only for the taxable years or tax periods 3212  
specified in the eligible business' agreement with the tax credit 3213  
authority. In no event shall the credit be claimed for a taxable 3214  
year or tax period terminating before the date specified in the 3215  
agreement. ~~Any credit granted under this section against the tax~~ 3216  
~~imposed by section 5733.06 or 5747.02 of the Revised Code, to the~~ 3217  
~~extent not fully utilized against such tax for taxable years~~ 3218  
~~ending prior to 2008, shall automatically be converted without any~~ 3219  
~~action taken by the tax credit authority to a credit against the~~ 3220  
~~tax levied under Chapter 5751. of the Revised Code for tax periods~~ 3221  
~~beginning on or after July 1, 2008, provided that the person to~~ 3222  
~~whom the credit was granted is subject to such tax. The converted~~ 3223  
~~credit shall apply to those calendar years in which the remaining~~ 3224  
~~taxable years specified in the agreement end.~~ 3225

If a ~~nonrefundable~~ credit allowed under ~~division (B)(1) of~~ 3226  
this section for a taxable year or tax period exceeds the 3227  
taxpayer's tax liability for that year or period, the excess may 3228  
be carried forward for the three succeeding taxable or calendar 3229  
years, but the amount of any excess credit allowed in any taxable 3230  
year or tax period shall be deducted from the balance carried 3231  
forward to the succeeding year or period. 3232

(C) A taxpayer that proposes a capital investment project to 3233  
retain jobs in this state may apply to the tax credit authority to 3234  
enter into an agreement for a tax credit under this section. The 3235  
director of development services shall prescribe the form of the 3236  
application. After receipt of an application, the authority shall 3237  
forward copies of the application to the director of budget and 3238  
management, the tax commissioner, and the superintendent of 3239  
insurance in the case of an insurance company, ~~and the director of~~ 3240

development services, each of whom shall review the application to 3241  
determine the economic impact the proposed project would have on 3242  
the state and the affected political subdivisions and shall submit 3243  
a summary of their determinations and recommendations to the 3244  
authority. The authority shall also forward a copy of the 3245  
application to the director of development services, who shall 3246  
review the application to determine the economic impact the 3247  
proposed project would have on the state and the affected 3248  
political subdivisions and shall submit a summary of their 3249  
determinations and recommendations to the authority. 3250

(D) Upon review and consideration of the determinations and 3251  
recommendations described in division (C) of this section, the tax 3252  
credit authority may enter into an agreement with the taxpayer for 3253  
a credit under this section if the authority determines all of the 3254  
following: 3255

(1) The taxpayer's capital investment project will result in 3256  
the retention of employment in this state. 3257

(2) The taxpayer is economically sound and has the ability to 3258  
complete the proposed capital investment project. 3259

(3) The taxpayer intends to and has the ability to maintain 3260  
operations at the project site for at least the greater of (a) the 3261  
term of the credit plus three years, or (b) seven years. 3262

(4) Receiving the credit is a major factor in the taxpayer's 3263  
decision to begin, continue with, or complete the project. 3264

~~(5) If the taxpayer is applying to enter into an agreement 3265~~  
~~for a tax credit authorized under division (B)(3) of this section, 3266~~  
~~the taxpayer's capital investment project will be located in the 3267~~  
~~political subdivision in which the taxpayer maintains its 3268~~  
~~principal place of business or maintains a unit or division with 3269~~  
~~at least four thousand two hundred employees at the project site. 3270~~

(E) An agreement under this section shall include all of the 3271

following: 3272

(1) A detailed description of the project that is the subject 3273  
of the agreement, including the amount of the investment, the 3274  
period over which the investment has been or is being made, the 3275  
number of full-time equivalent employees at the project site, and 3276  
the anticipated ~~income tax revenue~~ Ohio employee payroll to be 3277  
generated. 3278

(2) The term of the credit, the percentage of the tax credit, 3279  
the maximum annual value of tax credits that may be allowed each 3280  
year, and the first year for which the credit may be claimed. 3281

(3) A requirement that the taxpayer maintain operations at 3282  
the project site for at least the greater of (a) the term of the 3283  
credit plus three years, or (b) seven years. 3284

~~(4)(a) In the case of a credit granted under division (B)(1)~~ 3285  
~~of this section, a~~ A requirement that the taxpayer retain at least 3286  
five hundred full-time equivalent employees at the project site 3287  
and within this state for the entire term of the credit, or a 3288  
requirement that the taxpayer maintain an annual Ohio employee 3289  
payroll of at least thirty-five million dollars for the entire 3290  
term of the credit. 3291

~~(b) In the case of a credit granted under division (B)(2) of~~ 3292  
~~this section, a requirement that the taxpayer retain at least one~~ 3293  
~~thousand full time equivalent employees at the project site and~~ 3294  
~~within this state for the entire term of the credit.~~ 3295

~~(c) In the case of a credit granted under division (B)(3) of~~ 3296  
~~this section, either of the following:~~ 3297

~~(i) A requirement that the taxpayer retain at least five~~ 3298  
~~hundred full time equivalent employees at the project site and~~ 3299  
~~within this state for the entire term of the credit and a~~ 3300  
~~requirement that the taxpayer maintain an annual payroll of at~~ 3301  
~~least twenty million dollars for the entire term of the credit.~~ 3302

~~(ii) A requirement that the taxpayer maintain an annual payroll of at least thirty five million dollars for the entire term of the credit.~~ 3303  
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(5) A requirement that the taxpayer annually report to the director of development services ~~employment, tax withholding~~ full-time equivalent employees, Ohio employee payroll, capital investment, and other information the director needs to perform the director's duties under this section. 3306  
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(6) A requirement that the director of development services annually review the annual reports of the taxpayer to verify the information reported under division (E)(5) of this section and compliance with the agreement. Upon verification, the director shall issue a certificate to the taxpayer stating that the information has been verified and identifying the amount of the credit for the taxable year or calendar year that includes the tax period. In determining the number of full-time equivalent employees, no position shall be counted that is filled by an employee who is included in the calculation of a tax credit under section 122.17 of the Revised Code. 3311  
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(7) A provision providing that the taxpayer may not relocate a substantial number of employment positions from elsewhere in this state to the project site unless the director of development services determines that the taxpayer notified the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated. 3322  
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For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position unless the movement is confined to the project site. The transfer of an employment position from one political subdivision to another political subdivision shall not be considered a relocation of an employment position if the employment position in 3328  
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the first political subdivision is replaced by another employment 3335  
position. 3336

(8) A waiver by the taxpayer of any limitations periods 3337  
relating to assessments or adjustments resulting from the 3338  
taxpayer's failure to comply with the agreement. 3339

(F) If a taxpayer fails to meet or comply with any condition 3340  
or requirement set forth in a tax credit agreement, the tax credit 3341  
authority may amend the agreement to reduce the percentage or term 3342  
of the credit. The reduction of the percentage or term may take 3343  
effect in the current taxable or calendar year. 3344

(G) Financial statements and other information submitted to 3345  
the department of development services or the tax credit authority 3346  
by an applicant for or recipient of a tax credit under this 3347  
section, and any information taken for any purpose from such 3348  
statements or information, are not public records subject to 3349  
section 149.43 of the Revised Code. However, the chairperson of 3350  
the authority may make use of the statements and other information 3351  
for purposes of issuing public reports or in connection with court 3352  
proceedings concerning tax credit agreements under this section. 3353  
Upon the request of the tax commissioner, or the superintendent of 3354  
insurance in the case of an insurance company, the chairperson of 3355  
the authority shall provide to the commissioner or superintendent 3356  
any statement or other information submitted by an applicant for 3357  
or recipient of a tax credit in connection with the credit. The 3358  
commissioner or superintendent shall preserve the confidentiality 3359  
of the statement or other information. 3360

(H) A taxpayer claiming a tax credit under this section shall 3361  
submit to the tax commissioner or, in the case of an insurance 3362  
company, to the superintendent of insurance, a copy of the 3363  
director of development services' certificate of verification 3364  
under division (E)(6) of this section with the taxpayer's tax 3365  
report or return for the taxable year or for the calendar year 3366

that includes the tax period. Failure to submit a copy of the 3367  
certificate with the report or return does not invalidate a claim 3368  
for a credit if the taxpayer submits a copy of the certificate to 3369  
the commissioner or superintendent within ~~sixty~~ thirty days after 3370  
the commissioner or superintendent requests it. 3371

(I) For the purposes of this section, a taxpayer may include 3372  
a partnership, a corporation that has made an election under 3373  
subchapter S of chapter one of subtitle A of the Internal Revenue 3374  
Code, or any other business entity through which income flows as a 3375  
distributive share to its owners. A partnership, S-corporation, or 3376  
other such business entity may elect to pass the credit received 3377  
under this section through to the persons to whom the income or 3378  
profit of the partnership, S-corporation, or other entity is 3379  
distributed. The election shall be made on the annual report 3380  
required under division (E)(5) of this section. The election 3381  
applies to and is irrevocable for the credit for which the report 3382  
is submitted. If the election is made, the credit shall be 3383  
apportioned among those persons in the same proportions as those 3384  
in which the income or profit is distributed. 3385

(J)(1) If the director of development services determines 3386  
that a taxpayer that received a certificate under division (E)(6) 3387  
of this section is not complying with the ~~requirement under~~ 3388  
~~division (E)(3) of this section~~ requirements of the agreement, the 3389  
director shall notify the tax credit authority of the 3390  
noncompliance. After receiving such a notice, and after giving the 3391  
taxpayer an opportunity to explain the noncompliance, the 3392  
authority may terminate the agreement and require the taxpayer, or 3393  
any related member or members that claimed the tax credit under 3394  
division (N) of this section, to refund to the state all or a 3395  
portion of the credit claimed in previous years, as follows: 3396

~~(1)~~(a) If the taxpayer fails to comply with the requirement 3397  
under division (E)(3) of this section, an amount determined in 3398

accordance with the following: 3399

(i) If the taxpayer maintained operations at the project site 3400  
for less than or equal to the term of the credit, an amount not to 3401  
exceed one hundred per cent of the sum of any tax credits allowed 3402  
and received under this section. 3403

~~(2)(ii)~~ If the taxpayer maintained operations at the project 3404  
site longer than the term of the credit, but less than the greater 3405  
of ~~(a) seven years or~~ the term of the credit plus three years, ~~or~~ 3406  
~~(b) seven years~~, the amount required to be refunded shall not 3407  
exceed seventy-five per cent of the sum of any tax credits allowed 3408  
and received under this section. 3409

(b) If the taxpayer fails to substantially maintain both the 3410  
number of full-time equivalent employees and the amount of Ohio 3411  
employee payroll required under the agreement at any time during 3412  
the term of the agreement or during the post-term reporting 3413  
period, an amount determined at the discretion of the authority. 3414

(2) If a taxpayer files for bankruptcy and fails as described 3415  
in division (J)(1)(a) or (b) of this section, the director may 3416  
immediately commence an action to recoup an amount not exceeding 3417  
one hundred per cent of the sum of any credits received by the 3418  
taxpayer under this section. 3419

(3) In determining the portion of the credit to be refunded 3420  
to this state, the authority shall consider the effect of market 3421  
conditions on the taxpayer's project and whether the taxpayer 3422  
continues to maintain other operations in this state. After making 3423  
the determination, the authority shall certify the amount to be 3424  
refunded to the tax commissioner or the superintendent of 3425  
insurance. If the taxpayer, or any related member or members who 3426  
claimed the tax credit under division (N) of this section, is not 3427  
an insurance company, the commissioner shall make an assessment 3428  
for that amount against the taxpayer under Chapter 5726., 5733., 3429

5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 3430  
any related member or members that claimed the tax credit under 3431  
division (N) of this section, is an insurance company, the 3432  
superintendent of insurance shall make an assessment under section 3433  
5725.222 or 5729.102 of the Revised Code. The time limitations on 3434  
assessments under those chapters and sections do not apply to an 3435  
assessment under this division, but the commissioner or 3436  
superintendent shall make the assessment within one year after the 3437  
date the authority certifies to the commissioner or superintendent 3438  
the amount to be refunded. 3439

(K) The director of development services, after consultation 3440  
with the tax commissioner and the superintendent of insurance and 3441  
in accordance with Chapter 119. of the Revised Code, shall adopt 3442  
rules necessary to implement this section. The rules may provide 3443  
for recipients of tax credits under this section to be charged 3444  
fees to cover administrative costs of the tax credit program. The 3445  
fees collected shall be credited to the business assistance fund 3446  
created in section 122.174 of the Revised Code. At the time the 3447  
director gives public notice under division (A) of section 119.03 3448  
of the Revised Code of the adoption of the rules, the director 3449  
shall submit copies of the proposed rules to the chairpersons of 3450  
the standing committees on economic development in the senate and 3451  
the house of representatives. 3452

(L) On or before the first day of August of each year, the 3453  
director of development services shall submit a report to the 3454  
governor, the president of the senate, and the speaker of the 3455  
house of representatives on the tax credit program under this 3456  
section. The report shall include information on the number of 3457  
agreements that were entered into under this section during the 3458  
preceding calendar year, a description of the project that is the 3459  
subject of each such agreement, and an update on the status of 3460  
projects under agreements entered into before the preceding 3461

calendar year. 3462

(M)~~(1)~~ The aggregate amount of nonrefundable tax credits 3463  
issued under ~~division (B)(1)~~ of this section during any calendar 3464  
year for capital investment projects reviewed and approved by the 3465  
tax credit authority may not exceed the following amounts: 3466

~~(a)(1)~~ For 2010, thirteen million dollars; 3467

~~(b)(2)~~ For 2011 through 2023, the amount of the limit for the 3468  
preceding calendar year plus thirteen million dollars; 3469

~~(c)(3)~~ For 2024 and each year thereafter, one hundred 3470  
ninety-five million dollars. 3471

~~(2) The aggregate amount of tax credits authorized under 3472  
divisions (B)(2) and (3) of this section and allowed to be claimed 3473  
by taxpayers in any calendar year for capital improvement projects 3474  
reviewed and approved by the tax credit authority in 2011, 2012, 3475  
and 2013 combined shall not exceed twenty five million dollars. An 3476  
amount equal to the aggregate amount of credits first authorized 3477  
in calendar year 2011, 2012, and 2013 may be claimed over the 3478  
ensuing period up to fifteen years, subject to the terms of 3479  
individual tax credit agreements. 3480~~

The limitations in division (M) of this section do not apply 3481  
to credits for capital investment projects approved by the tax 3482  
credit authority before July 1, 2009. 3483

(N) This division applies only to an eligible business that 3484  
is part of an affiliated group that includes a diversified savings 3485  
and loan holding company or a grandfathered unitary savings and 3486  
loan holding company, as those terms are defined in section 3487  
5726.01 of the Revised Code. Notwithstanding any contrary 3488  
provision of the agreement between such an eligible business and 3489  
the tax credit authority, any credit granted under this section 3490  
against the tax imposed by section 5725.18, 5729.03, 5733.06, 3491  
5747.02, or 5751.02 of the Revised Code to the eligible business, 3492

at the election of the eligible business and without any action by 3493  
the tax credit authority, may be shared with any member or members 3494  
of the affiliated group that includes the eligible business, which 3495  
member or members may claim the credit against the taxes imposed 3496  
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 3497  
of the Revised Code. Credits shall be claimed by the eligible 3498  
business in sequential order, as applicable, first claiming the 3499  
credits to the fullest extent possible against the tax that the 3500  
certificate holder is subject to, then against the tax imposed by, 3501  
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 3502  
lastly 5726.02 of the Revised Code. The credits may be allocated 3503  
among the members of the affiliated group in such manner as the 3504  
eligible business elects, but subject to the sequential order 3505  
required under this division. This division applies to credits 3506  
granted before, on, or after March 27, 2013, the effective date of 3507  
H.B. 510 of the 129th general assembly. Credits granted before 3508  
that effective date that are shared and allocated under this 3509  
division may be claimed in those calendar years in which the 3510  
remaining taxable years specified in the agreement end. 3511

As used in this division, "affiliated group" means a group of 3512  
two or more persons with fifty per cent or greater of the value of 3513  
each person's ownership interests owned or controlled directly, 3514  
indirectly, or constructively through related interests by common 3515  
owners during all or any portion of the taxable year, and the 3516  
common owners. "Affiliated group" includes, but is not limited to, 3517  
any person eligible to be included in a consolidated elected 3518  
taxpayer group under section 5751.011 of the Revised Code or a 3519  
combined taxpayer group under section 5751.012 of the Revised 3520  
Code. 3521

**Sec. 122.174.** There is hereby created in the state treasury 3522  
the business assistance fund. The fund shall consist of any 3523  
amounts appropriated to it and money credited to the fund pursuant 3524

to division (I) of section 121.17, division (K) of section 3525  
122.171, division (K) of section 122.175, division (G)(2) of 3526  
section 122.85, division (C) of section 3735.672, and division (C) 3527  
of section 5709.68 of the Revised Code. The director of 3528  
development services shall use money in the fund to pay expenses 3529  
related to the administration of the business services division of 3530  
the development services agency. 3531

**Sec. 122.175.** (A) As used in this section: 3532

(1) "Capital investment project" means a plan of investment 3533  
at a project site for the acquisition, construction, renovation, 3534  
expansion, replacement, or repair of a computer data center or of 3535  
computer data center equipment, but does not include any of the 3536  
following: 3537

(a) Project costs paid before a date determined by the tax 3538  
credit authority for each capital investment project; 3539

(b) Payments made to a related member as defined in section 3540  
5733.042 of the Revised Code or to a consolidated elected taxpayer 3541  
or a combined taxpayer as defined in section 5751.01 of the 3542  
Revised Code. 3543

(2) "Computer data center" means a facility used or to be 3544  
used primarily to house computer data center equipment used or to 3545  
be used in conducting one or more computer data center businesses, 3546  
as determined by the tax credit authority. 3547

(3) "Computer data center business" means, as may be further 3548  
determined by the tax credit authority, a business that provides 3549  
electronic information services as defined in division (Y)(1)(c) 3550  
of section 5739.01 of the Revised Code, or that leases a facility 3551  
to one or more such businesses. "Computer data center business" 3552  
does not include providing electronic publishing as defined in 3553  
division (LLL) of that section. 3554

(4) "Computer data center equipment" means tangible personal property used or to be used for any of the following:	3555 3556
(a) To conduct a computer data center business, including equipment cooling systems to manage the performance of computer data center equipment;	3557 3558 3559
(b) To generate, transform, transmit, distribute, or manage electricity necessary to operate the tangible personal property used or to be used in conducting a computer data center business;	3560 3561 3562
(c) As building and construction materials sold to construction contractors for incorporation into a computer data center.	3563 3564 3565
(5) "Eligible computer data center" means a computer data center that satisfies all of the following requirements:	3566 3567
(a) One or more taxpayers operating a computer data center business at the project site will, in the aggregate, make payments for a capital investment project of at least one hundred million dollars at the project site during a period of three consecutive calendar years;	3568 3569 3570 3571 3572
(b) One or more taxpayers operating a computer data center business at the project site will, in the aggregate, pay annual compensation that is subject to the withholding obligation imposed under section 5747.06 of the Revised Code of at least one million five hundred thousand dollars to employees employed at the project site for each year of the agreement beginning on or after the first day of the twenty-fifth month after the agreement was entered into under this section.	3573 3574 3575 3576 3577 3578 3579 3580
(6) "Person" has the same meaning as in section 5701.01 of the Revised Code.	3581 3582
(7) "Project site," "related member," and "tax credit authority" have the same meanings as in sections 122.17 and	3583 3584

122.171 of the Revised Code. 3585

(8) "Taxpayer" means any person subject to the taxes imposed 3586  
under Chapters 5739. and 5741. of the Revised Code. 3587

(B) The tax credit authority may completely or partially 3588  
exempt from the taxes levied under Chapters 5739. and 5741. of the 3589  
Revised Code the sale, storage, use, or other consumption of 3590  
computer data center equipment used or to be used at an eligible 3591  
computer data center. Any such exemption shall extend to charges 3592  
for the delivery, installation, or repair of the computer data 3593  
center equipment subject to the exemption under this section. 3594

(C) A taxpayer that proposes a capital improvement project 3595  
for an eligible computer data center in this state may apply to 3596  
the tax credit authority to enter into an agreement under this 3597  
section authorizing a complete or partial exemption from the taxes 3598  
imposed under Chapters 5739. and 5741. of the Revised Code on 3599  
computer data center equipment purchased by the applicant or any 3600  
other taxpayer that operates a computer data center business at 3601  
the project site and used or to be used at the eligible computer 3602  
data center. The director of development services shall prescribe 3603  
the form of the application. After receipt of an application, the 3604  
authority shall forward copies of the application to the director 3605  
of budget and management, ~~and the tax commissioner, and the~~ 3606  
~~director of development services~~, each of whom shall review the 3607  
application to determine the economic impact that the proposed 3608  
eligible computer data center would have on the state and any 3609  
affected political subdivisions and submit to the authority a 3610  
summary of their determinations ~~and recommendations~~. The authority 3611  
shall also forward a copy of the application to the director of 3612  
development services who shall review the application to determine 3613  
the economic impact that the proposed eligible computer data 3614  
center would have on the state and the affected political 3615  
subdivisions and shall submit a summary of their determinations 3616

and recommendations to the authority. 3617

(D) Upon review and consideration of such determinations and 3618  
recommendations, the tax credit authority may enter into an 3619  
agreement with the applicant and any other taxpayer that operates 3620  
a computer data center business at the project site for a complete 3621  
or partial exemption from the taxes imposed under Chapters 5739. 3622  
and 5741. of the Revised Code on computer data center equipment 3623  
used or to be used at an eligible computer data center if the 3624  
authority determines all of the following: 3625

(1) The capital investment project for the eligible computer 3626  
data center will increase payroll and the amount of income taxes 3627  
to be withheld from employee compensation pursuant to section 3628  
5747.06 of the Revised Code. 3629

(2) The applicant is economically sound and has the ability 3630  
to complete or effect the completion of the proposed capital 3631  
investment project. 3632

(3) The applicant intends to and has the ability to maintain 3633  
operations at the project site for the term of the agreement. 3634

(4) Receiving the exemption is a major factor in the 3635  
applicant's decision to begin, continue with, or complete the 3636  
capital investment project. 3637

(E) An agreement entered into under this section shall 3638  
include all of the following: 3639

(1) A detailed description of the capital investment project 3640  
that is the subject of the agreement, including the amount of the 3641  
investment, the period over which the investment has been or is 3642  
being made, the annual compensation to be paid by each taxpayer 3643  
subject to the agreement to its employees at the project site, and 3644  
the anticipated amount of income taxes to be withheld from 3645  
employee compensation pursuant to section 5747.06 of the Revised 3646  
Code. 3647

(2) The percentage of the exemption from the taxes imposed 3648  
under Chapters 5739. and 5741. of the Revised Code for the 3649  
computer data center equipment used or to be used at the eligible 3650  
computer data center, the length of time the computer data center 3651  
equipment will be exempted, and the first date on which the 3652  
exemption applies. 3653

(3) A requirement that the computer data center remain an 3654  
eligible computer data center during the term of the agreement and 3655  
that the applicant maintain operations at the eligible computer 3656  
data center during that term. An applicant does not violate the 3657  
requirement described in division (E)(3) of this section if the 3658  
applicant ceases operations at the eligible computer data center 3659  
during the term of the agreement but resumes those operations 3660  
within eighteen months after the date of cessation. The agreement 3661  
shall provide that, in such a case, the applicant and any other 3662  
taxpayer that operates a computer data center business at the 3663  
project site shall not claim the tax exemption authorized in the 3664  
agreement for any purchase of computer data center equipment made 3665  
during the period in which the applicant did not maintain 3666  
operations at the eligible computer data center. 3667

(4) A requirement that, for each year of the term of the 3668  
agreement beginning on or after the first day of the twenty-fifth 3669  
month after the date the agreement was entered into, one or more 3670  
taxpayers operating a computer data center business at the project 3671  
site will, in the aggregate, pay annual compensation that is 3672  
subject to the withholding obligation imposed under section 3673  
5747.06 of the Revised Code of at least one million five hundred 3674  
thousand dollars to employees at the eligible computer data 3675  
center. 3676

(5) A requirement that each taxpayer subject to the agreement 3677  
annually report to the director of development services 3678  
employment, tax withholding, capital investment, and other 3679

information required by the director to perform the director's 3680  
duties under this section. 3681

(6) A requirement that the director of development services 3682  
annually review the annual reports of each taxpayer subject to the 3683  
agreement to verify the information reported under division (E)(5) 3684  
of this section and compliance with the agreement. Upon 3685  
verification, the director shall issue a certificate to each such 3686  
taxpayer stating that the information has been verified and that 3687  
the taxpayer remains eligible for the exemption specified in the 3688  
agreement. 3689

(7) A provision providing that the taxpayers subject to the 3690  
agreement may not relocate a substantial number of employment 3691  
positions from elsewhere in this state to the project site unless 3692  
the director of development services determines that the 3693  
appropriate taxpayer notified the legislative authority of the 3694  
county, township, or municipal corporation from which the 3695  
employment positions would be relocated. For purposes of this 3696  
paragraph, the movement of an employment position from one 3697  
political subdivision to another political subdivision shall be 3698  
considered a relocation of an employment position unless the 3699  
movement is confined to the project site. The transfer of an 3700  
employment position from one political subdivision to another 3701  
political subdivision shall not be considered a relocation of an 3702  
employment position if the employment position in the first 3703  
political subdivision is replaced by another employment position. 3704

(8) A waiver by each taxpayer subject to the agreement of any 3705  
limitations periods relating to assessments or adjustments 3706  
resulting from the taxpayer's failure to comply with the 3707  
agreement. 3708

(F) The term of an agreement under this section shall be 3709  
determined by the tax credit authority, and the amount of the 3710  
exemption shall not exceed one hundred per cent of such taxes that 3711

would otherwise be owed in respect to the exempted computer data center equipment. 3712  
3713

(G) If any taxpayer subject to an agreement under this section fails to meet or comply with any condition or requirement set forth in the agreement, the tax credit authority may amend the agreement to reduce the percentage of the exemption or term during which the exemption applies to the computer data center equipment used or to be used by the noncompliant taxpayer at an eligible computer data center. The reduction of the percentage or term may take effect in the current calendar year. 3714  
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(H) Financial statements and other information submitted to the department of development services or the tax credit authority by an applicant for or recipient of an exemption under this section, and any information taken for any purpose from such statements or information, are not public records subject to section 149.43 of the Revised Code. However, the chairperson of the authority may make use of the statements and other information for purposes of issuing public reports or in connection with court proceedings concerning tax exemption agreements under this section. Upon the request of the tax commissioner, the chairperson of the authority shall provide to the tax commissioner any statement or other information submitted by an applicant for or recipient of an exemption under this section. The tax commissioner shall preserve the confidentiality of the statement or other information. 3722  
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(I) The tax commissioner shall issue a direct payment permit under section 5739.031 of the Revised Code to each taxpayer subject to an agreement under this section. Such direct payment permit shall authorize the taxpayer to pay any sales and use taxes due on purchases of computer data center equipment used or to be used in an eligible computer data center and to pay any sales and use taxes due on purchases of tangible personal property or 3737  
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taxable services other than computer data center equipment used or 3744  
to be used in an eligible computer data center directly to the tax 3745  
commissioner. Each such taxpayer shall pay pursuant to such direct 3746  
payment permit all sales tax levied on such purchases under 3747  
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 3748  
Code and all use tax levied on such purchases under sections 3749  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 3750  
consistent with the terms of the agreement entered into under this 3751  
section. 3752

During the term of an agreement under this section each 3753  
taxpayer subject to the agreement shall submit to the tax 3754  
commissioner a return that shows the amount of computer data 3755  
center equipment purchased for use at the eligible computer data 3756  
center, the amount of tangible personal property and taxable 3757  
services other than computer data center equipment purchased for 3758  
use at the eligible computer data center, the amount of tax under 3759  
Chapter 5739. or 5741. of the Revised Code that would be due in 3760  
the absence of the agreement under this section, the exemption 3761  
percentage for computer data center equipment specified in the 3762  
agreement, and the amount of tax due under Chapter 5739. or 5741. 3763  
of the Revised Code as a result of the agreement under this 3764  
section. Each such taxpayer shall pay the tax shown on the return 3765  
to be due in the manner and at the times as may be further 3766  
prescribed by the tax commissioner. Each such taxpayer shall 3767  
include a copy of the director of development services' 3768  
certificate of verification issued under division (E)(6) of this 3769  
section. Failure to submit a copy of the certificate with the 3770  
return does not invalidate the claim for exemption if the taxpayer 3771  
submits a copy of the certificate to the tax commissioner within 3772  
sixty days after the tax commissioner requests it. 3773

(J) If the director of development services determines that 3774  
one or more taxpayers received an exemption from taxes due on the 3775

purchase of computer data center equipment purchased for use at a 3776  
computer data center that no longer complies with the requirement 3777  
under division (E)(3) of this section, the director shall notify 3778  
the tax credit authority and, if applicable, the taxpayer that 3779  
applied to enter the agreement for the exemption under division 3780  
(C) ~~if~~ of this section of the noncompliance. After receiving such 3781  
a notice, and after giving each taxpayer subject to the agreement 3782  
an opportunity to explain the noncompliance, the authority may 3783  
terminate the agreement and require each such taxpayer to pay to 3784  
the state all or a portion of the taxes that would have been owed 3785  
in regards to the exempt equipment in previous years, all as 3786  
determined under rules adopted pursuant to division (K) of this 3787  
section. In determining the portion of the taxes that would have 3788  
been owed on the previously exempted equipment to be paid to this 3789  
state by a taxpayer, the authority shall consider the effect of 3790  
market conditions on the eligible computer data center, whether 3791  
the taxpayer continues to maintain other operations in this state, 3792  
and, with respect to agreements involving multiple taxpayers, the 3793  
taxpayer's level of responsibility for the noncompliance. After 3794  
making the determination, the authority shall certify to the tax 3795  
commissioner the amount to be paid by each taxpayer subject to the 3796  
agreement. The tax commissioner shall make an assessment for that 3797  
amount against each such taxpayer under Chapter 5739. or 5741. of 3798  
the Revised Code. The time limitations on assessments under those 3799  
chapters do not apply to an assessment under this division, but 3800  
the tax commissioner shall make the assessment within one year 3801  
after the date the authority certifies to the tax commissioner the 3802  
amount to be paid by the taxpayer. 3803

(K) The director of development services, after consultation 3804  
with the tax commissioner and in accordance with Chapter 119. of 3805  
the Revised Code, shall adopt rules necessary to implement this 3806  
section. The rules may provide for recipients of tax exemptions 3807  
under this section to be charged fees to cover administrative 3808

costs incurred in the administration of this section. The fees 3809  
collected shall be credited to the business assistance fund 3810  
created in section 122.174 of the Revised Code. At the time the 3811  
director gives public notice under division (A) of section 119.03 3812  
of the Revised Code of the adoption of the rules, the director 3813  
shall submit copies of the proposed rules to the chairpersons of 3814  
the standing committees on economic development in the senate and 3815  
the house of representatives. 3816

(L) On or before the first day of August of each year, the 3817  
director of development services shall submit a report to the 3818  
governor, the president of the senate, and the speaker of the 3819  
house of representatives on the tax exemption authorized under 3820  
this section. The report shall include information on the number 3821  
of agreements that were entered into under this section during the 3822  
preceding calendar year, a description of the eligible computer 3823  
data center that is the subject of each such agreement, and an 3824  
update on the status of eligible computer data centers under 3825  
agreements entered into before the preceding calendar year. 3826

(M) A taxpayer may be made a party to an existing agreement 3827  
entered into under this section by the tax credit authority and 3828  
another taxpayer or group of taxpayers. In such a case, the 3829  
taxpayer shall be entitled to all benefits and bound by all 3830  
obligations contained in the agreement and all requirements 3831  
described in this section. When an agreement includes multiple 3832  
taxpayers, each taxpayer shall be entitled to a direct payment 3833  
permit as authorized in division (I) of this section. 3834

**Sec. 122.177.** (A) As used in this section: 3835

(1) "Business" means a sole proprietorship, a corporation for 3836  
profit, or a pass-through entity as defined in section 5733.04 of 3837  
the Revised Code. 3838

(2) "Career exploration internship" means a paid employment 3839

relationship between a student intern and a business in which the 3840  
student intern acquires education, instruction, and experience 3841  
relevant to the student intern's career aspirations. 3842

(3) "Student intern" means an individual who, at the time the 3843  
business applies for a grant under division (B) of this section, 3844  
meets both of the following criteria: 3845

(a) The individual is entitled to attend school in this 3846  
state. 3847

(b) The individual is either between sixteen and eighteen 3848  
years of age or is enrolled in grade eleven or twelve. 3849

(B) There is hereby created in the development services 3850  
agency the career exploration internship program to award grants 3851  
to businesses that employ a student intern in a career exploration 3852  
internship. To qualify for a grant under the program, the career 3853  
exploration internship shall be at least twenty weeks in duration 3854  
and include at least two hundred hours of paid work and 3855  
instruction in this state. To obtain a grant, the business shall 3856  
apply to the development services agency before the starting date 3857  
of the career exploration internship. The application shall 3858  
include all of the following: 3859

(1) A brief description of the career exploration internship; 3860

(2) A signed statement by the student intern briefly 3861  
describing the student intern's career aspirations and how the 3862  
student intern believes this career exploration internship may 3863  
help achieve those aspirations; 3864

(3) A signed statement by a principal or guidance counselor 3865  
at the student intern's school or, in the case of a home schooled 3866  
student, an individual responsible for administering instruction 3867  
to the student intern, acknowledging that the employment 3868  
opportunity qualifies as a career exploration internship and 3869  
expressing intent to advise the student intern as provided in 3870

division (E) of this section; 3871

(4) The name, address, and telephone number of the business; 3872

(5) Any other information required by the development 3873  
services agency. 3874

(C)(1) The development services agency shall review and make 3875  
a determination with respect to each application submitted under 3876  
division (B) of this section in the order in which the application 3877  
is received. The agency shall not approve any application under 3878  
this section that is received by the agency ~~more than three years~~ 3879  
~~after the effective date of H.B. 107 of the 130th general assembly~~ 3880  
later than June 25, 2017, or that was submitted by a business that 3881  
does not have substantial operations in this state. The agency may 3882  
not otherwise deny an application unless the application is 3883  
incomplete, the proposed employment relationship does not qualify 3884  
as a career exploration internship for which a grant may be 3885  
awarded under this section, the business is ineligible to receive 3886  
a grant under division (D)(1) of this section, or the agency 3887  
determines that approving the application would cause the amount 3888  
that could be awarded to exceed the amount of money in the career 3889  
exploration internship fund. 3890

(2) The agency shall send written notice of its determination 3891  
to the applicant within thirty days after receiving the 3892  
application. If the agency determines that the application shall 3893  
not be approved, the notice shall include the reasons for such 3894  
determination. 3895

(3) The agency's determination is final and may not be 3896  
appealed for any reason. A business may submit a new or amended 3897  
application under division (B) of this section at any time before 3898  
or after receiving notice under division (C)(2) of this section. 3899

(D)(1) In any calendar year, the development services agency 3900  
shall not award grants under this section to any business that has 3901

received grants for three career exploration internships in that 3902  
calendar year. The agency shall not award a grant to a business 3903  
unless the agency receives a report from the business within 3904  
thirty days after the end of the career exploration internship or 3905  
thirteen months after the approval of the application, whichever 3906  
comes first, that includes all of the following: 3907

(a) The date the student intern began the internship; 3908

(b) The date the internship ended or a statement that the 3909  
student will continue to be employed by the business; 3910

(c) The total number of hours during the internship that the 3911  
student intern was employed by the business; 3912

(d) The total wages paid by the business to the student 3913  
intern during the internship; 3914

(e) A signed statement by the student intern briefly 3915  
describing the duties performed during the internship and the 3916  
skills and experiences gained throughout the internship; 3917

(f) Any other information required by the agency. 3918

(2) If the agency receives the report and determines that it 3919  
contains all of the information and the statement required by 3920  
division (D)(1) of this section and that the career exploration 3921  
internship described in the report complies with all the 3922  
provisions of this section, the agency shall award a grant to the 3923  
business. The amount of the grant shall equal the lesser of the 3924  
following: 3925

(a) Fifty per cent of the wages paid by the business to the 3926  
student intern for the first twelve months following the date the 3927  
application was approved; 3928

(b) Five thousand dollars. 3929

(E) The student intern and the principal, guidance counselor, 3930  
or other qualified individual who signed the statement described 3931

in division (B)(3) of this section shall meet at least once in the 3932  
thirty days following the end of the career exploration internship 3933  
or in the thirteenth month following the start of the career 3934  
exploration internship, whichever comes first. The purpose of the 3935  
meeting is to discuss the student intern's experiences during the 3936  
career exploration internship, consider the practical applications 3937  
of these experiences to the student intern's career aspirations, 3938  
and to establish or confirm goals for the student intern. If 3939  
practicable, the meeting shall be in person. Otherwise, the 3940  
meeting may be conducted over the telephone. 3941

(F) A business that receives a grant under this section may 3942  
submit a new application under division (B) of this section for 3943  
another career exploration internship with the same student 3944  
intern. Such an application does not have to include the 3945  
statements otherwise required by divisions (B)(2) and (3) of this 3946  
section. 3947

(G) Annually, ~~before on the seventh~~ first day of ~~January~~ 3948  
~~August~~ until the ~~January of the third year that follows the year~~ 3949  
~~that includes the effective date of H.B. 107 of the 130th general~~ 3950  
~~assembly~~ August 2017, the development services agency shall 3951  
compile a report indicating the number of career exploration 3952  
internships approved by the agency under this section, the 3953  
statements issued by the student interns under divisions (B)(2) 3954  
and (D)(1)(e) of this section, the number of student interns that 3955  
continued employment with the business after the termination of 3956  
the career exploration internship, and the total amount of grants 3957  
awarded under this section. The report shall not disclose any 3958  
student interns' personally identifiable information. The agency 3959  
shall provide copies of the report to the governor, the speaker 3960  
and minority leader of the house of representatives, and the 3961  
president and minority leader of the senate. 3962

(H) The development services agency may adopt rules necessary 3963

to administer this section in accordance with Chapter 119. of the Revised Code.

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

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

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

(B) The director of development services shall:

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

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

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

(4) Supervise the administrative operations of the division; 3994

(5) On or before the first day of ~~August~~ October in each 3995  
year, make an annual report of the activities and operations under 3996  
assistance programs authorized pursuant to sections 122.39 and 3997  
122.41 to 122.62 and Chapter 166. of the Revised Code for the 3998  
preceding fiscal year to the governor and the general assembly. 3999  
Each such report shall set forth a complete operating and 4000  
financial statement covering such activities and operations during 4001  
the year in accordance with generally accepted accounting 4002  
principles and shall be audited by a certified public accountant. 4003  
The director of development services shall transmit a copy of the 4004  
audited financial report to the office of budget and management. 4005

**Sec. 122.85.** (A) As used in this section and in sections 4006  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 4007

(1) "Tax credit-eligible production" means a motion picture 4008  
production certified by the director of development services under 4009  
division (B) of this section as qualifying the motion picture 4010  
company for a tax credit under section 5726.55, 5733.59, 5747.66, 4011  
or 5751.54 of the Revised Code. 4012

(2) "Certificate owner" means a motion picture company to 4013  
which a tax credit certificate is issued. 4014

(3) "Motion picture company" means an individual, 4015  
corporation, partnership, limited liability company, or other form 4016  
of business association producing a motion picture. 4017

(4) "Eligible production expenditures" means expenditures 4018  
made after June 30, 2009, for goods or services purchased and 4019  
consumed in this state by a motion picture company directly for 4020  
the production of a tax credit-eligible production. 4021

"Eligible production expenditures" includes, but is not 4022  
limited to, expenditures for resident and nonresident cast and 4023

crew wages, accommodations, costs of set construction and 4024  
operations, editing and related services, photography, sound 4025  
synchronization, lighting, wardrobe, makeup and accessories, film 4026  
processing, transfer, sound mixing, special and visual effects, 4027  
music, location fees, and the purchase or rental of facilities and 4028  
equipment. 4029

(5) "Motion picture" means entertainment content created in 4030  
whole or in part within this state for distribution or exhibition 4031  
to the general public, including, but not limited to, 4032  
feature-length films; documentaries; long-form, specials, 4033  
miniseries, series, and interstitial television programming; 4034  
interactive web sites; sound recordings; videos; music videos; 4035  
interactive television; interactive games; video games; 4036  
commercials; any format of digital media; and any trailer, pilot, 4037  
video teaser, or demo created primarily to stimulate the sale, 4038  
marketing, promotion, or exploitation of future investment in 4039  
either a product or a motion picture by any means and media in any 4040  
digital media format, film, or videotape, provided the motion 4041  
picture qualifies as a motion picture. "Motion picture" does not 4042  
include any television program created primarily as news, weather, 4043  
or financial market reports, a production featuring current events 4044  
or sporting events, an awards show or other gala event, a 4045  
production whose sole purpose is fundraising, a long-form 4046  
production that primarily markets a product or service or in-house 4047  
corporate advertising or other similar productions, a production 4048  
for purposes of political advocacy, or any production for which 4049  
records are required to be maintained under 18 U.S.C. 2257 with 4050  
respect to sexually explicit content. 4051

(B) For the purpose of encouraging and developing a strong 4052  
film industry in this state, the director of development may 4053  
certify a motion picture produced by a motion picture company as a 4054  
tax credit-eligible production. In the case of a television 4055

series, the director may certify the production of each episode of 4056  
the series as a separate tax credit-eligible production. A motion 4057  
picture company shall apply for certification of a motion picture 4058  
as a tax credit-eligible production on a form and in the manner 4059  
prescribed by the director. Each application shall include the 4060  
following information: 4061

(1) The name and telephone number of the motion picture 4062  
production company; 4063

(2) The name and telephone number of the company's contact 4064  
person; 4065

(3) A list of the first preproduction date through the last 4066  
production date in Ohio; 4067

(4) The Ohio production office address and telephone number; 4068

(5) The total production budget of the motion picture; 4069

(6) The total budgeted eligible production expenditures and 4070  
the percentage that amount is of the total production budget of 4071  
the motion picture; 4072

(7) The total percentage of the motion picture being shot in 4073  
Ohio; 4074

(8) The level of employment of cast and crew who reside in 4075  
Ohio; 4076

(9) A synopsis of the script; 4077

(10) The shooting script; 4078

(11) A creative elements list that includes the names of the 4079  
principal cast and crew and the producer and director; 4080

(12) Documentation of financial ability to undertake and 4081  
complete the motion picture; 4082

(13) Estimated value of the tax credit based upon total 4083  
budgeted eligible production expenditures; 4084

(14) Any other information considered necessary by the 4085  
director. 4086

Within ninety days after certification of a motion picture as 4087  
a tax credit-eligible production, and any time thereafter upon the 4088  
~~director of development services'~~ request of the director of 4089  
development services, the motion picture company shall present to 4090  
the director sufficient evidence of reviewable progress. If the 4091  
motion picture company fails to present sufficient evidence, the 4092  
director may rescind the certification. Upon rescission, the 4093  
director shall notify the applicant that the certification has 4094  
been rescinded. Nothing in this section prohibits an applicant 4095  
whose tax credit-eligible production certification has been 4096  
rescinded from submitting a subsequent application for 4097  
certification. 4098

(C)(1) A motion picture company whose motion picture has been 4099  
certified as a tax credit-eligible production may apply to the 4100  
director of development services on or after July 1, 2009, for a 4101  
refundable credit against the tax imposed by section 5726.02, 4102  
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 4103  
consultation with the tax commissioner shall prescribe the form 4104  
and manner of the application and the information or documentation 4105  
required to be submitted with the application. 4106

The credit is determined as follows: 4107

(a) If the total budgeted eligible production expenditures 4108  
stated in the application submitted under division (B) of this 4109  
section or the actual eligible production expenditures as finally 4110  
determined under division (D) of this section, whichever is least, 4111  
is less than or equal to three hundred thousand dollars, no credit 4112  
is allowed; 4113

(b) If the total budgeted eligible production expenditures 4114  
stated in the application submitted under division (B) of this 4115

section or the actual eligible production expenditures as finally 4116  
determined under division (D) of this section, whichever is least, 4117  
is greater than three hundred thousand dollars, the credit equals 4118  
the sum of the following, subject to the limitation in division 4119  
(C)(4) of this section: 4120

(i) Twenty-five per cent of the least of such budgeted or 4121  
actual eligible expenditure amounts excluding budgeted or actual 4122  
eligible expenditures for resident cast and crew wages; 4123

(ii) Thirty-five per cent of budgeted or actual eligible 4124  
expenditures for resident cast and crew wages. 4125

(2) Except as provided in division (C)(4) of this section, if 4126  
the director of development services approves a motion picture 4127  
company's application for a credit, the director shall issue a tax 4128  
credit certificate to the company. The director in consultation 4129  
with the tax commissioner shall prescribe the form and manner of 4130  
issuing certificates. The director shall assign a unique 4131  
identifying number to each tax credit certificate and shall record 4132  
the certificate in a register devised and maintained by the 4133  
director for that purpose. The certificate shall state the amount 4134  
of the eligible production expenditures on which the credit is 4135  
based and the amount of the credit. Upon the issuance of a 4136  
certificate, the director shall certify to the tax commissioner 4137  
the name of the applicant, the amount of eligible production 4138  
expenditures shown on the certificate, and any other information 4139  
required by the rules adopted to administer this section. 4140

(3) The amount of eligible production expenditures for which 4141  
a tax credit may be claimed is subject to inspection and 4142  
examination by the tax commissioner or employees of the 4143  
commissioner under section 5703.19 of the Revised Code and any 4144  
other applicable law. Once the eligible production expenditures 4145  
are finally determined under section 5703.19 of the Revised Code 4146  
and division (D) of this section, the credit amount is not subject 4147

to adjustment unless the director determines an error was 4148  
committed in the computation of the credit amount. 4149

(4) No tax credit certificate may be issued before the 4150  
completion of the tax credit-eligible production. Not more than 4151  
forty million dollars of tax credit may be allowed per fiscal 4152  
biennium beginning on or after July 1, 2011, and not more than 4153  
twenty million dollars may be allowed in the first year of the 4154  
biennium. At any time, not more than five million dollars of tax 4155  
credit may be allowed per tax credit-eligible production. 4156

(D) A motion picture company whose motion picture has been 4157  
certified as a tax credit-eligible production shall engage, at the 4158  
company's expense, an independent certified public accountant to 4159  
examine the company's production expenditures to identify the 4160  
expenditures that qualify as eligible production expenditures. The 4161  
certified public accountant shall issue a report to the company 4162  
and to the director of development services certifying the 4163  
company's eligible production expenditures and any other 4164  
information required by the director. Upon receiving and examining 4165  
the report, the director may disallow any expenditure the director 4166  
determines is not an eligible production expenditure. If the 4167  
director disallows an expenditure, the director shall issue a 4168  
written notice to the motion picture production company stating 4169  
that the expenditure is disallowed and the reason for the 4170  
disallowance. Upon examination of the report and disallowance of 4171  
any expenditures, the director shall determine finally the lesser 4172  
of the total budgeted eligible production expenditures stated in 4173  
the application submitted under division (B) of this section or 4174  
the actual eligible production expenditures for the purpose of 4175  
computing the amount of the credit. 4176

(E) No credit shall be allowed under section 5726.55, 4177  
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 4178  
director has reviewed the report and made the determination 4179

prescribed by division (D) of this section. 4180

(F) This state reserves the right to refuse the use of this 4181  
state's name in the credits of any tax credit-eligible motion 4182  
picture production. 4183

(G)(1) The director of development services in consultation 4184  
with the tax commissioner shall adopt rules for the administration 4185  
of this section, including rules setting forth and governing the 4186  
criteria for determining whether a motion picture production is a 4187  
tax credit-eligible production; activities that constitute the 4188  
production of a motion picture; reporting sufficient evidence of 4189  
reviewable progress; expenditures that qualify as eligible 4190  
production expenditures; a competitive process for approving 4191  
credits; and consideration of geographic distribution of credits. 4192  
The rules shall be adopted under Chapter 119. of the Revised Code. 4193

(2) The director may require a reasonable application fee to 4194  
cover administrative costs of the tax credit program. The fees 4195  
collected shall be credited to the ~~motion picture tax credit~~ 4196  
~~program operating~~ business assistance fund, ~~which is hereby~~ 4197  
created in the ~~state treasury~~ section 122.174 of the Revised Code. 4198  
~~The motion picture tax credit program operating fund shall consist~~ 4199  
~~of all~~ All grants, gifts, fees, and contributions made to the 4200  
director for marketing and promotion of the motion picture 4201  
industry within this state shall also be credited to the fund. The 4202  
director shall use money in the fund to pay expenses related to 4203  
the administration of the Ohio film office and the credit 4204  
authorized by this section and sections 5726.55~~7~~, 5733.59, 4205  
5747.66, and 5751.54 of the Revised Code. 4206

**Sec. 122.87.** As used in sections 122.87 to 122.90 of the 4207  
Revised Code: 4208

(A) "Surety company" means a company that is authorized by 4209  
the department of insurance to issue bonds as surety. 4210

(B) "Minority business" means any of the following occupations:	4211 4212
(1) Minority construction contractor;	4213
(2) Minority seller;	4214
(3) Minority service vendor.	4215
(C) "Minority construction contractor" means a person who is both a construction contractor and an owner of a minority business enterprise certified under division (B) of section 123.151 of the Revised Code.	4216 4217 4218 4219
(D) "Minority seller" means a person who is both a seller of goods and an owner of a minority business enterprise listed on the special minority business enterprise bid notification list under <del>division (B) of</del> section 125.08 of the Revised Code.	4220 4221 4222 4223
(E) "Minority service vendor" means a person who is both a vendor of services and an owner of a minority business enterprise listed on the special minority business enterprise bid notification list under <del>division (B) of</del> section 125.08 of the Revised Code.	4224 4225 4226 4227 4228
(F) "Minority business enterprise" has the meaning given in section 122.71 of the Revised Code.	4229 4230
(G) "EDGE business enterprise" means a sole proprietorship, association, partnership, corporation, limited liability corporation, or joint venture certified as a participant in the encouraging diversity, growth, and equity program by the director of administrative services under section 123.152 of the Revised Code.	4231 4232 4233 4234 4235 4236
<b>Sec. 122.95.</b> As used in <del>sections 122.95 to 122.952</del> <u>this section and section 122.951</u> of the Revised Code:	4237 4238
(A) "Commercial or industrial areas" means areas zoned either	4239

commercial or industrial by the local zoning authority or an area 4240  
not zoned, but in which there is located one or more commercial or 4241  
industrial activities. 4242

(B) "Eligible county" means any of the following: 4243

(1) A county designated as being in the "Appalachian region" 4244  
under the "Appalachian Regional Development Act of 1965," 79 Stat. 4245  
5, 40 U.S.C. App. 403; 4246

(2) A county that is a "distressed area" as defined in 4247  
section 122.16 of the Revised Code; 4248

(3) A county that within the previous calendar year has had a 4249  
job loss numbering two hundred or more of which one hundred or 4250  
more are manufacturing-related as reported in the notices prepared 4251  
by the department of job and family services pursuant to the 4252  
"Worker Adjustment and Retraining Notification Act," 102 Stat. 890 4253  
(1988), 29 U.S.C. 2101 et seq., as amended. 4254

**Sec. 122.951.** (A) If the director of development services 4255  
determines that a grant ~~from the industrial site improvement fund~~ 4256  
may create new jobs or preserve existing jobs and employment 4257  
opportunities in an eligible county, the director may grant up to 4258  
seven hundred fifty thousand dollars ~~from the fund~~ to the eligible 4259  
county for the purpose of acquiring commercial or industrial land 4260  
or buildings and making improvements to commercial or industrial 4261  
areas within the eligible county, including, but not limited to: 4262

(1) Expanding, remodeling, renovating, and modernizing 4263  
buildings, structures, and other improvements; 4264

(2) Remediating environmentally contaminated property on 4265  
which hazardous substances exist under conditions that have caused 4266  
or would cause the property to be identified as contaminated by 4267  
the Ohio or United States environmental protection agency; and 4268

(3) Infrastructure improvements, including, but not limited 4269

to, site preparation, including building demolition and removal; 4270  
streets, roads, bridges, and traffic control devices; parking lots 4271  
and facilities; water and sewer lines and treatment plants; gas, 4272  
electric, and telecommunications, including broadband, hook-ups; 4273  
and water and railway access improvements. 4274

A grant awarded under this section shall provide not more 4275  
than seventy-five per cent of the estimated total cost of the 4276  
project for which an application is submitted under this section. 4277  
In addition, not more than ten per cent of the amount of the grant 4278  
shall be used to pay the costs of professional services related to 4279  
the project. 4280

(B) An eligible county may apply to the director for a grant 4281  
under this section in the form and manner prescribed by the 4282  
director. The eligible county shall include on the application all 4283  
information required by the director. The application shall 4284  
require the eligible county to provide a detailed description of 4285  
how the eligible county would use a grant to improve commercial or 4286  
industrial areas within the eligible county, and to specify how a 4287  
grant will lead to the creation of new jobs or the preservation of 4288  
existing jobs and employment opportunities in the eligible county. 4289  
The eligible county shall specify in the application the amount of 4290  
the grant for which the eligible county is applying. 4291

~~(C) An eligible county that receives a grant under this 4292  
section is not eligible for any additional grants from the 4293  
industrial site improvement fund in the fiscal year in which the 4294  
grant is received and in the subsequent fiscal year. 4295~~

~~(D)~~ An eligible county may designate a port authority, 4296  
community improvement corporation as defined in section 122.71 of 4297  
the Revised Code, or other economic development entity that is 4298  
located in the county to apply for a grant under this section. If 4299  
a port authority, community improvement corporation, or other 4300  
economic development entity is so designated, references to an 4301

eligible county in this section include references to the 4302  
authority, corporation, or other entity. 4303

**Sec. 123.10.** (A) As used in this section and section 123.11 4304  
of the Revised Code, "public exigency" means an injury or 4305  
obstruction that occurs in any public works of the state 4306  
~~maintained by the director of administrative services~~ and that 4307  
materially impairs its immediate use or places in jeopardy 4308  
property adjacent to it; an immediate danger of such an injury or 4309  
obstruction; or an injury or obstruction, or an immediate danger 4310  
of an injury or obstruction, that occurs in any public works of 4311  
the state ~~maintained by the director of administrative services~~ 4312  
and that materially impairs its immediate use or places in 4313  
jeopardy property adjacent to it. 4314

(B) When a declaration of public exigency is issued pursuant 4315  
to division (C) of this section, the Ohio facilities construction 4316  
commission shall enter into contracts with proper persons for the 4317  
performance of labor, the furnishing of materials, or the 4318  
construction of any structures and buildings necessary to the 4319  
maintenance, control, and management of the public works of the 4320  
state or any part of those public works. Any contracts awarded for 4321  
the work performed pursuant to the declaration of a public 4322  
exigency may be awarded without competitive bidding or selection 4323  
as set forth in Chapter 153. of the Revised Code. 4324

(C) The executive director of the Ohio facilities 4325  
construction commission may issue a declaration of a public 4326  
exigency on the executive director's own initiative or upon the 4327  
request of the director of any state agency, a state institution 4328  
of higher education as defined in division (A)(1) of section 4329  
3345.12 of the Revised Code, or any other state instrumentality. 4330  
The executive director's declaration shall identify the specific 4331  
injury, obstruction, or danger that is the subject of the 4332

declaration and shall set forth a dollar limitation for the 4333  
repair, removal, or prevention of that exigency under the 4334  
declaration. 4335

Before any project to repair, remove, or prevent a public 4336  
exigency under the executive director's declaration may begin, the 4337  
executive director shall send notice of the project, in writing, 4338  
to the director of budget and management and to the members of the 4339  
controlling board. That notice shall detail the project to be 4340  
undertaken to address the public exigency and shall include a copy 4341  
of the executive director's declaration that establishes the 4342  
monetary limitations on that project. 4343

**Sec. 123.28.** As used in this section and in section 123.281 4344  
of the Revised Code: 4345

(A) "Culture" means any of the following: 4346

(1) Visual, musical, dramatic, graphic, design, and other 4347  
arts, including, but not limited to, architecture, dance, 4348  
literature, motion pictures, music, painting, photography, 4349  
sculpture, and theater, and the provision of training or education 4350  
in these arts; 4351

(2) The presentation or making available, in museums or other 4352  
indoor or outdoor facilities, of principles of science and their 4353  
development, use, or application in business, industry, or 4354  
commerce or of the history, heritage, development, presentation, 4355  
and uses of the arts described in division (A)(1) of this section 4356  
and of transportation; 4357

(3) The preservation, presentation, or making available of 4358  
features of archaeological, architectural, environmental, or 4359  
historical interest or significance in a state historical facility 4360  
or a local historical facility. 4361

(B) "Cultural organization" means either of the following: 4362

- (1) A governmental agency or Ohio nonprofit corporation, 4363  
including the Ohio historical society, that provides programs or 4364  
activities in areas directly concerned with culture; 4365
- (2) A regional arts and cultural district as defined in 4366  
section 3381.01 of the Revised Code. 4367
- (C) "Cultural project" means all or any portion of an Ohio 4368  
cultural facility for which the general assembly has made an 4369  
appropriation or has specifically authorized the spending of money 4370  
or the making of rental payments relating to the financing of 4371  
construction. 4372
- (D) "Cooperative ~~contract~~ use agreement" means a contract 4373  
between the Ohio facilities construction commission and a cultural 4374  
organization providing the terms and conditions of the cooperative 4375  
use of an Ohio cultural facility. 4376
- (E) "Costs of operation" means amounts required to manage an 4377  
Ohio cultural facility that are incurred following the completion 4378  
of construction of its cultural project, provided that both of the 4379  
following apply: 4380
- (1) Those amounts either: 4381
- (a) Have been committed to a fund dedicated to that purpose; 4382
- (b) Equal the principal of any endowment fund, the income 4383  
from which is dedicated to that purpose. 4384
- (2) The commission and the cultural organization have 4385  
executed an agreement with respect to either of those funds. 4386
- (F) "Governmental agency" means a state agency, a state 4387  
institution of higher education as defined in section 3345.12 of 4388  
the Revised Code, a municipal corporation, county, township, or 4389  
school district, a port authority created under Chapter 4582. of 4390  
the Revised Code, any other political subdivision or special 4391  
district in this state established by or pursuant to law, or any 4392

combination of these entities; except where otherwise indicated, 4393  
the United States or any department, division, or agency of the 4394  
United States, or any agency, commission, or authority established 4395  
pursuant to an interstate compact or agreement. 4396

(G) "Local contributions" means the value of an asset 4397  
provided by or on behalf of a cultural organization from sources 4398  
other than the state, the value and nature of which shall be 4399  
approved by the Ohio facilities construction commission, in its 4400  
sole discretion. "Local contributions" may include the value of 4401  
the site where a cultural project is to be constructed. All "local 4402  
contributions," except a contribution attributable to such a site, 4403  
shall be for the costs of construction of a cultural project or 4404  
the creation or expansion of an endowment for the costs of 4405  
operation of a cultural facility. 4406

(H) "Local historical facility" means a site or facility, 4407  
other than a state historical facility, of archaeological, 4408  
architectural, environmental, or historical interest or 4409  
significance, or a facility, including a storage facility, 4410  
appurtenant to the operations of such a site or facility, that is 4411  
owned by a cultural organization and is used for or in connection 4412  
with cultural activities, including the presentation or making 4413  
available of culture to the public. 4414

(I) "Manage," "operate," or "management" means the provision 4415  
of, or the exercise of control over the provision of, activities: 4416

(1) Relating to culture for an Ohio cultural facility, 4417  
including as applicable, but not limited to, providing for 4418  
displays, exhibitions, specimens, and models; booking of artists, 4419  
performances, or presentations; scheduling; and hiring or 4420  
contracting for directors, curators, technical and scientific 4421  
staff, ushers, stage managers, and others directly related to the 4422  
cultural activities in the facility; but not including general 4423  
building services; 4424

(2) Relating to sports and athletic events for an Ohio sports facility, including as applicable, but not limited to, providing for booking of athletes, teams, and events; scheduling; and hiring or contracting for staff, ushers, managers, and others directly related to the sports and athletic events in the facility; but not including general building services.

(J) "Ohio cultural facility" means any of the following:

(1) The theaters located in the state office tower at 77 South High street in Columbus;

(2) Any cultural facility in this state that is managed directly by, or is subject to a cooperative use or management ~~contract~~ agreement with, the Ohio facilities construction commission.

(3) A state historical facility or a local historical facility.

(K) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.

(L) "State historical facility" means a site or facility that has all of the following characteristics:

(1) It is created, supervised, operated, protected, maintained, and promoted by the Ohio historical society pursuant to the society's performance of public functions under sections 149.30 and 149.302 of the Revised Code.

(2) Its title must reside wholly or in part with the state, the society, or both the state and the society.

(3) It is managed directly by or is subject to a cooperative use or management ~~contract~~ agreement with the Ohio facilities construction commission and is used for or in connection with

cultural activities, including the presentation or making 4455  
available of culture to the public. 4456

(M) "Ohio sports facility" means all or a portion of a 4457  
stadium, arena, tennis facility, motorsports complex, or other 4458  
capital facility in this state. A primary purpose of the facility 4459  
shall be to provide a site or venue for the presentation to the 4460  
public of motorsports events, professional tennis tournaments, or 4461  
events of one or more major or minor league professional athletic 4462  
or sports teams that are associated with the state or with a city 4463  
or region of the state. The facility shall be, in the case of a 4464  
motorsports complex, owned by the state or governmental agency, or 4465  
in all other instances, owned by or located on real property owned 4466  
by the state or a governmental agency, and includes all parking 4467  
facilities, walkways, and other auxiliary facilities, equipment, 4468  
furnishings, and real and personal property and interests and 4469  
rights therein, that may be appropriate for or used for or in 4470  
connection with the facility or its operation, for capital costs 4471  
of which state funds are spent pursuant to this section and 4472  
section 123.281 of the Revised Code. A facility constructed as an 4473  
Ohio sports facility may be both an Ohio cultural facility and an 4474  
Ohio sports facility. 4475

(N) "Motorsports" means sporting events in which motor 4476  
vehicles are driven on a clearly demarcated tracked surface. 4477

**Sec. 123.281.** (A) The Ohio facilities construction commission 4478  
shall provide for the construction of a cultural project in 4479  
conformity with Chapter 153. of the Revised Code, except for 4480  
construction services provided on behalf of the state by a 4481  
governmental agency or a cultural organization in accordance with 4482  
divisions (B) and (C) of this section. 4483

(B) In order for a governmental agency or a cultural 4484  
organization to provide construction services on behalf of the 4485

state for a cultural project, other than a state historical 4486  
facility, for which the general assembly has made an appropriation 4487  
or specifically authorized the spending of money or the making of 4488  
rental payments relating to the financing of the construction, the 4489  
governmental agency or cultural organization shall submit to the 4490  
Ohio facilities construction commission a cooperative use 4491  
agreement that includes, but is not limited to, provisions that: 4492

(1) Specify how the proposed project will support culture,~~as~~ 4493  
~~defined in section 123.28 of the Revised Code;~~ 4494

(2) Specify that the governmental agency or cultural 4495  
organization has local contributions amounting to not less than 4496  
fifty per cent of the total state funding for the cultural 4497  
project; 4498

(3) Specify that the funds shall be used only for 4499  
construction,~~as defined in section 123.28 of the Revised Code;~~ 4500

(4) Identify the facility to be constructed, renovated, 4501  
remodeled, or improved; 4502

(5) Specify that the project scope meets the intent and 4503  
purpose of the project appropriation and that the project can be 4504  
completed and ready ~~for full occupancy~~ to support culture without 4505  
exceeding appropriated funds; 4506

(6) Specify that the governmental agency or cultural 4507  
organization shall hold the Ohio facilities construction 4508  
commission harmless from all liability for the operation and 4509  
maintenance costs of the facility; 4510

(7) Specify that the agreement or any actions taken under it 4511  
are not subject to ~~Chapters~~ Chapter 123. or 153. of the Revised 4512  
Code, except for ~~section~~ sections 123.20, 123.201, 123.21, 123.28, 4513  
123.281, and 153.011 of the Revised Code, and are subject to 4514  
Chapter 4115. of the Revised Code; and 4515

(8) Provide that amendments to the agreement shall require 4516  
the approval of the Ohio facilities construction commission. 4517

(C) In order for a cultural organization to provide 4518  
construction services on behalf of the state for a state 4519  
historical facility for which the general assembly has made an 4520  
appropriation or specifically authorized the spending of money or 4521  
the making of rental payments relating to the financing of the 4522  
construction, the cultural organization shall submit to the Ohio 4523  
facilities construction commission a cooperative use agreement 4524  
that includes, but is not limited to, provisions that: 4525

(1) Specify how the proposed project will support culture,~~as~~ 4526  
~~defined in section 123.28 of the Revised Code;~~ 4527

(2) Specify that the funds shall be used only for 4528  
~~construction, as defined in section 123.28 of the Revised Code;~~ 4529

(3) Specify that not more than three per cent of the funds 4530  
may be used by the cultural organization to administer the 4531  
project; 4532

(4) Identify the facility to be constructed, renovated, 4533  
remodeled, or improved; 4534

~~(4)~~(5) Specify that the project scope meets the intent and 4535  
purpose of the project appropriation and that the project can be 4536  
completed and ready ~~for full occupancy~~ to support culture without 4537  
exceeding appropriated funds; 4538

~~(5)~~(6) Specify that the cultural organization shall hold the 4539  
Ohio facilities construction commission harmless from all 4540  
liability for the operation and maintenance costs of the facility; 4541

~~(6)~~(7) Specify that the agreement or any actions taken under 4542  
it are not subject to ~~Chapters~~ Chapter 123., 153., or 4115. of the 4543  
Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 4544  
and 123.281 of the Revised Code; and 4545

~~(7)~~(8) Provide that amendments to the agreement shall require 4546  
the approval of the Ohio facilities construction commission. 4547

(D) For an Ohio sports facility that is financed in part by 4548  
obligations issued under Chapter 154. of the Revised Code, 4549  
construction services shall be provided on behalf of the state by 4550  
or at the direction of the governmental agency or nonprofit 4551  
corporation that will own or be responsible for the management of 4552  
the facility. Any construction services to be provided by a 4553  
governmental agency or nonprofit corporation shall be specified in 4554  
a cooperative use agreement between the Ohio facilities 4555  
construction commission and the governmental agency or nonprofit 4556  
corporation. The agreement and any actions taken under it are not 4557  
subject to Chapter 123. or 153. of the Revised Code, except for 4558  
sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of 4559  
the Revised Code, and are subject to Chapter 4115. of the Revised 4560  
Code. 4561

(E) State funds shall not be used to pay or reimburse more 4562  
than fifteen per cent of the initial estimated construction cost 4563  
of an Ohio sports facility, excluding any site acquisition cost, 4564  
and no state funds, including any state bond proceeds, shall be 4565  
spent on any Ohio sports facility under this chapter unless, with 4566  
respect to that facility, all of the following apply: 4567

(1) The Ohio facilities construction commission has received 4568  
a financial and development plan satisfactory to it, and provision 4569  
has been made, by agreement or otherwise, satisfactory to the 4570  
commission, for a contribution amounting to not less than 4571  
eighty-five per cent of the total estimated construction cost of 4572  
the facility, excluding any site acquisition cost, from sources 4573  
other than the state. 4574

(2) The general assembly has specifically authorized the 4575  
spending of money on, or made an appropriation for, the 4576  
construction of the facility, or for rental payments relating to 4577

state financing of all or a portion of the costs of constructing 4578  
the facility. Authorization to spend money, or an appropriation, 4579  
for planning or determining the feasibility of or need for the 4580  
facility does not constitute authorization to spend money on, or 4581  
an appropriation for, costs of constructing the facility. 4582

(3) If state bond proceeds are being used for the Ohio sports 4583  
facility, the state or a governmental agency owns or has 4584  
sufficient property interests in the facility or in the site of 4585  
the facility or in the portion or portions of the facility 4586  
financed from proceeds of state bonds, which may include, but is 4587  
not limited to, the right to use or to require the use of the 4588  
facility for the presentation of sport and athletic events to the 4589  
public at the facility. 4590

~~(E)~~(F) In addition to the requirements of division ~~(D)~~(E) of 4591  
this section, no state funds, including any state bond proceeds, 4592  
shall be spent on any Ohio sports facility that is a motorsports 4593  
complex, unless, with respect to that facility, both of the 4594  
following apply: 4595

(1) Motorsports events shall be presented at the facility 4596  
pursuant to a lease entered into with the owner of the facility. 4597  
The term of the lease shall be for a period of not less than the 4598  
greater of the useful life of the portion of the facility financed 4599  
from proceeds of state bonds as determined using the guidelines 4600  
for maximum maturities as provided under divisions (B) and (C) of 4601  
section 133.20 of the Revised Code, or the period of time 4602  
remaining to the date of payment or provision for payment of 4603  
outstanding state bonds allocable to costs of the facility, all as 4604  
determined by the director of budget and management and certified 4605  
by the executive director of the Ohio facilities construction 4606  
commission and to the treasurer of state. 4607

(2) Any motorsports organization that commits to using the 4608  
facility for an established period of time shall give the 4609

political subdivision in which the facility is located not less 4610  
than six months' advance notice if the organization intends to 4611  
cease utilizing the facility prior to the expiration of that 4612  
established period. Such a motorsports organization shall be 4613  
liable to the state for any state funds used on the construction 4614  
costs of the facility. 4615

~~(F)~~(G) In addition to the requirements of division ~~(D)~~(E) of 4616  
this section, no state bond proceeds shall be spent on any Ohio 4617  
sports facility that is a tennis facility, unless the owner or 4618  
manager of the facility provides contractual commitments from a 4619  
national or international professional tennis organization in a 4620  
form acceptable to the Ohio facilities construction commission 4621  
that assures that one or more sanctioned professional tennis 4622  
events will be presented at the facility during each year that the 4623  
bonds remain outstanding. 4624

**Sec. 124.14.** (A)(1) The director of administrative services 4625  
shall establish, and may modify or rescind, ~~by rule,~~ a job 4626  
classification plan for all positions, offices, and employments in 4627  
the service of the state. The director shall group jobs within a 4628  
classification so that the positions are similar enough in duties 4629  
and responsibilities to be described by the same title, to have 4630  
the same pay assigned with equity, and to have the same 4631  
qualifications for selection applied. The director shall, ~~by rule,~~ 4632  
assign a classification title to each classification within the 4633  
classification plan. However, the director shall consider in 4634  
establishing classifications, including classifications with 4635  
parenthetical titles, and assigning pay ranges such factors as 4636  
duties performed only on one shift, special skills in short supply 4637  
in the labor market, recruitment problems, separation rates, 4638  
comparative salary rates, the amount of training required, and 4639  
other conditions affecting employment. The director shall describe 4640  
the duties and responsibilities of the class, establish the 4641

qualifications for being employed in each position in the class, 4642  
and file with the secretary of state a copy of specifications for 4643  
all of the classifications. The director shall file new, 4644  
additional, or revised specifications with the secretary of state 4645  
before they are used. 4646

The director shall, ~~by rule,~~ assign each classification, 4647  
either on a statewide basis or in particular counties or state 4648  
institutions, to a pay range established under section 124.15 or 4649  
section 124.152 of the Revised Code. The director may assign a 4650  
classification to a pay range on a temporary basis for a period of 4651  
six months. The director may establish, ~~by rule adopted under~~ 4652  
~~Chapter 119. of the Revised Code,~~ experimental classification 4653  
plans for some or all employees paid directly by warrant of the 4654  
director of budget and management. ~~The rule~~ Any such experimental 4655  
classification plan shall include specifications for each 4656  
classification within the plan and shall specifically address 4657  
compensation ranges, and methods for advancing within the ranges, 4658  
for the classifications, which may be assigned to pay ranges other 4659  
than the pay ranges established under section 124.15 or 124.152 of 4660  
the Revised Code. 4661

(2) The director of administrative services may reassign to a 4662  
proper classification those positions that have been assigned to 4663  
an improper classification. If the compensation of an employee in 4664  
such a reassigned position exceeds the maximum rate of pay for the 4665  
employee's new classification, the employee shall be placed in pay 4666  
step X and shall not receive an increase in compensation until the 4667  
maximum rate of pay for that classification exceeds the employee's 4668  
compensation. 4669

(3) The director may reassign an exempt employee, as defined 4670  
in section 124.152 of the Revised Code, to a bargaining unit 4671  
classification if the director determines that the bargaining unit 4672  
classification is the proper classification for that employee. 4673

Notwithstanding Chapter 4117. of the Revised Code or instruments 4674  
and contracts negotiated under it, these placements are at the 4675  
director's discretion. 4676

(4) The director shall, ~~by rule~~, assign related 4677  
classifications, which form a career progression, to a 4678  
classification series. The director shall, ~~by rule~~, assign each 4679  
classification in the classification plan a five-digit number, the 4680  
first four digits of which shall denote the classification series 4681  
to which the classification is assigned. When a career progression 4682  
encompasses more than ten classifications, the director shall, ~~by~~ 4683  
~~rule~~, identify the additional classifications belonging to a 4684  
classification series. The additional classifications shall be 4685  
part of the classification series, notwithstanding the fact that 4686  
the first four digits of the number assigned to the additional 4687  
classifications do not correspond to the first four digits of the 4688  
numbers assigned to other classifications in the classification 4689  
series. 4690

(B) Division (A) of this section and sections 124.15 and 4691  
124.152 of the Revised Code do not apply to the following persons, 4692  
positions, offices, and employments: 4693

(1) Elected officials; 4694

(2) Legislative employees, employees of the legislative 4695  
service commission, employees in the office of the governor, 4696  
employees who are in the unclassified civil service and exempt 4697  
from collective bargaining coverage in the office of the secretary 4698  
of state, auditor of state, treasurer of state, and attorney 4699  
general, and employees of the supreme court; 4700

(3) Any position for which the authority to determine 4701  
compensation is given by law to another individual or entity; 4702

(4) Employees of the bureau of workers' compensation whose 4703  
compensation the administrator of workers' compensation 4704

establishes under division (B) of section 4121.121 of the Revised Code. 4705  
4706

(C) The director may employ a consulting agency to aid and assist the director in carrying out this section. 4707  
4708

(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall ~~send written notice of the proposed rule to notify~~ the appointing authorities of the affected employees ~~thirty days~~ before ~~a hearing on implementing the proposed rule modification.~~ The director's notice shall include the effective date of the modification. The appointing authorities shall notify the affected employees regarding the proposed rule modification. ~~The director also shall send those appointing authorities notice of any final rule that is adopted within ten days after adoption.~~ 4709  
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(2) When the director proposes to reclassify any employee in the service of the state so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range, and salary. Upon the request of any classified employee in the service of the state who is not serving in a probationary period, the director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The director shall give to the employee affected and to the employee's appointing authority a written notice of the director's determination whether or not to reclassify the position or to reassign the employee to another classification. An employee or appointing authority desiring a hearing shall file a written request for the hearing with the state personnel board of review within thirty days after receiving the notice. The board shall set the matter for a hearing and notify the employee and appointing authority of the time and place of the hearing. The employee, the 4719  
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appointing authority, or any authorized representative of the 4737  
employee who wishes to submit facts for the consideration of the 4738  
board shall be afforded reasonable opportunity to do so. After the 4739  
hearing, the board shall consider anew the reclassification and 4740  
may order the reclassification of the employee and require the 4741  
director to assign the employee to such appropriate classification 4742  
as the facts and evidence warrant. As provided in division (A)(1) 4743  
of section 124.03 of the Revised Code, the board may determine the 4744  
most appropriate classification for the position of any employee 4745  
coming before the board, with or without a job audit. The board 4746  
shall disallow any reclassification or reassignment classification 4747  
of any employee when it finds that changes have been made in the 4748  
duties and responsibilities of any particular employee for 4749  
political, religious, or other unjust reasons. 4750

(E)(1) Employees of each county department of job and family 4751  
services shall be paid a salary or wage established by the board 4752  
of county commissioners. The provisions of section 124.18 of the 4753  
Revised Code concerning the standard work week apply to employees 4754  
of county departments of job and family services. A board of 4755  
county commissioners may do either of the following: 4756

(a) Notwithstanding any other section of the Revised Code, 4757  
supplement the sick leave, vacation leave, personal leave, and 4758  
other benefits of any employee of the county department of job and 4759  
family services of that county, if the employee is eligible for 4760  
the supplement under a written policy providing for the 4761  
supplement; 4762

(b) Notwithstanding any other section of the Revised Code, 4763  
establish alternative schedules of sick leave, vacation leave, 4764  
personal leave, or other benefits for employees not inconsistent 4765  
with the provisions of a collective bargaining agreement covering 4766  
the affected employees. 4767

(2) Division (E)(1) of this section does not apply to 4768

employees for whom the state employment relations board 4769  
establishes appropriate bargaining units pursuant to section 4770  
4117.06 of the Revised Code, except in either of the following 4771  
situations: 4772

(a) The employees for whom the state employment relations 4773  
board establishes appropriate bargaining units elect no 4774  
representative in a board-conducted representation election. 4775

(b) After the state employment relations board establishes 4776  
appropriate bargaining units for such employees, all employee 4777  
organizations withdraw from a representation election. 4778

(F)(1) Notwithstanding any contrary provision of sections 4779  
124.01 to 124.64 of the Revised Code, the board of trustees of 4780  
each state university or college, as defined in section 3345.12 of 4781  
the Revised Code, shall carry out all matters of governance 4782  
involving the officers and employees of the university or college, 4783  
including, but not limited to, the powers, duties, and functions 4784  
of the department of administrative services and the director of 4785  
administrative services specified in this chapter. Officers and 4786  
employees of a state university or college shall have the right of 4787  
appeal to the state personnel board of review as provided in this 4788  
chapter. 4789

(2) Each board of trustees shall adopt rules under section 4790  
111.15 of the Revised Code to carry out the matters of governance 4791  
described in division (F)(1) of this section. Until the board of 4792  
trustees adopts those rules, a state university or college shall 4793  
continue to operate pursuant to the applicable rules adopted by 4794  
the director of administrative services under this chapter. 4795

(G)(1) Each board of county commissioners may, by a 4796  
resolution adopted by a majority of its members, establish a 4797  
county personnel department to exercise the powers, duties, and 4798  
functions specified in division (G) of this section. As used in 4799

division (G) of this section, "county personnel department" means 4800  
a county personnel department established by a board of county 4801  
commissioners under division (G)(1) of this section. 4802

(2)(a) Each board of county commissioners, by a resolution 4803  
adopted by a majority of its members, may designate the county 4804  
personnel department of the county to exercise the powers, duties, 4805  
and functions specified in sections 124.01 to 124.64 and Chapter 4806  
325. of the Revised Code with regard to employees in the service 4807  
of the county, except for the powers and duties of the state 4808  
personnel board of review, which powers and duties shall not be 4809  
construed as having been modified or diminished in any manner by 4810  
division (G)(2) of this section, with respect to the employees for 4811  
whom the board of county commissioners is the appointing authority 4812  
or co-appointing authority. 4813

(b) Nothing in division (G)(2) of this section shall be 4814  
construed to limit the right of any employee who possesses the 4815  
right of appeal to the state personnel board of review to continue 4816  
to possess that right of appeal. 4817

(c) Any board of county commissioners that has established a 4818  
county personnel department may contract with the department of 4819  
administrative services, in accordance with division (H) of this 4820  
section, another political subdivision, or an appropriate public 4821  
or private entity to provide competitive testing services or other 4822  
appropriate services. 4823

(3) After the county personnel department of a county has 4824  
been established as described in division (G)(2) of this section, 4825  
any elected official, board, agency, or other appointing authority 4826  
of that county, upon written notification to the county personnel 4827  
department, may elect to use the services and facilities of the 4828  
county personnel department. Upon receipt of the notification by 4829  
the county personnel department, the county personnel department 4830  
shall exercise the powers, duties, and functions as described in 4831

division (G)(2) of this section with respect to the employees of 4832  
that elected official, board, agency, or other appointing 4833  
authority. 4834

(4) Each board of county commissioners, by a resolution 4835  
adopted by a majority of its members, may disband the county 4836  
personnel department. 4837

(5) Any elected official, board, agency, or appointing 4838  
authority of a county may end its involvement with a county 4839  
personnel department upon actual receipt by the department of a 4840  
certified copy of the notification that contains the decision to 4841  
no longer participate. 4842

(6) A county personnel department, in carrying out its 4843  
duties, shall adhere to merit system principles with regard to 4844  
employees of county departments of job and family services, child 4845  
support enforcement agencies, and public child welfare agencies so 4846  
that there is no threatened loss of federal funding for these 4847  
agencies, and the county is financially liable to the state for 4848  
any loss of federal funds due to the action or inaction of the 4849  
county personnel department. 4850

(H) County agencies may contract with the department of 4851  
administrative services for any human resources services, 4852  
including, but not limited to, establishment and modification of 4853  
job classification plans, competitive testing services, and 4854  
periodic audits and reviews of the county's uniform application of 4855  
the powers, duties, and functions specified in sections 124.01 to 4856  
124.64 and Chapter 325. of the Revised Code with regard to 4857  
employees in the service of the county. Nothing in this division 4858  
modifies the powers and duties of the state personnel board of 4859  
review with respect to employees in the service of the county. 4860  
Nothing in this division limits the right of any employee who 4861  
possesses the right of appeal to the state personnel board of 4862  
review to continue to possess that right of appeal. 4863

(I) The director of administrative services shall establish 4864  
the rate and method of compensation for all employees who are paid 4865  
directly by warrant of the director of budget and management and 4866  
who are serving in positions that the director of administrative 4867  
services has determined impracticable to include in the state job 4868  
classification plan. This division does not apply to elected 4869  
officials, legislative employees, employees of the legislative 4870  
service commission, employees who are in the unclassified civil 4871  
service and exempt from collective bargaining coverage in the 4872  
office of the secretary of state, auditor of state, treasurer of 4873  
state, and attorney general, employees of the courts, employees of 4874  
the bureau of workers' compensation whose compensation the 4875  
administrator of workers' compensation establishes under division 4876  
(B) of section 4121.121 of the Revised Code, or employees of an 4877  
appointing authority authorized by law to fix the compensation of 4878  
those employees. 4879

(J) The director of administrative services shall set the 4880  
rate of compensation for all intermittent, seasonal, temporary, 4881  
emergency, and casual employees in the service of the state who 4882  
are not considered public employees under section 4117.01 of the 4883  
Revised Code. Those employees are not entitled to receive employee 4884  
benefits. This rate of compensation shall be equitable in terms of 4885  
the rate of employees serving in the same or similar 4886  
classifications. This division does not apply to elected 4887  
officials, legislative employees, employees of the legislative 4888  
service commission, employees who are in the unclassified civil 4889  
service and exempt from collective bargaining coverage in the 4890  
office of the secretary of state, auditor of state, treasurer of 4891  
state, and attorney general, employees of the courts, employees of 4892  
the bureau of workers' compensation whose compensation the 4893  
administrator establishes under division (B) of section 4121.121 4894  
of the Revised Code, or employees of an appointing authority 4895  
authorized by law to fix the compensation of those employees. 4896

**Sec. 124.15.** (A) Board and commission members appointed prior to July 1, 1991, shall be paid a salary or wage in accordance with the following schedules of rates:

Schedule B					4897	
Pay Ranges and Step Values					4898	
Range		Step 1	Step 2	Step 3	Step 4	4899
23	Hourly	5.72	5.91	6.10	6.31	4900
	Annually	11897.60	12292.80	12688.00	13124.80	4901
		Step 5	Step 6			4902
	Hourly	6.52	6.75			4903
	Annually	13561.60	14040.00			4904
		Step 1	Step 2	Step 3	Step 4	4905
24	Hourly	6.00	6.20	6.41	6.63	4906
	Annually	12480.00	12896.00	13332.80	13790.40	4907
		Step 5	Step 6			4908
	Hourly	6.87	7.10			4909
	Annually	14289.60	14768.00			4910
		Step 1	Step 2	Step 3	Step 4	4911
25	Hourly	6.31	6.52	6.75	6.99	4912
	Annually	13124.80	13561.60	14040.00	14539.20	4913
		Step 5	Step 6			4914
	Hourly	7.23	7.41			4915
	Annually	15038.40	15412.80			4916
		Step 1	Step 2	Step 3	Step 4	4917
26	Hourly	6.63	6.87	7.10	7.32	4918
	Annually	13790.40	14289.60	14768.00	15225.60	4919
		Step 5	Step 6			4920
	Hourly	7.53	7.77			4921
	Annually	15662.40	16161.60			4922
		Step 1	Step 2	Step 3	Step 4	4923
27	Hourly	6.99	7.23	7.41	7.64	4924
	Annually	14534.20	15038.40	15412.80	15891.20	4925

		Step 5	Step 6	Step 7		4929
	Hourly	7.88	8.15	8.46		4930
	Annually	16390.40	16952.00	17596.80		4931
		Step 1	Step 2	Step 3	Step 4	4932
28	Hourly	7.41	7.64	7.88	8.15	4933
	Annually	15412.80	15891.20	16390.40	16952.00	4934
		Step 5	Step 6	Step 7		4935
	Hourly	8.46	8.79	9.15		4936
	Annually	17596.80	18283.20	19032.00		4937
		Step 1	Step 2	Step 3	Step 4	4938
29	Hourly	7.88	8.15	8.46	8.79	4939
	Annually	16390.40	16952.00	17596.80	18283.20	4940
		Step 5	Step 6	Step 7		4941
	Hourly	9.15	9.58	10.01		4942
	Annually	19032.00	19926.40	20820.80		4943
		Step 1	Step 2	Step 3	Step 4	4944
30	Hourly	8.46	8.79	9.15	9.58	4945
	Annually	17596.80	18283.20	19032.00	19926.40	4946
		Step 5	Step 6	Step 7		4947
	Hourly	10.01	10.46	10.99		4948
	Annually	20820.80	21756.80	22859.20		4949
		Step 1	Step 2	Step 3	Step 4	4950
31	Hourly	9.15	9.58	10.01	10.46	4951
	Annually	19032.00	19962.40	20820.80	21756.80	4952
		Step 5	Step 6	Step 7		4953
	Hourly	10.99	11.52	12.09		4954
	Annually	22859.20	23961.60	25147.20		4955
		Step 1	Step 2	Step 3	Step 4	4956
32	Hourly	10.01	10.46	10.99	11.52	4957
	Annually	20820.80	21756.80	22859.20	23961.60	4958
		Step 5	Step 6	Step 7	Step 8	4959
	Hourly	12.09	12.68	13.29	13.94	4960
	Annually	25147.20	26374.40	27643.20	28995.20	4961

		Step 1	Step 2	Step 3	Step 4	4962
33	Hourly	10.99	11.52	12.09	12.68	4963
	Annually	22859.20	23961.60	25147.20	26374.40	4964
		Step 5	Step 6	Step 7	Step 8	4965
	Hourly	13.29	13.94	14.63	15.35	4966
	Annually	27643.20	28995.20	30430.40	31928.00	4967
		Step 1	Step 2	Step 3	Step 4	4968
34	Hourly	12.09	12.68	13.29	13.94	4969
	Annually	25147.20	26374.40	27643.20	28995.20	4970
		Step 5	Step 6	Step 7	Step 8	4971
	Hourly	14.63	15.35	16.11	16.91	4972
	Annually	30430.40	31928.00	33508.80	35172.80	4973
		Step 1	Step 2	Step 3	Step 4	4974
35	Hourly	13.29	13.94	14.63	15.35	4975
	Annually	27643.20	28995.20	30430.40	31928.00	4976
		Step 5	Step 6	Step 7	Step 8	4977
	Hourly	16.11	16.91	17.73	18.62	4978
	Annually	33508.80	35172.80	36878.40	38729.60	4979
		Step 1	Step 2	Step 3	Step 4	4980
36	Hourly	14.63	15.35	16.11	16.91	4981
	Annually	30430.40	31928.00	33508.80	35172.80	4982
		Step 5	Step 6	Step 7	Step 8	4983
	Hourly	17.73	18.62	19.54	20.51	4984
	Annually	36878.40	38729.60	40643.20	42660.80	4985
	Schedule C					4986
		Pay Range and Values				4987
	Range	Minimum		Maximum		4988
41	Hourly	10.44		15.72		4989
	Annually	21715.20		32697.60		4990
42	Hourly	11.51		17.35		4991
	Annually	23940.80		36088.00		4992
43	Hourly	12.68		19.12		4993
	Annually	26374.40		39769.60		4994

44 Hourly	13.99	20.87	4995
Annually	29099.20	43409.60	4996
45 Hourly	15.44	22.80	4997
Annually	32115.20	47424.00	4998
46 Hourly	17.01	24.90	4999
Annually	35380.80	51792.00	5000
47 Hourly	18.75	27.18	5001
Annually	39000.00	56534.40	5002
48 Hourly	20.67	29.69	5003
Annually	42993.60	61755.20	5004
49 Hourly	22.80	32.06	5005
Annually	47424.00	66684.80	5006

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 5007  
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(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 5009  
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(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and 5012  
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payments for the maintenance of them. 5027

The director of administrative services may review collective 5028  
bargaining agreements entered into under Chapter 4117. of the 5029  
Revised Code that cover employees in the service of the state and 5030  
determine whether certain benefits or payments provided to the 5031  
employees covered by those agreements should also be provided to 5032  
employees in the service of the state who are exempt from 5033  
collective bargaining coverage and are paid in accordance with 5034  
section 124.152 of the Revised Code or are listed in division 5035  
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 5036  
the review, the director of administrative services, with the 5037  
approval of the director of budget and management, may provide to 5038  
some or all of these employees any payment or benefit, except for 5039  
salary, contained in such a collective bargaining agreement even 5040  
if it is similar to a payment or benefit already provided by law 5041  
to some or all of these employees. Any payment or benefit so 5042  
provided shall not exceed the highest level for that payment or 5043  
benefit specified in such a collective bargaining agreement. The 5044  
director of administrative services shall not provide, and the 5045  
director of budget and management shall not approve, any payment 5046  
or benefit to such an employee under this division unless the 5047  
payment or benefit is provided pursuant to a collective bargaining 5048  
agreement to a state employee who is in a position with similar 5049  
duties as, is supervised by, or is employed by the same appointing 5050  
authority as, the employee to whom the benefit or payment is to be 5051  
provided. 5052

As used in this division, "payment or benefit already 5053  
provided by law" includes, but is not limited to, bereavement, 5054  
personal, vacation, administrative, and sick leave, disability 5055  
benefits, holiday pay, and pay supplements provided under the 5056  
Revised Code, but does not include wages or salary. 5057

(E) New employees paid in accordance with schedule B of 5058

division (A) of this section or schedule E-1 of section 124.152 of 5059  
the Revised Code shall be employed at the minimum rate established 5060  
for the range unless otherwise provided. Employees with 5061  
qualifications that are beyond the minimum normally required for 5062  
the position and that are determined by the director to be 5063  
exceptional may be employed in, or may be transferred or promoted 5064  
to, a position at an advanced step of the range. Further, in time 5065  
of a serious labor market condition when it is relatively 5066  
impossible to recruit employees at the minimum rate for a 5067  
particular classification, the entrance rate may be set at an 5068  
advanced step in the range by the director of administrative 5069  
services. This rate may be limited to geographical regions of the 5070  
state. Appointments made to an advanced step under the provision 5071  
regarding exceptional qualifications shall not affect the step 5072  
assignment of employees already serving. However, anytime the 5073  
hiring rate of an entire classification is advanced to a higher 5074  
step, all incumbents of that classification being paid at a step 5075  
lower than that being used for hiring, shall be advanced beginning 5076  
at the start of the first pay period thereafter to the new hiring 5077  
rate, and any time accrued at the lower step will be used to 5078  
calculate advancement to a succeeding step. If the hiring rate of 5079  
a classification is increased for only a geographical region of 5080  
the state, only incumbents who work in that geographical region 5081  
shall be advanced to a higher step. When an employee in the 5082  
unclassified service changes from one state position to another or 5083  
is appointed to a position in the classified service, or if an 5084  
employee in the classified service is appointed to a position in 5085  
the unclassified service, the employee's salary or wage in the new 5086  
position shall be determined in the same manner as if the employee 5087  
were an employee in the classified service. When an employee in 5088  
the unclassified service who is not eligible for step increases is 5089  
appointed to a classification in the classified service under 5090  
which step increases are provided, future step increases shall be 5091

based on the date on which the employee last received a pay 5092  
increase. If the employee has not received an increase during the 5093  
previous year, the date of the appointment to the classified 5094  
service shall be used to determine the employee's annual step 5095  
advancement eligibility date. In reassigning any employee to a 5096  
classification resulting in a pay range increase or to a new pay 5097  
range as a result of a promotion, an increase pay range 5098  
adjustment, or other classification change resulting in a pay 5099  
range increase, the director shall assign such employee to the 5100  
step in the new pay range that will provide an increase of 5101  
approximately four per cent if the new pay range can accommodate 5102  
the increase. When an employee is being assigned to a 5103  
classification or new pay range as the result of a class plan 5104  
change, if the employee has completed a probationary period, the 5105  
employee shall be placed in a step no lower than step two of the 5106  
new pay range. If the employee has not completed a probationary 5107  
period, the employee may be placed in step one of the new pay 5108  
range. Such new salary or wage shall become effective on such date 5109  
as the director determines. 5110

(F) If employment conditions and the urgency of the work 5111  
require such action, the director of administrative services may, 5112  
upon the application of a department head, authorize payment at 5113  
any rate established within the range for the class of work, for 5114  
work of a casual or intermittent nature or on a project basis. 5115  
Payment at such rates shall not be made to the same individual for 5116  
more than three calendar months in any one calendar year. Any such 5117  
action shall be subject to the approval of the director of budget 5118  
and management as to the availability of funds. This section and 5119  
sections 124.14 and 124.152 of the Revised Code do not repeal any 5120  
authority of any department or public official to contract with or 5121  
fix the compensation of professional persons who may be employed 5122  
temporarily for work of a casual nature or for work on a project 5123  
basis. 5124

(G)(1) Except as provided in divisions (G)(2) and (3) of this section, each state employee paid in accordance with schedule B of this section or schedule E-1 of section 124.152 of the Revised Code shall be eligible for advancement to succeeding steps in the range for the employee's class or grade according to the schedule established in this division. Beginning on the first day of the pay period within which the employee completes the prescribed probationary period in the employee's classification with the state, each employee shall receive an automatic salary adjustment equivalent to the next higher step within the pay range for the employee's class or grade.

Except as provided in divisions (G)(2) and (3) of this section, each employee paid in accordance with schedule E-1 of section 124.152 of the Revised Code shall be eligible to advance to the next higher step until the employee reaches the top step in the range for the employee's class or grade, if the employee has maintained satisfactory performance in accordance with criteria established by the employee's appointing authority. Those step advancements shall not occur more frequently than once in any twelve-month period.

When an employee is promoted, the step entry date shall be set to account for a probationary period. When an employee is reassigned to a higher pay range, the step entry date shall be set to allow an employee who is not at the highest step of the range to receive a step advancement one year from the reassignment date. Step advancement shall not be affected by demotion. A promoted employee shall advance to the next higher step of the pay range on the first day of the pay period in which the required probationary period is completed. Step advancement shall become effective at the beginning of the pay period within which the employee attains the necessary length of service. Time spent on authorized leave of absence shall be counted for this purpose.

If determined to be in the best interest of the state 5157  
service, the director of administrative services may, either 5158  
statewide or in selected agencies, adjust the dates on which 5159  
annual step advancements are received by employees paid in 5160  
accordance with schedule E-1 of section 124.152 of the Revised 5161  
Code. 5162

(2)(a) There shall be a moratorium on annual step 5163  
advancements under division (G)(1) of this section beginning June 5164  
21, 2009, through June 20, 2011. Step advancements shall resume 5165  
with the pay period beginning June 21, 2011. Upon the resumption 5166  
of step advancements, there shall be no retroactive step 5167  
advancements for the period the moratorium was in effect. The 5168  
moratorium shall not affect an employee's performance evaluation 5169  
schedule. 5170

An employee who begins a probationary period before June 21, 5171  
2009, shall advance to the next step in the employee's pay range 5172  
at the end of probation, and then become subject to the 5173  
moratorium. An employee who is hired, promoted, or reassigned to a 5174  
higher pay range between June 21, 2009, through June 20, 2011, 5175  
shall not advance to the next step in the employee's pay range 5176  
until the next anniversary of the employee's date of hire, 5177  
promotion, or reassignment that occurs on or after June 21, 2011. 5178

(b) The moratorium under division (G)(2)(a) of this section 5179  
shall apply to the employees of the secretary of state, the 5180  
auditor of state, the treasurer of state, and the attorney 5181  
general, who are subject to this section unless the secretary of 5182  
state, the auditor of state, the treasurer of state, or the 5183  
attorney general decides to exempt the office's employees from the 5184  
moratorium and so notifies the director of administrative services 5185  
in writing on or before July 1, 2009. 5186

(3) Employees in intermittent positions shall be employed at 5187  
the minimum rate established for the pay range for their 5188

classification and are not eligible for step advancements. 5189

(H) Employees in appointive managerial or professional 5190  
positions paid in accordance with schedule C of this section or 5191  
schedule E-2 of section 124.152 of the Revised Code may be 5192  
appointed at any rate within the appropriate pay range. This rate 5193  
of pay may be adjusted higher or lower within the respective pay 5194  
range at any time the appointing authority so desires as long as 5195  
the adjustment is based on the employee's ability to successfully 5196  
administer those duties assigned to the employee. Salary 5197  
adjustments shall not be made more frequently than once in any 5198  
six-month period under this provision to incumbents holding the 5199  
same position and classification. 5200

(I) When an employee is assigned to duty outside this state, 5201  
the employee may be compensated, upon request of the department 5202  
head and with the approval of the director of administrative 5203  
services, at a rate not to exceed fifty per cent in excess of the 5204  
employee's current base rate for the period of time spent on that 5205  
duty. 5206

(J) Unless compensation for members of a board or commission 5207  
is otherwise specifically provided by law, the director of 5208  
administrative services shall establish the rate and method of 5209  
payment for members of boards and commissions pursuant to the pay 5210  
schedules listed in section 124.152 of the Revised Code. 5211

(K) Regular full-time employees in positions assigned to 5212  
classes within the instruction and education administration series 5213  
under the ~~rules~~ job classification plans of the director of 5214  
administrative services, except certificated employees on the 5215  
instructional staff of the state school for the blind or the state 5216  
school for the deaf, whose positions are scheduled to work on the 5217  
basis of an academic year rather than a full calendar year, shall 5218  
be paid according to the pay range assigned by ~~such rules~~ the 5219  
applicable job classification plan, but only during those pay 5220

periods included in the academic year of the school where the 5221  
employee is located. 5222

(1) Part-time or substitute teachers or those whose period of 5223  
employment is other than the full academic year shall be 5224  
compensated for the actual time worked at the rate established by 5225  
this section. 5226

(2) Employees governed by this division are exempt from 5227  
sections 124.13 and 124.19 of the Revised Code. 5228

(3) Length of service for the purpose of determining 5229  
eligibility for step advancements as provided by division (G) of 5230  
this section and for the purpose of determining eligibility for 5231  
longevity pay supplements as provided by division (E) of section 5232  
124.181 of the Revised Code shall be computed on the basis of one 5233  
full year of service for the completion of each academic year. 5234

(L) The superintendent of the state school for the deaf and 5235  
the superintendent of the state school for the blind shall, 5236  
subject to the approval of the superintendent of public 5237  
instruction, carry out both of the following: 5238

(1) Annually, between the first day of April and the last day 5239  
of June, establish for the ensuing fiscal year a schedule of 5240  
hourly rates for the compensation of each certificated employee on 5241  
the instructional staff of that superintendent's respective school 5242  
constructed as follows: 5243

(a) Determine for each level of training, experience, and 5244  
other professional qualification for which an hourly rate is set 5245  
forth in the current schedule, the per cent that rate is of the 5246  
rate set forth in such schedule for a teacher with a bachelor's 5247  
degree and no experience. If there is more than one such rate for 5248  
such a teacher, the lowest rate shall be used to make the 5249  
computation. 5250

(b) Determine which six city, local, and exempted village 5251

school districts with territory in Franklin county have in effect 5252  
on, or have adopted by, the first day of April for the school year 5253  
that begins on the ensuing first day of July, teacher salary 5254  
schedules with the highest minimum salaries for a teacher with a 5255  
bachelor's degree and no experience; 5256

(c) Divide the sum of such six highest minimum salaries by 5257  
ten thousand five hundred sixty; 5258

(d) Multiply each per cent determined in division (L)(1)(a) 5259  
of this section by the quotient obtained in division (L)(1)(c) of 5260  
this section; 5261

(e) One hundred five per cent of each product thus obtained 5262  
shall be the hourly rate for the corresponding level of training, 5263  
experience, or other professional qualification in the schedule 5264  
for the ensuing fiscal year. 5265

(2) Annually, assign each certificated employee on the 5266  
instructional staff of the superintendent's respective school to 5267  
an hourly rate on the schedule that is commensurate with the 5268  
employee's training, experience, and other professional 5269  
qualifications. 5270

If an employee is employed on the basis of an academic year, 5271  
the employee's annual salary shall be calculated by multiplying 5272  
the employee's assigned hourly rate times one thousand seven 5273  
hundred sixty. If an employee is not employed on the basis of an 5274  
academic year, the employee's annual salary shall be calculated in 5275  
accordance with the following formula: 5276

(a) Multiply the number of days the employee is required to 5277  
work pursuant to the employee's contract by eight; 5278

(b) Multiply the product of division (L)(2)(a) of this 5279  
section by the employee's assigned hourly rate. 5280

Each employee shall be paid an annual salary in biweekly 5281

installments. The amount of each installment shall be calculated 5282  
by dividing the employee's annual salary by the number of biweekly 5283  
installments to be paid during the year. 5284

Sections 124.13 and 124.19 of the Revised Code do not apply 5285  
to an employee who is paid under this division. 5286

As used in this division, "academic year" means the number of 5287  
days in each school year that the schools are required to be open 5288  
for instruction with pupils in attendance. Upon completing an 5289  
academic year, an employee paid under this division shall be 5290  
deemed to have completed one year of service. An employee paid 5291  
under this division is eligible to receive a pay supplement under 5292  
division (L)(1), (2), or (3) of section 124.181 of the Revised 5293  
Code for which the employee qualifies, but is not eligible to 5294  
receive a pay supplement under division (L)(4) or (5) of that 5295  
section. An employee paid under this division is eligible to 5296  
receive a pay supplement under division (L)(6) of section 124.181 5297  
of the Revised Code for which the employee qualifies, except that 5298  
the supplement is not limited to a maximum of five per cent of the 5299  
employee's regular base salary in a calendar year. 5300

(M) Division (A) of this section does not apply to "exempt 5301  
employees," as defined in section 124.152 of the Revised Code, who 5302  
are paid under that section. 5303

Notwithstanding any other provisions of this chapter, when an 5304  
employee transfers between bargaining units or transfers out of or 5305  
into a bargaining unit, the director of administrative services 5306  
shall establish the employee's compensation and adjust the maximum 5307  
leave accrual schedule as the director deems equitable. 5308

**Sec. 124.181.** (A) Except as provided in divisions (M) and (P) 5309  
of this section, any employee paid in accordance with schedule B 5310  
of section 124.15 or schedule E-1 or schedule E-1 for step seven 5311  
only of section 124.152 of the Revised Code is eligible for the 5312

pay supplements provided in this section upon application by the 5313  
appointing authority substantiating the employee's qualifications 5314  
for the supplement and with the approval of the director of 5315  
administrative services except as provided in division (E) of this 5316  
section. 5317

(B)(1) Except as provided in section 124.183 of the Revised 5318  
Code, in computing any of the pay supplements provided in this 5319  
section for an employee paid in accordance with schedule B of 5320  
section 124.15 of the Revised Code, the classification salary base 5321  
shall be the minimum hourly rate of the pay range, provided in 5322  
that section, in which the employee is assigned at the time of 5323  
computation. 5324

(2) Except as provided in section 124.183 of the Revised 5325  
Code, in computing any of the pay supplements provided in this 5326  
section for an employee paid in accordance with schedule E-1 of 5327  
section 124.152 of the Revised Code, the classification salary 5328  
base shall be the minimum hourly rate of the pay range, provided 5329  
in that section, in which the employee is assigned at the time of 5330  
computation. 5331

(3) Except as provided in section 124.183 of the Revised 5332  
Code, in computing any of the pay supplements provided in this 5333  
section for an employee paid in accordance with schedule E-1 for 5334  
step seven only of section 124.152 of the Revised Code, the 5335  
classification salary base shall be the minimum hourly rate in the 5336  
corresponding pay range, provided in schedule E-1 of that section, 5337  
to which the employee is assigned at the time of the computation. 5338

(C) The effective date of any pay supplement, except as 5339  
provided in section 124.183 of the Revised Code or unless 5340  
otherwise provided in this section, shall be determined by the 5341  
director. 5342

(D) The director shall, by rule, establish standards 5343

regarding the administration of this section. 5344

(E)(1) Except as otherwise provided in this division, 5345  
beginning on the first day of the pay period within which the 5346  
employee completes five years of total service with the state 5347  
government or any of its political subdivisions, each employee in 5348  
positions paid in accordance with schedule B of section 124.15 of 5349  
the Revised Code or in accordance with schedule E-1 or schedule 5350  
E-1 for step seven only of section 124.152 of the Revised Code 5351  
shall receive an automatic salary adjustment equivalent to two and 5352  
one-half per cent of the classification salary base, to the 5353  
nearest whole cent. Each employee shall receive thereafter an 5354  
annual adjustment equivalent to one-half of one per cent of the 5355  
employee's classification salary base, to the nearest whole cent, 5356  
for each additional year of qualified employment until a maximum 5357  
of ten per cent of the employee's classification salary base is 5358  
reached. The granting of longevity adjustments shall not be 5359  
affected by promotion, demotion, or other changes in 5360  
classification held by the employee, nor by any change in pay 5361  
range for the employee's class or grade. Longevity pay adjustments 5362  
shall become effective at the beginning of the pay period within 5363  
which the employee completes the necessary length of service, 5364  
except that when an employee requests credit for prior service, 5365  
the effective date of the prior service credit and of any 5366  
longevity adjustment shall be the first day of the pay period 5367  
following approval of the credit by the director of administrative 5368  
services. No employee, other than an employee who submits proof of 5369  
prior service within ninety days after the date of the employee's 5370  
hiring, shall receive any longevity adjustment for the period 5371  
prior to the director's approval of a prior service credit. Time 5372  
spent on authorized leave of absence shall be counted for this 5373  
purpose. 5374

(2) An employee who has retired in accordance with the 5375

provisions of any retirement system offered by the state and who 5376  
is employed by the state or any political subdivision of the state 5377  
on or after June 24, 1987, shall not have prior service with the 5378  
state or any political subdivision of the state counted for the 5379  
purpose of determining the amount of the salary adjustment 5380  
provided under this division. 5381

(3) There shall be a moratorium on employees' receipt under 5382  
this division of credit for service with the state government or 5383  
any of its political subdivisions during the period from July 1, 5384  
2003, through June 30, 2005. In calculating the number of years of 5385  
total service under this division, no credit shall be included for 5386  
service during the moratorium. The moratorium shall apply to the 5387  
employees of the secretary of state, the auditor of state, the 5388  
treasurer of state, and the attorney general, who are subject to 5389  
this section unless the secretary of state, the auditor of state, 5390  
the treasurer of state, or the attorney general decides to exempt 5391  
the office's employees from the moratorium and so notifies the 5392  
director of administrative services in writing on or before July 5393  
1, 2003. 5394

If an employee is exempt from the moratorium, receives credit 5395  
for a period of service during the moratorium, and takes a 5396  
position with another entity in the state government or any of its 5397  
political subdivisions, either during or after the moratorium, and 5398  
if that entity's employees are or were subject to the moratorium, 5399  
the employee shall continue to retain the credit. However, if the 5400  
moratorium is in effect upon the taking of the new position, the 5401  
employee shall cease receiving additional credit as long as the 5402  
employee is in the position, until the moratorium expires. 5403

(F) When an exceptional condition exists that creates a 5404  
temporary or a permanent hazard for one or more positions in a 5405  
class paid in accordance with schedule B of section 124.15 of the 5406  
Revised Code or in accordance with schedule E-1 or schedule E-1 5407

for step seven only of section 124.152 of the Revised Code, a 5408  
special hazard salary adjustment may be granted for the time the 5409  
employee is subjected to the hazardous condition. All special 5410  
hazard conditions shall be identified for each position and 5411  
incidence from information submitted to the director on an 5412  
appropriate form provided by the director and categorized into 5413  
standard conditions of: some unusual hazard not common to the 5414  
class; considerable unusual hazard not common to the class; and 5415  
exceptional hazard not common to the class. 5416

(1) A hazardous salary adjustment of five per cent of the 5417  
employee's classification salary base may be applied in the case 5418  
of some unusual hazardous condition not common to the class for 5419  
those hours worked, or a fraction of those hours worked, while the 5420  
employee was subject to the unusual hazard condition. 5421

(2) A hazardous salary adjustment of seven and one-half per 5422  
cent of the employee's classification salary base may be applied 5423  
in the case of some considerable hazardous condition not common to 5424  
the class for those hours worked, or a fraction of those hours 5425  
worked, while the employee was subject to the considerable hazard 5426  
condition. 5427

(3) A hazardous salary adjustment of ten per cent of the 5428  
employee's classification salary base may be applied in the case 5429  
of some exceptional hazardous condition not common to the class 5430  
for those hours worked, or a fraction of those hours worked, when 5431  
the employee was subject to the exceptional hazard condition. 5432

(4) Each claim for temporary hazard pay shall be submitted as 5433  
a separate payment and shall be subject to an administrative audit 5434  
by the director as to the extent and duration of the employee's 5435  
exposure to the hazardous condition. 5436

(G) When a full-time employee whose salary or wage is paid 5437  
directly by warrant of the director of budget and management and 5438

who also is eligible for overtime under the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered by the appointing authority to report back to work after termination of the employee's regular work schedule and the employee reports, the employee shall be paid for such time. The employee shall be entitled to four hours at the employee's total rate of pay or overtime compensation for the actual hours worked, whichever is greater. This division does not apply to work that is a continuation of or immediately preceding an employee's regular work schedule.

(H) When a certain position or positions paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code require the ability to speak or write a language other than English, a special pay supplement may be granted to attract bilingual individuals, to encourage present employees to become proficient in other languages, or to retain qualified bilingual employees. The bilingual pay supplement provided in this division may be granted in the amount of five per cent of the employee's classification salary base for each required foreign language and shall remain in effect as long as the bilingual requirement exists.

(I) The director of administrative services may establish a shift differential for employees. The differential shall be paid to employees in positions working in other than the regular or first shift. In those divisions or agencies where only one shift prevails, no shift differential shall be paid regardless of the hours of the day that are worked. The director and the appointing authority shall designate which positions shall be covered by this division.

(J) ~~Whenever an employee is assigned to work~~ An appointing authority may assign an employee to work in a higher level

position for a continuous period of more than two weeks but no 5471  
more than two years ~~because of a vacancy, the~~. The employee's pay 5472  
~~may shall~~ be established at a rate that is approximately four per 5473  
cent above the employee's current base rate for the period the 5474  
employee occupies the position, provided that this temporary 5475  
~~occupancy~~ assignment is approved by the director. Employees paid 5476  
under this division shall continue to receive any of the pay 5477  
supplements due them under other divisions of this section based 5478  
on the step one base rate for their normal classification. 5479

(K) If a certain position, or positions, within a class paid 5480  
in accordance with schedule B of section 124.15 of the Revised 5481  
Code or in accordance with schedule E-1 or schedule E-1 for step 5482  
seven only of section 124.152 of the Revised Code are mandated by 5483  
state or federal law or regulation or other regulatory agency or 5484  
other certification authority to have special technical 5485  
certification, registration, or licensing to perform the functions 5486  
which are under the mandate, a special professional achievement 5487  
pay supplement may be granted. This special professional 5488  
achievement pay supplement shall not be granted when all 5489  
incumbents in all positions in a class require a license as 5490  
provided in the classification description published by the 5491  
department of administrative services; to licensees where no 5492  
special or extensive training is required; when certification is 5493  
granted upon completion of a stipulated term of in-service 5494  
training; when an appointing authority has required certification; 5495  
or any other condition prescribed by the director. 5496

(1) Before this supplement may be applied, evidence as to the 5497  
requirement must be provided by the agency for each position 5498  
involved, and certification must be received from the director as 5499  
to the director's concurrence for each of the positions so 5500  
affected. 5501

(2) The professional achievement pay supplement provided in 5502

this division shall be granted in an amount up to ten per cent of 5503  
the employee's classification salary base and shall remain in 5504  
effect as long as the mandate exists. 5505

(L) Those employees assigned to teaching supervisory, 5506  
principal, assistant principal, or superintendent positions who 5507  
have attained a higher educational level than a basic bachelor's 5508  
degree may receive an educational pay supplement to remain in 5509  
effect as long as the employee's assignment and classification 5510  
remain the same. 5511

(1) An educational pay supplement of two and one-half per 5512  
cent of the employee's classification salary base may be applied 5513  
upon the achievement of a bachelor's degree plus twenty quarter 5514  
hours of postgraduate work. 5515

(2) An educational pay supplement of an additional five per 5516  
cent of the employee's classification salary base may be applied 5517  
upon achievement of a master's degree. 5518

(3) An educational pay supplement of an additional two and 5519  
one-half per cent of the employee's classification salary base may 5520  
be applied upon achievement of a master's degree plus thirty 5521  
quarter hours of postgraduate work. 5522

(4) An educational pay supplement of five per cent of the 5523  
employee's classification salary base may be applied when the 5524  
employee is performing as a master teacher. 5525

(5) An educational pay supplement of five per cent of the 5526  
employee's classification salary base may be applied when the 5527  
employee is performing as a special education teacher. 5528

(6) Those employees in teaching supervisory, principal, 5529  
assistant principal, or superintendent positions who are 5530  
responsible for specific extracurricular activity programs shall 5531  
receive overtime pay for those hours worked in excess of their 5532  
normal schedule, at their straight time hourly rate up to a 5533

maximum of five per cent of their regular base salary in any 5534  
calendar year. 5535

(M)(1) A state agency, board, or commission may establish a 5536  
supplementary compensation schedule for those licensed physicians 5537  
employed by the agency, board, or commission in positions 5538  
requiring a licensed physician. The supplementary compensation 5539  
schedule, together with the compensation otherwise authorized by 5540  
this chapter, shall provide for the total compensation for these 5541  
employees to range appropriately, but not necessarily uniformly, 5542  
for each classification title requiring a licensed physician, in 5543  
accordance with a schedule approved by the state controlling 5544  
board. The individual salary levels recommended for each such 5545  
physician employed shall be approved by the director. 5546  
Notwithstanding section 124.11 of the Revised Code, such personnel 5547  
are in the unclassified civil service. 5548

(2) The director of administrative services may approve 5549  
supplementary compensation for the director of health, if the 5550  
director is a licensed physician, in accordance with a 5551  
supplementary compensation schedule approved under division (M)(1) 5552  
of this section or in accordance with another supplementary 5553  
compensation schedule the director of administrative services 5554  
considers appropriate. The supplementary compensation shall not 5555  
exceed twenty per cent of the director of health's base rate of 5556  
pay. 5557

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 5558  
117.42, and 131.02 of the Revised Code, the state shall not 5559  
institute any civil action to recover and shall not seek 5560  
reimbursement for overpayments made in violation of division (E) 5561  
of this section or division (C) of section 9.44 of the Revised 5562  
Code for the period starting after June 24, 1987, and ending on 5563  
October 31, 1993. 5564

(O) Employees of the office of the treasurer of state who are 5565

exempt from collective bargaining coverage may be granted a merit 5566  
pay supplement of up to one and one-half per cent of their step 5567  
rate. The rate at which this supplement is granted shall be based 5568  
on performance standards established by the treasurer of state. 5569  
Any supplements granted under this division shall be administered 5570  
on an annual basis. 5571

(P) Intermittent employees appointed under section 124.30 of 5572  
the Revised Code are not eligible for the pay supplements provided 5573  
by this section. 5574

(Q) Employees of the office of the auditor of state who are 5575  
exempt from collective bargaining and who are paid in accordance 5576  
with schedule E-1 or in accordance with schedule E-1 for step 7 5577  
only and are paid a salary or wage in accordance with the schedule 5578  
of rates in division (B) or (C) of section 124.152 of the Revised 5579  
Code shall receive a reduction of two per cent in their hourly and 5580  
annual pay calculation beginning with the pay period that 5581  
immediately follows July 1, 2009. 5582

**Sec. 124.392.** (A) As used in this section: 5583

(1) "Exempt employee" has the same meaning as in section 5584  
124.152 of the Revised Code. 5585

(2) "Fiscal emergency" means a fiscal emergency declared by 5586  
the governor under section 126.05 of the Revised Code. 5587

(B) The director of administrative services may establish a 5588  
voluntary cost savings program for exempt employees. 5589

(C) The director of administrative services shall establish a 5590  
mandatory cost savings program applicable to exempt employees. 5591  
Subject to division (C)(1) of this section, the program may 5592  
include, but is not limited to, a loss of pay or loss of holiday 5593  
pay as determined by the director. The program may be administered 5594  
differently among exempt employees based on their classifications, 5595

appointment categories, appointing authorities, or other relevant 5596  
distinctions. 5597

(1) Each full-time exempt employee shall participate in the 5598  
program for a total of eighty hours of mandatory cost savings in 5599  
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 5600  
employee shall participate in the program by not receiving holiday 5601  
pay during both fiscal year 2010 and fiscal year 2011. Each 5602  
employee of the secretary of state, auditor of state, treasurer of 5603  
state, and attorney general shall participate in the program 5604  
unless the secretary of state, auditor of state, treasurer of 5605  
state, or attorney general decides to exempt the officer's 5606  
employees from the program and so notifies the director of 5607  
administrative services in writing on or before July 1, 2009. 5608

After July 1, 2009, the secretary of state, auditor of state, 5609  
treasurer of state, or attorney general may decide to begin 5610  
participation in the program for eighty hours or less and shall 5611  
notify the director of administrative services in writing. The 5612  
secretary of state, auditor of state, treasurer of state, or 5613  
attorney general and the director shall mutually agree upon an 5614  
implementation date. 5615

(2) After June 30, 2011, the director of administrative 5616  
services, in consultation with the director of budget and 5617  
management, may implement mandatory cost savings days applicable 5618  
to exempt employees in the event of a fiscal emergency. Each 5619  
employee of the secretary of state, auditor of state, treasurer of 5620  
state, and attorney general shall participate in the mandatory 5621  
cost savings days unless the secretary of state, auditor of state, 5622  
treasurer of state, or attorney general decides to exempt the 5623  
officer's employees from the mandatory cost savings days and so 5624  
notifies the director of administrative services in the manner the 5625  
director of administrative services prescribes by rule adopted 5626  
under this section. 5627

(D) The director shall adopt rules in accordance with Chapter 5628  
119. of the Revised Code to provide for the administration of the 5629  
voluntary cost savings program and the mandatory cost savings 5630  
program ~~and days~~. 5631

(E) Cost savings days provided pursuant to this section or by 5632  
a labor-management contract or agreement shall be considered 5633  
remuneration for purposes of section 4141.31 of the Revised Code. 5634

~~(F) The cost savings fund is hereby created in the state 5635  
treasury. Savings accrued through employee participation in the 5636  
mandatory cost savings program and in mandatory cost savings days 5637  
shall be allocated to the fund. The fund may be used to pay 5638  
employees who participated in the mandatory cost savings program 5639  
or in mandatory cost savings days. Any investment earnings of the 5640  
fund shall be credited to the fund. 5641~~

~~Sec. 125.02. Except as to the adjutant general for military 5642  
supplies and services, the capital capitol square review and 5643  
advisory board, the general assembly, the judicial branch, and 5644  
institutions administered by boards of trustees, the (A) The 5645  
department of administrative services ~~may~~ shall establish 5646  
contracts for supplies and services, including telephone, other 5647  
telecommunications, and computer services, for the use of state 5648  
agencies, ~~or~~ and may establish such contracts for the use of any 5649  
political subdivision as described in division (B) of section 5650  
125.04 of the Revised Code, except for the following: 5651~~

(1) The adjutant general for military supplies and services; 5652

(2) The general assembly; 5653

(3) The judicial branch; 5654

(4) State institutions of higher education; 5655

(5) State elected officials as set forth in section 125.041 5656  
of the Revised Code; 5657

(6) The capitol square review and advisory board. 5658

The department The entities set forth in divisions (A)(1) to 5659  
(6) of this section may request the department of administrative 5660  
services' assistance in the procurement of supplies and services 5661  
for their respective offices and, upon the department's approval, 5662  
may participate in contracts awarded by the department. 5663

(B) For purchases under division (C) of section 125.05 of the 5664  
Revised Code, the department shall grant a state agency a release 5665  
and permit to make the purchase if the department determines that 5666  
it is not possible or advantageous for the department to make a 5667  
purchase. 5668

(C) Upon request, the department may grant a blanket release 5669  
and permit to a state agency for specific purchases. The 5670  
department may grant the blanket release and permit for a fiscal 5671  
year or for a biennium as determined by the director of 5672  
administrative services. 5673

(D) The director of administrative services shall adopt rules 5674  
regarding circumstances and criteria for obtaining a release and 5675  
permit under this section. The director of administrative services 5676  
shall prescribe uniform rules governing forms of specifications, 5677  
advertisements for proposals, the opening of bids, the making of 5678  
awards and contracts, and the purchase of supplies and performance 5679  
of work. 5680

(E) The director may enter into cooperative purchasing 5681  
agreements to purchase supplies or services with the following: 5682

(1) The entities set forth in divisions (A)(1) to (5) of this 5683  
section; 5684

(2) One or more other states; 5685

(3) Groups of states; 5686

(4) The United States or any department, division, or agency 5687

<u>of the United States;</u>	5688
<u>(5) Other purchasing consortia;</u>	5689
<u>(6) The department of transportation; or</u>	5690
<u>(7) Any political subdivision of this state described in</u>	5691
<u>division (B) of section 125.04 of the Revised Code.</u>	5692
<u>(F) The United States or any department, division, or agency</u>	5693
<u>of the United States, one or more other states, groups of states,</u>	5694
<u>other purchasing consortia, or any agency, commission, or</u>	5695
<u>authority established under an interstate compact or agreement may</u>	5696
<u>purchase supplies and services from contracts established by the</u>	5697
<u>department of administrative services.</u>	5698
<u>(G) Except as provided in section 125.04 of the Revised Code,</u>	5699
<u>the department of administrative services shall purchase any</u>	5700
<u>policy of insurance, including a surety or fidelity bond, covering</u>	5701
<u>officers or employees of a state agency, for which the annual</u>	5702
<u>premium is more than one thousand dollars and which the state may</u>	5703
<u>procure. The department shall purchase the insurance in conformity</u>	5704
<u>with sections 125.04 to 125.15 of the Revised Code. As used in</u>	5705
<u>this division, "annual premium" means the total premium for one</u>	5706
<u>year for one type of insurance regardless of the number of</u>	5707
<u>policies.</u>	5708
<u>Sec. 125.035. (A) Except as otherwise provided in the Revised</u>	5709
<u>Code, a state agency wanting to purchase supplies or services</u>	5710
<u>shall make the purchase subject to the requirements of an</u>	5711
<u>applicable first or second requisite procurement program described</u>	5712
<u>in this section, or obtain a determination from the department of</u>	5713
<u>administrative services that the purchase is not subject to a</u>	5714
<u>first or second requisite procurement program. State agencies</u>	5715
<u>shall submit a purchase request to the department of</u>	5716
<u>administrative services unless the department has determined the</u>	5717

request does not require a review. The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section. 5718  
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(B) The following programs are first requisite procurement programs that shall be given preference in the following order in fulfilling a purchase request: 5723  
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(1) Ohio penal industries within the department of rehabilitation and correction; and 5726  
5727

(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code. 5728  
5729  
5730

(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so: 5731  
5732  
5733

(1) Business enterprise program at the department of opportunities for Ohioans with disabilities as prescribed in sections 3304.28 to 3304.33 of the Revised Code; 5734  
5735  
5736

(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code; 5737  
5738  
5739

(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code; 5740  
5741  
5742

(4) Office of support services at the department of mental health as prescribed in section 5119.44 of the Revised Code; 5743  
5744

(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and 5745  
5746

(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency. 5747  
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(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall: 5750  
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(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program; 5758  
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(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revise Code; or 5761  
5762  
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(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section. 5764  
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(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within 5767  
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two business days and the department has made the determination 5778  
that the purchase is not subject to a second requisite procurement 5779  
program, the department shall provide a waiver to the requesting 5780  
agency. 5781

(F) Within five business days after receipt of a request, the 5782  
department shall notify the requesting agency of its determination 5783  
and provide any waiver under divisions (D) or (E) of this section. 5784  
If the department fails to respond within five business days or 5785  
fails to provide an explanation for any further delay within that 5786  
time, the requesting agency may use direct purchasing authority to 5787  
make the requested purchase, subject to the requirements of 5788  
division (G) of this section and section 127.16 of the Revised 5789  
Code. 5790

(G) As provided in sections 125.02 and 125.05 of the Revised 5791  
Code and subject to such rules as the director of administrative 5792  
services may adopt, the department may issue a release and permit 5793  
to the agency to secure supplies or services. A release and permit 5794  
shall specify the supplies or services to which it applies, the 5795  
time during which it is operative, and the reason for its 5796  
issuance. A release and permit for telephone, other 5797  
telecommunications, and computer services shall be provided in 5798  
accordance with section 125.18 of the Revised Code and shall 5799  
specify the type of services to be rendered, the number and type 5800  
of hardware to be used, and may specify the amount of such 5801  
services to be performed. No requesting agency shall proceed with 5802  
such purchase until it has received an approved release and permit 5803  
from the director of administrative services or the director's 5804  
designee. 5805

**Sec. 125.04.** ~~(A) Except as provided in division (D) of this~~ 5806  
~~section, the department of administrative services shall determine~~ 5807  
~~what supplies and services are purchased by or for state agencies.~~ 5808

~~Whenever the department of administrative services makes any~~ 5809  
~~change or addition to the lists of supplies and services that it~~ 5810  
~~determines to purchase for state agencies, it shall provide a list~~ 5811  
~~to the agencies of the changes or additions.~~ Except for the 5812  
requirements of division (B) of this section, section 125.092, and 5813  
division (B) of section 125.11 of the Revised Code, sections 5814  
125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not 5815  
apply to or affect ~~the educational state~~ institutions of ~~the state~~ 5816  
higher education. 5817

(B)(1) As used in this division: 5818

(a) "Chartered nonpublic school" has the same meaning as in 5819  
section 3310.01 of the Revised Code. 5820

(b) "Emergency medical service organization" has the same 5821  
meaning as in section 4765.01 of the Revised Code. 5822

(c) "Governmental agency" means a political subdivision or 5823  
special district in this state established by or under law, or any 5824  
combination of these entities; the United States or any 5825  
department, division, or agency of the United States; one or more 5826  
other states or groups of states; other purchasing consortia; and 5827  
any agency, commission, or authority established under an 5828  
interstate compact or agreement. 5829

(d) "Political subdivision" means any county, township, 5830  
municipal corporation, school district, conservancy district, 5831  
township park district, park district created under Chapter 1545. 5832  
of the Revised Code, regional transit authority, regional airport 5833  
authority, regional water and sewer district, or port authority. 5834  
"Political subdivision" also includes any other political 5835  
subdivision described in the Revised Code that has been approved 5836  
by the department to participate in the department's contracts 5837  
under this division. 5838

~~(d)~~(e) "Private fire company" has the same meaning as in 5839

section 9.60 of the Revised Code. 5840

(f) "State institution of higher education" has the meaning 5841  
defined in section 3345.011 of the Revised Code. 5842

(2) Subject to division (C) of this section, the department 5843  
of administrative services may permit a state institution of 5844  
higher education, governmental agency, political subdivision, 5845  
county board of elections, private fire company, private, 5846  
nonprofit emergency medical service organization, or chartered 5847  
nonpublic school to participate in contracts into which the 5848  
department has entered for the purchase of supplies and services. 5849  
The department may charge the entity a reasonable fee to cover the 5850  
administrative costs the department incurs as a result of 5851  
participation by the entity in such a purchase contract. 5852

A political subdivision desiring to participate in such 5853  
purchase contracts shall file with the department a certified copy 5854  
of an ordinance or resolution of the legislative authority or 5855  
governing board of the political subdivision. The resolution or 5856  
ordinance shall request that the political subdivision be 5857  
authorized to participate in such contracts and shall agree that 5858  
the political subdivision will be bound by such terms and 5859  
conditions as the department prescribes and that it will directly 5860  
pay the vendor under each purchase contract. A board of elections 5861  
desiring to participate in such purchase contracts shall file with 5862  
the purchasing authority a written request for inclusion in the 5863  
program. A private fire company, private, nonprofit emergency 5864  
medical service organization, or chartered nonpublic school 5865  
desiring to participate in such purchase contracts shall file with 5866  
the department a written request for inclusion in the program 5867  
signed by the chief officer of the company, organization, or 5868  
chartered nonpublic school. A governmental agency desiring to 5869  
participate in such purchase contracts shall file with the 5870  
department a written request for inclusion in the program. A state 5871

institution of higher education desiring to participate in such 5872  
purchase contracts shall file with the department a certified copy 5873  
of resolution of the board of trustees or similar authorizing 5874  
body. The resolution shall request that the state institution of 5875  
higher education be authorized to participate in such contracts. 5876

A request for inclusion shall include an agreement to be 5877  
bound by such terms and conditions as the department prescribes 5878  
and to make direct payments to the vendor under each purchase 5879  
contract. 5880

The department shall include in its annual report, an 5881  
estimate of the ~~cost it incurs by permitting~~ purchases made by 5882  
state institutions of higher education, governmental agencies, 5883  
political subdivisions, county boards of elections, private fire 5884  
companies, private, nonprofit emergency medical service 5885  
organizations, and chartered nonpublic schools ~~to participate in~~ 5886  
~~from~~ contracts pursuant to this division. The department may 5887  
require such entities to file a report with the department, as 5888  
often as it finds necessary, stating how many such contracts the 5889  
entities participated in within a specified period of time, and 5890  
any other information the department requires. 5891

(3) Purchases made by a political subdivision or a county 5892  
board of elections under this division are exempt from any 5893  
competitive selection procedures otherwise required by law. No 5894  
political subdivision shall make any purchase under this division 5895  
when bids have been received for such purchase by the subdivision, 5896  
unless such purchase can be made upon the same terms, conditions, 5897  
and specifications at a lower price under this division. 5898

(C) A political subdivision as defined in division (B) of 5899  
this section or a county board of elections may purchase supplies 5900  
or services from another party, including a political subdivision, 5901  
instead of through participation in contracts described in 5902  
division (B) of this section if the political subdivision or 5903

county board of elections can purchase those supplies or services 5904  
from the other party upon equivalent terms, conditions, and 5905  
specifications but at a lower price than it can through those 5906  
contracts. Purchases that a political subdivision or county board 5907  
of elections makes under this division are exempt from any 5908  
competitive selection procedures otherwise required by law. A 5909  
political subdivision or county board of elections that makes any 5910  
purchase under this division shall maintain sufficient information 5911  
regarding the purchase to verify that the political subdivision or 5912  
county board of elections satisfied the conditions for making a 5913  
purchase under this division. Nothing in this division restricts 5914  
any action taken by a county or township as authorized by division 5915  
(B)(1) of section 9.48 of the Revised Code. 5916

(D) This section does not apply to supplies or services 5917  
~~required by the legislative or judicial branches, the capitol~~ 5918  
~~square review and advisory board, the adjutant general for~~ 5919  
~~military supplies and services, to supplies or services purchased~~ 5920  
by a state agency directly as provided in ~~division (A), (B), or~~ 5921  
~~(F)~~ of section 125.05 of the Revised Code, or to purchases of 5922  
supplies or services for the emergency management agency as 5923  
provided in section ~~125.023~~ 125.061 of the Revised Code. 5924

**Sec. 125.041.** (A) Nothing in sections 125.02, ~~125.03~~ 125.04 5925  
to 125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 5926  
of the Revised Code shall be construed as limiting the attorney 5927  
general, auditor of state, secretary of state, or treasurer of 5928  
state in any of the following: 5929

~~(A)(1)~~ Purchases for less than the dollar amounts for the 5930  
purchase of supplies or services determined ~~pursuant to division~~ 5931  
~~(E)~~ of under section 125.05 of the Revised Code; 5932

~~(B)(2)~~ Purchases that equal or exceed the dollar amounts for 5933  
the purchase of supplies or services determined ~~pursuant to~~ 5934

~~division (E) of~~ under section 125.05 of the Revised Code with the approval of the controlling board, if that approval is required by section 127.16 of the Revised Code;

~~(C)(3)~~ The final determination of the nature or quantity making of any purchase of supplies or services ~~to be purchased pursuant to~~ under division (B) of section ~~125.06~~ 125.02 or under division (G) of section 125.035 of the Revised Code;

~~(D)(4)~~ The final determination and disposal of excess and surplus supplies;

~~(E)(5)~~ The inventory of state property;

~~(F)(6)~~ The purchase of printing;

~~(G)(7)~~ Activities related to information technology development and use;

~~(H)(8)~~ The fleet management program.

(B) Nothing in this section shall be construed as preventing the attorney general, auditor of state, secretary of state, or treasurer of state from complying with or participating in any aspect of Chapter 125. of the Revised Code through the department of administrative services.

**Sec. 125.05.** Except as provided in division ~~(F)(D)~~ of this section, no state agency shall purchase any supplies or services except as provided in divisions (A) to ~~(D)(C)~~ of this section.

(A) ~~Subject to division (E) of this section,~~ a A state agency may, without competitive selection, make any purchase of supplies or services that cost ~~twenty-five~~ less than fifty thousand dollars ~~or less~~ after complying with divisions (A) to (E) of section 125.035 of the Revised Code. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the

department's purchasing procedures and shall use those procedures 5965  
when making purchases under this division. 5966

~~(B) Subject to division (E) of this section and in accordance 5967  
with section 125.051 of the Revised Code, a state agency may make 5968  
purchases of supplies and services that cost more than twenty five 5969  
thousand dollars but less than fifty thousand dollars if the 5970  
purchases are made under the direction of an employee of the 5971  
agency who is certified by the department to make purchases and if 5972  
the purchases comply with the department's purchasing procedures. 5973  
Section 127.16 of the Revised Code does not apply to purchases 5974  
made under this division. Until the certification effective date 5975  
established by the department in rules adopted under section 5976  
125.051 of the Revised Code, state agencies may make purchases of 5977  
supplies and services that cost more than twenty five thousand 5978  
dollars but less than fifty thousand dollars in the same manner as 5979  
provided in division (A) of this section. 5980~~

(B) A state agency shall make purchases of supplies and 5981  
services that cost fifty thousand dollars or more through the 5982  
department of administrative services and the process provided in 5983  
section 125.035 of the Revised Code, unless the department grants 5984  
a waiver under divisions (D) or (E) of that section and a release 5985  
and permit under division (G) of that section. 5986

~~(C) Subject to division (E) of this section, a state agency 5987  
wanting to purchase supplies or services that cost more than 5988  
twenty five thousand dollars shall, unless otherwise authorized by 5989  
law, make the purchase from or through the department. The 5990  
department shall make the purchase by competitive selection. If 5991  
the director of administrative services determines that it is not 5992  
possible or not advantageous to the state for the department to 5993  
make the purchase, the department shall grant the agency a release 5994  
and permit under section 125.06 of the Revised Code to make the 5995  
purchase. Section 127.16 of the Revised Code does not apply to 5996~~

~~purchases the department makes under this section.~~ 5997

~~(D)~~ An agency that has been granted a release and permit 5998  
under division (G) of section 125.035 of the Revised Code to make 5999  
a purchase may make the purchase without competitive selection if 6000  
after making the purchase the cumulative purchase threshold as 6001  
computed under division (E) of section 127.16 of the Revised Code 6002  
would: 6003

(1) Be exceeded and the controlling board approves the 6004  
purchase; 6005

(2) Not be exceeded and the department of administrative 6006  
services approves the purchase. 6007

~~(E) Not later than the thirty-first day of January of each 6008  
even-numbered year, the directors of administrative services and 6009  
budget and management shall review and recommend to the general 6010  
assembly, if necessary, adjustments to the amounts specified in 6011  
divisions (A) to (C) of this section and division (B) of section 6012  
127.16 of the Revised Code.~~ 6013

~~(F)~~(D) If the department of education or the Ohio education 6014  
computer network determines that it can purchase software services 6015  
or supplies for specified school districts at a price less than 6016  
the price for which the districts could purchase the same software 6017  
services or supplies for themselves, the department or network 6018  
shall certify that fact to the department of administrative 6019  
services and, acting as an agent for the specified school 6020  
districts, shall make that purchase without following the 6021  
provisions in divisions (A) to (D) of this section. 6022

**Sec. 125.061.** (A) During the period of an emergency as 6023  
defined in section 5502.21 of the Revised Code, the department of 6024  
administrative services may suspend, for the emergency management 6025  
agency established in section 5502.022 of the Revised Code or any 6026

other state agency participating in response and recovery 6027  
activities as defined in section 5502.21 of the Revised Code, the 6028  
purchasing and contracting requirements contained in Chapter 125. 6029  
and any requirement of Chapter 153. of the Revised Code that 6030  
otherwise would apply to the agency. The director of public safety 6031  
or the executive director of the emergency management agency shall 6032  
make the request for the suspension of these requirements to the 6033  
department of administrative services concurrently with the 6034  
request to the governor or the president of the United States for 6035  
the declaration of an emergency. The governor also shall include 6036  
in any proclamation the governor issues declaring an emergency 6037  
language requesting the suspension of those requirements during 6038  
the period of the emergency. 6039

(B) Before any purchase may be made under a suspension 6040  
authorized by this section, the director of administrative 6041  
services shall send notice of the suspension as approved under 6042  
division (A) of this section to the director of budget and 6043  
management and to the members of the controlling board. The notice 6044  
shall provide details of the request for suspension and shall 6045  
include a copy of the director's approval. 6046

(C) Purchases made by state agencies under this section are 6047  
exempt from the requirements of section 127.16 of the Revised 6048  
Code, except that state agencies making purchases under this 6049  
section shall file a report with the president of the controlling 6050  
board describing all such purchases made by the agency during the 6051  
period covered by the emergency declaration. The report shall be 6052  
filed within ninety days after the declaration expires. 6053

**Sec. 125.07.** (A) In accordance with rules the director shall 6054  
adopt under Chapter 119. of the Revised Code, the director of 6055  
administrative services may make purchases by competitive sealed 6056  
bid. The competitive sealed bid, at a minimum, shall contain a 6057

detailed description of the supplies or services to be purchased, 6058  
terms and conditions of the sale, and any other information the 6059  
director considers to be necessary for the intended purchase. 6060  
Competitive sealed bids shall be awarded as provided in section 6061  
125.11 of the Revised Code. 6062

(B) The department of administrative services, in making a 6063  
purchase by competitive ~~selection pursuant to division (C) of~~ 6064  
~~section 125.05 of the Revised Code~~ sealed bid, shall give notice 6065  
in the following manner: 6066

~~(A)(1)~~ The department shall advertise the intended purchases 6067  
by notice ~~that is posted by mail or electronic means and that is~~ 6068  
for the benefit of competing persons producing or dealing in the 6069  
supplies or services to be purchased, ~~including, but not limited~~ 6070  
~~to, the persons whose names appear on the appropriate list~~ 6071  
~~provided for in section 125.08 of the Revised Code.~~ The notice may 6072  
be in ~~the form of the bid or proposal document or of a listing in~~ 6073  
~~a periodic bulletin, or in any other~~ electronic form the director 6074  
of administrative services considers appropriate to sufficiently 6075  
notify ~~qualified~~ competing persons of the intended purchases. 6076

~~(B)(2)~~ The notice required under this division ~~(A) of this~~ 6077  
~~section~~ shall include the time and place where bids ~~or proposals~~ 6078  
will be accepted and opened, or, when bids are made in a reverse 6079  
auction, the time when bids will be accepted; the conditions under 6080  
which bids ~~or proposals~~ will be received; the terms of the 6081  
proposed purchases; and an itemized list of the supplies or 6082  
services to be purchased and the estimated quantities or amounts 6083  
of them. 6084

~~(C)(3)~~ The ~~posting of the~~ notice required under this division 6085  
~~(A) of this section~~ shall be ~~completed by~~ posted the number of 6086  
days ~~the director determines~~ preceding the day when the bids ~~or~~ 6087  
~~proposals~~ will be opened or accepted that the director determines 6088

sufficient to enable interested bidders to prepare their bids. 6089

~~(D) The department also shall maintain, in a public place in its office, a bulletin board upon which it shall post and maintain a copy of the notice required under division (A) of this section for at least the number of days the director determines under division (C) of this section preceding the day of the opening or acceptance of the bids or proposals. The failure to so additionally post the notice shall invalidate all proceedings had and any contract entered into pursuant to the proceedings.~~ 6090  
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**Sec. 125.08.** ~~(A) The department of administrative services may divide the state into purchasing districts wherein supplies or services are to be delivered and shall describe those districts on all applications for the notification list provided for in this section.~~ 6098  
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~~Any person may have that person's name and address, or the name and address of an agent, placed on the competitive selection notification list of the department of administrative services by sending to the department the person's name and address, together with a list of the supplies or services described in the manner prescribed by the department produced or dealt in by the person with a request for such listing, a list of the districts in which the person desires to participate, and all other information the director of administrative services may prescribe. Whenever any name and address together with a list of the supplies or services produced or dealt in is so listed, the department shall post notice, as provided in division (A) of section 125.07 of the Revised Code, for the benefit of the persons listed on the notification list that are qualified Ohio business enterprises, which shall include Ohio penal industries as defined by rule of the director of administrative services, or have a significant Ohio presence in this state's economy, except that, in those~~ 6103  
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~~circumstances in which the director considers it in the best  
interest of this state, the director shall post notice, as  
provided in division (A) of section 125.07 of the Revised Code,  
for the benefit of all persons listed on the notification list.  
The department need only provide competitive selection documents  
for a proposed contract to persons who specifically request the  
documents.~~

~~The director may remove a person from the notification list  
and place the person on an inactive list if the person fails to  
respond to any notices of proposed purchases that appear in four  
consecutive bulletins or other forms of notification that list  
those notices. Upon written request to the director by the person  
so removed, the director may return the person to the notification  
list if the person provides sufficient evidence regarding intent  
to offer bids or proposals to the state. The director shall not  
remove any person from the list without notice to the person. The  
notice may be a part of the notices of proposed purchase.~~

~~(B) Any person who is certified by the equal employment  
opportunity coordinator of the department of administrative  
services in accordance with the rules adopted under division  
(B)(1) of section 123.151 of the Revised Code as a minority  
business enterprise may have that person's name placed on a  
special minority business enterprise notification list to be used  
in connection with contracts awarded under section 125.081 of the  
Revised Code. The minority business enterprise notification list  
shall be used for bidding on contracts set aside for minority  
business enterprises only. In all other respects, the list shall  
be maintained and used in the same manner and according to the  
same procedures as the notification list provided for under  
division (A) of this section, except that a firm shall not be  
removed from the list unless the coordinator determines that the  
firm is no longer a minority business enterprise. A minority~~

~~business enterprise may have its name placed on both the 6152  
notification lists provided for in this section. 6153~~

~~(C) The director of administrative services may require an 6154  
annual registration fee for the listings provided for in division 6155  
(A) or (B) of this section. This fee shall not be more than ten 6156  
dollars. The department may charge a fee for any compilation of 6157  
descriptions of supplies or services. This fee shall be reasonable 6158  
and shall not exceed the cost required to maintain the 6159  
notification lists and provide for the distribution of the 6160  
proposed purchase to the persons whose names appear on the lists. 6161~~

**Sec. 125.081.** (A) From the purchases that the department of 6162  
administrative services is required by law to make through 6163  
competitive selection, the director of administrative services 6164  
shall select a number of such purchases, the aggregate value of 6165  
which equals approximately fifteen per cent of the estimated total 6166  
value of all such purchases to be made in the current fiscal year. 6167  
The director shall set aside the purchases selected for 6168  
competition only by minority business enterprises, as defined in 6169  
division (E)(1) of section 122.71 of the Revised Code. The 6170  
competitive selection procedures for such purchases set aside 6171  
shall be the same as for all other purchases the department is 6172  
required to make through competitive selection, except that only 6173  
minority business enterprises certified by the equal employment 6174  
opportunity coordinator of the department of administrative 6175  
services in accordance with the rules adopted under division 6176  
(B)(1) of section 123.151 of the Revised Code and listed by the 6177  
director under ~~division (B) of section 125.08 of the Revised Code~~ 6178  
shall be qualified to compete. 6179

(B) To the extent that any agency of the state, other than 6180  
the department of administrative services, the legislative and 6181  
judicial branches, boards of elections, and the adjutant general, 6182

is authorized to make purchases, the agency shall set aside a 6183  
number of purchases, the aggregate value of which equals 6184  
approximately fifteen per cent of the aggregate value of such 6185  
purchases for the current fiscal year for competition by minority 6186  
business enterprises only. The procedures for such purchases shall 6187  
be the same as for all other such purchases made by the agency, 6188  
except that only minority business enterprises certified by the 6189  
equal employment opportunity coordinator in accordance with rules 6190  
adopted under division (B)(1) of section 123.151 of the Revised 6191  
Code shall be qualified to compete. 6192

(C) In the case of purchases set aside under division (A) or 6193  
(B) of this section, if no bid is submitted by a minority business 6194  
enterprise, the purchase shall be made according to usual 6195  
procedures. The contracting agency shall from time to time set 6196  
aside such additional purchases for which only minority business 6197  
enterprises may compete, as are necessary to replace those 6198  
purchases previously set aside for which no minority business 6199  
enterprises bid and to ensure that, in any fiscal year, the 6200  
aggregate amount of contracts awarded to minority business 6201  
enterprises will equal approximately fifteen per cent of the total 6202  
amount of contracts awarded by the agency. 6203

(D) The provisions of this section shall not preclude any 6204  
minority business enterprise from competing for any other state 6205  
purchases that are not specifically set aside for minority 6206  
business enterprises. 6207

(E) No funds of any state agency shall be expended in any 6208  
fiscal year for any purchase for which competitive selection is 6209  
required, until the director of the department of administrative 6210  
services certifies to the equal employment opportunity 6211  
coordinator, the clerk of the senate, and the clerk of the house 6212  
of representatives of the general assembly that approximately 6213  
fifteen per cent of the aggregate amount of the projected 6214

expenditure for such purchases in the fiscal year has been set 6215  
aside as provided for in this section. 6216

(F) Any person who intentionally misrepresents self as 6217  
owning, controlling, operating, or participating in a minority 6218  
business enterprise for the purpose of obtaining contracts, 6219  
subcontracts, or any other benefits under this section shall be 6220  
guilty of theft by deception as provided for in section 2913.02 of 6221  
the Revised Code. 6222

**Sec. 125.082.** (A) When purchasing equipment, materials, or 6223  
supplies, the general assembly; the offices of all elected state 6224  
officers; all departments, boards, offices, commissions, agencies, 6225  
institutions, including, without limitation, state-supported 6226  
institutions of higher education, and other instrumentalities of 6227  
this state; the supreme court; all courts of appeals; and all 6228  
courts of common pleas, may purchase recycled products in 6229  
accordance with ~~the guidelines adopted under division (B) of this~~ 6230  
~~section if the products are available and meet the performance~~ 6231  
~~specifications of the procuring entities. Purchases of recycled~~ 6232  
~~products shall comply with any rules adopted under division (C) of~~ 6233  
~~this section by the director of administrative services.~~ 6234

(B) The director of administrative services shall adopt rules 6235  
in accordance with Chapter 119. of the Revised Code establishing 6236  
guidelines for the procurement of recycled products pursuant to 6237  
division (A) of this section. ~~To the extent practicable, the~~ 6238  
~~guidelines shall do all of the following:~~ 6239

~~(1) Be consistent with and substantially equivalent to any~~ 6240  
~~relevant regulations adopted by the administrator of the United~~ 6241  
~~States environmental protection agency pursuant to the "Resource~~ 6242  
~~Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.~~ 6243  
~~6921, as amended;~~ 6244

~~(2) Establish the minimum percentage of recycled materials~~ 6245

~~the various products shall contain in order to be considered 6246  
"recycled" for the purposes of division (A) of this section; 6247~~

~~(3) So far as practicable and economically feasible, 6248  
incorporate specifications for recycled content materials to 6249  
promote the use and purchase of recycled products by state 6250  
agencies. 6251~~

~~(C) The director may adopt rules in accordance with Chapter 6252  
119. of the Revised Code establishing a maximum percentage by 6253  
which the cost of recycled products purchased under division (A) 6254  
of this section may exceed the cost of comparable products made of 6255  
virgin materials. 6256~~

~~(D) The department of administrative services and the 6257  
environmental protection agency annually shall prepare and submit 6258  
to the governor, president of the senate, and speaker of the house 6259  
of representatives a report that describes, so far as practicable, 6260  
the value and types of recycled products that are purchased with 6261  
moneys disbursed from the state treasury by the general assembly; 6262  
the offices of all elected state officers; and all departments, 6263  
boards, offices, commissions, agencies, and institutions of this 6264  
state. 6265~~

**Sec. 125.10.** (A) The department of administrative services 6266  
may require that all competitive sealed bids, competitive sealed 6267  
proposals, and bids received in a reverse auction be accompanied 6268  
by a performance bond or other ~~cash surety~~ financial assurance 6269  
acceptable to the director of administrative services, in the sum 6270  
and with the sureties it prescribes, payable to the state, and 6271  
conditioned that the person submitting the bid or proposal, if 6272  
that person's bid or proposal is accepted, will faithfully execute 6273  
the terms of the contract and promptly make deliveries of the 6274  
supplies purchased. 6275

(B) A sealed copy of each competitive sealed bid or 6276

competitive sealed proposal shall be filed with the department 6277  
prior to the time specified in the notice for opening of the bids 6278  
or proposals. All competitive sealed bids and competitive sealed 6279  
proposals shall be publicly opened in the office of the department 6280  
at the time specified in the notice. A representative of the 6281  
auditor of state shall be present at the opening of all 6282  
competitive sealed bids and competitive sealed proposals, and 6283  
shall certify the opening of each competitive sealed bid and 6284  
competitive sealed proposal. No competitive sealed bid or 6285  
competitive sealed proposal shall be considered valid unless it is 6286  
so certified. 6287

**Sec. 125.11.** (A) Subject to division (B) of this section, 6288  
contracts awarded pursuant to a reverse auction under section 6289  
125.072 of the Revised Code or pursuant to competitive sealed 6290  
bidding, including contracts awarded under section 125.081 of the 6291  
Revised Code, shall be awarded to the lowest responsive and 6292  
responsible bidder ~~on each item~~ in accordance with section 9.312 6293  
of the Revised Code. When the contract is for meat products as 6294  
defined in section 918.01 of the Revised Code or poultry products 6295  
as defined in section 918.21 of the Revised Code, only those bids 6296  
received from vendors ~~offering products from establishments on the~~ 6297  
~~current list of meat and poultry vendors established and~~ 6298  
~~maintained by the director of administrative services under~~ 6299  
~~section 125.17 of the Revised Code~~ under inspection of the United 6300  
States department of agriculture or who are licensed by the Ohio 6301  
department of agriculture shall be eligible for acceptance. The 6302  
department of administrative services may accept or reject any or 6303  
all bids in whole or by items, except that when the contract is 6304  
for services or products available from a qualified nonprofit 6305  
agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 6306  
4115.35 of the Revised Code, the contract shall be awarded to that 6307  
agency. 6308

(B) Prior to awarding a contract under division (A) of this section, the department of administrative services or the state agency responsible for evaluating a contract for the purchase of products shall evaluate the bids received according to the criteria and procedures established pursuant to divisions (C)(1) and (2) of section 125.09 of the Revised Code for determining if a product is produced or mined in the United States and if a product is produced or mined in this state. The department or other state agency shall first ~~remove~~ consider bids that offer products that have ~~not~~ been or that will ~~not~~ be produced or mined in the United States. From among the remaining bids, the department or other state agency shall select the lowest responsive and responsible bid, in accordance with section 9.312 of the Revised Code, from among the bids that offer products that have been produced or mined in this state where sufficient competition can be generated within this state to ensure that compliance with these requirements will not result in an excessive price for the product or acquiring a disproportionately inferior product.

(C) Division (B) of this section applies to contracts for which competitive bidding is waived by the controlling board.

(D) Division (B) of this section does not apply to the purchase by the division of liquor control of spirituous liquor.

(E) The director of administrative services shall publish in the form of a model act for use by counties, townships, municipal corporations, or any other political subdivision described in division (B) of section 125.04 of the Revised Code, a system of preferences for products mined and produced in this state and in the United States and for Ohio-based contractors. The model act shall reflect substantial equivalence to the system of preferences in purchasing and public improvement contracting procedures under which the state operates pursuant to this chapter and section 153.012 of the Revised Code. To the maximum extent possible,

consistent with the Ohio system of preferences in purchasing and 6341  
public improvement contracting procedures, the model act shall 6342  
incorporate all of the requirements of the federal "Buy America 6343  
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 6344  
the rules adopted under that act. 6345

Before and during the development and promulgation of the 6346  
model act, the director shall consult with appropriate statewide 6347  
organizations representing counties, townships, and municipal 6348  
corporations so as to identify the special requirements and 6349  
concerns these political subdivisions have in their purchasing and 6350  
public improvement contracting procedures. The director shall 6351  
promulgate the model act by rule adopted pursuant to Chapter 119. 6352  
of the Revised Code and shall revise the act as necessary to 6353  
reflect changes in this chapter or section 153.012 of the Revised 6354  
Code. 6355

The director shall make available copies of the model act, 6356  
supporting information, and technical assistance to any township, 6357  
county, or municipal corporation wishing to incorporate the 6358  
provisions of the act into its purchasing or public improvement 6359  
contracting procedure. 6360

**Sec. 125.112.** (A) As used in this section: 6361

(1) "Agency" means a department created under section 121.02 6362  
of the Revised Code. 6363

(2) "Entity" means, whether for profit or nonprofit, a 6364  
corporation, association, partnership, limited liability company, 6365  
sole proprietorship, or other business entity. "Entity" does not 6366  
include an individual who receives state assistance that is not 6367  
related to the individual's business. 6368

(3)(a) "State award" means a contract awarded by the state 6369  
costing over twenty-five thousand dollars. 6370

(b) "State award" does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, the secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices.

(B) The department of administrative services shall establish and maintain a single searchable web site, accessible by the public at no cost, that includes all of the following information for each state award:

(1) The name of the entity receiving the award;

(2) The amount of the award;

(3) Information on the award, the agency or other instrumentality of the state that is providing the award, and the commodity code;

(4) Any other relevant information determined by the department of administrative services.

(C) The department of administrative services may consult with other state agencies in the development, establishment, operation, and support of the web site required by division (B) of this section. State awards shall be posted on the web site within thirty days after being made. The department of administrative services shall provide an opportunity for public comment as to the utility of the web site required by division (B) of this section and any suggested improvements.

(D) The web site required by division (B) of this section shall be fully operational not later than one year after ~~the effective date of this section~~ December 30, 2008, and shall include information on state awards made in fiscal year 2008 and thereafter. It shall also provide an electronic link to the daily journals of the senate and house of representatives.

(E) The director of administrative services shall submit to 6402  
the general assembly an annual report regarding the implementation 6403  
of the web site established pursuant to division (B) of this 6404  
section. The report shall include data regarding the usage of the 6405  
web site and any public comments on the utility of the site, 6406  
including recommendations for improving data quality and 6407  
collection. The director shall post each report on the web site. 6408

(F) Each agency awarding a grant to an entity in fiscal year 6409  
2008 and thereafter shall establish and maintain a separate web 6410  
site listing the name of the entity receiving each grant, the 6411  
grant amount, information on each grant, and any other relevant 6412  
information determined by the department of administrative 6413  
services. Each agency shall provide the link to such a web site to 6414  
the department of administrative services within a reasonable time 6415  
after ~~the effective date of this section~~ December 30, 2008, and 6416  
shall thereafter update its web site within thirty days of 6417  
awarding a new grant. Not later than one year after ~~the effective~~ 6418  
~~date of this section~~ December 30, 2008, the department of 6419  
administrative services shall establish and maintain a separate 6420  
web site, accessible to the public at no cost, which contains the 6421  
links to the agency web sites required by this division. 6422

(G) ~~The~~ At the end of the closeout year, the attorney general 6423  
shall ~~monitor the compliance of~~ determine the extent to which an 6424  
entity has complied with the terms and conditions, including 6425  
performance metrics, ~~if any,~~ of a state award for economic 6426  
development received by that entity. As necessary, the agency that 6427  
makes and administers the state award for economic development 6428  
shall assist the attorney general with that ~~monitoring~~ 6429  
determination. The attorney general shall submit to the general 6430  
assembly pursuant to section 101.68 of the Revised Code an annual 6431  
report regarding the level of compliance of each such ~~entities~~ 6432  
entity with the terms and conditions, including ~~any~~ performance 6433

metrics, of their state awards for economic development. When the attorney general determines appropriate and to the extent that an entity that receives or has received a state award for economic development does not comply with a performance metric that is specified in the terms and conditions of the award, the attorney general shall pursue against and from that entity such remedies and recoveries as are available under law. For purposes of this division, "state Closeout year" means the calendar year by which an entity that receives a state award for economic development must comply with a performance metric specified in the terms and conditions of the award. "State award for economic development" means state financial assistance and expenditure in any of the following forms: grants, subgrants, loans, awards, cooperative agreements, or other similar and related forms of financial assistance and contracts, subcontracts, purchase orders, task orders, delivery orders, or other similar and related transactions. "State award for economic development" does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, the secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices.

(H) Nothing in this section shall be construed as requiring the disclosure of information that is not a public record under section 149.43 of the Revised Code.

**Sec. 125.13.** (A) As used in this section:

(1) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.

(2) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.

(B) ~~Except as otherwise provided in section 5139.03 of the~~

~~Revised Code, whenever~~ Whenever a state agency determines that it 6465  
has excess or surplus supplies, it shall notify the director of 6466  
administrative services. ~~Upon request by the director and on~~ On 6467  
forms provided by the director, the state agency shall furnish to 6468  
the director a list of ~~all those~~ its excess and surplus supplies 6469  
~~and an appraisal of their value, including the location of the~~ 6470  
supplies and whether the supplies are currently in the agency's 6471  
control. 6472

(C) ~~The~~ Upon receipt of notification and at no cost to the 6473  
state agency, the director of administrative services shall make 6474  
arrangements for their disposition and shall take immediate 6475  
control of a state agency's excess and surplus supplies, except 6476  
for the following excess and surplus supplies: 6477

(1) Excess or surplus supplies that have a value below the 6478  
minimum value that the director establishes for excess and surplus 6479  
supplies under division (F) of this section; 6480

(2) Excess or surplus supplies that the director has 6481  
authorized an agency to donate to a ~~public entity~~ governmental 6482  
agency, including, but not limited to, public schools and surplus 6483  
computers and computer equipment transferred to a public school 6484  
under division ~~(H)~~ (G) of this section; 6485

(3) Excess or surplus supplies that an agency trades in as 6486  
full or partial payment when purchasing a replacement item; 6487

(4) Hazardous property; 6488

(5) Excess or surplus supplies that the director has 6489  
authorized to be part of an interagency transfer; 6490

(6) Excess or surplus supplies that are donated under 6491  
division (H) of this section. 6492

(D) The director shall inventory excess and surplus supplies 6493  
in the director's control and post on a public web site a list of 6494

the supplies available for acquisition. The director may have the 6495  
supplies repaired. The director shall not charge a fee for the 6496  
collection or transportation of excess and surplus supplies. 6497

(E) The director may do ~~either~~ any of the following: 6498

(1) Dispose of declared surplus or excess supplies in the 6499  
director's control by sale, lease, donation, or transfer. If the 6500  
director does so, the director shall dispose of those supplies in 6501  
any of the following ~~order of priority~~ manners: 6502

(a) To state agencies or by interagency trade; 6503

(b) To state-supported or state-assisted institutions of 6504  
higher education; 6505

(c) To tax-supported agencies, municipal corporations, or 6506  
other political subdivisions of this state, private fire 6507  
companies, or private, nonprofit emergency medical service 6508  
organizations; 6509

(d) To nonpublic elementary and secondary schools chartered 6510  
by the state board of education under section 3301.16 of the 6511  
Revised Code; 6512

(e) To a nonprofit organization that is both exempt from 6513  
federal income taxation under 26 U.S.C. 501(a) and (c)(3) and that 6514  
receives funds from the state or has a contract with the state; 6515

(f) To the general public by auction, sealed bid, sale, or 6516  
negotiation. 6517

(2) If the director has attempted to dispose of any declared 6518  
surplus or excess motor vehicle that does not exceed four thousand 6519  
five hundred dollars in value pursuant to divisions (E)(1)(a) to 6520  
(c) of this section, donate the motor vehicle to a nonprofit 6521  
organization exempt from federal income taxation pursuant to 26 6522  
U.S.C. 501(a) and (c)(3) for the purpose of meeting the 6523  
transportation needs of participants in the Ohio works first 6524

program established under Chapter 5107. of the Revised Code and 6525  
participants in the prevention, retention, and contingency program 6526  
established under Chapter 5108. of the Revised Code. The director 6527  
may not donate a motor vehicle furnished to the state highway 6528  
patrol to a nonprofit organization pursuant to this division. 6529

(F) The director may adopt rules governing the sale, lease, 6530  
or transfer of surplus and excess supplies in the director's 6531  
control by public auction, sealed bid, sale, or negotiation, 6532  
except that no employee of the disposing agency shall be allowed 6533  
to purchase, lease, or receive any such supplies. The director may 6534  
dispose of declared surplus or excess supplies, including motor 6535  
vehicles, in the director's control as the director determines 6536  
proper if such supplies cannot be disposed of pursuant to division 6537  
(E) of this section. The director shall by rule establish a 6538  
minimum value for excess and surplus supplies and prescribe 6539  
procedures for a state agency to follow in disposing of excess and 6540  
surplus supplies in its control that have a value below the 6541  
minimum value established by the director. 6542

~~(G) No state supported or state assisted institution of 6543  
higher education, tax supported agency, municipal corporation, or 6544  
other political subdivision of this state, private fire company, 6545  
or private, nonprofit emergency medical service organization shall 6546  
sell, lease, or transfer excess or surplus supplies acquired under 6547  
this section to private entities or the general public at a price 6548  
greater than the price it originally paid for those supplies. 6549~~

~~(H)~~ The director of administrative services may authorize any 6550  
state agency to transfer surplus computers and computer equipment 6551  
that are not needed by other state agencies directly to an 6552  
accredited public school within the state. The computers and 6553  
computer equipment may be repaired or refurbished prior to 6554  
transfer. The state agency may charge a service fee to the public 6555  
schools for the property not to exceed the direct cost of 6556

repairing or refurbishing it. The state agency shall deposit such 6557  
funds into the account used for repair or refurbishment. 6558

(H) Excess and surplus supplies of food shall be exempt from 6559  
this section and may be donated directly to nonprofit food 6560  
pantries and institutions without notification to the director of 6561  
administrative services. 6562

**Sec. 125.27.** (A) There is hereby created in the state 6563  
treasury the building improvement fund. The fund shall retain the 6564  
interest earned. 6565

(B) The fund shall consist of any ~~payments made by intrastate 6566  
transfer voucher from the appropriation item for office building 6567  
operating payments~~ money transferred or deposited into the fund 6568  
pursuant to section 125.28 of the Revised Code. 6569

(C) The fund shall be used for major maintenance or 6570  
improvements required in ~~the James A. Rhodes or Frank J. Lausche 6571  
state office tower, Toledo government center, Senator Oliver R. 6572  
Oeasek government office building, and Vern Riffe center for 6573  
government and the arts~~ facilities maintained by the department of 6574  
administrative services. 6575

**Sec. 125.28.** (A)(1) ~~Each state agency that is supported in 6576  
whole or in part by nongeneral revenue fund money and that 6577  
occupies space in the James A. Rhodes or Frank J. Lausche state 6578  
office tower, Toledo government center, Senator Oliver R. Oeasek 6579  
government office building, Vern Riffe center for government and 6580  
the arts, capitol square, or governor's mansion shall reimburse 6581  
the general revenue fund for the cost of occupying the space in 6582  
the ratio that the occupied space in each facility attributable to 6583  
the nongeneral revenue fund money bears to the total space 6584  
occupied by the state agency in the facility. 6585~~

~~(2) All agencies that occupy space in the old blind school or 6586~~

~~that occupy warehouse space in the general services facility shall~~ 6587  
~~reimburse the department of administrative services for the cost~~ 6588  
~~of occupying the space. The director of administrative services~~ 6589  
shall determine the amount of debt service, if any, to be charged 6590  
~~to building tenants~~ reimbursable cost of space in state-owned or 6591  
state-leased facilities and shall collect reimbursements for it. 6592

~~(3) Each agency that is supported in whole or in part by~~ 6593  
~~nongeneral revenue fund money and that occupies space in any other~~ 6594  
~~facility or facilities owned and maintained by the department of~~ 6595  
~~administrative services or space in the general services facility~~ 6596  
~~other than warehouse space shall reimburse the department for the~~ 6597  
~~cost of occupying the space, including debt service, if any, in~~ 6598  
~~the ratio that the occupied space in each facility attributable to~~ 6599  
~~the nongeneral revenue fund money bears to the total space~~ 6600  
~~occupied by the state agency in the facility~~ that cost. 6601

(B) ~~The director of administrative services~~ may provide 6602  
building maintenance services and minor construction project 6603  
management services to any state agency and may collect 6604  
reimbursements for the cost of providing those services. 6605

(C) All money collected by the department of administrative 6606  
services for operating expenses of facilities owned or maintained 6607  
by the department shall be deposited into the state treasury to 6608  
the credit of the building management fund, which is hereby 6609  
~~created, or to the credit of the building operation fund, which is~~ 6610  
~~hereby created.~~ All money collected by the department for minor 6611  
construction project management services shall be deposited into 6612  
the state treasury to the credit of the minor construction project 6613  
management fund, which is hereby created. All money collected for 6614  
~~debt service~~ depreciation and related costs shall be deposited 6615  
into the ~~general revenue~~ building improvement fund created under 6616  
section 125.27 of the Revised Code or deposited into the building 6617  
management fund and then transferred by the director of budget and 6618

management to the building improvement fund. 6619

~~(D) The director of administrative services shall determine 6620  
the reimbursable cost of space in state owned or state leased 6621  
facilities and shall collect reimbursements for that cost. 6622~~

**Sec. 125.31.** (A) The department of administrative services 6623  
shall have supervision of all public printing except as follows: 6624

(1) Printing for the general assembly shall be the sole 6625  
responsibility of the clerk of the senate and the clerk of the 6626  
house of representatives unless the clerk of the senate or the 6627  
clerk of the house of representatives chooses either of the 6628  
options specified in section 101.523 or 101.524 of the Revised 6629  
Code. 6630

(2) Printing for the Ohio arts council shall be under the 6631  
supervision of the council. 6632

(3) Printing for the capitol square review and advisory board 6633  
shall be under the supervision of the board. 6634

~~(4) Printing for the bureau of workers' compensation shall be 6635  
under the supervision of the administrator of workers' 6636  
compensation unless the administrator requests the department to 6637  
supervise printing for the bureau. 6638~~

~~(5) Printing for state-supported institutions of higher 6639  
education shall be under the supervision of the department of 6640  
purchasing of each such institution or the department or officer 6641  
within each institution that performs the functions of a 6642  
department of purchasing. 6643~~

(B) The department of administrative services shall 6644  
determine, except as otherwise specifically provided by law, the 6645  
number of copies to be printed of each publication or document, 6646  
the source of reproduction, the manner of binding, quality of 6647  
paper, the general kind, size, and spacing of type to be used in 6648

all reports, publications, bulletins, documents, or pamphlets 6649  
printed at public expense. 6650

The department shall not use its authority to curtail the 6651  
release of public information by any elected state official. 6652

(C) For the purposes of sections 125.31 to 125.76 of the 6653  
Revised Code, all functions, powers, and duties assigned to the 6654  
department of administrative services are considered to be 6655  
assigned to the division of state printing within the department 6656  
of administrative services. 6657

**Sec. 125.36.** If the department of administrative services is 6658  
of the opinion that any bids or proposals should be rejected in 6659  
the interest of the state, it may reject any or all bids or 6660  
proposals and advertise the invitation to bid or the request for 6661  
proposals a second time. If after the second advertisement for 6662  
bids or proposals the department determines that any or all bids 6663  
or proposals are not in the interest of the state, it may purchase 6664  
the various ~~kinds of paper~~ printing goods and services required at 6665  
the lowest price for which such ~~paper~~ printing goods and services 6666  
can be obtained in the open market. 6667

**Sec. 125.38.** If ~~such a bond is~~ required by the department of 6668  
administrative services, a bid or proposal for a term contract for 6669  
~~paper~~ printing goods and services, including final printed 6670  
product, shall be accompanied by a bond to the state, in a sum 6671  
specified in the invitation to bid or request for proposals, 6672  
executed by the ~~bidder~~ offeror, with either one corporate or two 6673  
personal sureties, satisfactory to the department, conditioned for 6674  
the performance of the contract awarded the ~~bidder~~ offeror, and 6675  
for the payment to the state, by the ~~bidder~~ offeror, as liquidated 6676  
damages, of any excess of cost over the bid or proposal of such 6677  
~~bidder~~ offeror, which the state may be obliged to pay for such 6678

~~paper printing goods and services~~ by reason of the failure of the 6679  
~~bidder offeror~~ to complete the contract. ~~This A bid or proposal~~ 6680  
~~unaccompanied by such bond shall not be considered, and this~~ 6681  
bond shall be void if no contract is awarded to the ~~bidder, and no bid~~ 6682  
~~unaccompanied by such bond shall be entertained by the department~~ 6683  
~~offeror.~~ 6684

**Sec. 125.39.** If the contractor fails to furnish ~~paper~~ 6685  
~~printing goods and services~~ according to the terms of the 6686  
contract, the department of administrative services shall purchase 6687  
the required ~~paper printing goods and services~~ on the open market 6688  
after notifying the contractor in writing of such action, and the 6689  
cost in excess of the contract shall be collected from the 6690  
contractor or the posted bond, if a bond was provided. 6691

**Sec. 125.42.** (A) No agency, officer, board, or commission, 6692  
except the clerk of the senate and the clerk of the house of 6693  
representatives, shall print or cause to be printed at the public 6694  
expense, any report, bulletin, document, or pamphlet, unless such 6695  
report, bulletin, document, or pamphlet is first submitted to, and 6696  
the printing thereof approved by, the department of administrative 6697  
services. If ~~such~~ the department approves the printing, it shall 6698  
determine the form of such printing and the number of copies. 6699

If such approval is given, the department shall cause the 6700  
same to be printed and bound as provided by sections ~~125.47 to~~ 6701  
~~125.56~~ 125.49 and 125.51 of the Revised Code, except as otherwise 6702  
provided by section 125.45 of the Revised Code; and when printed, 6703  
such publications or forms shall be delivered to the ordering 6704  
officer, board, commission, or department, or sold at a price not 6705  
to exceed the total cost. 6706

(B) The department of administrative services annually shall 6707  
set a maximum cost per page and a maximum total cost for the 6708

printing by any board, commission, council, or other public body 6709  
of the state of any annual report or any other report that it is 6710  
required by law to produce. No board, commission, council, or 6711  
other public body of the state shall expend or incur the 6712  
expenditure of any amount in excess of these maximum amounts 6713  
without the prior approval of the department. This division does 6714  
not apply to the general assembly or any court. 6715

**Sec. 125.43.** The department of administrative services shall 6716  
~~examine and correct the proof sheets of the printing for the~~ 6717  
~~state, and see that the work is~~ any printing services are executed 6718  
in accordance with law, ~~and when necessary, prepare indexes for~~ 6719  
~~the public documents.~~ The printing of all publications approved by 6720  
the department of administrative services shall be ordered through 6721  
it and it shall see that the number of copies ordered is received 6722  
from the printer and delivered to the proper department. 6723

**Sec. 125.45. (A)** The department of administrative services 6724  
shall maintain facilities to perform office reproduction services 6725  
for all boards, commissions, or departments ~~except for the bureau~~ 6726  
~~of workers' compensation.~~ Upon written application to the 6727  
department of administrative services, permission may be granted 6728  
to a board, commission, or department to perform such services 6729  
outside the central facility and such permission shall state the 6730  
extent of the services which the department, board, or commission 6731  
shall perform. 6732

(B) Office reproduction services ~~using stencils, masters, or~~ 6733  
~~plates~~ are restricted to duplicating equipment not larger than 6734  
seventeen by twenty-two inches. Not to exceed five thousand press 6735  
impressions shall be produced of any such order except that up to 6736  
one thousand production copies may be produced of any item 6737  
consisting of multiple pages and except that over five thousand, 6738  
but not more than ten thousand, press impressions may be produced 6739

if the director of administrative services determines that there 6740  
is an emergency due to the timing of service delivery or another 6741  
factor that may cause financial hardship to the state. 6742

~~Nothing in this section precludes the bureau from entering 6743  
into a contract with the department of administrative services for 6744  
the department to perform office reproduction services for the 6745  
bureau. 6746~~

(C) No state agency, other than the department of 6747  
administrative services, shall perform printing or office 6748  
reproduction services for political subdivisions. 6749

**Sec. 125.49.** Each bid or proposal for state printing shall 6750  
state specifically the price at which the ~~bidder~~ offeror will 6751  
undertake to ~~de~~ provide the ~~work~~ finished product as specified in 6752  
the ~~classes of printing invitation to bid or request for~~ 6753  
proposals, including the necessary binding covered by such bid or 6754  
proposal. 6755

**Sec. 125.51.** After careful examination and computation of 6756  
each ~~proposal~~ bid, within thirty days the department of 6757  
administrative services shall award the contract for such printing 6758  
to the lowest responsive and responsible bidder, in accordance 6759  
with section 9.312 of the Revised Code, having proper facilities 6760  
to ~~insure~~ ensure prompt performance of the work. No contract shall 6761  
be awarded unless it contains an agreement for the completion of 6762  
the work within the time fixed by the department, but the time so 6763  
fixed may be extended by the department if deemed in the best 6764  
interest of the state. 6765

**Sec. 125.58.** The department of administrative services shall 6766  
promptly notify each successful ~~bidder~~ offeror of the acceptance 6767  
of the ~~bidder's~~ offeror's bid or proposal for state printing. If 6768  
such ~~bidder~~ offeror fails to execute the contract because of death 6769

or other cause, or if the ~~bidder~~ offeror fails to execute the work 6770  
required by the contract in a proper manner and with reasonable 6771  
promptness, or the contract is abandoned, or its execution is 6772  
temporarily suspended, the department may enter into a contract 6773  
with another person for the prompt execution of the work for the 6774  
lowest price which may be obtained. Before any work is relet in 6775  
consequence of the misconduct or default of the contractor, the 6776  
department shall give the contractor written notice thereof. The 6777  
department of administrative services may set a daily penalty 6778  
charge for late orders, provided the penalty schedule and amount 6779  
are stated in the invitation to bid or request for proposals for 6780  
the printing. 6781

**Sec. 125.601.** ~~(A) Not later than July 1, 2007, the~~ The 6782  
director of administrative services shall establish the office of 6783  
procurement from community rehabilitation programs within the 6784  
department of administrative services. The director shall 6785  
designate an employee of the department to serve as administrator 6786  
of the office. 6787

~~(B) Not later than July 1, 2007, the director shall abolish 6788  
the state committee for the purchase of products and services 6789  
provided by persons with severe disabilities in accordance with 6790  
section 4115.36 of the Revised Code. 6791~~

**Sec. 125.607.** (A) Before purchasing any supply or service, a 6792  
governmental ordering office shall determine, in compliance with 6793  
section 125.035 of the Revised Code, whether the supply or service 6794  
is on the procurement list maintained by the office of procurement 6795  
from community rehabilitation programs. If the supply or service 6796  
is on the list at an established fair market price, the government 6797  
ordering office shall purchase it from the qualified nonprofit 6798  
agency or approved agent at that price. 6799

(B) If the supply or service is on the procurement list but a fair market price has not been established, the government ordering office shall attempt to negotiate an agreement with one or more of the listed qualified nonprofit agencies or approved agents. The office of procurement from community rehabilitation programs may accept as fair market price an agreement negotiated between the government ordering office and a qualified nonprofit agency or approved agent.

(C) If an agreement is not successfully negotiated, the office may establish a fair market price, or it may release a government ordering office from the requirements of this section.

(D) A purchase under divisions (A) to (C) of this section is not subject to any competitive selection or competitive bidding requirements, notwithstanding any other provision of law.

(E) The department of administrative services has the authority to structure or regulate competition among qualified nonprofit agencies for the overall benefit of the program.

**Sec. 125.609.** ~~The office of procurement from community rehabilitation programs~~ department of administrative services, on its own or pursuant to a request from a government ordering office, may release a government ordering office from compliance with sections 125.60 to 125.6012 of the Revised Code. If the ~~office~~ department determines that compliance is not possible or not advantageous, or if conditions prescribed in rules as may be adopted under section 125.603 of the Revised Code for granting a release are met, the ~~office~~ department may grant a release. The release shall be in writing, and shall specify the supplies or services to which it applies, the period of time during which it is effective, and the reason for which it is granted.

**Sec. 125.76.** All printing and binding for the state, not

authorized by sections 125.43 to 125.71 or section 3345.10 of the Revised Code, except for maps and printing that is the sole responsibility of the clerk of the senate or the clerk of the house of representatives, shall be subject to such sections so far as practical, and whether provided for by law or resolution of the general assembly the department of administrative services shall advertise for bids or proposals and let contracts therefor as provided in such sections.

**Sec. 125.901.** (A) There is hereby established the Ohio geographically referenced information program council within the department of administrative services to coordinate the property owned by the state. The department of administrative services shall provide administrative support for the council.

(B) The council shall consist of the following fifteen members:

(1) The state chief information officer, or the officer's designee, who shall serve as the council chair;

(2) The director of ~~the department of~~ natural resources, or the director's designee;

(3) The director of transportation, or the director's designee;

(4) The director of environmental protection, or the director's designee;

(5) The director of development services, or the director's designee;

(6) The treasurer of state, or the treasurer of state's designee;

(7) ~~An individual appointed by the governor from the organization that represents the state's county auditors;~~

- ~~(8) An individual appointed by the governor from the organization that represents the state's county commissioners;~~ 6859  
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- ~~(9) An individual appointed by the governor from the organization that represents the state's county engineers;~~ 6861  
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- ~~(10) An individual appointed by the governor from the organization that represents the state's regional councils;~~ 6863  
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- ~~(11) Two individuals appointed by the governor from the organization that represents the state's municipal governments, one of whom shall represent a municipality with a population of fewer than one hundred thousand people and one of whom shall represent a municipality with a population of one hundred thousand or more people;~~ 6865  
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- ~~(12) An individual appointed by the governor representing the interests of the regulated utilities in this state;~~ 6871  
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- ~~(13) An individual appointed by the governor representing the interests of a public university;~~ 6873  
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- ~~(14) The attorney general, or the attorney general's designee;~~ 6875  
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- (8) The director of higher education or the director's designee; 6877  
6878
- (9) The chief of the division of oil and gas resources management in the department of natural resources or the chief's designee; 6879  
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- (10) The director of public safety or the director's designee; 6882  
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- (11) The executive director of the county auditors' association or the executive director's designee; 6884  
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- (12) The executive director of the county commissioners' association or the executive director's designee; 6886  
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(13) The executive director of the county engineers' association or the executive director's designee; 6888  
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(14) The executive director of the Ohio municipal league or the executive director's designee; 6890  
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(15) The executive director of the Ohio townships association or the executive director's designee. 6892  
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~~(C) The governor shall make initial appointments for the members as provided in this section within a reasonable time. The members appointed to the council by the governor pursuant to this section shall serve two year terms, with each term ending on the same day of the same month as did the term that it succeeds. The chair of the council shall appoint a new member to fill any vacancy created by a member appointed by the governor before the expiration of that member's term. Otherwise, vacancies shall be filled in the same manner as provided in division (B) of this section. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which a predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. All members may be reappointed. Members of the council shall serve without compensation.~~ 6894  
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**Sec. 128.40.** There is hereby created within the department of administrative services the 9-1-1 program office, headed by an administrator in the unclassified civil service pursuant to division (A)(9) of section 124.11 of the Revised Code. The administrator shall be appointed by and serve at the pleasure of the director of administrative services and shall report directly to the state chief information officer. The program office shall ~~administer~~ oversee administration of the wireless 9-1-1 government 6911  
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assistance fund as ~~specified in sections 128.53 and 128.55 of the~~ 6919  
~~Revised Code, the wireless 9-1-1 program fund, and the next~~ 6920  
~~generation 9-1-1 fund.~~ 6921

**Sec. 128.54.** (A) ~~Beginning January 1, 2014:~~ 6922

(1) For the purpose of receiving, distributing, and 6923  
accounting for amounts received from the wireless 9-1-1 charges 6924  
imposed under section 128.42 of the Revised Code, the following 6925  
funds are created in the state treasury: 6926

(a) The wireless 9-1-1 government assistance fund; 6927

(b) The wireless 9-1-1 administrative fund; 6928

(c) The wireless 9-1-1 program fund; 6929

(d) The next generation 9-1-1 fund. 6930

(2) Amounts remitted under section 128.46 of the Revised Code 6931  
shall be paid to the treasurer of state for deposit as follows: 6932

(a) Ninety-seven per cent to the wireless 9-1-1 government 6933  
assistance fund. All interest earned on the wireless 9-1-1 6934  
government assistance fund shall be credited to the fund. 6935

(b) One per cent to the wireless 9-1-1 administrative fund; 6936

(c) Two per cent to the 9-1-1 program fund. 6937

(3) The tax commissioner shall use the wireless 9-1-1 6938  
administrative fund to defray the costs incurred in carrying out 6939  
this chapter. 6940

(4) The steering committee shall use the 9-1-1 program fund 6941  
to defray the costs incurred by the steering committee in carrying 6942  
out this chapter. 6943

(5) Annually, the tax commissioner ~~and the steering~~ 6944  
~~committee~~, after paying administrative costs under division (A)(3) 6945  
of this section, shall transfer any excess remaining in the 6946

~~wireless 9-1-1 administrative funds fund~~ to the next generation 6947  
9-1-1 fund, created under this section. 6948

(B) ~~The~~ At the direction of the steering committee, the tax 6949  
commissioner shall transfer the funds remaining in the wireless 6950  
9-1-1 government assistance fund ~~after the disbursements made~~ 6951  
~~under division (B)(1) of section 128.55 of the Revised Code~~ to the 6952  
credit of the next generation 9-1-1 fund. All interest earned on 6953  
the next generation 9-1-1 fund shall be credited to the fund. 6954

(C) From the wireless 9-1-1 government assistance fund, the 6955  
director of budget and management shall, as funds are available, 6956  
transfer to the tax refund fund, created under section 5703.052 of 6957  
the Revised Code, amounts equal to the refunds certified by the 6958  
tax commissioner under division (D) of section 128.47 of the 6959  
Revised Code. 6960

**Sec. 128.55.** (A) ~~Prior to January 1, 2014, the steering~~ 6961  
~~committee shall disburse moneys from the wireless 9 1 1 government~~ 6962  
~~assistance fund to each county in the same manner as the 2012~~ 6963  
~~disbursements, in accordance with divisions (A) and (B) of section~~ 6964  
~~4931.64 of the Revised Code as those divisions existed prior to~~ 6965  
~~the effective date of H.B. 360 of the 129th general assembly,~~ 6966  
~~December 20, 2012.~~ 6967

~~(B) Beginning January 1, 2014:~~ 6968

(1) The tax commissioner, not later than the last day of each 6969  
month, shall disburse moneys from the wireless 9-1-1 government 6970  
assistance fund, plus any accrued interest on the fund, to each 6971  
county treasurer. 6972

(a) If there are sufficient funds in the wireless 9-1-1 6973  
government assistance fund, each county treasurer shall receive 6974  
the same amount distributed to that county by the public utilities 6975  
commission in the corresponding calendar month in 2013. ~~If any~~ 6976

~~excess remains after these distributions are made, the tax 6977  
commissioner shall transfer that excess to the next generation 6978  
9-1-1 fund. 6979~~

(b) If the funds available are insufficient to make the 6980  
distributions as provided in division ~~(B)~~(A)(1)(a) of this 6981  
section, each county's share shall be reduced in proportion to the 6982  
amounts received in the corresponding calendar month in 2013, 6983  
until the total amount to be distributed to the counties is 6984  
equivalent to the amount available in the wireless 9-1-1 6985  
government assistance fund. Any shortfall in distributions 6986  
resulting from insufficient funds from a previous month shall be 6987  
remedied in the following month. 6988

(2) The tax commissioner shall disburse moneys from the next 6989  
generation 9-1-1 fund in accordance with the guidelines 6990  
established under section 128.022 of the Revised Code. 6991

~~(C)~~(B) Immediately upon receipt by a county treasurer of a 6992  
disbursement under division (A) ~~or (B)(1)~~ of this section, the 6993  
county shall disburse, in accordance with the allocation formula 6994  
set forth in the final plan, the amount the county so received to 6995  
any other subdivisions in the county and any regional councils of 6996  
governments in the county that pay the costs of a public safety 6997  
answering point providing wireless enhanced 9-1-1 under the plan. 6998

~~(D)~~(C) Nothing in this chapter affects the authority of a 6999  
subdivision operating or served by a public safety answering point 7000  
of a 9-1-1 system or a regional council of governments operating a 7001  
public safety answering point of a 9-1-1 system to use, as 7002  
provided in the final plan for the system or in an agreement under 7003  
section 128.09 of the Revised Code, any other authorized revenue 7004  
of the subdivision or the regional council of governments for the 7005  
purposes of providing basic or enhanced 9-1-1. 7006

**Sec. 128.57.** Except as otherwise provided in section 128.571 7007

of the Revised Code: 7008

(A) A countywide 9-1-1 system receiving a disbursement under 7009  
section 128.55 of the Revised Code shall provide countywide 7010  
wireless enhanced 9-1-1 in accordance with this chapter beginning 7011  
as soon as reasonably possible after receipt of the first 7012  
disbursement or, if that service is already implemented, shall 7013  
continue to provide such service. Except as provided in divisions 7014  
(B), (C), and (E) of this section, a disbursement shall be used 7015  
solely for the purpose of paying either or both of the following: 7016

(1) Any costs of designing, upgrading, purchasing, leasing, 7017  
programming, installing, testing, or maintaining the necessary 7018  
data, hardware, software, and trunking required for the public 7019  
safety answering point or points of the 9-1-1 system to provide 7020  
wireless enhanced 9-1-1, which costs are incurred before or on or 7021  
after May 6, 2005, and consist of such additional costs of the 7022  
9-1-1 system over and above any costs incurred to provide wireline 7023  
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 7024  
up to twenty-five thousand dollars of the disbursements received 7025  
on or after January 1, 2009, may be applied to data, hardware, and 7026  
software that automatically alerts personnel receiving a 9-1-1 7027  
call that a person at the subscriber's address or telephone number 7028  
may have a mental or physical disability, of which that personnel 7029  
shall inform the appropriate emergency service provider. On or 7030  
after the provision of technical and operational standards 7031  
pursuant to section 128.021 of the Revised Code, a regional 7032  
council of governments operating a public safety answering point 7033  
or a subdivision shall consider the standards before incurring any 7034  
costs described in this division. 7035

(2) Any costs of training the staff of the public safety 7036  
answering point or points to provide wireless enhanced 9-1-1, 7037  
which costs are incurred before or on or after May 6, 2005. 7038

(B) A subdivision or a regional council of governments that 7039  
certifies to the steering committee that it has paid the costs 7040  
described in divisions (A)(1) and (2) of this section and is 7041  
providing countywide wireless enhanced 9-1-1 may use disbursements 7042  
received under section 128.55 of the Revised Code to pay any of 7043  
its personnel costs of one or more public safety answering points 7044  
providing countywide wireless enhanced 9-1-1. 7045

(C) After receiving its July 2013 disbursement under division 7046  
(A) of section 128.55 of the Revised Code as that division existed 7047  
prior to the amendments to that division by ...B... of the 131st 7048  
general assembly, a regional council of governments operating a 7049  
public safety answering point or a subdivision may use any 7050  
remaining balance of disbursements it received under that 7051  
division, as it existed prior to the amendments to it by ...B... 7052  
of the 131st general assembly, to pay any of its costs of 7053  
providing countywide wireless 9-1-1, including the personnel costs 7054  
of one or more public safety answering points providing that 7055  
service. 7056

(D) The costs described in divisions (A), (B), (C), and (E) 7057  
of this section may include any such costs payable pursuant to an 7058  
agreement under division (J) of section 128.03 of the Revised 7059  
Code. 7060

(E)(1) No disbursement to a countywide 9-1-1 system for costs 7061  
of a public safety answering point shall be made from the wireless 7062  
9-1-1 government assistance fund or the next generation 9-1-1 fund 7063  
unless the public safety answering point meets the standards set 7064  
by rule of the steering committee under section 128.021 of the 7065  
Revised Code. 7066

(2) The steering committee shall monitor compliance with the 7067  
standards and shall notify the tax commissioner to suspend 7068  
disbursements to a countywide 9-1-1 system that fails to meet the 7069  
standards. Upon receipt of this notification, the commissioner 7070

shall suspend disbursements until the commissioner is notified of 7071  
compliance with the standards. 7072

(F) The auditor of state may audit and review each county's 7073  
expenditures of funds received from the wireless 9-1-1 government 7074  
assistance fund to verify that the funds were used in accordance 7075  
with the requirements of this chapter. 7076

Sec. 131.025. The attorney general shall enter into an 7077  
agreement with the United States secretary of the treasury to 7078  
participate in the federal treasury offset program for the 7079  
collection of the following debts certified to the attorney 7080  
general pursuant to section 131.02 of the Revised Code: 7081

(A) State income tax obligations pursuant to 26 U.S.C. 7082  
6402(e); 7083

(B) Covered unemployment compensation debts pursuant to 26 7084  
U.S.C. 6402(f). 7085

**Sec. 131.34.** (A) No moneys shall be transferred between funds 7086  
or between state agencies on an intrastate transfer voucher, or by 7087  
any other procedure, unless such a transfer is a payment for goods 7088  
or services or a service subscription or unless such a transfer is 7089  
required or authorized by law. 7090

(B)(1) Any state agency that has provided goods or services 7091  
or a service subscription to another state agency may, ~~if the~~ 7092  
~~providing agency does not receive payment from the receiving~~ 7093  
~~agency within thirty days after delivering the goods or services~~ 7094  
~~and submitting an invoice requesting payment for them,~~ certify to 7095  
the director of budget and management ~~that~~ both of the following: 7096

(a) That the goods or services have been delivered and the or 7097  
that the service subscription has been initiated; 7098

(b) The amount that is due for ~~them~~ the goods and services or 7099

the service subscription. 7100

(2) A providing agency may make such certification only if it 7101  
does not receive payment from the receiving agency within thirty 7102  
days after: 7103

(a) Delivering the goods or services or initiating the 7104  
service subscription; 7105

(b) Submitting an invoice requesting payment for the goods 7106  
and services or the service subscription. 7107

(C) If the director determines that all or part of the 7108  
certified amount should have been paid by the receiving agency and 7109  
that the receiving agency has an unobligated balance in an 7110  
appropriation for the payment, ~~he~~ the director may transfer the 7111  
amount that should have been paid from the appropriate fund of the 7112  
receiving agency to the appropriate fund of the providing agency 7113  
on an intrastate transfer voucher. 7114

(D) For the purposes of this section, "service subscription" 7115  
means an ongoing service provided to a state agency by another 7116  
state agency for which an estimated payment is made in advance and 7117  
final payment due is determined based on actual use. 7118

**Sec. 140.01.** As used in this chapter: 7119

(A) "Hospital agency" means any public hospital agency or any 7120  
nonprofit hospital agency. 7121

(B) "Public hospital agency" means any county, board of 7122  
county hospital trustees established pursuant to section 339.02 of 7123  
the Revised Code, county hospital commission established pursuant 7124  
to section 339.14 of the Revised Code, municipal corporation, new 7125  
community authority organized under Chapter 349. of the Revised 7126  
Code, joint township hospital district, state or municipal 7127  
university or college operating or authorized to operate a 7128  
hospital facility, or the state. 7129

(C) "Nonprofit hospital agency" means a corporation or 7130  
association not for profit, no part of the net earnings of which 7131  
inures or may lawfully inure to the benefit of any private 7132  
shareholder or individual, that has authority to own or operate a 7133  
hospital facility or provides or is to provide services to one or 7134  
more other hospital agencies. 7135

(D) "Governing body" means, in the case of a county, the 7136  
board of county commissioners or other legislative body; in the 7137  
case of a board of county hospital trustees, the board; in the 7138  
case of a county hospital commission, the commission; in the case 7139  
of a municipal corporation, the council or other legislative 7140  
authority; in the case of a new community authority, its board of 7141  
trustees; in the case of a joint township hospital district, the 7142  
joint township district hospital board; in the case of a state or 7143  
municipal university or college, its board of trustees or board of 7144  
directors; in the case of a nonprofit hospital agency, the board 7145  
of trustees or other body having general management of the agency; 7146  
and, in the case of the state, the director of development 7147  
services or the Ohio higher educational facility commission. 7148

(E) "Hospital facilities" means buildings, structures and 7149  
other improvements, additions thereto and extensions thereof, 7150  
furnishings, equipment, and real estate and interests in real 7151  
estate, used or to be used for or in connection with one or more 7152  
hospitals, emergency, intensive, intermediate, extended, 7153  
long-term, or self-care facilities, diagnostic and treatment and 7154  
out-patient facilities, facilities related to programs for home 7155  
health services, clinics, laboratories, public health centers, 7156  
research facilities, and rehabilitation facilities, for or 7157  
pertaining to diagnosis, treatment, care, or rehabilitation of 7158  
sick, ill, injured, infirm, impaired, disabled, or handicapped 7159  
persons, or the prevention, detection, and control of disease, and 7160  
also includes education, training, and food service facilities for 7161

health professions personnel, housing facilities for such 7162  
personnel and their families, and parking and service facilities 7163  
in connection with any of the foregoing; and includes any one, 7164  
part of, or any combination of the foregoing; and further includes 7165  
site improvements, utilities, machinery, facilities, furnishings, 7166  
and any separate or connected buildings, structures, improvements, 7167  
sites, utilities, facilities, or equipment to be used in, or in 7168  
connection with the operation or maintenance of, or supplementing 7169  
or otherwise related to the services or facilities to be provided 7170  
by, any one or more of such hospital facilities. 7171

(F) "Costs of hospital facilities" means the costs of 7172  
acquiring hospital facilities or interests in hospital facilities, 7173  
including membership interests in nonprofit hospital agencies, 7174  
costs of constructing hospital facilities, costs of improving one 7175  
or more hospital facilities, including reconstructing, 7176  
rehabilitating, remodeling, renovating, and enlarging, costs of 7177  
equipping and furnishing such facilities, and all financing costs 7178  
pertaining thereto, including, without limitation thereto, costs 7179  
of engineering, architectural, and other professional services, 7180  
designs, plans, specifications and surveys, and estimates of cost, 7181  
costs of tests and inspections, the costs of any indemnity or 7182  
surety bonds and premiums on insurance, all related direct or 7183  
allocable administrative expenses pertaining thereto, fees and 7184  
expenses of trustees, depositories, and paying agents for the 7185  
obligations, cost of issuance of the obligations and financing 7186  
charges and fees and expenses of financial advisors, attorneys, 7187  
accountants, consultants and rating services in connection 7188  
therewith, capitalized interest on the obligations, amounts 7189  
necessary to establish reserves as required by the bond 7190  
proceedings, the reimbursement of all moneys advanced or applied 7191  
by the hospital agency or others or borrowed from others for the 7192  
payment of any item or items of costs of such facilities, and all 7193  
other expenses necessary or incident to planning or determining 7194

feasibility or practicability with respect to such facilities, and 7195  
such other expenses as may be necessary or incident to the 7196  
acquisition, construction, reconstruction, rehabilitation, 7197  
remodeling, renovation, enlargement, improvement, equipment, and 7198  
furnishing of such facilities, the financing thereof, and the 7199  
placing of the same in use and operation, including any one, part 7200  
of, or combination of such classes of costs and expenses, and 7201  
means the costs of refinancing obligations issued by, or 7202  
reimbursement of money advanced by, nonprofit hospital agencies or 7203  
others the proceeds of which were used for the payment of costs of 7204  
hospital facilities, if the governing body of the public hospital 7205  
agency determines that the refinancing or reimbursement advances 7206  
the purposes of this chapter, whether or not the refinancing or 7207  
reimbursement is in conjunction with the acquisition or 7208  
construction of additional hospital facilities. 7209

(G) "Hospital receipts" means all moneys received by or on 7210  
behalf of a hospital agency from or in connection with the 7211  
ownership, operation, acquisition, construction, improvement, 7212  
equipping, or financing of any hospital facilities, including, 7213  
without limitation thereto, any rentals and other moneys received 7214  
from the lease, sale, or other disposition of hospital facilities, 7215  
and any gifts, grants, interest subsidies, or other moneys 7216  
received under any federal program for assistance in financing the 7217  
costs of hospital facilities, and any other gifts, grants, and 7218  
donations, and receipts therefrom, available for financing the 7219  
costs of hospital facilities. 7220

(H) "Obligations" means bonds, notes, or other evidences of 7221  
indebtedness or obligation, including interest coupons pertaining 7222  
thereto, issued or issuable by a public hospital agency to pay 7223  
costs of hospital facilities. 7224

(I) "Bond service charges" means principal, interest, and 7225  
call premium, if any, required to be paid on obligations. 7226

(J) "Bond proceedings" means one or more ordinances, 7227  
resolutions, trust agreements, indentures, and other agreements or 7228  
documents, and amendments and supplements to the foregoing, or any 7229  
combination thereof, authorizing or providing for the terms, 7230  
including any variable interest rates, and conditions applicable 7231  
to, or providing for the security of, obligations and the 7232  
provisions contained in such obligations. 7233

(K) "Nursing home" has the same meaning as in division (A)(1) 7234  
of section 5701.13 of the Revised Code. 7235

(L) "Residential care facility" has the same meaning as in 7236  
division (A)(2) of section 5701.13 of the Revised Code. 7237

(M) "Independent living facility" means any self-care 7238  
facility or other housing facility designed or used as a residence 7239  
for elderly persons. An "independent living facility" does not 7240  
include a residential facility, or that part of a residential 7241  
facility, that is any of the following: 7242

(1) A hospital required to be certified by section 3727.02 of 7243  
the Revised Code; 7244

(2) A nursing home or residential care facility; 7245

(3) A facility operated by a hospice care program licensed 7246  
under section 3712.04 of the Revised Code and used for the 7247  
program's hospice patients; 7248

(4) A residential facility licensed by the department of 7249  
mental health and addiction services under section 5119.34 of the 7250  
Revised Code that provides accommodations, supervision, and 7251  
personal care services for three to sixteen unrelated adults; 7252

(5) A residential facility licensed by the department of 7253  
mental health and addiction services under section 5119.34 of the 7254  
Revised Code that is not a residential facility described in 7255  
division (M)(4) of this section; 7256

(6) A facility licensed to provide methadone treatment under section 5119.391 of the Revised Code;	7257 7258
(7) A <del>facility certified as a</del> community addiction services provider <del>under section 5119.36,</del> <u>as defined in section 5119.01</u> of the Revised Code;	7259 7260 7261
(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;	7262 7263 7264 7265
(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.	7266 7267 7268
<b>Sec. 141.04.</b> (A) The annual salaries of the chief justice of the supreme court and of the justices and judges named in this section payable from the state treasury are as follows, <del>rounded to the nearest fifty dollars:</del>	7269 7270 7271 7272
(1) For the chief justice of the supreme court, the following amounts effective in the following years:	7273 7274
(a) Beginning <del>January</del> <u>July 1, 2000 2014</u> , one hundred <del>twenty-four</del> <u>fifty</u> thousand <del>nine</del> <u>eight</u> hundred <del>fifty</del> dollars;	7275 7276
(b) Beginning <del>January</del> <u>July 1, 2001 2015</u> , one hundred <del>twenty-eight</del> <u>fifty-eight</u> thousand <del>six</del> <u>four</u> hundred <del>fifty</del> dollars;	7277 7278
(c) <del>After 2001, the amount determined under division (E)(1) of this section</del> <u>Beginning July 1, 2016, one hundred sixty-six thousand three hundred fifty dollars;</u>	7279 7280 7281
(d) <u>Beginning July 1, 2017, one hundred seventy-four thousand seven hundred dollars;</u>	7282 7283
(e) <u>Beginning July 1, 2018, one hundred eighty-three thousand four hundred fifty dollars.</u>	7284 7285

(2) For the justices of the supreme court, the following amounts effective in the following years:	7286
	7287
(a) Beginning <del>January</del> <u>July 1, 2000 2014</u> , one hundred <del>seventeen</del> <u>forty-one</u> thousand <del>two</del> <u>six</u> hundred <del>fifty</del> dollars;	7288
	7289
(b) Beginning <del>January</del> <u>July 1, 2001 2015</u> , one hundred <del>twenty</del> <u>forty-eight</u> thousand seven hundred <del>fifty</del> dollars;	7290
	7291
(c) <del>After 2001, the amount determined under division (E)(1) of this section</del> <u>Beginning July 1, 2016, one hundred fifty-six thousand one hundred fifty dollars;</u>	7292
	7293
	7294
(d) <u>Beginning July 1, 2017, one hundred sixty-four thousand dollars;</u>	7295
	7296
(e) <u>Beginning July 1, 2018, one hundred seventy-two thousand two hundred dollars.</u>	7297
	7298
(3) For the judges of the courts of appeals, the following amounts effective in the following years:	7299
	7300
(a) Beginning <del>January</del> <u>July 1, 2000 2014</u> , one hundred <del>nine</del> <u>thirty-two</u> thousand <del>two hundred</del> <u>fifty</u> dollars;	7301
	7302
(b) Beginning <del>January</del> <u>July 1, 2001 2015</u> , one hundred <del>twelve</del> <u>thirty-eight</u> thousand <del>five</del> <u>six</u> hundred <del>fifty</del> dollars;	7303
	7304
(c) <del>After 2001, the amount determined under division (E)(1) of this section</del> <u>Beginning July 1, 2016, one hundred forty-five thousand five hundred fifty dollars;</u>	7305
	7306
	7307
(d) <u>Beginning July 1, 2017, one hundred fifty-two thousand eight hundred fifty dollars;</u>	7308
	7309
(e) <u>Beginning July 1, 2018, one hundred sixty thousand five hundred dollars.</u>	7310
	7311
(4) For the judges of the courts of common pleas, the following amounts effective in the following years, <u>reduced by an amount equal to the annual compensation paid to that judge from</u>	7312
	7313
	7314

the county treasury pursuant to section 141.05 of the Revised Code: 7315

(a) Beginning ~~January~~ July 1, 2000 2014, one hundred ~~twenty-one thousand five~~ three hundred ~~thirty~~ fifty dollars, ~~reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code;~~ 7316

(a) Beginning ~~January~~ July 1, 2000 2014, one hundred 7317  
~~twenty-one thousand five~~ three hundred ~~thirty~~ fifty dollars, ~~reduced by~~ 7318  
~~an amount equal to the annual compensation paid to that judge from~~ 7319  
~~the county treasury pursuant to section 141.05 of the Revised~~ 7320  
~~Code;~~ 7321

(b) Beginning ~~January~~ July 1, 2001 2015, one hundred ~~three~~ 7322  
~~twenty-seven~~ thousand ~~five~~ four hundred ~~thirty~~ fifty dollars, ~~reduced by~~ 7323  
~~an amount equal to the annual compensation paid to that judge from~~ 7324  
~~the county treasury pursuant to section 141.05 of the Revised~~ 7325  
~~Code;~~ 7326

(c) ~~After 2001, the aggregate annual salary amount determined under division (E)(2) of this section reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code~~ Beginning July 1, 2016, one hundred thirty-three thousand eight hundred fifty dollars; 7327

(d) Beginning July 1, 2017, one hundred forty thousand five hundred fifty dollars; 7333

(e) Beginning July 1, 2018, one hundred forty-seven thousand six hundred dollars. 7335

(5) For the full-time judges of a municipal court or the 7337  
part-time judges of a municipal court of a territory having a 7338  
population of more than fifty thousand, the following amounts 7339  
effective in the following years, ~~which amounts shall be in~~ 7340  
~~addition to all amounts received~~ reduced by an amount equal to the 7341  
annual compensation paid to that judge pursuant to divisions 7342  
division (B)(1)(a) and (2) of section 1901.11 of the Revised Code 7343  
from municipal corporations and counties: 7344

(a) Beginning ~~January~~ July 1, 2000 2014, ~~thirty-two~~ one 7345

hundred fourteen thousand six one hundred fifty dollars; 7346

(b) Beginning ~~January~~ July 1, 2001 2015, ~~thirty-five one~~ 7347

hundred nineteen thousand five eight hundred fifty dollars; 7348

(c) ~~After 2001, the amount determined under division (E)(3)~~ 7349

~~of this section~~ Beginning July 1, 2016, one hundred twenty-five 7350

thousand eight hundred fifty dollars; 7351

(d) Beginning July 1, 2017, one hundred thirty-two thousand 7352

one hundred fifty dollars; 7353

(e) Beginning July 1, 2018, one hundred thirty-eight thousand 7354

eight hundred dollars. 7355

(6) For judges of a municipal court designated as part-time 7356

judges by section 1901.08 of the Revised Code, other than 7357

part-time judges to whom division (A)(5) of this section applies, 7358

and for judges of a county court, the following amounts effective 7359

in the following years, ~~which amounts shall be in addition to any~~ 7360

~~amounts received~~ reduced by an amount equal to the annual 7361

compensation paid to that judge pursuant to division (A) of 7362

section 1901.11 of the Revised Code from municipal corporations 7363

and counties or pursuant to division (A) of section 1907.16 of the 7364

Revised Code from counties: 7365

(a) Beginning ~~January~~ July 1, 2000 2014, ~~eighteen~~ sixty-five 7366

thousand eight six hundred fifty dollars; 7367

(b) Beginning ~~January~~ July 1, 2001 2015, ~~twenty~~ sixty-eight 7368

thousand four nine hundred fifty dollars; 7369

(c) ~~After 2001, the amount determined under division (E)(4)~~ 7370

~~of this section~~ Beginning July 1, 2016, seventy-two thousand four 7371

hundred dollars; 7372

(d) Beginning July 1, 2017, seventy-six thousand fifty 7373

dollars; 7374

(e) Beginning July 1, 2018, seventy-nine thousand nine 7375

hundred dollars. 7376

(B) Except as provided in sections 1901.122 and 1901.123 of 7377  
the Revised Code, except as otherwise provided in this division, 7378  
and except for the compensation to which the judges described in 7379  
division (A)(5) of this section are entitled pursuant to divisions 7380  
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 7381  
annual salary of the chief justice of the supreme court and of 7382  
each justice or judge listed in division (A) of this section shall 7383  
be paid in equal monthly installments from the state treasury. If 7384  
the chief justice of the supreme court or any justice or judge 7385  
listed in division (A)(2), (3), or (4) of this section delivers a 7386  
written request to be paid biweekly to the administrative director 7387  
of the supreme court prior to the first day of January of any 7388  
year, the annual salary of the chief justice or the justice or 7389  
judge that is listed in division (A)(2), (3), or (4) of this 7390  
section shall be paid, during the year immediately following the 7391  
year in which the request is delivered to the administrative 7392  
director of the supreme court, biweekly from the state treasury. 7393

(C) Upon the death of the chief justice or a justice of the 7394  
supreme court during that person's term of office, an amount shall 7395  
be paid in accordance with section 2113.04 of the Revised Code, or 7396  
to that person's estate. The amount shall equal the amount of the 7397  
salary that the chief justice or justice would have received 7398  
during the remainder of the unexpired term or an amount equal to 7399  
the salary of office for two years, whichever is less. 7400

(D) Neither the chief justice of the supreme court nor any 7401  
justice or judge of the supreme court, the court of appeals, the 7402  
court of common pleas, or the probate court shall hold any other 7403  
office of trust or profit under the authority of this state or the 7404  
United States. 7405

~~(E)(1) Each year from 2002 through 2008, the annual salaries 7406  
of the chief justice of the supreme court and of the justices and 7407~~

~~judges named in divisions (A)(2) and (3) of this section shall be 7408  
increased by an amount equal to the adjustment percentage for that 7409  
year multiplied by the compensation paid the preceding year 7410  
pursuant to division (A)(1), (2), or (3) of this section. 7411~~

~~(2) Each year from 2002 through 2008, the aggregate annual 7412  
salary payable under division (A)(4) of this section to the judges 7413  
named in that division shall be increased by an amount equal to 7414  
the adjustment percentage for that year multiplied by the 7415  
aggregate compensation paid the preceding year pursuant to 7416  
division (A)(4) of this section and section 141.05 of the Revised 7417  
Code. 7418~~

~~(3) Each year from 2002 through 2008, the salary payable from 7419  
the state treasury under division (A)(5) of this section to the 7420  
judges named in that division shall be increased by an amount 7421  
equal to the adjustment percentage for that year multiplied by the 7422  
aggregate compensation paid the preceding year pursuant to 7423  
division (A)(5) of this section and division (B)(1)(a) of section 7424  
1901.11 of the Revised Code. 7425~~

~~(4) Each year from 2002 through 2008, the salary payable from 7426  
the state treasury under division (A)(6) of this section to the 7427  
judges named in that division shall be increased by an amount 7428  
equal to the adjustment percentage for that year multiplied by the 7429  
aggregate compensation paid the preceding year pursuant to 7430  
division (A)(6) of this section and division (A) of section 7431  
1901.11 of the Revised Code from municipal corporations and 7432  
counties or division (A) of section 1907.16 of the Revised Code 7433  
from counties. 7434~~

~~(F) In addition to the salaries payable pursuant to this 7435  
section, the chief justice of the supreme court and the justices 7436  
of the supreme court shall be entitled to a vehicle allowance of 7437  
five hundred dollars per month, payable from the state treasury. 7438  
The allowance shall be increased on the first day of January of 7439~~

each odd-numbered year by an amount equal to the percentage 7440  
increase, if any, in the consumer price index for the immediately 7441  
preceding twenty-four month period for which information is 7442  
available. 7443

~~(G)~~(F) On or before the first day of December of each year, 7444  
the Ohio supreme court, through its chief administrator, shall 7445  
notify the administrative judge of the Montgomery county municipal 7446  
court, the board of county commissioners of Montgomery county, and 7447  
the treasurer of the state of the yearly salary cost of five 7448  
part-time county court judges as of that date. If the total yearly 7449  
salary costs of all of the judges of the Montgomery county 7450  
municipal court as of the first day of December of that same year 7451  
exceeds that amount, the administrative judge of the Montgomery 7452  
county municipal court shall cause payment of the excess between 7453  
those two amounts less any reduced amount paid for the health care 7454  
costs of the Montgomery county municipal court judges in 7455  
comparison to the health care costs of five part-time county court 7456  
judges from the general special projects fund or the fund for a 7457  
specific special project created pursuant to section 1901.26 of 7458  
the Revised Code to the treasurer of Montgomery county and to the 7459  
treasurer of the state in amounts proportional to the percentage 7460  
of the salaries of the municipal court judges paid by the county 7461  
and by the state. 7462

~~(H)~~(G) As used in this section: 7463

(1) ~~The "adjustment percentage" for a year is the lesser of~~ 7464  
~~the following:~~ 7465

~~(a) Three per cent;~~ 7466

~~(b) The percentage increase, if any, in the consumer price~~ 7467  
~~index over the twelve month period that ends on the thirtieth day~~ 7468  
~~of September of the immediately preceding year, rounded to the~~ 7469  
~~nearest one tenth of one per cent.~~ 7470

~~(2)~~ "Consumer price index" has the same meaning as in section 7471  
101.27 of the Revised Code. 7472

~~(3)~~(2) "Salary" does not include any portion of the cost, 7473  
premium, or charge for health, medical, hospital, dental, or 7474  
surgical benefits, or any combination of those benefits, covering 7475  
the chief justice of the supreme court or a justice or judge named 7476  
in this section and paid on the chief justice's or the justice's 7477  
or judge's behalf by a governmental entity. 7478

**Sec. 149.43.** (A) As used in this section: 7479

(1) "Public record" means records kept by any public office, 7480  
including, but not limited to, state, county, city, village, 7481  
township, and school district units, and records pertaining to the 7482  
delivery of educational services by an alternative school in this 7483  
state kept by the nonprofit or for-profit entity operating the 7484  
alternative school pursuant to section 3313.533 of the Revised 7485  
Code. "Public record" does not mean any of the following: 7486

(a) Medical records; 7487

(b) Records pertaining to probation and parole proceedings or 7488  
to proceedings related to the imposition of community control 7489  
sanctions and post-release control sanctions; 7490

(c) Records pertaining to actions under section 2151.85 and 7491  
division (C) of section 2919.121 of the Revised Code and to 7492  
appeals of actions arising under those sections; 7493

(d) Records pertaining to adoption proceedings, including the 7494  
contents of an adoption file maintained by the department of 7495  
health under section 3705.12 of the Revised Code; 7496

(e) Information in a record contained in the putative father 7497  
registry established by section 3107.062 of the Revised Code, 7498  
regardless of whether the information is held by the department of 7499  
job and family services or, pursuant to section 3111.69 of the 7500

Revised Code, the office of child support in the department or a child support enforcement agency;	7501 7502
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	7503 7504 7505
(g) Trial preparation records;	7506
(h) Confidential law enforcement investigatory records;	7507
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	7508 7509
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	7510 7511
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	7512 7513 7514 7515
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	7516 7517 7518 7519
(m) Intellectual property records;	7520
(n) Donor profile records;	7521
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	7522 7523
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	7524 7525 7526 7527 7528 7529

(q) In the case of a county hospital operated pursuant to 7530  
Chapter 339. of the Revised Code or a municipal hospital operated 7531  
pursuant to Chapter 749. of the Revised Code, information that 7532  
constitutes a trade secret, as defined in section 1333.61 of the 7533  
Revised Code; 7534

(r) Information pertaining to the recreational activities of 7535  
a person under the age of eighteen; 7536

(s) ~~Records provided to, statements made by review board 7537  
members during meetings of, and all work products~~ In the case of a 7538  
child fatality review board acting under sections 307.621 to 7539  
307.629 of the Revised Code or a review conducted pursuant to 7540  
guidelines established by the director of health under section 7541  
3701.70 of the Revised Code, records provided to the board or 7542  
director, statements made by board members during meetings of the 7543  
board or by persons participating in the director's review, and 7544  
all work products of the board or director, and in the case of a 7545  
child fatality review board, child fatality review data submitted 7546  
by the ~~child fatality review~~ board to the department of health or 7547  
a national child death review database, other than the report 7548  
prepared pursuant to division (A) of section 307.626 of the 7549  
Revised Code; 7550

(t) Records provided to and statements made by the executive 7551  
director of a public children services agency or a prosecuting 7552  
attorney acting pursuant to section 5153.171 of the Revised Code 7553  
other than the information released under that section; 7554

(u) Test materials, examinations, or evaluation tools used in 7555  
an examination for licensure as a nursing home administrator that 7556  
the board of executives of long-term services and supports 7557  
administers under section 4751.04 of the Revised Code or contracts 7558  
under that section with a private or government entity to 7559  
administer; 7560

(v) Records the release of which is prohibited by state or federal law;	7561 7562
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	7563 7564 7565
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	7566 7567 7568 7569 7570 7571
(y) Records listed in section 5101.29 of the Revised Code;	7572
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	7573 7574 7575
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	7576 7577 7578
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division.	7579 7580 7581
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	7582 7583 7584 7585 7586
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	7587 7588 7589 7590

(b) Information provided by an information source or witness 7591  
to whom confidentiality has been reasonably promised, which 7592  
information would reasonably tend to disclose the source's or 7593  
witness's identity; 7594

(c) Specific confidential investigatory techniques or 7595  
procedures or specific investigatory work product; 7596

(d) Information that would endanger the life or physical 7597  
safety of law enforcement personnel, a crime victim, a witness, or 7598  
a confidential information source. 7599

(3) "Medical record" means any document or combination of 7600  
documents, except births, deaths, and the fact of admission to or 7601  
discharge from a hospital, that pertains to the medical history, 7602  
diagnosis, prognosis, or medical condition of a patient and that 7603  
is generated and maintained in the process of medical treatment. 7604

(4) "Trial preparation record" means any record that contains 7605  
information that is specifically compiled in reasonable 7606  
anticipation of, or in defense of, a civil or criminal action or 7607  
proceeding, including the independent thought processes and 7608  
personal trial preparation of an attorney. 7609

(5) "Intellectual property record" means a record, other than 7610  
a financial or administrative record, that is produced or 7611  
collected by or for faculty or staff of a state institution of 7612  
higher learning in the conduct of or as a result of study or 7613  
research on an educational, commercial, scientific, artistic, 7614  
technical, or scholarly issue, regardless of whether the study or 7615  
research was sponsored by the institution alone or in conjunction 7616  
with a governmental body or private concern, and that has not been 7617  
publicly released, published, or patented. 7618

(6) "Donor profile record" means all records about donors or 7619  
potential donors to a public institution of higher education 7620  
except the names and reported addresses of the actual donors and 7621

the date, amount, and conditions of the actual donation. 7622

(7) "Peace officer, parole officer, probation officer, 7623  
bailiff, prosecuting attorney, assistant prosecuting attorney, 7624  
correctional employee, community-based correctional facility 7625  
employee, youth services employee, firefighter, EMT, or 7626  
investigator of the bureau of criminal identification and 7627  
investigation residential and familial information" means any 7628  
information that discloses any of the following about a peace 7629  
officer, parole officer, probation officer, bailiff, prosecuting 7630  
attorney, assistant prosecuting attorney, correctional employee, 7631  
community-based correctional facility employee, youth services 7632  
employee, firefighter, EMT, or investigator of the bureau of 7633  
criminal identification and investigation: 7634

(a) The address of the actual personal residence of a peace 7635  
officer, parole officer, probation officer, bailiff, assistant 7636  
prosecuting attorney, correctional employee, community-based 7637  
correctional facility employee, youth services employee, 7638  
firefighter, EMT, or an investigator of the bureau of criminal 7639  
identification and investigation, except for the state or 7640  
political subdivision in which the peace officer, parole officer, 7641  
probation officer, bailiff, assistant prosecuting attorney, 7642  
correctional employee, community-based correctional facility 7643  
employee, youth services employee, firefighter, EMT, or 7644  
investigator of the bureau of criminal identification and 7645  
investigation resides; 7646

(b) Information compiled from referral to or participation in 7647  
an employee assistance program; 7648

(c) The social security number, the residential telephone 7649  
number, any bank account, debit card, charge card, or credit card 7650  
number, or the emergency telephone number of, or any medical 7651  
information pertaining to, a peace officer, parole officer, 7652  
probation officer, bailiff, prosecuting attorney, assistant 7653

prosecuting attorney, correctional employee, community-based 7654  
correctional facility employee, youth services employee, 7655  
firefighter, EMT, or investigator of the bureau of criminal 7656  
identification and investigation; 7657

(d) The name of any beneficiary of employment benefits, 7658  
including, but not limited to, life insurance benefits, provided 7659  
to a peace officer, parole officer, probation officer, bailiff, 7660  
prosecuting attorney, assistant prosecuting attorney, correctional 7661  
employee, community-based correctional facility employee, youth 7662  
services employee, firefighter, EMT, or investigator of the bureau 7663  
of criminal identification and investigation by the peace 7664  
officer's, parole officer's, probation officer's, bailiff's, 7665  
prosecuting attorney's, assistant prosecuting attorney's, 7666  
correctional employee's, community-based correctional facility 7667  
employee's, youth services employee's, firefighter's, EMT's, or 7668  
investigator of the bureau of criminal identification and 7669  
investigation's employer; 7670

(e) The identity and amount of any charitable or employment 7671  
benefit deduction made by the peace officer's, parole officer's, 7672  
probation officer's, bailiff's, prosecuting attorney's, assistant 7673  
prosecuting attorney's, correctional employee's, community-based 7674  
correctional facility employee's, youth services employee's, 7675  
firefighter's, EMT's, or investigator of the bureau of criminal 7676  
identification and investigation's employer from the peace 7677  
officer's, parole officer's, probation officer's, bailiff's, 7678  
prosecuting attorney's, assistant prosecuting attorney's, 7679  
correctional employee's, community-based correctional facility 7680  
employee's, youth services employee's, firefighter's, EMT's, or 7681  
investigator of the bureau of criminal identification and 7682  
investigation's compensation unless the amount of the deduction is 7683  
required by state or federal law; 7684

(f) The name, the residential address, the name of the 7685

employer, the address of the employer, the social security number, 7686  
the residential telephone number, any bank account, debit card, 7687  
charge card, or credit card number, or the emergency telephone 7688  
number of the spouse, a former spouse, or any child of a peace 7689  
officer, parole officer, probation officer, bailiff, prosecuting 7690  
attorney, assistant prosecuting attorney, correctional employee, 7691  
community-based correctional facility employee, youth services 7692  
employee, firefighter, EMT, or investigator of the bureau of 7693  
criminal identification and investigation; 7694

(g) A photograph of a peace officer who holds a position or 7695  
has an assignment that may include undercover or plain clothes 7696  
positions or assignments as determined by the peace officer's 7697  
appointing authority. 7698

As used in divisions (A)(7) and (B)(9) of this section, 7699  
"peace officer" has the same meaning as in section 109.71 of the 7700  
Revised Code and also includes the superintendent and troopers of 7701  
the state highway patrol; it does not include the sheriff of a 7702  
county or a supervisory employee who, in the absence of the 7703  
sheriff, is authorized to stand in for, exercise the authority of, 7704  
and perform the duties of the sheriff. 7705

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 7706  
"correctional employee" means any employee of the department of 7707  
rehabilitation and correction who in the course of performing the 7708  
employee's job duties has or has had contact with inmates and 7709  
persons under supervision. 7710

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 7711  
"youth services employee" means any employee of the department of 7712  
youth services who in the course of performing the employee's job 7713  
duties has or has had contact with children committed to the 7714  
custody of the department of youth services. 7715

As used in divisions (A)(7) and (B)(9) of this section, 7716

"firefighter" means any regular, paid or volunteer, member of a 7717  
lawfully constituted fire department of a municipal corporation, 7718  
township, fire district, or village. 7719

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 7720  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 7721  
medical services for a public emergency medical service 7722  
organization. "Emergency medical service organization," 7723  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 7724  
section 4765.01 of the Revised Code. 7725

As used in divisions (A)(7) and (B)(9) of this section, 7726  
"investigator of the bureau of criminal identification and 7727  
investigation" has the meaning defined in section 2903.11 of the 7728  
Revised Code. 7729

(8) "Information pertaining to the recreational activities of 7730  
a person under the age of eighteen" means information that is kept 7731  
in the ordinary course of business by a public office, that 7732  
pertains to the recreational activities of a person under the age 7733  
of eighteen years, and that discloses any of the following: 7734

(a) The address or telephone number of a person under the age 7735  
of eighteen or the address or telephone number of that person's 7736  
parent, guardian, custodian, or emergency contact person; 7737

(b) The social security number, birth date, or photographic 7738  
image of a person under the age of eighteen; 7739

(c) Any medical record, history, or information pertaining to 7740  
a person under the age of eighteen; 7741

(d) Any additional information sought or required about a 7742  
person under the age of eighteen for the purpose of allowing that 7743  
person to participate in any recreational activity conducted or 7744  
sponsored by a public office or to use or obtain admission 7745  
privileges to any recreational facility owned or operated by a 7746  
public office. 7747

(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 7748  
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(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 7750  
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(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code. 7752  
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(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code. 7756  
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(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. 7758  
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(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize 7777  
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and maintain public records in a manner that they can be made 7779  
available for inspection or copying in accordance with division 7780  
(B) of this section. A public office also shall have available a 7781  
copy of its current records retention schedule at a location 7782  
readily available to the public. If a requester makes an ambiguous 7783  
or overly broad request or has difficulty in making a request for 7784  
copies or inspection of public records under this section such 7785  
that the public office or the person responsible for the requested 7786  
public record cannot reasonably identify what public records are 7787  
being requested, the public office or the person responsible for 7788  
the requested public record may deny the request but shall provide 7789  
the requester with an opportunity to revise the request by 7790  
informing the requester of the manner in which records are 7791  
maintained by the public office and accessed in the ordinary 7792  
course of the public office's or person's duties. 7793

(3) If a request is ultimately denied, in part or in whole, 7794  
the public office or the person responsible for the requested 7795  
public record shall provide the requester with an explanation, 7796  
including legal authority, setting forth why the request was 7797  
denied. If the initial request was provided in writing, the 7798  
explanation also shall be provided to the requester in writing. 7799  
The explanation shall not preclude the public office or the person 7800  
responsible for the requested public record from relying upon 7801  
additional reasons or legal authority in defending an action 7802  
commenced under division (C) of this section. 7803

(4) Unless specifically required or authorized by state or 7804  
federal law or in accordance with division (B) of this section, no 7805  
public office or person responsible for public records may limit 7806  
or condition the availability of public records by requiring 7807  
disclosure of the requester's identity or the intended use of the 7808  
requested public record. Any requirement that the requester 7809  
disclose the requestor's identity or the intended use of the 7810

requested public record constitutes a denial of the request. 7811

(5) A public office or person responsible for public records 7812  
may ask a requester to make the request in writing, may ask for 7813  
the requester's identity, and may inquire about the intended use 7814  
of the information requested, but may do so only after disclosing 7815  
to the requester that a written request is not mandatory and that 7816  
the requester may decline to reveal the requester's identity or 7817  
the intended use and when a written request or disclosure of the 7818  
identity or intended use would benefit the requester by enhancing 7819  
the ability of the public office or person responsible for public 7820  
records to identify, locate, or deliver the public records sought 7821  
by the requester. 7822

(6) If any person chooses to obtain a copy of a public record 7823  
in accordance with division (B) of this section, the public office 7824  
or person responsible for the public record may require that 7825  
person to pay in advance the cost involved in providing the copy 7826  
of the public record in accordance with the choice made by the 7827  
person seeking the copy under this division. The public office or 7828  
the person responsible for the public record shall permit that 7829  
person to choose to have the public record duplicated upon paper, 7830  
upon the same medium upon which the public office or person 7831  
responsible for the public record keeps it, or upon any other 7832  
medium upon which the public office or person responsible for the 7833  
public record determines that it reasonably can be duplicated as 7834  
an integral part of the normal operations of the public office or 7835  
person responsible for the public record. When the person seeking 7836  
the copy makes a choice under this division, the public office or 7837  
person responsible for the public record shall provide a copy of 7838  
it in accordance with the choice made by the person seeking the 7839  
copy. Nothing in this section requires a public office or person 7840  
responsible for the public record to allow the person seeking a 7841  
copy of the public record to make the copies of the public record. 7842

(7) Upon a request made in accordance with division (B) of 7843  
this section and subject to division (B)(6) of this section, a 7844  
public office or person responsible for public records shall 7845  
transmit a copy of a public record to any person by United States 7846  
mail or by any other means of delivery or transmission within a 7847  
reasonable period of time after receiving the request for the 7848  
copy. The public office or person responsible for the public 7849  
record may require the person making the request to pay in advance 7850  
the cost of postage if the copy is transmitted by United States 7851  
mail or the cost of delivery if the copy is transmitted other than 7852  
by United States mail, and to pay in advance the costs incurred 7853  
for other supplies used in the mailing, delivery, or transmission. 7854

Any public office may adopt a policy and procedures that it 7855  
will follow in transmitting, within a reasonable period of time 7856  
after receiving a request, copies of public records by United 7857  
States mail or by any other means of delivery or transmission 7858  
pursuant to this division. A public office that adopts a policy 7859  
and procedures under this division shall comply with them in 7860  
performing its duties under this division. 7861

In any policy and procedures adopted under this division, a 7862  
public office may limit the number of records requested by a 7863  
person that the office will transmit by United States mail to ten 7864  
per month, unless the person certifies to the office in writing 7865  
that the person does not intend to use or forward the requested 7866  
records, or the information contained in them, for commercial 7867  
purposes. For purposes of this division, "commercial" shall be 7868  
narrowly construed and does not include reporting or gathering 7869  
news, reporting or gathering information to assist citizen 7870  
oversight or understanding of the operation or activities of 7871  
government, or nonprofit educational research. 7872

(8) A public office or person responsible for public records 7873  
is not required to permit a person who is incarcerated pursuant to 7874

a criminal conviction or a juvenile adjudication to inspect or to 7875  
obtain a copy of any public record concerning a criminal 7876  
investigation or prosecution or concerning what would be a 7877  
criminal investigation or prosecution if the subject of the 7878  
investigation or prosecution were an adult, unless the request to 7879  
inspect or to obtain a copy of the record is for the purpose of 7880  
acquiring information that is subject to release as a public 7881  
record under this section and the judge who imposed the sentence 7882  
or made the adjudication with respect to the person, or the 7883  
judge's successor in office, finds that the information sought in 7884  
the public record is necessary to support what appears to be a 7885  
justiciable claim of the person. 7886

(9)(a) Upon written request made and signed by a journalist 7887  
on or after December 16, 1999, a public office, or person 7888  
responsible for public records, having custody of the records of 7889  
the agency employing a specified peace officer, parole officer, 7890  
probation officer, bailiff, prosecuting attorney, assistant 7891  
prosecuting attorney, correctional employee, community-based 7892  
correctional facility employee, youth services employee, 7893  
firefighter, EMT, or investigator of the bureau of criminal 7894  
identification and investigation shall disclose to the journalist 7895  
the address of the actual personal residence of the peace officer, 7896  
parole officer, probation officer, bailiff, prosecuting attorney, 7897  
assistant prosecuting attorney, correctional employee, 7898  
community-based correctional facility employee, youth services 7899  
employee, firefighter, EMT, or investigator of the bureau of 7900  
criminal identification and investigation and, if the peace 7901  
officer's, parole officer's, probation officer's, bailiff's, 7902  
prosecuting attorney's, assistant prosecuting attorney's, 7903  
correctional employee's, community-based correctional facility 7904  
employee's, youth services employee's, firefighter's, EMT's, or 7905  
investigator of the bureau of criminal identification and 7906  
investigation's spouse, former spouse, or child is employed by a 7907

public office, the name and address of the employer of the peace 7908  
officer's, parole officer's, probation officer's, bailiff's, 7909  
prosecuting attorney's, assistant prosecuting attorney's, 7910  
correctional employee's, community-based correctional facility 7911  
employee's, youth services employee's, firefighter's, EMT's, or 7912  
investigator of the bureau of criminal identification and 7913  
investigation's spouse, former spouse, or child. The request shall 7914  
include the journalist's name and title and the name and address 7915  
of the journalist's employer and shall state that disclosure of 7916  
the information sought would be in the public interest. 7917

(b) Division (B)(9)(a) of this section also applies to 7918  
journalist requests for customer information maintained by a 7919  
municipally owned or operated public utility, other than social 7920  
security numbers and any private financial information such as 7921  
credit reports, payment methods, credit card numbers, and bank 7922  
account information. 7923

(c) As used in division (B)(9) of this section, "journalist" 7924  
means a person engaged in, connected with, or employed by any news 7925  
medium, including a newspaper, magazine, press association, news 7926  
agency, or wire service, a radio or television station, or a 7927  
similar medium, for the purpose of gathering, processing, 7928  
transmitting, compiling, editing, or disseminating information for 7929  
the general public. 7930

(C)(1) If a person allegedly is aggrieved by the failure of a 7931  
public office or the person responsible for public records to 7932  
promptly prepare a public record and to make it available to the 7933  
person for inspection in accordance with division (B) of this 7934  
section or by any other failure of a public office or the person 7935  
responsible for public records to comply with an obligation in 7936  
accordance with division (B) of this section, the person allegedly 7937  
aggrieved may commence a mandamus action to obtain a judgment that 7938  
orders the public office or the person responsible for the public 7939

record to comply with division (B) of this section, that awards 7940  
court costs and reasonable attorney's fees to the person that 7941  
instituted the mandamus action, and, if applicable, that includes 7942  
an order fixing statutory damages under division (C)(1) of this 7943  
section. The mandamus action may be commenced in the court of 7944  
common pleas of the county in which division (B) of this section 7945  
allegedly was not complied with, in the supreme court pursuant to 7946  
its original jurisdiction under Section 2 of Article IV, Ohio 7947  
Constitution, or in the court of appeals for the appellate 7948  
district in which division (B) of this section allegedly was not 7949  
complied with pursuant to its original jurisdiction under Section 7950  
3 of Article IV, Ohio Constitution. 7951

If a requestor transmits a written request by hand delivery 7952  
or certified mail to inspect or receive copies of any public 7953  
record in a manner that fairly describes the public record or 7954  
class of public records to the public office or person responsible 7955  
for the requested public records, except as otherwise provided in 7956  
this section, the requestor shall be entitled to recover the 7957  
amount of statutory damages set forth in this division if a court 7958  
determines that the public office or the person responsible for 7959  
public records failed to comply with an obligation in accordance 7960  
with division (B) of this section. 7961

The amount of statutory damages shall be fixed at one hundred 7962  
dollars for each business day during which the public office or 7963  
person responsible for the requested public records failed to 7964  
comply with an obligation in accordance with division (B) of this 7965  
section, beginning with the day on which the requester files a 7966  
mandamus action to recover statutory damages, up to a maximum of 7967  
one thousand dollars. The award of statutory damages shall not be 7968  
construed as a penalty, but as compensation for injury arising 7969  
from lost use of the requested information. The existence of this 7970  
injury shall be conclusively presumed. The award of statutory 7971

damages shall be in addition to all other remedies authorized by 7972  
this section. 7973

The court may reduce an award of statutory damages or not 7974  
award statutory damages if the court determines both of the 7975  
following: 7976

(a) That, based on the ordinary application of statutory law 7977  
and case law as it existed at the time of the conduct or 7978  
threatened conduct of the public office or person responsible for 7979  
the requested public records that allegedly constitutes a failure 7980  
to comply with an obligation in accordance with division (B) of 7981  
this section and that was the basis of the mandamus action, a 7982  
well-informed public office or person responsible for the 7983  
requested public records reasonably would believe that the conduct 7984  
or threatened conduct of the public office or person responsible 7985  
for the requested public records did not constitute a failure to 7986  
comply with an obligation in accordance with division (B) of this 7987  
section; 7988

(b) That a well-informed public office or person responsible 7989  
for the requested public records reasonably would believe that the 7990  
conduct or threatened conduct of the public office or person 7991  
responsible for the requested public records would serve the 7992  
public policy that underlies the authority that is asserted as 7993  
permitting that conduct or threatened conduct. 7994

(2)(a) If the court issues a writ of mandamus that orders the 7995  
public office or the person responsible for the public record to 7996  
comply with division (B) of this section and determines that the 7997  
circumstances described in division (C)(1) of this section exist, 7998  
the court shall determine and award to the relator all court 7999  
costs. 8000

(b) If the court renders a judgment that orders the public 8001  
office or the person responsible for the public record to comply 8002

with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C)(2)(c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C)(2)(c) of this section when either of the following applies:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to

comply with an obligation in accordance with division (B) of this section; 8035  
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(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records as described in division (C)(2)(c)(i) of this section would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct. 8037  
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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 8044  
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(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. In addition, all public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours. 8046  
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(2) The public office shall distribute the public records policy adopted by the public office under division (E)(1) of this section to the employee of the public office who is the records 8064  
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custodian or records manager or otherwise has custody of the 8067  
records of that office. The public office shall require that 8068  
employee to acknowledge receipt of the copy of the public records 8069  
policy. The public office shall create a poster that describes its 8070  
public records policy and shall post the poster in a conspicuous 8071  
place in the public office and in all locations where the public 8072  
office has branch offices. The public office may post its public 8073  
records policy on the internet web site of the public office if 8074  
the public office maintains an internet web site. A public office 8075  
that has established a manual or handbook of its general policies 8076  
and procedures for all employees of the public office shall 8077  
include the public records policy of the public office in the 8078  
manual or handbook. 8079

(F)(1) The bureau of motor vehicles may adopt rules pursuant 8080  
to Chapter 119. of the Revised Code to reasonably limit the number 8081  
of bulk commercial special extraction requests made by a person 8082  
for the same records or for updated records during a calendar 8083  
year. The rules may include provisions for charges to be made for 8084  
bulk commercial special extraction requests for the actual cost of 8085  
the bureau, plus special extraction costs, plus ten per cent. The 8086  
bureau may charge for expenses for redacting information, the 8087  
release of which is prohibited by law. 8088

(2) As used in division (F)(1) of this section: 8089

(a) "Actual cost" means the cost of depleted supplies, 8090  
records storage media costs, actual mailing and alternative 8091  
delivery costs, or other transmitting costs, and any direct 8092  
equipment operating and maintenance costs, including actual costs 8093  
paid to private contractors for copying services. 8094

(b) "Bulk commercial special extraction request" means a 8095  
request for copies of a record for information in a format other 8096  
than the format already available, or information that cannot be 8097  
extracted without examination of all items in a records series, 8098

class of records, or database by a person who intends to use or 8099  
forward the copies for surveys, marketing, solicitation, or resale 8100  
for commercial purposes. "Bulk commercial special extraction 8101  
request" does not include a request by a person who gives 8102  
assurance to the bureau that the person making the request does 8103  
not intend to use or forward the requested copies for surveys, 8104  
marketing, solicitation, or resale for commercial purposes. 8105

(c) "Commercial" means profit-seeking production, buying, or 8106  
selling of any good, service, or other product. 8107

(d) "Special extraction costs" means the cost of the time 8108  
spent by the lowest paid employee competent to perform the task, 8109  
the actual amount paid to outside private contractors employed by 8110  
the bureau, or the actual cost incurred to create computer 8111  
programs to make the special extraction. "Special extraction 8112  
costs" include any charges paid to a public agency for computer or 8113  
records services. 8114

(3) For purposes of divisions (F)(1) and (2) of this section, 8115  
"surveys, marketing, solicitation, or resale for commercial 8116  
purposes" shall be narrowly construed and does not include 8117  
reporting or gathering news, reporting or gathering information to 8118  
assist citizen oversight or understanding of the operation or 8119  
activities of government, or nonprofit educational research. 8120

**Sec. 153.08.** On the day and at the place named in the notice 8121  
provided for in section 153.06 of the Revised Code, the owner 8122  
referred to in section 153.01 of the Revised Code shall open the 8123  
bids and shall publicly, with the assistance of the architect or 8124  
engineer, immediately proceed to tabulate the bids ~~upon duplicate~~ 8125  
~~sheets. The~~ For a bid filed electronically, the public bid opening 8126  
may be broadcast by electronic means pursuant to rules established 8127  
by the Ohio facilities construction commission. A bid shall be 8128  
invalid and not considered unless a bid guaranty meeting the 8129

requirements of section 153.54 of the Revised Code and in the form 8130  
approved by the commission is filed with such bid. For a bid that 8131  
is not filed electronically, the bid and bid guaranty shall be 8132  
filed in one sealed envelope. If the bid and bid guaranty are 8133  
filed electronically, they must be received electronically before 8134  
the deadline published pursuant to section 153.06 of the Revised 8135  
Code. For all bids filed electronically, the original, unaltered 8136  
bid guaranty shall be made available to the public authority after 8137  
the public bid opening, which may be achieved by means of an 8138  
electronic verification and security system established under 8139  
rules adopted by the Ohio facilities construction commission under 8140  
Chapter 119. of the Revised Code. After investigation, which shall 8141  
be completed within thirty days, the contract shall be awarded by 8142  
such owner to the lowest responsive and responsible bidder in 8143  
accordance with section 9.312 of the Revised Code. 8144

No contract shall be entered into until the industrial 8145  
commission has certified that the person so awarded the contract 8146  
has complied with sections 4123.01 to 4123.94 of the Revised Code, 8147  
until, if the bidder so awarded the contract is a foreign 8148  
corporation, the secretary of state has certified that such 8149  
corporation is authorized to do business in this state, until, if 8150  
the bidder so awarded the contract is a person nonresident of this 8151  
state, such person has filed with the secretary of state a power 8152  
of attorney designating the secretary of state as its agent for 8153  
the purpose of accepting service of summons in any action brought 8154  
under section 153.05 of the Revised Code or under sections 4123.01 8155  
to 4123.94 of the Revised Code, and until the contract and bond, 8156  
if any, are submitted to the attorney general and the attorney 8157  
general's approval certified thereon. 8158

No contract shall be entered into unless the bidder possesses 8159  
a valid certificate of compliance with affirmative action programs 8160  
issued pursuant to section 9.47 of the Revised Code and dated no 8161

earlier than one hundred eighty days prior to the date fixed for 8162  
the opening of bids for a particular project. 8163

**Sec. 153.70.** (A) Except for any person providing professional 8164  
design services of a research or training nature, any person 8165  
rendering professional design services to a public authority or to 8166  
a design-build firm, including a criteria architect or engineer 8167  
and person performing architect or engineer of record services, 8168  
shall have and maintain, or be covered by, during the period the 8169  
services are rendered, a professional liability insurance policy 8170  
or policies with a company or companies that are authorized to do 8171  
business in this state and that afford professional liability 8172  
coverage for the professional design services rendered. The 8173  
insurance shall be in an amount considered sufficient by the 8174  
public authority. At the public authority's discretion, the 8175  
design-build firm shall carry contractor's professional liability 8176  
insurance and any other insurance the public authority considers 8177  
appropriate. 8178

(B) The requirement for professional liability insurance set 8179  
forth in division (A) of this section may be waived by the public 8180  
authority for good cause, or the public authority may allow the 8181  
person providing the professional design services to provide other 8182  
assurances of financial responsibility. 8183

(C) Before construction begins pursuant to a contract for 8184  
design-build services with a design-build firm, the design-build 8185  
firm shall provide a surety bond to the public authority in 8186  
accordance with rules adopted by the executive director of 8187  
~~administrative services~~ the Ohio facilities construction 8188  
commission under Chapter 119. of the Revised Code. 8189

**Sec. 156.01.** As used in sections 156.01 to 156.05 of the 8190  
Revised Code: 8191

(A) "Avoided capital costs" means a measured reduction in the 8192  
cost of future equipment or other capital purchases that results 8193  
from implementation of one or more energy or water conservation 8194  
measures, when compared to an established baseline for previous 8195  
such cost. 8196

(B) "Energy conservation measure" means an installation or 8197  
modification of an installation in, or a remodeling of, an 8198  
existing building in order to reduce energy consumption and 8199  
operating costs. The term includes any of the following: 8200

(1) Installation or modification of insulation in the 8201  
building structure and systems within the building; 8202

(2) Installation or modification of storm windows and doors, 8203  
multiglazed windows and doors, and heat absorbing or heat 8204  
reflective glazed and coated window and door systems; installation 8205  
of additional glazing; reductions in glass area; and other window 8206  
and door system modifications that reduce energy consumption and 8207  
operating costs; 8208

(3) Installation or modification of automatic energy control 8209  
systems; 8210

(4) Replacement or modification of heating, ventilating, or 8211  
air conditioning systems; 8212

(5) Application of caulking and weather stripping; 8213

(6) Replacement or modification of lighting fixtures to 8214  
increase the energy efficiency of the lighting system without 8215  
increasing the overall illumination of a building unless the 8216  
increase in illumination is necessary to conform to the applicable 8217  
state or local building code for the proposed lighting system; 8218

(7) Installation or modification of energy recovery systems; 8219

(8) Installation or modification of cogeneration systems that 8220  
produce steam or forms of energy such as heat, as well as 8221

electricity, for use primarily within a building or complex of buildings;	8222 8223
(9) Installation or modification of trigeneration systems that produce heat and cooling, as well as electricity, for use primarily within a building or complex of buildings;	8224 8225 8226
(10) Installation or modification of systems that harvest renewable energy from solar, wind, water, biomass, bio-gas, or geothermal sources, for use primarily within a building or complex of buildings;	8227 8228 8229 8230
(11) Retro-commissioning or recommissioning energy-related systems to verify that they are installed and calibrated to optimize energy and operational performance within a building or complex of buildings;	8231 8232 8233 8234
(12) Consolidation, virtualization, and optimization of computer servers, data storage devices, or other information technology hardware and infrastructure;	8235 8236 8237
(13) Any other modification, installation, or remodeling approved by the <u>executive</u> director of <del>administrative services</del> <u>the Ohio facilities construction commission</u> as an energy conservation measure for one or more buildings owned by either of the following:	8238 8239 8240 8241 8242
(a) The state;	8243
(b) A state institution of higher education as defined in section 3345.011 of the Revised Code that implements the energy conservation measure in consultation with the <u>executive</u> director.	8244 8245 8246
(C) "Energy saving measure" means the acquisition and installation, by purchase, lease, lease-purchase, lease with an option to buy, or installment purchase, of an energy conservation measure and any attendant architectural and engineering consulting services.	8247 8248 8249 8250 8251

(D) "Energy, water, or wastewater cost savings" means a measured reduction in, as applicable, the cost of fuel, energy or water consumption, wastewater production, or stipulated operation or maintenance resulting from the implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such costs, respectively.

(E) "Operating cost savings" means a measured reduction in the cost of stipulated operation or maintenance created by the installation of new equipment or implementation of a new service, when compared with an established baseline for previous such stipulated costs.

(F) "Water conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building or the surrounding grounds in order to reduce water consumption. The term includes any of the following:

(1) Water-conserving fixture, appliance, or equipment, or the substitution of a nonwater-using fixture, appliance, or equipment;

(2) Water-conserving, landscape irrigation equipment;

(3) Landscaping measure that reduces storm water runoff demand and capture and hold applied water and rainfall, including landscape contouring such as the use of a berm, swale, or terrace and including the use of a soil amendment, including compost, that increases the water-holding capacity of the soil;

(4) Rainwater harvesting equipment or equipment to make use of water collected as part of a storm water system installed for water quality control;

(5) Equipment for recycling or reuse of water originating on the premises or from another source, including treated, municipal effluent;

(6) Equipment needed to capture water for nonpotable uses

from any nonconventional, alternate source, including air 8282  
conditioning condensate or gray water; 8283

(7) Any other modification, installation, or remodeling 8284  
approved by the executive director of ~~administrative services~~ the 8285  
Ohio facilities construction commission as a water conservation 8286  
measure for one or more buildings or the surrounding grounds owned 8287  
by either of the following: 8288

(a) The state; 8289

(b) A state institution of higher education as defined in 8290  
section 3345.011 of the Revised Code that implements the water 8291  
conservation measure in consultation with the executive director. 8292

(G) "Water saving measure" means the acquisition and 8293  
installation, by the purchase, lease, lease-purchase, lease with 8294  
an option to buy, or installment purchases of a water conservation 8295  
measure and any attendant architectural and engineering consulting 8296  
services. 8297

**Sec. 156.02.** The executive director of the Ohio facilities 8298  
construction commission may, on the executive director's own 8299  
initiative or at the request of a state agency, contract with an 8300  
energy or a water services company, architect, professional 8301  
engineer, contractor, or other person experienced in the design 8302  
and implementation of energy or water conservation measures for a 8303  
report containing an analysis and recommendations pertaining to 8304  
the implementation of energy or water conservation measures that 8305  
result in energy, water, or wastewater cost savings, operating 8306  
cost savings, or avoided capital costs for the institution. The 8307  
report shall include estimates of all costs of such installations, 8308  
including the costs of design, engineering, installation, 8309  
maintenance, repairs, and debt service, and estimates of the 8310  
energy, water, or wastewater cost savings, operating cost savings, 8311  
and avoided capital costs created. 8312

Sec. 156.04. (A) In accordance with this section and section 8313  
156.03 of the Revised Code, the executive director of the Ohio 8314  
facilities construction commission may, on the executive 8315  
director's own initiative or at the request of a state agency, 8316  
enter into an installment payment contract for the implementation 8317  
of one or more energy or water saving measures. If the executive 8318  
director wishes an installment payment contract to be exempted 8319  
from Chapter 153. of the Revised Code, the executive director 8320  
shall proceed pursuant to section 156.03 of the Revised Code. 8321

(B) Any installment payment contract under this section shall 8322  
provide that all payments, except payments for repairs and 8323  
obligations on termination of the contract prior to its 8324  
expiration, are to be a stated percentage of calculated energy, 8325  
water, or wastewater cost savings, operating costs, and avoided 8326  
capital costs attributable to the one or more measures over a 8327  
defined period of time and are to be made only to the extent that 8328  
those calculated amounts actually occur. No such contract shall 8329  
contain either of the following: 8330

(1) A requirement of any additional capital investment or 8331  
contribution of funds, other than funds available from state or 8332  
federal grants; 8333

(2) In the case of a contract for a cogeneration system 8334  
described in division (B)(8) of section 156.01 of the Revised 8335  
Code, a payment term longer than twenty years, and, in the case of 8336  
all other contracts, a payment term longer than fifteen years. 8337

(C) Any installment payment contract entered into under this 8338  
section shall terminate no later than the last day of the fiscal 8339  
biennium for which funds have been appropriated ~~to the Ohio~~ 8340  
~~facilities construction commission~~ by the general assembly and 8341  
shall be renewed in each succeeding fiscal biennium in which any 8342  
balance of the contract remains unpaid, provided that both an 8343

appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made.

(D) Any installment payment contract entered into under this section shall be eligible for financing provided through the Ohio air quality development authority under Chapter 3706. of the Revised Code.

**Sec. 173.391.** (A) Subject to section 173.381 of the Revised Code, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a provider to provide community-based long-term care services under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section;

(2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a provider certified under division (A)(1) of this section:

(a) Issue a written warning;

(b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;

(c) Suspend referrals;

(d) Remove clients;

(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;

(f) Suspend the certification;

(g) Revoke the certification;	8373
(h) Impose another sanction.	8374
(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.	8375 8376 8377 8378 8379 8380
(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:	8381 8382 8383 8384 8385 8386
(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;	8387 8388
(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	8389 8390 8391
(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;	8392 8393 8394 8395
(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.	8396 8397
(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section:	8398 8399 8400 8401
(1) The provider's experience and financial responsibility;	8402

(2) The provider's ability to comply with standards for the community-based long-term care services that the provider provides under a program the department administers; 8403  
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(3) The provider's ability to meet the needs of the individuals served; 8406  
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(4) Any other factor the director considers relevant. 8408

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served. 8409  
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(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply: 8416  
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(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case: 8419  
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(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained. 8425  
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(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted. 8428  
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(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons: 8431  
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(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

(i) The provider has ceased doing business.

(j) The provider has voluntarily relinquished its certification for any reason.

(3) The provider's provider agreement with the department of medicaid has been suspended under ~~division (C) of section 5164.37~~ 5164.36 of the Revised Code because of an indictment resulting from an act described in division (A)(1)(d) of that section.

(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section ~~5164.37~~ 5164.36 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department may send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department proposes to take under ~~division~~ divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail.

(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section.

All fees collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for community-based long-term care services, administrative costs associated with provider certification under this section, and administrative costs related to the publication of the Ohio long-term care consumer guide.

**Sec. 173.47.** (A) For purposes of publishing the Ohio long-term care consumer guide, the department of aging shall conduct or provide for the conduct of an annual customer satisfaction survey of each long-term care facility. The results of the surveys may include information obtained from long-term care facility residents, their families, or both. ~~A survey that is to include information obtained from nursing facility residents shall include the questions specified in divisions (C)(7)(a) and (b) of section 5165.25 of the Revised Code. A survey that is to include information obtained from the families of nursing facility residents shall include the questions specified in divisions (C)(8)(a) and (b) of section 5165.25 of the Revised Code.~~

(B) Each long-term care facility shall cooperate in the conduct of its annual customer satisfaction survey.

**Sec. 173.48.** (A)(1) The department of aging may charge annual fees to long-term care facilities for the publication of the Ohio long-term care consumer guide. The department may contract with any person or government entity to collect the fees on its behalf. All fees collected under this section shall be deposited in accordance with division (B) of this section.

(2) The annual fees charged under this section shall not exceed the following amounts:

(a) ~~Six hundred fifty dollars for~~ For each long-term care facility that is a nursing home, ~~six hundred fifty dollars;~~

(b) ~~Three hundred dollars for~~ For each long-term care facility that is a residential care facility:

(i) Until June 30, 2016, three hundred dollars;

(ii) Beginning July 1, 2016, three hundred fifty dollars.

(3) Fees paid by a long-term care facility that is a nursing facility shall be reimbursed through the medicaid program.

(B) There is hereby created in the state treasury the long-term care consumer guide fund. Money collected from the fees charged for the publication of the Ohio long-term care consumer guide under division (A) of this section shall be credited to the fund. The department shall use money in the fund for costs associated with publishing the Ohio long-term care consumer guide, including, but not limited to, costs incurred in conducting or providing for the conduct of customer satisfaction surveys.

**Sec. 173.522.** (A) The department of aging shall create and administer the state-funded component of the PASSPORT program. The state-funded component shall not be administered as part of the medicaid program.

(B) For an individual to be eligible for the state-funded component of the PASSPORT program, the individual must meet one of the following requirements and meet the additional eligibility requirements applicable to the individual established in rules adopted under division (D) of this section:

(1) The individual must have been enrolled in the state-funded component on September 1, 1991, (as the state-funded component was authorized by uncodified law in effect at that time) and have had one or more applications for enrollment in the medicaid-funded component of the PASSPORT program (or, if the

medicaid-funded component is terminated under division (C) of 8555  
section 173.52 of the Revised Code, the unified long-term services 8556  
and support medicaid waiver component) denied. 8557

~~(2) The individual must have had the individual's enrollment 8558  
in the medicaid funded component of the PASSPORT program (or, if 8559  
the medicaid funded component is terminated under division (C) of 8560  
section 173.52 of the Revised Code, the unified long term services 8561  
and support medicaid waiver component) terminated and the 8562  
individual must still need the home and community based services 8563  
provided under the PASSPORT program to protect the individual's 8564  
health and safety. 8565~~

~~(3) The individual must have an application for the 8566  
medicaid-funded component of the PASSPORT program (or, if the 8567  
medicaid-funded component is terminated under division (C) of 8568  
section 173.52 of the Revised Code, the unified long-term services 8569  
and support medicaid waiver component) pending and the department 8570  
or the department's designee must have determined that the 8571  
individual meets the nonfinancial eligibility requirements of the 8572  
medicaid-funded component (or, if the medicaid-funded component is 8573  
terminated under division (C) of section 173.52 of the Revised 8574  
Code, the unified long-term services and support medicaid waiver 8575  
component) and not have reason to doubt that the individual meets 8576  
the financial eligibility requirements of the medicaid-funded 8577  
component (or, if the medicaid-funded component is terminated 8578  
under division (C) of section 173.52 of the Revised Code, the 8579  
unified long-term services and support medicaid waiver component). 8580~~

(C) An individual who is eligible for the state-funded 8581  
component of the PASSPORT program because the individual meets the 8582  
requirement of division (B)~~(3)~~(2) of this section may participate 8583  
in the component on that basis for ~~not more than ninety days a~~ 8584  
period of time specified in rules adopted under division (D) of 8585  
this section. 8586

(D)(1) The director of aging shall adopt rules in accordance 8587  
with section 111.15 of the Revised Code to implement the 8588  
state-funded component of the PASSPORT program. ~~The~~ 8589  
The rules shall include all of the following: 8590  
(a) Additional eligibility requirements for an individual to 8591  
be eligible for the state-funded component of the PASSPORT 8592  
program; 8593  
(b) The duration that an individual eligible for the 8594  
state-funded component of the PASSPORT program under division 8595  
(B)(2) of this section may participate in that component; 8596  
(c) Any other rules the director considers appropriate to 8597  
implement the state-funded component of the PASSPORT program. 8598  
(2) The additional eligibility requirements established in 8599  
the rules may vary for the different groups of individuals 8600  
specified in divisions (B)(1), and (2), and (3) of this section. 8601  
**Sec. 173.523.** (A) An individual who is an applicant for or 8602  
participant or former participant in the state-funded component of 8603  
the PASSPORT program may appeal an adverse action taken or 8604  
proposed to be taken by the department of aging or an entity 8605  
designated by the department concerning participation in or 8606  
services provided under the component if the action will result in 8607  
any of the following: 8608  
(1) Denial of enrollment or continued enrollment in the 8609  
component; 8610  
(2) Denial of or reduction in the amount of services 8611  
requested by or offered to the individual under the component; 8612  
(3) Assessment of any patient liability payment pursuant to 8613  
rules adopted by the department under this section. 8614  
The appeal shall be made in accordance with section 173.56 of 8615

the Revised Code and rules adopted pursuant to that section. 8616

(B) An individual who is an applicant for or participant or 8617  
former participant in the state-funded component of the PASSPORT 8618  
program may not bring an appeal under this or any other section of 8619  
the Revised Code if any of the following is the case: 8620

(1) The individual has voluntarily withdrawn the application 8621  
for enrollment in the component; 8622

(2) The individual has voluntarily terminated enrollment in 8623  
the component; 8624

(3) The individual agrees with the action being taken or 8625  
proposed; 8626

(4) The individual fails to submit a written request for a 8627  
hearing to the director of aging within the time specified in the 8628  
rules adopted pursuant to section 173.56 of the Revised Code; 8629

(5) The individual has received services under the component 8630  
for the maximum time permitted by ~~this~~ section 173.522 of the 8631  
Revised Code. 8632

**Sec. 173.543.** The department of aging shall create and 8633  
administer the state-funded component of the assisted living 8634  
program. The state-funded component shall not be administered as 8635  
part of the medicaid program. 8636

An individual who is eligible for the state-funded component 8637  
may participate in the component for ~~not more than ninety days a~~ 8638  
period of time specified in rules adopted under this section. 8639

The director of aging shall adopt rules in accordance with 8640  
section 111.15 of the Revised Code to implement the state-funded 8641  
component. The rules shall specify the period that an individual 8642  
eligible for the state-funded component may participate in the 8643  
component. 8644

**Sec. 173.544.** To be eligible for the state-funded component 8645  
of the assisted living program, an individual must meet all of the 8646  
following requirements: 8647

(A) The individual must need an intermediate level of care as 8648  
determined by an assessment conducted under section 173.546 of the 8649  
Revised Code. 8650

(B) The individual must have an application for the 8651  
medicaid-funded component of the assisted living program (or, if 8652  
the medicaid-funded component is terminated under division (C) of 8653  
section 173.54 of the Revised Code, the unified long-term services 8654  
and support medicaid waiver component) pending and the department 8655  
or the department's designee must have determined that the 8656  
individual meets the nonfinancial eligibility requirements of the 8657  
medicaid-funded component (or, if the medicaid-funded component is 8658  
terminated under division (C) of section 173.54 of the Revised 8659  
Code, the unified long-term services and support medicaid waiver 8660  
component) and not have reason to doubt that the individual meets 8661  
the financial eligibility requirements of the medicaid-funded 8662  
component (or, if the medicaid-funded component is terminated 8663  
under division (C) of section 173.54 of the Revised Code, the 8664  
unified long-term services and support medicaid waiver component). 8665

(C) While receiving assisted living services under the 8666  
state-funded component, the individual must reside in a 8667  
residential care facility that is authorized by a valid provider 8668  
agreement to participate in the component, including both of the 8669  
following: 8670

(1) A residential care facility that is owned or operated by 8671  
a metropolitan housing authority that has a contract with the 8672  
United States department of housing and urban development to 8673  
receive an operating subsidy or rental assistance for the 8674  
residents of the facility; 8675

(2) A county or district home licensed as a residential care facility. 8676  
8677

(D) The individual must meet all other eligibility requirements for the state-funded component established in rules adopted under section ~~173.54~~ 173.543 of the Revised Code. 8678  
8679  
8680

**Sec. 173.545.** (A) An individual who is an applicant for or participant or former participant in the state-funded component of the assisted living program may appeal an adverse action taken or proposed to be taken by the department of aging or an entity designated by the department concerning participation in or services provided under the component if the action will result in any of the following: 8681  
8682  
8683  
8684  
8685  
8686  
8687

(1) Denial of enrollment or continued enrollment in the component; 8688  
8689

(2) Denial of or reduction in the amount of services requested by or offered to the individual under the component; 8690  
8691

(3) Assessment of any patient liability payment pursuant to rules adopted by the department under this section. 8692  
8693

The appeal shall be made in accordance with section 173.56 of the Revised Code and rules adopted pursuant to that section. 8694  
8695

(B) An individual who is an applicant for or participant or former participant in the state-funded component of the assisted living program may not bring an appeal under this or any other section of the Revised Code if any of the following is the case: 8696  
8697  
8698  
8699

(1) The individual has voluntarily withdrawn the application for enrollment in the component; 8700  
8701

(2) The individual has voluntarily terminated enrollment in the component; 8702  
8703

(3) The individual agrees with the action being taken or 8704

proposed; 8705

(4) The individual fails to submit a written request for a 8706  
hearing to the director of aging within the time specified in the 8707  
rules adopted pursuant to section 173.56 of the Revised Code; 8708

(5) The individual has received services under the component 8709  
for the maximum time permitted by ~~this~~ section 173.543 of the 8710  
Revised Code. 8711

Sec. 173.57. As used in this section and sections 173.571 to 8712  
173.579 of the Revised Code: 8713

(A) "Assistive personnel" means persons who are employed or 8714  
under contract to provide home and community-based services under 8715  
department of aging-administered medicaid components, as defined 8716  
in section 173.42 of the Revised Code, except that "assistive 8717  
personnel" does not include health care professionals, as defined 8718  
in section 2305.234 of the Revised Code. 8719

(B) "Drug" has the same meaning as in section 4729.01 of the 8720  
Revised Code. 8721

(C) "Health-related activities" means the following: 8722

(1) Taking vital signs; 8723

(2) Application of clean dressings that do not require health 8724  
assessment; 8725

(3) Basic measurement of bodily intake and output; 8726

(4) Oral suctioning; 8727

(5) Use of glucometers; 8728

(6) External urinary catheter care; 8729

(7) Emptying and replacing ostomy bags; 8730

(8) Collection of specimens by noninvasive means; 8731

(9) Use of continuous positive airway pressure machines; 8732

(10) Use of biphasic positive airway machines; 8733

(11) Use of pulse oximeters. 8734

(D) "Nursing delegation" means the process established in 8735  
rules adopted by the board of nursing pursuant to Chapter 4723. of 8736  
the Revised Code under which a registered nurse or licensed 8737  
practical nurse acting at the direction of a registered nurse 8738  
transfers the performance of a particular nursing activity or task 8739  
to another person who is not otherwise authorized to perform the 8740  
activity or task. 8741

(E) "Prescribed medication" means a drug that is to be 8742  
administered according to the instructions of a licensed health 8743  
professional authorized to prescribe drugs as defined in section 8744  
4729.01 of the Revised Code. 8745

(F) "Tube feeding" means the provision of nutrition to an 8746  
individual through a gastrostomy tube or a jejunostomy tube. 8747

**Sec. 173.571.** (A) Assistive personnel who are not 8748  
specifically authorized by other provisions of the Revised Code to 8749  
administer prescribed medications, perform health-related 8750  
activities, or perform tube feedings may do so pursuant to this 8751  
section as part of the services they provide to individuals 8752  
receiving home and community-based services under department of 8753  
aging-administered medicaid components or, if those components are 8754  
terminated under sections 173.52, 173.53, and 173.54 of the 8755  
Revised Code, to individuals participating in the unified 8756  
long-term services and support medicaid waiver component 8757  
authorized by section 5166.14 of the Revised Code. 8758

(B) All of the following apply to the authority of assistive 8759  
personnel to administer prescribed medications, perform 8760  
health-related activities, and perform tube feedings pursuant to 8761  
this section: 8762

(1) Without nursing delegation, assistive personnel may 8763  
perform health-related activities; administer oral, topical, and 8764  
meter-dose inhaled prescribed medications; and administer oxygen. 8765

(2) With nursing delegation, assistive personnel may do all 8766  
of the following: 8767

(a) Administer prescribed medications through gastrostomy and 8768  
jejunostomy tubes, if the tubes being used are stable and labeled; 8769

(b) Perform routine tube feedings, if the gastrostomy and 8770  
jejunostomy tubes being used are stable and labeled; 8771

(c) Administer routine doses of insulin through subcutaneous 8772  
injections, insulin pumps, and inhalation. 8773

(C) The authority of assistive personnel to administer 8774  
prescribed medications, perform health-related activities, and 8775  
perform tube feedings pursuant to this section is subject to all 8776  
of the following: 8777

(1) To administer prescribed medications, perform 8778  
health-related activities, or perform tube feedings, assistive 8779  
personnel shall obtain either of the following: 8780

(a) The certificate or certificates required by the 8781  
department of aging and issued under section 173.577 of the 8782  
Revised Code; 8783

(b) The certificate or certificates issued under section 8784  
5166.54 of the Revised Code. 8785

Assistive personnel shall administer prescribed medication, 8786  
perform health-related activities, and perform tube feedings only 8787  
as authorized by the certificate or certificates held. 8788

(2) If nursing delegation is required under division (B) of 8789  
this section, assistive personnel shall not act without nursing 8790  
delegation or in a manner that is inconsistent with the 8791  
delegation. 8792

(3) The employer of assistive personnel shall ensure that 8793  
assistive personnel have been trained specifically with respect to 8794  
each individual for whom they administer prescribed medications, 8795  
perform health-related activities, or perform tube feedings. 8796  
Assistive personnel shall not administer prescribed medications, 8797  
perform health-related activities, or perform tube feedings for 8798  
any individual for whom they have not been specifically trained. 8799

(4) If the employer of assistive personnel believes that 8800  
assistive personnel have not or will not safely administer 8801  
prescribed medications, perform health-related activities, or 8802  
perform tube feedings, the employer shall prohibit the action from 8803  
continuing or commencing. Assistive personnel shall not engage in 8804  
the action or actions subject to an employer's prohibition. 8805

(D) In accordance with section 173.579 of the Revised Code, 8806  
the department of aging shall adopt rules governing its 8807  
implementation of this section. The rules shall include the 8808  
following: 8809

(1) Requirements for documentation of the administration of 8810  
prescribed medications, performance of health-related activities, 8811  
and performance of tube feedings by assistive personnel pursuant 8812  
to the authority granted under this section; 8813

(2) Procedures for reporting errors that occur in the 8814  
administration of prescribed medications, performance of 8815  
health-related activities, and performance of tube feedings by 8816  
assistive personnel pursuant to the authority granted under this 8817  
section; 8818

(3) Other standards and procedures the department considers 8819  
necessary for implementation of this section. 8820

**Sec. 173.572.** The department of aging or an entity designated 8821  
by the department shall accept complaints from any person or 8822

government entity regarding the administration of prescribed 8823  
medications, performance of health-related activities, and 8824  
performance of tube feedings by assistive personnel pursuant to 8825  
the authority granted under section 173.571 of the Revised Code. 8826  
The department or its designee shall conduct investigations of 8827  
complaints as it considers appropriate. The department shall adopt 8828  
rules in accordance with section 173.579 of the Revised Code 8829  
establishing procedures for accepting complaints and conducting 8830  
investigations under this section. 8831

**Sec. 173.573.** Assistive personnel who administer prescribed 8832  
medications, perform health-related activities, or perform tube 8833  
feedings pursuant to the authority granted under section 173.571 8834  
of the Revised Code are not liable for any injury caused by 8835  
administering the medications, performing the health-related 8836  
activities, or performing the tube feedings, if both of the 8837  
following apply: 8838

(A) The assistive personnel acted in accordance with the 8839  
methods taught in training completed in compliance with section 8840  
173.577 or 5166.464 of the Revised Code. 8841

(B) The assistive personnel did not act in a manner that 8842  
constitutes wanton or reckless misconduct. 8843

**Sec. 173.574.** (A) Except as provided in division (C) of this 8844  
section, the department of aging shall develop courses for the 8845  
training of assistive personnel in the administration of 8846  
prescribed medications, performance of health-related activities, 8847  
and performance of tube feedings pursuant to the authority granted 8848  
under section 173.571 of the Revised Code. The department may 8849  
develop separate or combined training courses for the 8850  
administration of prescribed medications, performance of 8851  
health-related activities, and performance of tube feedings. 8852

Training in the administration of prescribed medications through 8853  
gastrostomy and jejunostomy tubes may be included in a course 8854  
providing training in tube feedings. Training in the 8855  
administration of insulin may be developed as a separate course or 8856  
included in a course providing training in the administration of 8857  
other prescribed medications. 8858

(B)(1) The department shall adopt rules in accordance with 8859  
section 173.579 of the Revised Code that specify the content and 8860  
length of the training courses developed under this section. The 8861  
rules may include any other standards the department considers 8862  
necessary for the training courses. 8863

(2) In adopting rules that specify the content of a training 8864  
course or part of a training course that trains assistive 8865  
personnel in the administration of prescribed medications, the 8866  
department shall ensure that the content includes all of the 8867  
following: 8868

(a) Infection control and universal precautions; 8869

(b) Correct and safe practices, procedures, and techniques 8870  
for administering prescribed medication; 8871

(c) Assessment of drug reaction, including known side 8872  
effects, interactions, and the proper course of action if a side 8873  
effect occurs; 8874

(d) The requirements for documentation of medications 8875  
administered to each individual; 8876

(e) The requirements for documentation and notification of 8877  
medication errors; 8878

(f) Information regarding the proper storage and care of 8879  
medications; 8880

(g) Course completion standards that require successful 8881  
demonstration of proficiency in administering prescribed 8882

medications; 8883

(h) Any other material or course completion standards that 8884  
the department considers relevant to the administration of 8885  
prescribed medications by assistive personnel. 8886

(C) The department is not required to develop the courses 8887  
described in division (A) of this section if it enters into an 8888  
interagency agreement under section 5166.50 of the Revised Code 8889  
that provides for the development of the training courses 8890  
described in division (B)(1) of that section. 8891

**Sec. 173.575.** (A) Except as provided in division (B) of this 8892  
section, the department of aging shall develop courses that train 8893  
registered nurses to provide the assistive personnel training 8894  
courses developed under section 173.574 of the Revised Code. The 8895  
department may develop courses that train registered nurses to 8896  
provide all of the courses developed under section 173.574 of the 8897  
Revised Code or any one or more of the courses developed under 8898  
that section. 8899

The department shall adopt rules in accordance with section 8900  
173.579 of the Revised Code that specify the content and length of 8901  
the training courses. The rules may include any other standards 8902  
the department considers necessary for the training courses. 8903

(B) The department is not required to develop the courses 8904  
described in division (A) of this section if it enters into an 8905  
interagency agreement under section 5166.50 of the Revised Code 8906  
that provides for the development of training courses described in 8907  
division (B)(2) of that section. 8908

**Sec. 173.576.** (A) Each assistive personnel training course 8909  
developed under section 175.574 of the Revised Code shall be 8910  
provided by a registered nurse. 8911

(B) To be authorized to provide a training course or courses 8912

to assistive personnel, a registered nurse must obtain either of 8913  
the following: 8914

(1) The certificate or certificates required by the 8915  
department and issued under section 173.577 of the Revised Code; 8916

(2) The certificate or certificates issued under section 8917  
5166.54 of the Revised Code. 8918

A registered nurse shall provide only the training course or 8919  
courses authorized by the certificate or certificates the 8920  
registered nurse holds. 8921

**Sec. 173.577.** (A) Except as provided in division (E) of this 8922  
section, the department of aging shall establish a program under 8923  
which the department issues certificates to the following: 8924

(1) Assistive personnel, for purposes of meeting the 8925  
requirement of division (C)(1) of section 173.571 of the Revised 8926  
Code to obtain a certificate or certificates to administer 8927  
prescribed medications, perform health-related activities, and 8928  
perform tube feedings; 8929

(2) Registered nurses, for purposes of meeting the 8930  
requirement of division (B) of section 173.576 of the Revised Code 8931  
to obtain a certificate or certificates to provide the assistive 8932  
personnel training courses developed under section 173.574 of the 8933  
Revised Code. 8934

(B) To receive a certificate issued under this section, 8935  
assistive personnel and registered nurses must successfully 8936  
complete the applicable training course or courses and meet all 8937  
other applicable requirements established in rules adopted 8938  
pursuant to this section. The department shall issue the 8939  
appropriate certificate or certificates to assistive personnel and 8940  
registered nurses who meet the requirements for the certificate or 8941  
certificates. 8942

(C) Certificates issued to assistive personnel are valid for 8943  
one year and may be renewed. Certificates issued to registered 8944  
nurses are valid for two years and may be renewed. 8945

To be eligible for renewal, assistive personnel and 8946  
registered nurses must meet the applicable continued competency 8947  
requirements and continuing education requirements specified in 8948  
rules adopted under division (D) of this section. In the case of 8949  
registered nurses, continuing nursing education completed in 8950  
compliance with the license renewal requirements established under 8951  
Chapter 4723. of the Revised Code may be counted toward meeting 8952  
the continuing education requirements established in the rules 8953  
adopted under division (D) of this section. 8954

(D) In accordance with section 173.579 of the Revised Code, 8955  
the department shall adopt rules that establish all of the 8956  
following: 8957

(1) Requirements that assistive personnel and registered 8958  
nurses must meet to be eligible to take a training course; 8959

(2) Standards that must be met to receive a certificate, 8960  
including requirements pertaining to an applicant's criminal 8961  
background; 8962

(3) Procedures to be followed in applying for a certificate 8963  
and issuing a certificate; 8964

(4) Standards and procedures for renewing a certificate, 8965  
including requirements for continuing education and, in the case 8966  
of assistive personnel who administer prescribed medications, 8967  
standards that require successful demonstration of proficiency in 8968  
administering prescribed medications; 8969

(5) Standards and procedures for suspending or revoking a 8970  
certificate; 8971

(6) Standards and procedures for suspending a certificate 8972

without a hearing pending the outcome of an investigation; 8973

(7) Any other standards or procedures the department 8974  
considers necessary to administer the certification program. 8975

(E) The department is not required to develop the 8976  
certification program described in division (A) of this section if 8977  
it enters into an interagency agreement under section 5166.50 of 8978  
the Revised Code that provides for the establishment of the 8979  
certification program described in division (B)(3) of that 8980  
section. 8981

**Sec. 173.578.** (A) Except as provided in division (B) of this 8982  
section, the department of aging shall establish and maintain a 8983  
registry that lists all assistive personnel and registered nurses 8984  
holding valid certificates issued under section 173.577 of the 8985  
Revised Code. The registry shall specify the type of certificate 8986  
held and any limitations that apply to a certificate holder. The 8987  
department shall make the information in the registry available to 8988  
the public in computerized form or any other manner that provides 8989  
continuous access to the information in the registry. 8990

(B) The department is not required to establish or maintain 8991  
the registry described in division (A) of this section if it 8992  
enters into an interagency agreement under section 5166.50 of the 8993  
Revised Code that provides for the establishment and maintenance 8994  
of the registry described in division (B)(4) of that section. 8995

**Sec. 173.579.** All rules adopted under sections 173.571 to 8996  
173.577 of the Revised Code shall be adopted in consultation with 8997  
the board of nursing, the office of the state long-term care 8998  
ombudsman program, and the Ohio nurses association. The rules 8999  
shall be adopted in accordance with Chapter 119. of the Revised 9000  
Code. 9001

**Sec. 174.02.** (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund consists of all appropriations made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, money transferred from the housing trust reserve fund pursuant to section 174.09 of the Revised Code, and all grants, gifts, loan repayments, and contributions of money made from any source to the ~~department of~~ development services agency for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development services shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The ~~department~~ development services agency shall administer the fund. The Ohio housing finance agency shall use money allocated to it for implementing and administering its programs and duties under sections 174.03 and 174.05 of the Revised Code, and the ~~department~~ development services agency shall use the remaining money in the fund for implementing and administering its programs and duties under sections 174.03 to 174.06 of the Revised Code. Use of all money drawn from the fund is subject to the following restrictions:

(1)(a) Not more than five per cent of the current year appropriation authority for the fund shall be allocated between grants to community development corporations for the community development corporation grant program and grants and loans to the Ohio community development finance fund, a private nonprofit corporation.

(b) In any year in which the amount in the fund exceeds one hundred thousand dollars and at least that much is allocated for the uses described in this section, not less than one hundred thousand dollars shall be used to provide training, technical

assistance, and capacity building assistance to nonprofit  
development organizations. 9034  
9035

(2) Not more than ten per cent of any current year 9036  
appropriation authority for the fund shall be used for the 9037  
emergency shelter housing grants program to make grants to 9038  
private, nonprofit organizations and municipal corporations, 9039  
counties, and townships for emergency shelter housing for the 9040  
homeless and emergency shelter facilities serving unaccompanied 9041  
youth seventeen years of age and younger. The grants shall be 9042  
distributed pursuant to rules the director adopts and qualify as 9043  
matching funds for funds obtained pursuant to the McKinney Act, 9044  
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 9045

(3) In any fiscal year in which the amount in the fund 9046  
exceeds the amount awarded pursuant to division (A)(1)(b) of this 9047  
section by at least two hundred fifty thousand dollars, at least 9048  
two hundred fifty thousand dollars from the fund shall be provided 9049  
to the department of aging for the resident services coordinator 9050  
program as established in section 173.08 of the Revised Code. 9051

(4) Of all current year appropriation authority for the fund, 9052  
not more than five per cent shall be used for administration. 9053

(5) Not less than forty-five per cent of the funds awarded 9054  
during any one fiscal year shall be for grants and loans to 9055  
nonprofit organizations under section 174.03 of the Revised Code. 9056

(6) Not less than fifty per cent of the funds awarded during 9057  
any one fiscal year, excluding the amounts awarded pursuant to 9058  
divisions (A)(1), (2), and (7) of this section, shall be for 9059  
grants and loans for activities that provide housing and housing 9060  
assistance to families and individuals in rural areas and small 9061  
cities that are not eligible to participate as a participating 9062  
jurisdiction under the "HOME Investment Partnerships Act," 104 9063  
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 9064

(7) No money in the fund shall be used to pay for any legal 9065  
services other than the usual and customary legal services 9066  
associated with the acquisition of housing. 9067

(8) Money in the fund may be used as matching money for 9068  
federal funds received by the state, counties, municipal 9069  
corporations, and townships for the activities listed in section 9070  
174.03 of the Revised Code. 9071

(B) If, after the second quarter of any year, it appears to 9072  
the director of development services that the full amount of the 9073  
money in the fund designated in that year for activities that 9074  
provide housing and housing assistance to families and individuals 9075  
in rural areas and small cities under division (A) of this section 9076  
will not be used for that purpose, the director may reallocate all 9077  
or a portion of that amount for other housing activities. In 9078  
determining whether or how to reallocate money under this 9079  
division, the director may consult with and shall receive advice 9080  
from the housing trust fund advisory committee. 9081

Sec. 174.09. (A) The housing trust reserve fund is hereby 9082  
created in the state treasury. The fund shall consist of housing 9083  
trust fund fees collected by county recorders pursuant to section 9084  
317.36 of the Revised Code and deposited into the fund pursuant to 9085  
section 319.63 of the Revised Code. All investment earnings of the 9086  
fund shall be credited to the fund. 9087

(B) If, in the prior fiscal year, the housing trust fund fees 9088  
received by the treasurer of state under section 319.63 of the 9089  
Revised Code amount to less than fifty million dollars, the 9090  
director of development services may request the director of 9091  
budget and management to transfer money from the housing trust 9092  
reserve fund to the low- and moderate-income housing trust fund 9093  
created under section 174.02 of the Revised Code. The amount 9094  
transferred, when combined with the housing trust fund fees 9095

received by the treasurer of state in the prior fiscal year, shall 9096  
not exceed fifty million dollars. The director of development 9097  
services shall provide any additional information regarding a 9098  
transfer request that the director of budget and management may 9099  
require. Based on that information, the director of budget and 9100  
management shall determine the amount to be transferred. 9101

**Sec. 190.01.** As used in this division: 9102

(A) "Subdivision" has the same meaning as in section 5705.01 9103  
of the Revised Code. 9104

(B) "Eligible subdivision" means a subdivision that is 9105  
located in an eligible county. 9106

(C) "Eligible county" means a county appearing on the most 9107  
recent determination certified by the chief of the division of oil 9108  
and gas resources management under division (C)(2) of section 9109  
1509.11 of the Revised Code. 9110

(D) "Foundation for Appalachian Ohio" means a nonprofit 9111  
corporation named "The Foundation for Appalachian Ohio." 9112

**Sec. 190.02.** (A) There is hereby created the Ohio shale 9113  
products regional commission. The commission shall ensure the 9114  
long-term growth and continued prosperity of eligible subdivisions 9115  
by doing all of the following: 9116

(1) Awarding grants from the severance tax endowment fund and 9117  
the severance tax infrastructure fund; 9118

(2) Identifying local match programs for investments in 9119  
eligible subdivisions; 9120

(3) Assisting the short-term and long-term needs of eligible 9121  
subdivisions; 9122

(4) Overseeing the long-term success of eligible 9123  
subdivisions. 9124

<u>(B)(1) The commission shall consist of the following members,</u>	9125
<u>appointed by the governor:</u>	9126
<u>(a) One member who is a county or civil engineer;</u>	9127
<u>(b) One member with experience in local economic development;</u>	9128
<u>(c) One member representing the region that includes all</u>	9129
<u>eligible counties;</u>	9130
<u>(d) One member representing eligible counties;</u>	9131
<u>(e) One member representing municipal corporations that are</u>	9132
<u>eligible subdivisions;</u>	9133
<u>(f) One member representing townships that are eligible</u>	9134
<u>subdivisions;</u>	9135
<u>(g) One member of the public recommended to the governor by</u>	9136
<u>the speaker of the house of representatives;</u>	9137
<u>(h) One member of the public recommended to the governor by</u>	9138
<u>the president of the senate;</u>	9139
<u>(i) The president of the foundation for Appalachian Ohio or</u>	9140
<u>the president's designee.</u>	9141
<u>(2) In addition to the members described in division (B)(1)</u>	9142
<u>of this section, the commission shall consist of the following ex</u>	9143
<u>officio members:</u>	9144
<u>(a) The director of natural resources;</u>	9145
<u>(b) The chief investment officer of the nonprofit corporation</u>	9146
<u>formed under Chapter 187. of the Revised Code;</u>	9147
<u>(c) The director of transportation;</u>	9148
<u>(d) The director of the governor's office of Appalachian</u>	9149
<u>Ohio.</u>	9150
<u>(C) The governor shall appoint the first members of the</u>	9151
<u>commission not later than October 1, 2015. Commission members</u>	9152

described in divisions (B)(1)(a) to (h) of this section shall 9153  
serve four-year terms, except that for the first term beginning 9154  
after the effective date of this section, members described in 9155  
divisions (B)(1)(c), (d), (f), and (g) of this section each shall 9156  
serve a two-year term. The member described in division (B)(1)(i) 9157  
of this section shall continue to serve until the member is no 9158  
longer eligible to serve on the commission or is removed by the 9159  
governor for any of the reasons described in section 3.04 of the 9160  
Revised Code. 9161

Members described in divisions (B)(1)(a) to (h) of this 9162  
section may be reappointed. Each member shall hold office until 9163  
the later of the end of the term for which the member was 9164  
appointed or the date the member's successor takes office. Any 9165  
member appointed to fill a vacancy occurring before the expiration 9166  
of the term for which the member's predecessor was appointed shall 9167  
hold office for the remainder of the unexpired term. A vacancy in 9168  
the commission shall be filled in the same manner as the original 9169  
appointment. Members described in division (B)(1) of this section 9170  
may be removed by the governor for any of the reasons described in 9171  
section 3.04 of the Revised Code. 9172

The governor shall not appoint an individual to the 9173  
commission, nor shall an individual serve on the commission, if 9174  
the individual has been convicted of or pleaded guilty or no 9175  
contest to a felony offense. Members under indictment for a felony 9176  
offense shall resign by force of law from the commission 9177  
immediately upon indictment. 9178

A member described in division (B)(1) of this section who 9179  
fails to attend at least sixty per cent of the meetings of the 9180  
commission during any two-year period shall resign by force of law 9181  
from the commission immediately upon failing to meet this 9182  
requirement. 9183

(D) At the first meeting of the commission, which shall occur 9184

not later than one year after the effective date of the enactment 9185  
of this section, members of the commission shall elect a 9186  
chairperson and a vice-chairperson. The vice-chairperson shall 9187  
assume the duties of the chairperson in the absence of the 9188  
chairperson. The commission shall meet annually or more frequently 9189  
at the call of the chairperson. A majority of the commission 9190  
constitutes a quorum. The member described in division (B)(1)(i) 9191  
of this section shall not serve as a chairperson or 9192  
vice-chairperson. The commission is a public body for purposes of 9193  
section 121.22 of the Revised Code. Records of the commission are 9194  
public records for purposes of section 149.43 of the Revised Code. 9195

(E) Each member shall be reimbursed for travel expenses 9196  
actually and necessarily incurred in the performance of their 9197  
duties for the commission. The commission may approve and incur 9198  
expenses that are necessary to assist the commission in the 9199  
performance of its duties, including engaging the services of an 9200  
attorney or a specialist to advise the commission on matters 9201  
before it. 9202

(F) As requested by the commission, the governor's office of 9203  
Appalachian Ohio shall provide staff and administrative assistance 9204  
to the commission, including assistance to prepare the report 9205  
required under division (H) of this section. 9206

(G) Expenses incurred by the Ohio shale products regional 9207  
commission or members of the commission under division (E) of this 9208  
section and expenses incurred by the governor's office of 9209  
Appalachian Ohio for any assistance provided under division (F) of 9210  
this section shall be paid by the commission from the severance 9211  
tax infrastructure fund. After July 1, 2025, if the payment from 9212  
the severance tax infrastructure fund would exceed the amount of 9213  
interest earned on money in the fund during the preceding fiscal 9214  
year, the excess shall be paid from the severance tax endowment 9215  
fund. If the payment from the severance tax endowment fund would 9216

exceed the amount of interest earned on money in the fund during 9217  
the preceding fiscal year, the excess shall be paid from the 9218  
severance tax infrastructure fund. 9219

(H) On or before the first day of November of each year, the 9220  
commission shall submit a report to the governor that includes 9221  
financial statements for the severance tax endowment fund and the 9222  
severance tax infrastructure fund and information about persons or 9223  
eligible subdivisions requesting funds from the commission, the 9224  
amount so requested, and the purpose to which the requested funds 9225  
were required to be used. The report shall also include the names 9226  
of any persons or eligible subdivisions receiving funds from the 9227  
commission, any amount so distributed, and the purpose for which 9228  
the requested funds were required to be used. The report is 9229  
subject to audit by the auditor of state under Chapter 117. of the 9230  
Revised Code. 9231

**Sec. 190.03.** There is hereby created the severance tax 9232  
infrastructure fund, which shall be in the custody of the 9233  
treasurer of state, but shall not be a part of the state treasury. 9234  
The fund shall consist of money transferred to it from the 9235  
severance tax receipts fund under section 5749.02 of the Revised 9236  
Code. Money in the fund shall be used by the Ohio shale products 9237  
regional commission for the public purpose of awarding grants to 9238  
eligible subdivisions to support and supplement investments in 9239  
those subdivisions and to pay the expenses of the commission or 9240  
members of the commission under division (E) of section 190.02 of 9241  
the Revised Code and the expenses of the governor's office of 9242  
Appalachian Ohio as authorized under division (G) of section 9243  
190.02 of the Revised Code. Interest earned on the money in the 9244  
fund shall be credited to the fund. 9245

The commission is the trustee of the severance tax 9246  
infrastructure fund. Disbursements from the fund shall be paid by 9247

the treasurer of state only upon instruments duly authorized by 9248  
the commission. At the request of the commission, the treasurer of 9249  
state shall select and contract with one or more investment 9250  
managers to invest money credited to the fund. The eligible list 9251  
of investments shall be the same as for the public employees 9252  
retirement system under section 145.11 of the Revised Code. All 9253  
investments shall be subject to the same limitations and 9254  
requirements as the retirement system under that section and 9255  
sections 145.112 and 145.113 of the Revised Code. 9256

**Sec. 190.04.** There is hereby created the severance tax 9257  
endowment fund, which shall be in the custody of the treasurer of 9258  
state, but shall not be a part of the state treasury. The fund 9259  
shall consist of money transferred to it from the severance tax 9260  
receipts fund under section 5749.02 of the Revised Code. Money in 9261  
the fund shall be used by the Ohio shale products regional 9262  
commission for the public purpose of awarding grants for projects 9263  
in subdivisions that were eligible subdivisions for any fiscal 9264  
year that target long-term growth and continued prosperity in 9265  
those subdivisions and to pay the expenses of the commission or 9266  
members of the commission under division (E) of section 190.02 of 9267  
the Revised Code and the expenses of the governor's office of 9268  
Appalachian Ohio as authorized under division (G) of section 9269  
190.02 of the Revised Code. 9270

The commission is the trustee of the severance tax endowment 9271  
fund. Disbursements from the fund shall be paid by the treasurer 9272  
of state only upon instruments duly authorized by the commission. 9273  
At the request of the commission, the treasurer of state shall 9274  
select and contract with one or more investment managers to invest 9275  
money credited to the fund. The eligible list of investments shall 9276  
be the same as for the public employees retirement system under 9277  
section 145.11 of the Revised Code. All investments shall be 9278  
subject to the same limitations and requirements as the retirement 9279

system under that section and sections 145.112 and 145.113 of the 9280  
Revised Code. 9281

The commission shall not prepare instruments requesting 9282  
disbursement from the severance tax endowment fund before July 1, 9283  
2025. The treasurer of state shall not disburse money from the 9284  
severance tax endowment fund before July 1, 2025. 9285

**Sec. 191.04.** (A) In accordance with federal laws governing 9286  
the confidentiality of individually identifiable health 9287  
information, including the "Health Insurance Portability and 9288  
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 9289  
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 9290  
by the United States department of health and human services to 9291  
implement the act, a state agency may exchange protected health 9292  
information with another state agency relating to eligibility for 9293  
or enrollment in a health plan or relating to participation in a 9294  
government program providing public benefits if the exchange of 9295  
information is necessary for either or both of the following: 9296

(1) Operating a health plan; 9297

(2) Coordinating, or improving the administration or 9298  
management of, the health care-related functions of at least one 9299  
government program providing public benefits. 9300

(B) For fiscal years 2013, ~~2014, and 2015~~ through 2017 only, 9301  
a state agency also may exchange personally identifiable 9302  
information with another state agency for purposes related to and 9303  
in support of a health transformation initiative identified by the 9304  
executive director of the office of health transformation pursuant 9305  
to division (C) of section 191.06 of the Revised Code. 9306

(C) With respect to a state agency that uses or discloses 9307  
personally identifiable information, all of the following 9308  
conditions apply: 9309

(1) The state agency shall use or disclose the information 9310  
only as permitted or required by state and federal law. In 9311  
addition, if the information is obtained during fiscal year 2013, 9312  
2014, or 2015 from an exchange of personally identifiable 9313  
information permitted under division (B) of this section, the 9314  
agency shall also use or disclose the information in accordance 9315  
with all operating protocols that apply to the use or disclosure. 9316

(2) If the state agency is a state agency other than the 9317  
department of medicaid and it uses or discloses protected health 9318  
information that is related to a medicaid recipient and obtained 9319  
from the department of medicaid or another agency operating a 9320  
component of the medicaid program, the state agency shall comply 9321  
with all state and federal laws that apply to the department of 9322  
medicaid when that department, as the state's single state agency 9323  
to supervise the medicaid program, uses or discloses protected 9324  
health information. 9325

(3) A state agency shall implement administrative, physical, 9326  
and technical safeguards for the purpose of protecting the 9327  
confidentiality, integrity, and availability of personally 9328  
identifiable information the creation, receipt, maintenance, or 9329  
transmittal of which is affected or governed by this section. 9330

(4) If a state agency discovers an unauthorized use or 9331  
disclosure of unsecured protected health information or unsecured 9332  
individually identifiable health information, the state agency 9333  
shall, not later than seventy-two hours after the discovery, do 9334  
all of the following: 9335

(a) Identify the individuals who are the subject of the 9336  
protected health information or individually identifiable health 9337  
information; 9338

(b) Report the discovery and the names of all individuals 9339  
identified pursuant to division (C)(4)(a) of this section to all 9340

other state agencies and the executive director of the office of 9341  
health transformation or the executive director's designee; 9342

(c) Mitigate, to the extent reasonably possible, any 9343  
potential adverse effects of the unauthorized use or disclosure. 9344

(5) A state agency shall make available to the executive 9345  
director of the office of health transformation or the executive 9346  
director's designee, and to any other state or federal 9347  
governmental entity required by law to have access on that 9348  
entity's request, all internal practices, records, and 9349  
documentation relating to personally identifiable information it 9350  
receives, uses, or discloses that is affected or governed by this 9351  
section. 9352

(6) On termination or expiration of an operating protocol and 9353  
if feasible, a state agency shall return or destroy all personally 9354  
identifiable information received directly from or received on 9355  
behalf of another state agency. If the personally identifiable 9356  
information is not returned or destroyed, the state agency 9357  
maintaining the information shall extend the protections set forth 9358  
in this section for as long as it is maintained. 9359

(7) If a state agency enters into a subcontract or, when 9360  
required by 45 C.F.R. 164.502(e)(2), a business associate 9361  
agreement, the subcontract or business associate agreement shall 9362  
require the subcontractor or business associate to comply with the 9363  
terms of this section as if the subcontractor or business 9364  
associate were a state agency. 9365

**Sec. 191.06.** (A) The provisions of this section shall apply 9366  
only for fiscal years 2013, ~~2014, and 2015~~ through 2017. 9367

(B) The executive director of the office of health 9368  
transformation or the executive director's designee may facilitate 9369  
the coordination of operations and exchange of information between 9370

state agencies. The purpose of the executive director's authority 9371  
under this section is to support agency collaboration for health 9372  
transformation purposes, including modernization of the medicaid 9373  
program, streamlining of health and human services programs in 9374  
this state, and improving the quality, continuity, and efficiency 9375  
of health care and health care support systems in this state. 9376

(C) In furtherance of the authority of the executive director 9377  
of the office of health transformation under division (B) of this 9378  
section, the executive director or the executive director's 9379  
designee shall identify each health transformation initiative in 9380  
this state that involves the participation of two or more state 9381  
agencies and that permits or requires an interagency agreement to 9382  
be entered into for purposes of specifying each participating 9383  
agency's role in coordinating, operating, or funding the 9384  
initiative, or facilitating the exchange of data or other 9385  
information for the initiative. The executive director shall 9386  
publish a list of the identified health transformation initiatives 9387  
on the internet web site maintained by the office of health 9388  
transformation. 9389

(D) For each health transformation initiative that is 9390  
identified under division (C) of this section, the executive 9391  
director or the executive director's designee shall, in 9392  
consultation with each participating agency, adopt one or more 9393  
operating protocols. Notwithstanding any law enacted by the 9394  
general assembly or rule adopted by a state agency, the provisions 9395  
in a protocol shall supersede any provisions in an interagency 9396  
agreement, including an interagency agreement entered into under 9397  
section 5101.10 or 5162.35 of the Revised Code, that differ from 9398  
the provisions of the protocol. 9399

(E)(1) An operating protocol adopted under division (D) of 9400  
this section shall include both of the following: 9401

(a) All terms necessary to meet the requirements of "other 9402

arrangements" between a covered entity and a business associate 9403  
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 9404

(b) If known, the date on which the protocol will terminate 9405  
or expire. 9406

(2) In addition, a protocol may specify the extent to which 9407  
each participating agency is responsible and accountable for 9408  
completing the tasks necessary for successful completion of the 9409  
initiative, including tasks relating to the following components 9410  
of the initiative: 9411

(a) Workflow; 9412

(b) Funding; 9413

(c) Exchange of data or other information that is 9414  
confidential pursuant to state or federal law. 9415

(F) An operating protocol adopted under division (D) of this 9416  
section shall have the same force and effect as an interagency 9417  
agreement or data sharing agreement, and each participating agency 9418  
shall comply with it. 9419

**Sec. 319.63.** (A) During the first thirty days of each 9420  
calendar quarter, the county auditor shall pay to the treasurer of 9421  
state all amounts that the county recorder collected as housing 9422  
trust fund fees pursuant to section 317.36 of the Revised Code 9423  
during the previous calendar quarter. If payment is made to the 9424  
treasurer of state within the first thirty days of the quarter, 9425  
the county auditor may retain an administrative fee of one per 9426  
cent of the amount of the trust fund fees collected during the 9427  
previous calendar quarter. 9428

(B) The treasurer of state shall deposit the first fifty 9429  
million dollars of housing trust fund fees received each year 9430  
pursuant to this section into the low- and moderate-income housing 9431  
trust fund, created under section 174.02 of the Revised Code, ~~and~~. 9432

The treasurer of state shall deposit any amounts received each 9433  
year in excess of fifty million dollars into the housing trust 9434  
reserve fund created under section 174.09 of the Revised Code, 9435  
unless the cash balance of the housing trust reserve fund is 9436  
greater than fifteen million dollars. In that event, the treasurer 9437  
of state shall deposit any amounts received each year in excess of 9438  
fifty million dollars into the state general revenue fund. 9439

(C) The county auditor shall deposit the administrative fee 9440  
that the auditor is permitted to retain pursuant to division (A) 9441  
of this section into the county general fund for the county 9442  
recorder to use in administering the trust fund fee. 9443

**Sec. 321.44.** (A)(1) A county probation services fund shall be 9444  
established in the county treasury of each county. The fund a 9445  
county establishes under this division shall contain all moneys 9446  
paid to the treasurer of the county under section 2951.021 of the 9447  
Revised Code for deposit into the fund. The moneys paid into the 9448  
fund shall be deposited by the treasurer of the county into the 9449  
appropriate account established under divisions (A)(1)(a) to (d) 9450  
of this section. Separate accounts shall be maintained in 9451  
accordance with the following criteria in the fund a county 9452  
establishes under this division: 9453

(a) If a county department of probation is established in the 9454  
county, a separate account shall be maintained in the fund for the 9455  
county department of probation. 9456

(b) If the judges of the court of common pleas of the county 9457  
have affiliated with the judges of the court of common pleas of 9458  
one or more other counties and have established a multicounty 9459  
department of probation, a separate account shall be maintained in 9460  
the fund for the multicounty department of probation. 9461

(c) If a department of probation is established in a 9462  
county-operated municipal court that has jurisdiction within the 9463

county, a separate account shall be maintained in the fund for the 9464  
municipal court department of probation. 9465

(d) If a county department of probation has not been 9466  
established in the county and if the court of common pleas of the 9467  
county, pursuant to section 2301.32 of the Revised Code, has 9468  
entered into an agreement with the adult parole authority under 9469  
which the court may place defendants under a community control 9470  
sanction in charge of the authority, a separate account shall be 9471  
maintained in the fund for the court of common pleas. 9472

(2) For any county, if a county department of probation is 9473  
established in the county or if a department of probation is 9474  
established in a county-operated municipal court that has 9475  
jurisdiction within the county, the board of county commissioners 9476  
of the county shall appropriate to the county department of 9477  
probation or municipal court department of probation all money 9478  
that is contained in the department's account in the county 9479  
probation services fund established in the county for use only for 9480  
specialized staff, purchase of equipment, purchase of services, 9481  
reconciliation programs for offenders and victims, other treatment 9482  
programs, including community addiction services providers 9483  
certified under section 5119.36 of the Revised Code, determined to 9484  
be appropriate by the chief probation officer of the department of 9485  
probation, and other similar expenses related to placing offenders 9486  
under a community control sanction. 9487

For any county, if the judges of the court of common pleas of 9488  
the county have affiliated with the judges of the court of common 9489  
pleas of one or more other counties and have established a 9490  
multicounty department of probation to serve the counties, the 9491  
board of county commissioners of the county shall appropriate and 9492  
the county treasurer shall transfer to the multicounty probation 9493  
services fund established for the multicounty department of 9494  
probation under division (B) of this section all money that is 9495

contained in the multicounty department of probation account in 9496  
the county probation services fund established in the county for 9497  
use in accordance with that division. 9498

For any county, if a county department of probation has not 9499  
been established in the county and if the court of common pleas of 9500  
the county, pursuant to section 2301.32 of the Revised Code, has 9501  
entered into an agreement with the adult parole authority under 9502  
which the court may place defendants under a community control 9503  
sanction in charge of the authority, the board of county 9504  
commissioners of the county shall appropriate to the court all 9505  
money that is contained in the court's account in the county 9506  
probation services fund established in the county for use only for 9507  
specialized staff, purchase of equipment, purchase of services, 9508  
reconciliation programs for offenders and victims, other treatment 9509  
services and recovery ~~support services~~ supports, including 9510  
~~properly credentialed treatment and recovery support~~ community 9511  
addiction services ~~program~~ providers ~~or those certified under~~ 9512  
~~section 5119.36 of the Revised Code~~, determined to be appropriate 9513  
by the authority, and other similar uses related to placing 9514  
offenders under a community control sanction. 9515

(B) If the judges of the courts of common pleas of two or 9516  
more counties have established a multicounty department of 9517  
probation, a multicounty probation services fund shall be 9518  
established in the county treasury of the county whose treasurer, 9519  
in accordance with section 2301.27 of the Revised Code, is 9520  
designated by the judges of the courts of common pleas as the 9521  
treasurer to whom monthly supervision fees are to be appropriated 9522  
and transferred under division (A)(2) of this section for deposit 9523  
into the fund. The fund shall contain all moneys that are paid to 9524  
the treasurer of any member county under section 2951.021 of the 9525  
Revised Code for deposit into the county's probation services fund 9526  
and that subsequently are appropriated and transferred to the 9527

multicounty probation services fund under division (A)(2) of this 9528  
section. The board of county commissioners of the county in which 9529  
the multicounty probation services fund is established shall 9530  
appropriate the money contained in that fund to the multicounty 9531  
department of probation, for use only for specialized staff, 9532  
purchase of equipment, purchase of services, reconciliation 9533  
programs for offenders and victims, other treatment ~~programs~~ 9534  
service and recovery supports, including community addiction 9535  
services providers ~~certified under section 5119.36 of the Revised~~ 9536  
~~Code~~, determined to be appropriate by the chief probation officer, 9537  
and for other similar expenses related to placing offenders under 9538  
a community control sanction. 9539

(C) Any money in a county or multicounty probation services 9540  
fund at the end of a fiscal year shall not revert to the general 9541  
fund of the county but shall be retained in the fund. 9542

(D) As used in this section: 9543

(1) "County-operated municipal court" has the same meaning as 9544  
in section 1901.03 of the Revised Code. 9545

(2) "Multicounty department of probation" means a probation 9546  
department established under section 2301.27 of the Revised Code 9547  
to serve more than one county. 9548

(3) "Community control sanction" has the same meaning as in 9549  
section 2929.01 of the Revised Code. 9550

(4) "Community addiction services provider" and "recovery 9551  
support" have the same meanings as in section 5119.01 of the 9552  
Revised Code. 9553

**Sec. 321.50.** Every county treasurer who receives money from 9554  
the county severance tax fund under division (B)(7)(b)(i) of 9555  
section 5749.02 of the Revised Code shall create in the county 9556  
treasury a severance tax fund. The treasurer shall deposit any 9557

money so received in the fund. The treasurer shall notify the 9558  
county auditor whenever the treasurer deposits money in the fund. 9559

Money in a county's severance tax fund shall be distributed 9560  
according to an order of the county budget commission to 9561  
subdivisions located in the county according to procedures and 9562  
standards prescribed by the budget commission. The treasurer shall 9563  
transfer money from the severance tax fund to subdivisions located 9564  
in the county as prescribed in such order. 9565

**Sec. 340.01.** (A) As used in this chapter, "addiction," 9566  
"addiction services," "alcohol and drug addiction services," 9567  
"community addiction services provider," "community mental health 9568  
services provider," "gambling addiction services," "mental health 9569  
services," ~~and~~ "mental illness," and "recovery support" have the 9570  
same meanings as in section 5119.01 of the Revised Code. 9571

(B) An alcohol, drug addiction, and mental health service 9572  
district shall be established in any county or combination of 9573  
counties having a population of at least fifty thousand to provide 9574  
addiction services and mental health services. With the approval 9575  
of the director of mental health and addiction services, any 9576  
county or combination of counties having a population of less than 9577  
fifty thousand may establish such a district. Districts comprising 9578  
more than one county shall be known as joint-county districts. 9579

The board of county commissioners of any county participating 9580  
in a joint-county district may submit a resolution requesting 9581  
withdrawal from the district together with a comprehensive plan or 9582  
plans that are in compliance with rules adopted by the director of 9583  
mental health and addiction services under section 5119.22 of the 9584  
Revised Code, and that provide for the equitable adjustment and 9585  
division of all services, assets, property, debts, and 9586  
obligations, if any, of the joint-county district to the board of 9587  
alcohol, drug addiction, and mental health services, to the boards 9588

of county commissioners of each county in the district, and to the 9589  
directors. No county participating in a joint-county service 9590  
district may withdraw from the district without the consent of the 9591  
director of mental health and addiction services nor earlier than 9592  
one year after the submission of such resolution unless all of the 9593  
participating counties agree to an earlier withdrawal. Any county 9594  
withdrawing from a joint-county district shall continue to have 9595  
levied against its tax list and duplicate any tax levied by the 9596  
district during the period in which the county was a member of the 9597  
district until such time as the levy expires or is renewed or 9598  
replaced. 9599

**Sec. 340.03.** (A) Subject to rules issued by the director of 9600  
mental health and addiction services after consultation with 9601  
relevant constituencies as required by division (A)(10) of section 9602  
5119.21 of the Revised Code, the board of alcohol, drug addiction, 9603  
and mental health services shall: 9604

(1) Serve as the community addiction and mental health 9605  
~~services~~ planning agency for the county or counties under its 9606  
jurisdiction, and in so doing it shall: 9607

(a) Evaluate the need for facilities and community addiction 9608  
and mental health services and recovery supports; 9609

(b) In cooperation with other local and regional planning and 9610  
funding bodies and with relevant ethnic organizations, assess the 9611  
community addiction and mental health needs, evaluate strengths 9612  
and challenges, and set priorities for community addiction and 9613  
mental health services, (including treatment and prevention 9614  
services) and recovery supports. When the board sets priorities 9615  
for the operation of addiction services, the board shall consult 9616  
with the county commissioners of the counties in the board's 9617  
service district regarding the services described in section 9618  
340.15 of the Revised Code and shall give priority to those 9619

services, except that those services shall not have a priority 9620  
over services provided to pregnant women under programs developed 9621  
in relation to the mandate established in section 5119.17 of the 9622  
Revised Code; 9623

(c) In accordance with guidelines issued by the director of 9624  
mental health and addiction services after consultation with board 9625  
representatives, annually develop and submit to the department of 9626  
mental health and addiction services a community addiction and 9627  
mental health ~~services~~ plan listing ~~community addiction and mental~~ 9628  
~~health services needs, including the~~ addressing both of the 9629  
following: 9630

(i) The needs of all residents of the district currently 9631  
receiving inpatient services in state-operated hospitals, the 9632  
needs of other populations as required by state or federal law or 9633  
programs, and the needs of all children subject to a determination 9634  
made pursuant to section 121.38 of the Revised Code, ~~and;~~ 9635

(ii) Department priorities that have been communicated to the 9636  
board for facilities ~~and community,~~ addiction and mental health 9637  
services, and recovery supports during the period for which the 9638  
plan will be in effect. 9639

In alcohol, drug addiction, and mental health service 9640  
districts that have separate alcohol and drug addiction services 9641  
and community mental health boards, the alcohol and drug addiction 9642  
services board shall submit a community addiction ~~services~~ plan 9643  
and the community mental health board shall submit a community 9644  
mental health ~~services~~ plan. Each board shall consult with its 9645  
counterpart in developing its plan and address the interaction 9646  
between the local addiction ~~services~~ and mental health ~~services~~ 9647  
systems and populations with regard to needs and priorities in 9648  
developing its plan. 9649

The department shall approve or disapprove the plan, in whole 9650

or in part, according to the criteria developed pursuant to 9651  
section 5119.22 of the Revised Code. Eligibility for state and 9652  
federal funding shall be contingent upon an approved plan or 9653  
relevant part of a plan. 9654

If a board determines that it is necessary to amend a plan 9655  
that has been approved under this division, the board shall submit 9656  
a proposed amendment to the director. The director may approve or 9657  
disapprove all or part of the amendment. The director shall inform 9658  
the board of the reasons for disapproval of all or part of an 9659  
amendment and of the criteria that must be met before the 9660  
amendment may be approved. The director shall provide the board an 9661  
opportunity to present its case on behalf of the amendment. The 9662  
director shall give the board a reasonable time in which to meet 9663  
the criteria, and shall offer the board technical assistance to 9664  
help it meet the criteria. 9665

The board shall operate in accordance with the plan approved 9666  
by the department. 9667

(d) Promote, arrange, and implement working agreements with 9668  
social agencies, both public and private, and with judicial 9669  
agencies. 9670

(2) Investigate, or request another agency to investigate, 9671  
any complaint alleging abuse or neglect of any person receiving 9672  
addiction or mental health services or recovery supports from a 9673  
community addiction or mental health services provider ~~certified~~ 9674  
~~under section 5119.36 of the Revised Code~~ or alleging abuse or 9675  
neglect of a resident receiving addiction services or with mental 9676  
illness or severe mental disability residing in a residential 9677  
facility licensed under section 5119.34 of the Revised Code. If 9678  
the investigation substantiates the charge of abuse or neglect, 9679  
the board shall take whatever action it determines is necessary to 9680  
correct the situation, including notification of the appropriate 9681  
authorities. Upon request, the board shall provide information 9682

about such investigations to the department. 9683

(3) For the purpose of section 5119.36 of the Revised Code, 9684  
cooperate with the director of mental health and addiction 9685  
services in visiting and evaluating whether the addiction or 9686  
mental health services of a community addiction or mental health 9687  
services provider satisfy the certification standards established 9688  
by rules adopted under that section; 9689

(4) In accordance with criteria established under division 9690  
(E) of section 5119.22 of the Revised Code, conduct program audits 9691  
that review and evaluate the quality, effectiveness, and 9692  
efficiency of addiction and mental health services and recovery 9693  
supports provided through its community addiction and mental 9694  
health ~~contracted~~ services providers and submit its findings and 9695  
recommendations to the department of mental health and addiction 9696  
services; 9697

(5) In accordance with section 5119.34 of the Revised Code, 9698  
review an application for a residential facility license and 9699  
provide to the department of mental health and addiction services 9700  
any information about the applicant or facility that the board 9701  
would like the department to consider in reviewing the 9702  
application; 9703

(6) Audit, in accordance with rules adopted by the auditor of 9704  
state pursuant to section 117.20 of the Revised Code, at least 9705  
annually all programs ~~and~~, addiction and mental health services, 9706  
and recovery supports provided under contract with the board. In 9707  
so doing, the board may contract for or employ the services of 9708  
private auditors. A copy of the fiscal audit report shall be 9709  
provided to the director of mental health and addiction services, 9710  
the auditor of state, and the county auditor of each county in the 9711  
board's district. 9712

(7) Recruit and promote local financial support for addiction 9713

and mental health services and recovery supports from private and 9714  
public sources; 9715

(8)(a) Enter into contracts with public and private 9716  
facilities for the operation of facility services and enter into 9717  
contracts with public and private community addiction and mental 9718  
health service providers for the provision of ~~community~~ addiction 9719  
and mental health services and recovery supports. The board may 9720  
not contract with a residential facility subject to section 9721  
5119.34 of the Revised Code unless the facility is licensed by the 9722  
director of mental health and addiction services ~~and~~. The board 9723  
may not contract with a community addiction or mental health 9724  
services provider to provide ~~community~~ addiction or mental health 9725  
services unless the services are certified by the director of 9726  
mental health and addiction services under section 5119.36 of the 9727  
Revised Code. The board may not contract with a community 9728  
addiction or mental health services provider to provide recovery 9729  
supports unless the supports meet quality criteria or core 9730  
competencies established by the department. Section 307.86 of the 9731  
Revised Code does not apply to contracts entered into under this 9732  
division. In contracting with a community addiction or mental 9733  
health services provider, a board shall consider the cost 9734  
effectiveness of addiction or mental health services or recovery 9735  
supports provided by that provider and the quality and continuity 9736  
of care, and may review cost elements, including salary costs, of 9737  
the services or supports to be provided. A utilization review 9738  
process may be established as part of the contract ~~for services~~ 9739  
entered into between a board and a community addiction or mental 9740  
health services provider. The board may establish this process in 9741  
a way that is most effective and efficient in meeting local needs. 9742

If either the board or a facility or community addiction or 9743  
mental health services provider with which the board contracts 9744  
under this division proposes not to renew the contract or proposes 9745

substantial changes in contract terms, the other party shall be 9746  
given written notice at least one hundred twenty days before the 9747  
expiration date of the contract. During the first sixty days of 9748  
this one hundred twenty-day period, both parties shall attempt to 9749  
resolve any dispute through good faith collaboration and 9750  
negotiation in order to continue to provide services to persons in 9751  
need. If the dispute has not been resolved sixty days before the 9752  
expiration date of the contract, either party may notify the 9753  
department of mental health and addiction services of the 9754  
unresolved dispute. The director may require both parties to 9755  
submit the dispute to a third party with the cost to be shared by 9756  
the board and the facility or provider. The third party shall 9757  
issue to the board, the facility or provider, and the department 9758  
recommendations on how the dispute may be resolved twenty days 9759  
prior to the expiration date of the contract, unless both parties 9760  
agree to a time extension. The director shall adopt rules 9761  
establishing the procedures of this dispute resolution process. 9762

(b) With the prior approval of the director of mental health 9763  
and addiction services, a board may operate a facility or provide 9764  
~~a community~~ an addiction or mental health service as follows, if 9765  
there is no other qualified private or public facility or 9766  
community addiction or mental health services provider that is 9767  
immediately available and willing to operate such a facility or 9768  
provide the service: 9769

(i) In an emergency situation, any board may operate a 9770  
facility or provide ~~a community~~ an addiction or mental health 9771  
service in order to provide essential services for the duration of 9772  
the emergency~~+~~. 9773

(ii) In a service district with a population of at least one 9774  
hundred thousand but less than five hundred thousand, a board may 9775  
operate a facility or provide ~~a community~~ an addiction or mental 9776  
health service for no longer than one year~~+~~. 9777

(iii) In a service district with a population of less than 9778  
one hundred thousand, a board may operate a facility or provide a 9779  
~~community~~ an addiction or mental health service for no longer than 9780  
one year, except that such a board may operate a facility or 9781  
provide a ~~community~~ an addiction or mental health service for more 9782  
than one year with the prior approval of the director and the 9783  
prior approval of the board of county commissioners, or of a 9784  
majority of the boards of county commissioners if the district is 9785  
a joint-county district. 9786

The director shall not give a board approval to operate a 9787  
facility or provide a ~~community~~ an addiction or mental health 9788  
service under division (A)(8)(b)(ii) or (iii) of this section 9789  
unless the director determines that it is not feasible to have the 9790  
department operate the facility or provide the service. 9791

The director shall not give a board approval to operate a 9792  
facility or provide a ~~community~~ an addiction or mental health 9793  
service under division (A)(8)(b)(iii) of this section unless the 9794  
director determines that the board will provide greater 9795  
administrative efficiency and more or better services than would 9796  
be available if the board contracted with a private or public 9797  
facility or community addiction or mental health services 9798  
provider. 9799

The director shall not give a board approval to operate a 9800  
facility previously operated by a person or other government 9801  
entity unless the board has established to the director's 9802  
satisfaction that the person or other government entity cannot 9803  
effectively operate the facility or that the person or other 9804  
government entity has requested the board to take over operation 9805  
of the facility. The director shall not give a board approval to 9806  
provide a ~~community~~ an addiction or mental health service 9807  
previously provided by a community addiction or mental health 9808  
services provider unless the board has established to the 9809

director's satisfaction that the provider cannot effectively 9810  
provide the service or that the provider has requested the board 9811  
take over providing the service. 9812

The director shall review and evaluate a board's operation of 9813  
a facility and provision of ~~community~~ addiction or mental health 9814  
~~service~~ services under division (A)(8)(b) of this section. 9815

Nothing in division (A)(8)(b) of this section authorizes a 9816  
board to administer or direct the daily operation of any facility 9817  
or community addiction or mental health services provider, but a 9818  
facility or provider may contract with a board to receive 9819  
administrative services or staff direction from the board under 9820  
the direction of the governing body of the facility or provider. 9821

(9) Approve fee schedules and related charges or adopt a unit 9822  
cost schedule or other methods of payment for contract services 9823  
provided by community addiction or mental health services 9824  
providers in accordance with guidelines issued by the department 9825  
as necessary to comply with state and federal laws pertaining to 9826  
financial assistance; 9827

(10) Submit to the director and the county commissioners of 9828  
the county or counties served by the board, and make available to 9829  
the public, an annual report of the addiction and mental health 9830  
services and recovery supports under the jurisdiction of the 9831  
board, including a fiscal accounting; 9832

(11) Establish, to the extent resources are available, a 9833  
continuum of care, which provides for prevention, treatment, and 9834  
~~support, and rehabilitation services and opportunities~~. The 9835  
essential elements of the continuum include, but are not limited 9836  
to, the following components in accordance with section 5119.21 of 9837  
the Revised Code: 9838

(a) To locate persons in need of addiction or mental health 9839  
services or recovery supports to inform them of available services 9840

and benefits;	9841
(b) Assistance for persons receiving <u>addiction or mental health services or recovery supports</u> to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;	9842 9843 9844 9845
(c) Addiction and mental health <u>treatment</u> services, including, <del>but not limited to,</del> outpatient, residential, partial hospitalization, and, where appropriate, inpatient care;	9846 9847 9848
(d) <u>Recovery supports, including all of the following:</u>	9849
(i) <u>Assistance to obtain education, employment, or job training;</u>	9850 9851
(ii) <u>Assistance to develop social, community, or personal living skills;</u>	9852 9853
(iii) <u>Access to a wide range of housing and housing assistance;</u>	9854 9855
(iv) <u>Assistance for persons with addiction or mental health needs, as well as their families, friends, and others, to find support, consultation, and education regarding mental health and addiction;</u>	9856 9857 9858 9859
(v) <u>The recognition and encouragement of families, friends, neighborhood networks (especially networks that include racial and ethnic minorities), faith-based organizations, community organizations, and community employment as natural supports for persons with addiction or mental health needs.</u>	9860 9861 9862 9863 9864
(e) <u>Emergency services and crisis intervention;</u>	9865
<del>(e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs;</del>	9866 9867
<del>(f) The provision of services designed to develop social, community, and personal living skills;</del>	9868 9869

~~(g) Access to a wide range of housing and the provision of residential treatment and support;~~ 9870  
9871

~~(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;~~ 9872  
9873  
9874

~~(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;~~ 9875  
9876  
9877  
9878  
9879

~~(j)(f) Care coordination;~~ 9880

~~(g) Prevention and wellness management;~~ 9881

~~(h) Grievance procedures and protection of the rights of persons receiving addiction or mental health services or recovery supports.~~ 9882  
9883  
9884

~~(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.~~ 9885  
9886  
9887

(12) Establish a method for evaluating referrals for 9888  
~~involuntary commitment~~ court-ordered treatment and affidavits 9889  
filed pursuant to section 5122.11 of the Revised Code in order to 9890  
assist the probate division of the court of common pleas in 9891  
determining whether there is probable cause that a respondent is 9892  
subject to ~~involuntary hospitalization~~ court-ordered treatment and 9893  
~~what alternative treatment is~~ whether alternatives to 9894  
hospitalization are available and appropriate, if any; 9895

(13) Designate the treatment services, provider, facility, or 9896  
other placement for each person involuntarily committed to the 9897  
board pursuant to Chapter 5122. of the Revised Code. The board 9898  
shall provide the least restrictive and most appropriate 9899

alternative that is available for any person involuntarily 9900  
committed to it and shall assure that the listed addiction and 9901  
mental health services and recovery supports submitted and 9902  
approved in accordance with division (B) of section 340.08 of the 9903  
Revised Code are available to severely mentally disabled persons 9904  
residing within its service district. The board shall establish 9905  
the procedure for authorizing payment for services and supports, 9906  
which may include prior authorization in appropriate 9907  
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 9908  
section, the board may provide for services directly to a severely 9909  
mentally disabled person when life or safety is endangered and 9910  
when no community mental health services provider is available to 9911  
provide the service. 9912

(14) Ensure that ~~apartments or rooms~~ housing built, 9913  
subsidized, renovated, rented, owned, or leased by the board or a 9914  
community addiction or mental health services provider ~~have~~ has 9915  
been approved as meeting minimum fire safety standards and that 9916  
persons residing in the ~~rooms or apartments are receiving~~ housing 9917  
have access to appropriate and necessary services, including 9918  
culturally relevant services, from a community addiction or mental 9919  
health services provider. This division does not apply to 9920  
residential facilities licensed pursuant to section 5119.34 of the 9921  
Revised Code. 9922

(15) Establish a mechanism for obtaining advice and 9923  
involvement of persons receiving ~~publicly funded~~ addiction or 9924  
mental health services or recovery supports on matters pertaining 9925  
to addiction and mental health services and recovery supports in 9926  
the alcohol, drug addiction, and mental health service district; 9927

(16) Perform the duties required by rules adopted under 9928  
section 5119.22 of the Revised Code regarding referrals by the 9929  
board or mental health services providers under contract with the 9930  
board of individuals with mental illness or severe mental 9931

disability to residential facilities as defined in division 9932  
~~(A)(9)(b)(iii)~~(B)(1)(b)(iii) of section 5119.34 of the Revised 9933  
Code and effective arrangements for ongoing mental health services 9934  
for the individuals. The board is accountable in the manner 9935  
specified in the rules for ensuring that the ongoing mental health 9936  
services are effectively arranged for the individuals. 9937

(B) The board shall establish such rules, operating 9938  
procedures, standards, and bylaws, and perform such other duties 9939  
as may be necessary or proper to carry out the purposes of this 9940  
chapter. 9941

(C) A board of alcohol, drug addiction, and mental health 9942  
services may receive by gift, grant, devise, or bequest any 9943  
moneys, lands, or property for the benefit of the purposes for 9944  
which the board is established, and may hold and apply it 9945  
according to the terms of the gift, grant, or bequest. All money 9946  
received, including accrued interest, by gift, grant, or bequest 9947  
shall be deposited in the treasury of the county, the treasurer of 9948  
which is custodian of the alcohol, drug addiction, and mental 9949  
health services funds to the credit of the board and shall be 9950  
available for use by the board for purposes stated by the donor or 9951  
grantor. 9952

(D) No board member or employee of a board of alcohol, drug 9953  
addiction, and mental health services shall be liable for injury 9954  
or damages caused by any action or inaction taken within the scope 9955  
of the board member's official duties or the employee's 9956  
employment, whether or not such action or inaction is expressly 9957  
authorized by this section or any other section of the Revised 9958  
Code, unless such action or inaction constitutes willful or wanton 9959  
misconduct. Chapter 2744. of the Revised Code applies to any 9960  
action or inaction by a board member or employee of a board taken 9961  
within the scope of the board member's official duties or 9962  
employee's employment. For the purposes of this division, the 9963

conduct of a board member or employee shall not be considered 9964  
willful or wanton misconduct if the board member or employee acted 9965  
in good faith and in a manner that the board member or employee 9966  
reasonably believed was in or was not opposed to the best 9967  
interests of the board and, with respect to any criminal action or 9968  
proceeding, had no reasonable cause to believe the conduct was 9969  
unlawful. 9970

(E) The meetings held by any committee established by a board 9971  
of alcohol, drug addiction, and mental health services shall be 9972  
considered to be meetings of a public body subject to section 9973  
121.22 of the Revised Code. 9974

**Sec. 340.033.** The array of treatment ~~and support~~ services and 9975  
recovery supports for all levels of opioid and co-occurring drug 9976  
addiction required by division (A)(11)~~(e)(ix)~~ of section 340.03 of 9977  
the Revised Code to be included in a continuum of care established 9978  
under that section shall include at least ambulatory and sub-acute 9979  
detoxification, non-intensive and intensive outpatient services, 9980  
medication-assisted treatment, peer mentoring, residential 9981  
treatment services, recovery housing pursuant to section 340.034 9982  
of the Revised Code, and twelve-step approaches. The treatment ~~and~~ 9983  
~~support~~ services and recovery supports shall be made available in 9984  
the service district of each board of alcohol, drug addiction, and 9985  
mental health services, except that sub-acute detoxification and 9986  
residential treatment services may be made available through a 9987  
contract with one or more providers of sub-acute detoxification or 9988  
residential treatment services located in other service districts. 9989  
The treatment ~~and support~~ services and recovery supports shall be 9990  
made available in a manner that ensures that ~~service~~ recipients 9991  
are able to access the treatment services and recovery supports 9992  
they need for opioid and co-occurring drug addiction in an 9993  
integrated manner and without delay when changing or obtaining 9994  
additional treatment ~~or support~~ services or recovery supports for 9995

such addiction. An individual seeking a treatment ~~or support~~ 9996  
service or a recovery support for opioid and co-occurring drug 9997  
addiction included in a continuum of care shall not be denied the 9998  
service or support on the basis that the service or support 9999  
previously failed. 10000

**Sec. 340.034.** All of the following apply to the recovery 10001  
housing required by section 340.033 of the Revised Code to be 10002  
included in the array of treatment ~~and support~~ services and 10003  
recovery supports for all levels of opioid and co-occurring drug 10004  
addiction that are part of the continuum of care established by 10005  
each board of alcohol, drug addiction, and mental health services 10006  
pursuant to division (A)(11) of section 340.03 of the Revised 10007  
Code: 10008

(A) The recovery housing shall not be ~~owned or operated~~ 10009  
subject to residential facility licensure by a residential 10010  
facility as defined in the department of mental health and 10011  
addiction services under section 5119.34 of the Revised Code and 10012  
instead. In addition, the recovery housing shall not be owned and 10013  
operated by ~~the following:~~ 10014

~~(1) Except as provided in division (A)(2) of this section, a~~ 10015  
~~community addiction services provider or other local~~ 10016  
~~nongovernmental organization (including a peer run recovery~~ 10017  
~~organization), as appropriate to the needs of the board's service~~ 10018  
~~district;~~ 10019

~~(2) The board, if either of the following applies a board of~~ 10020  
~~alcohol, drug addiction, and mental health services unless either~~ 10021  
~~of the following is the case:~~ 10022

~~(a)(1) The board owns and operates the recovery housing on~~ 10023  
~~the effective date of this section September 15, 2016.~~ 10024

~~(b)(2) The board determines that there is an emergency need~~ 10025

for the board to assume the ownership and operation of the 10026  
recovery housing such as when an existing owner and operator of 10027  
the recovery housing goes out of business, and the board considers 10028  
the assumption of ownership and operation of the recovery housing 10029  
to be its last resort. 10030

(B) The recovery housing shall have protocols for all of the 10031  
following: 10032

(1) Administrative oversight; 10033

(2) Quality standards; 10034

(3) Policies and procedures, including house rules, for its 10035  
residents to which the residents must agree to adhere. 10036

(C) Family members of the recovery housing's residents may 10037  
reside in the recovery housing to the extent the recovery 10038  
housing's protocols permit. 10039

(D) The recovery housing shall not limit a resident's 10040  
duration of stay to an arbitrary or fixed amount of time. Instead, 10041  
each resident's duration of stay shall be determined by the 10042  
resident's needs, progress, and willingness to abide by the 10043  
recovery housing's protocols, in collaboration with the recovery 10044  
housing's owner and operator, and, if appropriate, in consultation 10045  
and integration with a community addiction services provider. 10046

(E) The recovery housing may permit its residents to receive 10047  
medication-assisted treatment ~~at the recovery housing~~. 10048

(F) ~~The A recovery housing resident may not provide community~~ 10049  
~~addiction services but may assist a resident in obtaining~~ 10050  
~~community~~ receive addiction services that are certified by the 10051  
department of mental health and addiction services under section 10052  
5119.36 of the Revised Code. ~~The community addiction services may~~ 10053  
~~be provided at the recovery housing or elsewhere.~~ 10054

**Sec. 340.04.** In addition to such other duties as may be 10055

lawfully imposed, the executive director of a board of alcohol, 10056  
drug addiction, and mental health services shall: 10057

(A) Serve as executive officer of the board and subject to 10058  
the prior approval of the board for each contract, execute 10059  
contracts on its behalf; 10060

(B) Supervise addiction and mental health services, recovery 10061  
supports, and facilities provided, operated, contracted, or 10062  
supported by the board to the extent of determining that services, 10063  
supports, and facilities are being administered in conformity with 10064  
this chapter and rules of the director of mental health and 10065  
addiction services; 10066

(C) Provide consultation to community addiction and mental 10067  
health services providers ~~providing services supported by the~~ 10068  
~~board;~~ 10069

(D) Recommend to the board the changes necessary to increase 10070  
the effectiveness of addiction and mental health services and 10071  
recovery supports and other matters necessary or desirable to 10072  
carry out this chapter; 10073

(E) Employ and remove from office such employees and 10074  
consultants in the classified civil service and, subject to the 10075  
approval of the board, employ and remove from office such other 10076  
employees and consultants as may be necessary for the work of the 10077  
board, and fix their compensation and reimbursement within the 10078  
limits set by the salary schedule and the budget approved by the 10079  
board; 10080

(F) Encourage the development and expansion of preventive, 10081  
treatment, ~~rehabilitative,~~ and consultative services, as well as 10082  
recovery supports, in the field of addiction and mental health 10083  
services with emphasis on continuity of care; 10084

(G) Prepare for board approval an annual report of the 10085  
addiction and mental health services, recovery supports, and 10086

facilities under the jurisdiction of the board, including a fiscal 10087  
accounting of all services and supports; 10088

(H) Conduct such studies as may be necessary and practicable 10089  
for the promotion of mental health, promotion of addiction 10090  
services, and the prevention of mental illness, emotional 10091  
disorders, and addiction; 10092

(I) Authorize the county auditor, or in a joint-county 10093  
district the county auditor designated as the auditor for the 10094  
district, to issue warrants for the payment of board obligations 10095  
approved by the board, provided that all payments from funds 10096  
distributed to the board by the department of mental health and 10097  
addiction services are in accordance with the budget submitted 10098  
pursuant to section 340.08 of the Revised Code, as approved by the 10099  
department of mental health and addiction services. 10100

**Sec. 340.05.** A community addiction or mental health services 10101  
provider that receives a complaint alleging abuse or neglect of an 10102  
individual with mental illness or severe mental disability, or an 10103  
individual receiving addiction services, who resides in a 10104  
residential facility as defined in division ~~(A)(9)(b)~~ (B)(1)(b) of 10105  
section 5119.34 of the Revised Code shall report the complaint to 10106  
the board of alcohol, drug addiction, and mental health services 10107  
serving the alcohol, drug addiction, and mental health service 10108  
district in which the residential facility is located. A board of 10109  
alcohol, drug addiction, and mental health services that receives 10110  
such a complaint or a report from a community addiction or mental 10111  
health services provider of such a complaint shall report the 10112  
complaint to the director of mental health and addiction services 10113  
for the purpose of the director conducting an investigation under 10114  
section 5119.34 of the Revised Code. The board may enter the 10115  
facility with or without the director and, if the health and 10116  
safety of a resident is in immediate danger, take any necessary 10117

action to protect the resident. The board's action shall not 10118  
violate any resident's rights specified in rules adopted by the 10119  
department of mental health and addiction services under section 10120  
5119.34 of the Revised Code. The board shall immediately report to 10121  
the director regarding the board's actions under this section. 10122

**Sec. 340.07.** The board of county commissioners of any county 10123  
participating in an alcohol, drug addiction, and mental health 10124  
service district or joint-county district, upon receipt from the 10125  
board of alcohol, drug addition, and mental health services of a 10126  
resolution so requesting, may appropriate money to such board for 10127  
the operation, lease, acquisition, construction, renovation, and 10128  
maintenance of addiction or mental health services providers and 10129  
facilities in accordance with the comprehensive community 10130  
~~addiction and~~ mental health and addiction services budget approved 10131  
by the department of mental health and addiction services pursuant 10132  
to section ~~340.08~~ 5119.22 of the Revised Code. 10133

**Sec. 340.08.** In accordance with rules or guidelines issued by 10134  
the director of mental health and addiction services, each board 10135  
of alcohol, drug addiction, and mental health services shall do 10136  
all of the following: 10137

(A) Submit to the department a report of receipts and 10138  
expenditures for all federal, state, and local moneys the board 10139  
expects to receive; 10140

(1) The report shall identify funds the board and public 10141  
children services agencies in the board's service district have 10142  
available to fund jointly the services described in section 340.15 10143  
of the Revised Code. 10144

(2) The board's proposed budget for expenditures of state and 10145  
federal funds distributed to the board by the department shall be 10146  
deemed an application for funds, and the department shall approve 10147

or disapprove the budget for these expenditures. The department 10148  
shall inform the board of the reasons for disapproval of the 10149  
budget for the expenditure of state and federal funds and of the 10150  
criteria that must be met before the budget may be approved. The 10151  
director shall provide the board an opportunity to present its 10152  
case on behalf of the submitted budget. The director shall give 10153  
the board a reasonable time in which to meet the criteria and 10154  
shall offer the board technical assistance to help it meet the 10155  
criteria. 10156

If a board determines that it is necessary to amend a budget 10157  
that has been approved under this section, the board shall submit 10158  
a proposed amendment to the director. The director may approve or 10159  
disapprove all or part of the amendment. The director shall inform 10160  
the board of the reasons for disapproval of all or part of the 10161  
amendment and of the criteria that must be met before the 10162  
amendment may be approved. The director shall provide the board an 10163  
opportunity to present its case on behalf of the amendment. The 10164  
director shall give the board a reasonable time in which to meet 10165  
the criteria and shall offer the board technical assistance to 10166  
help it meet the criteria. 10167

(3) The director of mental health and addiction services, in 10168  
whole or in part, may withhold funds otherwise to be allocated to 10169  
a board of alcohol, drug addiction, and mental health services 10170  
under Chapter 5119. of the Revised Code if the board's use of 10171  
state and federal funds fails to comply with the approved budget, 10172  
as it may be amended with the approval of the department. 10173

(B) Submit to the department a statement identifying the 10174  
addiction and mental health services and recovery supports 10175  
described in section 340.09 of the Revised Code the board intends 10176  
to make available. The board shall include crisis intervention 10177  
services for individuals in emergency situations and services 10178  
required pursuant to section 340.15 of the Revised Code, and the 10179

board shall explain the manner in which the board intends to make 10180  
such services available. The list of services and supports shall 10181  
be compatible with the budget submitted pursuant to division (A) 10182  
of this section. The department shall approve or disapprove the 10183  
proposed listing of services and supports to be made available. 10184  
The department shall inform the board of the reasons for 10185  
disapproval of the listing of proposed services and supports and 10186  
of the criteria that must be met before listing of proposed 10187  
services and supports may be approved. The director shall provide 10188  
the board an opportunity to present its case on behalf of the 10189  
submitted listing of proposed services and supports. The director 10190  
shall give the board a reasonable time in which to meet the 10191  
criteria and shall offer the board technical assistance to help it 10192  
meet the criteria. 10193

(C) Enter into a continuity of care agreement with the state 10194  
institution operated by the department of mental health and 10195  
addiction services and designated as the institution serving the 10196  
district encompassing the board's service district. The continuity 10197  
of care agreement shall outline the department's and the board's 10198  
responsibilities to plan for and coordinate with each other to 10199  
address the needs of board residents who are patients in the 10200  
institution, with an emphasis on managing appropriate hospital bed 10201  
day use and discharge planning. The continuity of care agreement 10202  
shall not require the board to provide addiction and mental health 10203  
services or recovery supports other than those on the list of 10204  
services and supports submitted by the board and approved by the 10205  
department pursuant to division (B) of this section. 10206

(D) In conjunction with the department of mental health and 10207  
addiction services, operate a coordinated system for tracking and 10208  
monitoring persons found not guilty by reason of insanity and 10209  
committed pursuant to section 2945.40 of the Revised Code who have 10210  
been granted a conditional release and persons found incompetent 10211

to stand trial and committed pursuant to section 2945.39 of the Revised Code who have been granted a conditional release. The system shall do all of the following:

(1) Centralize responsibility for the tracking of those persons;

(2) Provide for uniformity in monitoring those persons;

(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.

(E) Submit to the department a report summarizing complaints and grievances received by the board concerning the rights of persons seeking or receiving addiction or mental health services or recovery supports, investigations of complaints and grievances, and outcomes of the investigations.

(F) Provide to the department information to be submitted to the community ~~addiction and mental~~ behavioral health information system or systems established by the department under Chapter 5119. of the Revised Code.

(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.

(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.

**Sec. 340.09.** (A) The Using funds the general assembly appropriates for these purposes and that are allocated or

otherwise distributed to a board of alcohol, drug addiction, and 10242  
mental health services by the department of mental health and 10243  
addiction services, the board shall provide ~~assistance to any~~ 10244  
~~county~~ for the all of the following: 10245

~~(1) The board's operation of boards of alcohol, drug~~ 10246  
~~addiction, and mental health services, the;~~ 10247

(2) The provision of addiction and mental health services and 10248  
recovery supports specified in the board's statement of services 10249  
and supports approved by the department ~~within the continuum of~~ 10250  
~~care, the provision of approved support functions, and the under~~ 10251  
division (G) of section 5119.22 of the Revised Code; 10252

(3) The board's partnership in, or support for, approved 10253  
continuum of care-related activities ~~from funds appropriated for~~ 10254  
~~that purpose by the general assembly.~~ 10255

~~(B) Categories in the continuum of care may include the~~ 10256  
~~following:~~ 10257

~~(1) Inpatient;~~ 10258

~~(2) Residential;~~ 10259

~~(3) Outpatient treatment;~~ 10260

~~(4) Intensive and other supports;~~ 10261

~~(5) Recovery support;~~ 10262

~~(6) Prevention and wellness management.~~ 10263

~~(C) Support functions may include the following:~~ 10264

(1) Consultation; 10265

(2) Research; 10266

(3) Administrative; 10267

(4) Referral and information; 10268

(5) Training; 10269

(6) Service and program evaluation. 10270

**Sec. 340.12.** ~~No~~ As used in this section, "disability" has the 10271  
same meaning as in section 4112.01 of the Revised Code. 10272

No board of alcohol, drug addiction, and mental health 10273  
services or any community addiction or mental health services 10274  
provider under contract with such a board shall discriminate in 10275  
the provision of addiction and mental health services or recovery 10276  
supports under its authority, in employment, or under a contract 10277  
on the basis of race, color, religion, creed, sex, age, national 10278  
origin, or disability. 10279

Each board and each community addiction or mental health 10280  
services provider shall have a written affirmative action program. 10281  
The affirmative action program shall include goals for the 10282  
employment and effective utilization of, including contracts with, 10283  
members of economically disadvantaged groups as defined in 10284  
division (E)(1) of section 122.71 of the Revised Code in 10285  
percentages reflecting as nearly as possible the composition of 10286  
the alcohol, drug addiction, and mental health service district 10287  
served by the board. Each board and provider shall file a 10288  
description of the affirmative action program and a progress 10289  
report on its implementation with the department of mental health 10290  
and addiction services. 10291

**Sec. 340.15.** (A) A public children services agency that 10292  
identifies a child by a risk assessment conducted pursuant to 10293  
section 5153.16 of the Revised Code as being at imminent risk of 10294  
being abused or neglected because of an addiction of a parent, 10295  
guardian, or custodian of the child to a drug of abuse or alcohol 10296  
shall refer the child's addicted parent, guardian, or custodian 10297  
and, if the agency determines that the child needs alcohol or 10298  
other drug addiction services, the child to a community addiction 10299

services provider ~~certified by the department of mental health and~~ 10300  
~~addiction services under section 5119.36 of the Revised Code.~~ A 10301  
public children services agency that is sent a court order issued 10302  
pursuant to division (B) of section 2151.3514 of the Revised Code 10303  
shall refer the addicted parent or other caregiver of the child 10304  
identified in the court order to a community addiction services 10305  
provider ~~certified by the department of mental health and~~ 10306  
~~addiction services under section 5119.36 of the Revised Code.~~ On 10307  
receipt of a referral under this division and to the extent 10308  
funding identified under division (A)(1) of section 340.08 of the 10309  
Revised Code is available, the provider shall provide the 10310  
following services to the addicted parent, guardian, custodian, or 10311  
caregiver and child in need of addiction services: 10312

(1) If it is determined pursuant to an initial screening to 10313  
be needed, assessment and appropriate treatment; 10314

(2) Documentation of progress in accordance with a treatment 10315  
plan developed for the addicted parent, guardian, custodian, 10316  
caregiver, or child; 10317

(3) If the referral is based on a court order issued pursuant 10318  
to division (B) of section 2151.3514 of the Revised Code and the 10319  
order requires the specified parent or other caregiver of the 10320  
child to submit to alcohol or other drug testing during, after, or 10321  
both during and after, treatment, testing in accordance with the 10322  
court order. 10323

(B) The services described in division (A) of this section 10324  
shall have a priority as provided in the addiction and mental 10325  
health ~~services~~ plan and budget established pursuant to sections 10326  
340.03 and 340.08 of the Revised Code. Once a referral has been 10327  
received pursuant to this section, the public children services 10328  
agency and the addiction services provider shall, in accordance 10329  
with 42 C.F.R. Part 2, share with each other any information 10330  
concerning the persons and services described in that division 10331

that the agency and provider determine are necessary to share. If 10332  
the referral is based on a court order issued pursuant to division 10333  
(B) of section 2151.3514 of the Revised Code, the results and 10334  
recommendations of the addiction services provider also shall be 10335  
provided and used as described in division (D) of that section. 10336  
Information obtained or maintained by the agency or provider 10337  
pursuant to this section that could enable the identification of 10338  
any person described in division (A) of this section is not a 10339  
public record subject to inspection or copying under section 10340  
149.43 of the Revised Code. 10341

**Sec. 715.013.** (A) Except as otherwise expressly authorized by 10342  
the Revised Code, no municipal corporation shall levy a tax that 10343  
is the same as or similar to a tax levied under Chapter 322., 10344  
3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 10345  
5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 5736., 10346  
5737., 5739., 5741., 5743., 5744., 5749., or 5751. of the Revised 10347  
Code. 10348

(B) This section does not prohibit a municipal corporation 10349  
from levying a tax on any of the following: 10350

(1) Amounts received for admission to any place; 10351

(2) The income of an electric company or combined company, as 10352  
defined in section 5727.01 of the Revised Code; 10353

(3) On and after January 1, 2004, the income of a telephone 10354  
company, as defined in section 5727.01 of the Revised Code. 10355

**Sec. 737.41.** (A) The legislative authority of a municipal 10356  
corporation in which is established a municipal court, other than 10357  
a county-operated municipal court, that has a department of 10358  
probation shall establish in the municipal treasury a municipal 10359  
probation services fund. The fund shall contain all moneys paid to 10360  
the treasurer of the municipal corporation under section 2951.021 10361

of the Revised Code for deposit into the fund. The treasurer of 10362  
the municipal corporation shall disburse the money contained in 10363  
the fund at the request of the municipal court department of 10364  
probation, for use only by that department for specialized staff, 10365  
purchase of equipment, purchase of services, reconciliation 10366  
programs for offenders and victims, other treatment programs, 10367  
including community addiction services providers ~~certified under~~ 10368  
~~section 5119.36 of the Revised Code~~, determined to be appropriate 10369  
by the chief probation officer, and other similar expenses related 10370  
to placing offenders under a community control sanction. 10371

(B) Any money in a municipal probation services fund at the 10372  
end of a fiscal year shall not revert to the treasury of the 10373  
municipal corporation but shall be retained in the fund. 10374

(C) As used in this section: 10375

(1) "County-operated municipal court" has the same meaning as 10376  
in section 1901.03 of the Revised Code. 10377

(2) "Community addiction services provider" has the same 10378  
meaning as in section 5119.01 of the Revised Code. 10379

(3) "Community control sanction" has the same meaning as in 10380  
section 2929.01 of the Revised Code. 10381

**Sec. 902.01.** As used in this chapter: 10382

(A) "Bonds" means bonds, notes, or other forms of evidences 10383  
of obligation issued in temporary or definitive form, including 10384  
refunding bonds and notes and bonds and notes issued in 10385  
anticipation of the issuance of bonds and renewal notes. 10386

(B) "Bond proceedings" means the resolution or ordinance or 10387  
the trust agreement or indenture of mortgage, or combination 10388  
thereof, authorizing or providing for the terms and conditions 10389  
applicable to bonds issued under authority of this chapter. 10390

(C) "Borrower" means the recipient of a loan or the lessee or 10391

purchaser of a project under this chapter and is limited to a sole 10392  
proprietor, or to a partnership, joint venture, firm, association, 10393  
or corporation, a majority of whose stockholders, partners, 10394  
members, or associates are persons or the spouses of persons 10395  
related to each other within the fourth degree of kinship, 10396  
according to law, provided that the sole proprietor or at least 10397  
one of such related persons resides or will reside on or is or 10398  
will actively operate the project or the farm or agricultural 10399  
enterprise composed, in whole or in part, of the project, and 10400  
provided further that the sole proprietor or all of the 10401  
stockholders, members, partners, or associates are natural 10402  
persons. The agricultural financing commission may establish 10403  
procedures for the determination of the eligibility of borrowers 10404  
under this chapter which determinations are conclusive in relation 10405  
to the validity and enforceability of bonds issued under bond 10406  
proceedings authorized in connection therewith, and in relation to 10407  
security interests given and leases, subleases, sale agreements, 10408  
loan agreements, and other agreements made in connection 10409  
therewith, all in accordance with their terms. 10410

(D) "Composite financing arrangement" means the sale of a 10411  
single issue of bonds to finance two or more projects, including, 10412  
but not limited to, a single issue of bonds for a group of loans 10413  
submitted by or through a single lending institution or with 10414  
credit enhancement from a single lending institution, or the sale 10415  
by or on behalf of one or more issuers of two or more issues or 10416  
lots of bonds under or pursuant to a single sale agreement, single 10417  
marketing arrangement, or single official statement, offering 10418  
circular, or other marketing document. 10419

(E) "Issuer" means the state, or any county or municipal 10420  
corporation of the state. 10421

(F) "Issuing authority" means ~~in the case of the state, the~~ 10422  
~~agricultural financing commission created by section 901.61 of the~~ 10423

~~Revised Code~~; in the case of a municipal corporation, the 10424  
legislative authority thereof; and in the case of a county, the 10425  
board of county commissioners or whatever officers, board, 10426  
commission, council, or other body might succeed to or assume the 10427  
legislative powers of the board of county commissioners. 10428

(G) "Lending institution" means any domestic building and 10429  
loan association as defined in section 1151.01 of the Revised 10430  
Code, any service corporation the entire stock of which is owned 10431  
by one or more such building and loan associations, a bank which 10432  
has its principal place of business located in this state, a bank 10433  
subsidiary corporation that is wholly owned by a bank having its 10434  
principal place of business located in this state, any state or 10435  
federal governmental agency or instrumentality including without 10436  
limitation the federal land bank, production credit association, 10437  
or bank for cooperatives, or any of their local associations, or 10438  
any other financial institution or entity authorized to make 10439  
mortgage loans and qualified to do business in this state. 10440

(H) "Loan" includes a loan made to or through, or a deposit 10441  
with, a lending institution or a loan made directly to the owner 10442  
or operator of a project to finance one or more projects. 10443  
Notwithstanding any other provision of this chapter, loans from 10444  
proceeds of bonds issued under a composite financing arrangement 10445  
shall be made only to or through, or by a deposit with, a lending 10446  
institution, including the purchase of loans from lending 10447  
institutions, or be made in any other manner in which a lending 10448  
institution has been or is involved in the origination or credit 10449  
enhancement of the loan. 10450

(I) "Mortgage loan" means a loan secured by a mortgage, deed 10451  
of trust, or other security interest. 10452

(J) "Pledged facilities" means the project or projects 10453  
mortgaged or facilities the rentals, revenues, and other income, 10454  
charges, and moneys from which are pledged, or both, for the 10455

payment of the principal of and interest on the bonds issued under 10456  
authority of section 902.04 of the Revised Code, and includes a 10457  
project for which a loan has been made under authority of this 10458  
chapter, in which case, references in this chapter to revenues of 10459  
such pledged facilities or from the disposition thereof include 10460  
payments made or to be made to or for the account of the issuer 10461  
pursuant to such loan. 10462

(K) "Project" means real or personal property, or both, 10463  
including undivided and other interests therein, acquired by gift 10464  
or purchase, constructed, reconstructed, enlarged, improved, 10465  
furnished, or equipped, or any combination thereof, by an issuer, 10466  
or by others from the proceeds of bonds, located within the 10467  
boundaries of the issuer, and used or to be used by a borrower for 10468  
agricultural purposes as provided in division (D) of this section. 10469  
A project is hereby determined to qualify as facilities for 10470  
industry, commerce, distribution, or research described in Section 10471  
13 of Article VIII, Ohio Constitution. 10472

(L) "Purchase" means, with respect to loans, the purchase of 10473  
loans from, or other acquisition by an issuer of loans of, lending 10474  
institutions. 10475

(M) "Revenues" means the rentals, revenues, payments, 10476  
repayments, income, charges, and moneys derived or to be derived 10477  
from the use, lease, sublease, rental, sale, including installment 10478  
sale or conditional sale, or other disposition of pledged 10479  
facilities, or derived or to be derived pursuant to a loan made 10480  
for a project, bond proceeds to the extent provided in the bond 10481  
proceedings for the payment of principal of, or premium, if any, 10482  
or interest on the bonds, proceeds from any insurance, 10483  
condemnation, or guaranty pertaining to pledged facilities or the 10484  
financing thereof, any income and profit from the investment of 10485  
the proceeds of bonds or of any revenues, any fees and charges 10486  
received by or on behalf of an issuer for the services of or 10487

commitments by the issuer, and moneys received in repayment of and 10488  
for interest on any loan made or purchased by an issuer, moneys 10489  
received by an issuer upon the sale of any bonds of the issuer 10490  
under section 902.04 of the Revised Code, any moneys received from 10491  
investment of funds of an issuer or from the sale of collateral 10492  
securing loans made or purchased by the issuer, including 10493  
collateral acquired by foreclosure or other action to enforce a 10494  
security interest, and any moneys received in payment of a claim 10495  
under insurance, guarantees, letters of credit, or otherwise with 10496  
respect to any loans made or purchased by an issuer or any 10497  
collateral held by the issuer of any bonds issued under this 10498  
chapter. 10499

(N) "Security interest" means a mortgage, lien, or other 10500  
encumbrance on, or pledge or assignment of, or other security 10501  
interest with respect to all or any part of pledged facilities, 10502  
revenues, reserve funds, or other funds established under the bond 10503  
proceedings, or on, of, or with respect to, a lease, sublease, 10504  
sale, conditional sale, or installment sale agreement, loan 10505  
agreement, or any other agreement pertaining to the lease, 10506  
sublease, sale, or other disposition of a project or pertaining to 10507  
a loan made for a project, or any guaranty or insurance agreement 10508  
made with respect thereto, or any interest of the issuer therein, 10509  
or any other interest granted, assigned, purchased, or released to 10510  
secure payments of the principal of, premium, if any, or interest 10511  
on any bonds or to secure any other payments to be made by an 10512  
issuer under the bond proceedings. Any security interest under 10513  
this chapter may be prior or subordinate to or on a parity with 10514  
any other mortgage, lien, encumbrance, pledge, assignment, or 10515  
other security interest. 10516

**Sec. 903.01.** As used in this chapter: 10517

(A) "Agricultural animal" means any animal generally used for 10518

food or in the production of food, including cattle, sheep, goats, 10519  
rabbits, poultry, and swine; horses; alpacas; llamas; and any 10520  
other animal included by the director of agriculture by rule. 10521  
"Agricultural animal" does not include fish or other aquatic 10522  
animals regardless of whether they are raised at fish hatcheries, 10523  
fish farms, or other facilities that raise aquatic animals. 10524

(B) "Animal feeding facility" means a lot, building, or 10525  
structure where both of the following conditions are met: 10526

(1) Agricultural animals have been, are, or will be stabled 10527  
or confined and fed or maintained there for a total of forty-five 10528  
days or more in any twelve-month period. 10529

(2) Crops, vegetative forage growth, or post-harvest residues 10530  
are not sustained in the normal growing season over any portion of 10531  
the lot, building, or structure. 10532

"Animal feeding facility" also includes land that is owned or 10533  
leased by or otherwise is under the control of the owner or 10534  
operator of the lot, building, or structure and on which manure 10535  
originating from agricultural animals in the lot, building, or 10536  
structure or a production area is or may be applied. 10537

Two or more animal feeding facilities under common ownership 10538  
shall be considered to be a single animal feeding facility for the 10539  
purposes of this chapter if they adjoin each other or if they use 10540  
a common area or system for the disposal of manure. 10541

(C) "Animal feeding operation" has the same meaning as 10542  
"animal feeding facility." 10543

(D) "Cattle" includes, but is not limited to, heifers, 10544  
steers, bulls, and cow and calf pairs. 10545

(E) "Concentrated animal feeding facility" means an animal 10546  
feeding facility with a total design capacity equal to or more 10547  
than the number of animals specified in any of the categories in 10548

division (M) of this section. 10549

(F) "Concentrated animal feeding operation" means an animal 10550  
feeding facility that complies with one of the following: 10551

(1) Has a total design capacity equal to or more than the 10552  
number of animals specified in any of the categories in division 10553  
(M) of this section; 10554

(2) Satisfies the criteria in division (M), (Q), or (FF) of 10555  
this section; 10556

(3) Is designated by the director of agriculture as a medium 10557  
or small concentrated animal feeding operation pursuant to rules. 10558

(G) "Discharge" means to add from a point source to waters of 10559  
the state. 10560

(H) "Federal Water Pollution Control Act" means the "Federal 10561  
Water Pollution Control Act Amendments of 1972," 86 Stat. 816, 33 10562  
U.S.C. 1251 et. seq., as amended, and regulations adopted under 10563  
it. 10564

(I) "Finalized," with respect to the programs required under 10565  
division (A)(1) of section 903.02 and division (A)(1) of section 10566  
903.03 of the Revised Code, means that all rules that are 10567  
necessary for the administration of this chapter have been adopted 10568  
and all employees of the department of agriculture that are 10569  
necessary for the administration of this chapter have been 10570  
employed. 10571

(J) "General permit" has the meaning that is established in 10572  
rules. 10573

(K) "Individual permit" has the meaning that is established 10574  
in rules. 10575

(L) "Installation permit" means a permit for the installation 10576  
or modification of a disposal system or any part of a disposal 10577  
system issued by the director of environmental protection under 10578

division (J)(1) of section 6111.03 of the Revised Code.	10579
(M) "Large concentrated animal feeding operation" means an	10580
animal feeding facility that stables or confines at least the	10581
number of animals specified in any of the following categories:	10582
(1) Seven hundred mature dairy cattle whether milked or dry;	10583
(2) One thousand veal calves;	10584
(3) One thousand cattle other than mature dairy cattle or	10585
veal calves;	10586
(4) Two thousand five hundred swine that each weigh	10587
fifty-five pounds or more;	10588
(5) Ten thousand swine that each weigh less than fifty-five	10589
pounds;	10590
(6) Five hundred horses;	10591
(7) Ten thousand sheep or lambs;	10592
(8) Fifty-five thousand turkeys;	10593
(9) Thirty thousand laying hens or broilers if the animal	10594
feeding facility uses a liquid manure handling system;	10595
(10) One hundred twenty-five thousand chickens, other than	10596
laying hens, if the animal feeding facility uses a manure handling	10597
system that is not a liquid manure handling system;	10598
(11) Eighty-two thousand laying hens if the animal feeding	10599
facility uses a manure handling system that is not a liquid manure	10600
handling system;	10601
(12) Thirty thousand ducks if the animal feeding facility	10602
uses a manure handling system that is not a liquid manure handling	10603
system;	10604
(13) Five thousand ducks if the animal feeding facility uses	10605
a liquid manure handling system.	10606

(N) "Major concentrated animal feeding facility" means a concentrated animal feeding facility with a total design capacity of more than ten times the number of animals specified in any of the categories in division (M) of this section.

(O) "Manure" means any of the following wastes used in or resulting from the production of agricultural animals or direct agricultural products such as milk or eggs: animal excreta, discarded products, bedding, process waste water, process generated waste water, waste feed, silage drainage, and compost products resulting from mortality composting or the composting of animal excreta.

(P) "Manure storage or treatment facility" means any excavated, diked, or walled structure or combination of structures designed for the biological stabilization, holding, or storage of manure.

(Q) "Medium concentrated animal feeding operation" means an animal feeding facility that satisfies both of the following:

(1) The facility stables or confines the number of animals specified in any of the following categories:

(a) Two hundred to six hundred ninety-nine mature dairy cattle whether milked or dry;

(b) Three hundred to nine hundred ninety-nine veal calves;

(c) Three hundred to nine hundred ninety-nine cattle other than mature dairy cattle or veal calves;

(d) Seven hundred fifty to two thousand four hundred ninety-nine swine that each weigh fifty-five pounds or more;

(e) Three thousand to nine thousand nine hundred ninety-nine swine that each weigh less than fifty-five pounds;

(f) One hundred fifty to four hundred ninety-nine horses;

(g) Three thousand to nine thousand nine hundred ninety-nine

sheep or lambs;	10637
(h) Sixteen thousand five hundred to fifty-four thousand nine hundred ninety-nine turkeys;	10638 10639
(i) Nine thousand to twenty-nine thousand nine hundred ninety-nine laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	10640 10641 10642
(j) Thirty-seven thousand five hundred to one hundred twenty-four thousand nine hundred ninety-nine chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	10643 10644 10645 10646
(k) Twenty-five thousand to eighty-one thousand nine hundred ninety-nine laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	10647 10648 10649 10650
(l) Ten thousand to twenty-nine thousand nine hundred ninety-nine ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	10651 10652 10653
(m) One thousand five hundred to four thousand nine hundred ninety-nine ducks if the animal feeding facility uses a liquid manure handling system.	10654 10655 10656
(2) The facility does one of the following:	10657
(a) Discharges pollutants into waters of the United States through a ditch constructed by humans, a flushing system constructed by humans, or another similar device constructed by humans;	10658 10659 10660 10661
(b) Discharges pollutants directly into waters of the United States that originate outside of and that pass over, across, or through the facility or otherwise come into direct contact with the animals at the facility.	10662 10663 10664 10665
"Medium concentrated animal feeding operation" includes an	10666

animal feeding facility that is designated by the director as a 10667  
medium concentrated animal feeding operation pursuant to rules. 10668

(R) "Mortality composting" means the controlled decomposition 10669  
of organic solid material consisting of dead animals that 10670  
stabilizes the organic fraction of the material. 10671

(S) "NPDES permit" means a permit issued under the national 10672  
pollutant discharge elimination system established in section 402 10673  
of the Federal Water Pollution Control Act and includes the 10674  
renewal of such a permit. "NPDES permit" includes the federally 10675  
enforceable provisions of a permit to operate into which NPDES 10676  
permit provisions have been incorporated. 10677

(T) "Permit" includes an initial, renewed, or modified permit 10678  
to install, permit to operate, NPDES permit, and installation 10679  
permit unless expressly stated otherwise. 10680

(U) "Permit to install" means a permit issued under section 10681  
903.02 of the Revised Code. 10682

(V) "Permit to operate" means a permit issued or renewed 10683  
under section 903.03 of the Revised Code and includes incorporated 10684  
NPDES permit provisions, if applicable. 10685

(W) "Person" has the same meaning as in section 1.59 of the 10686  
Revised Code and also includes the state, any political 10687  
subdivision of the state, any interstate body created by compact, 10688  
the United States, or any department, agency, or instrumentality 10689  
of any of those entities. 10690

(X) "Point source" has the same meaning as in the Federal 10691  
Water Pollution Control Act. 10692

(Y) "Pollutant" means dredged spoil, solid waste, incinerator 10693  
residue, filter backwash, sewage, garbage, sewage sludge, 10694  
munitions, chemical wastes, biological materials, radioactive 10695  
materials except those regulated under the "Atomic Energy Act of 10696

1954," 68 Stat. 919, 42 U.S.C. 2011, as amended, heat, wrecked or 10697  
discarded equipment, rock, sand, cellar dirt, and industrial, 10698  
municipal, and agricultural waste, including manure, discharged 10699  
into water. "Pollutant" does not include either of the following: 10700

(1) Sewage from vessels; 10701

(2) Water, gas, or other material that is injected into a 10702  
well to facilitate production of oil or gas, or water derived in 10703  
association with oil and gas production and disposed of in a well, 10704  
if the well that is used either to facilitate production or for 10705  
disposal purposes is approved by the state and if the state 10706  
determines that the injection or disposal will not result in the 10707  
degradation of ground or surface water resources. 10708

(Z) "Process generated waste water" means water that is 10709  
directly or indirectly used in the operation of an animal feeding 10710  
facility for any of the following: 10711

(1) Spillage or overflow from animal watering systems; 10712

(2) Washing, cleaning, or flushing pens, barns, manure pits, 10713  
or other areas of an animal feeding facility; 10714

(3) Direct contact swimming, washing, or spray cooling of 10715  
animals; 10716

(4) Dust control. 10717

(AA) "Process waste water" means any process generated waste 10718  
water and any precipitation, including rain or snow, that comes 10719  
into contact with manure, litter, bedding, or any other raw 10720  
material or intermediate or final material or product used in or 10721  
resulting from the production of animals or direct products such 10722  
as milk or eggs. 10723

(BB) "Production area" means any of the following components 10724  
of an animal feeding facility: 10725

(1) Animal confinement areas, including, but not limited to, 10726

open lots, housed lots, feedlots, confinement houses, stall barns, 10727  
free stall barns, milkrooms, milking centers, cowyards, barnyards, 10728  
medication pens, animal walkways, and stables; 10729

(2) Manure storage areas, including, but not limited to, 10730  
manure storage or treatment facilities; 10731

(3) Raw material storage areas, including, but not limited 10732  
to, feed silos, silage bunkers, commodity buildings, and bedding 10733  
materials; 10734

(4) Waste containment areas, including, but not limited to, 10735  
any of the following: 10736

(a) An egg washing or egg processing facility; 10737

(b) An area used in the storage, handling, treatment, or 10738  
disposal of mortalities; 10739

(c) Settling basins, runoff ponds, liquid impoundments, and 10740  
areas within berms and diversions that are designed and maintained 10741  
to separate uncontaminated storm water runoff from contaminated 10742  
water and to contain and treat contaminated storm water runoff. 10743

(CC) "Public meeting" means a nonadversarial public hearing 10744  
at which a person may present written or oral statements for the 10745  
director of agriculture's consideration and includes public 10746  
hearings held under section 6111.12 of the Revised Code. 10747

(DD) ~~"Review compliance certificate" means a certificate~~ 10748  
~~issued under section 903.04 of the Revised Code.~~ 10749

~~(EE)~~ "Rule" means a rule adopted under section 903.10 of the 10750  
Revised Code. 10751

~~(FF)~~(EE) "Small concentrated animal feeding operation" means 10752  
an animal feeding facility that is not a large or medium 10753  
concentrated animal feeding operation and that is designated by 10754  
the director as a small concentrated animal feeding operation 10755  
pursuant to rules. 10756

~~(GG)~~(FF) "Waters of the state" has the same meaning as in 10757  
section 6111.01 of the Revised Code. 10758

**Sec. 903.03.** (A)(1) Not later than one hundred eighty days 10759  
after March 15, 2001, the director of agriculture shall prepare a 10760  
program for the issuance of permits to operate under this section. 10761

(2) Except for a concentrated animal feeding facility that is 10762  
operating under an installation permit ~~or a review compliance~~ 10763  
~~certificate~~, on and after the date on which the director has 10764  
finalized the program required under division (A)(1) of this 10765  
section, no person shall own or operate a concentrated animal 10766  
feeding facility without a permit to operate issued by the 10767  
director under this section. 10768

(B) The director or the director's authorized representative 10769  
may help an applicant for a permit to operate during the 10770  
permitting process by providing guidance and technical assistance. 10771

(C) An applicant for a permit to operate shall submit a fee 10772  
in an amount established by rule together with, except as 10773  
otherwise provided in division (E) of this section, an application 10774  
to the director on a form that the director prescribes and 10775  
provides. The applicant shall include with the application all of 10776  
the following information: 10777

(1) The name and address of the applicant, of all partners if 10778  
the applicant is a partnership, of all members if the applicant is 10779  
a limited liability company, or of all officers and directors if 10780  
the applicant is a corporation, and of any other person who has a 10781  
right to control or in fact controls management of the applicant 10782  
or the selection of officers, directors, or managers of the 10783  
applicant. As used in division (C)(1) of this section, "control" 10784  
has the same meaning as in division (C)(1) of section 903.02 of 10785  
the Revised Code. 10786

(2) Information concerning the applicant's past compliance with laws pertaining to environmental protection that is required to be provided under section 903.05 of the Revised Code, if applicable;

(3) A manure management plan for the concentrated animal feeding facility that conforms to best management practices regarding the handling, storage, transportation, and land application of manure generated at the facility and that contains any other information required by rule;

(4) An insect and rodent control plan for the concentrated animal feeding facility that conforms to best management practices and is prepared in accordance with section 903.06 of the Revised Code;

(5) In the case of an application for a major concentrated animal feeding facility, written proof that the person who would be responsible for the supervision of the management and handling of manure at the facility has been issued a livestock manager certification in accordance with section 903.07 of the Revised Code or will obtain a livestock manager certification prior to applying any manure to land.

(D) The director shall issue permits to operate in accordance with section 903.09 of the Revised Code. The director shall deny a permit to operate if either of the following applies:

(1) The permit application contains misleading or false information;

(2) The manure management plan or insect and rodent control plan fails to conform to best management practices.

Additional grounds for the denial of a permit to operate shall be those established in this chapter and in rules.

(E) The director shall issue general permits to operate for

categories of concentrated animal feeding facilities that will 10817  
apply in lieu of individual permits to operate, provided that each 10818  
category of facilities meets all of the criteria established in 10819  
rules for general permits to operate. A person who is required to 10820  
obtain a permit to operate shall submit to the director a notice 10821  
of the person's intent to be covered under an existing general 10822  
permit or, at the person's option, shall submit an application for 10823  
an individual permit to operate. Upon receipt of a notice of 10824  
intent to be covered under an existing general permit, the 10825  
director shall notify the applicant in writing that the person is 10826  
covered by the general permit if the person satisfies the criteria 10827  
established in rules for eligibility for such coverage. If the 10828  
person is ineligible for coverage under the general permit, the 10829  
director shall require the submission of an application for an 10830  
individual permit to operate. 10831

(F) A permit to operate shall be valid for a period of five 10832  
years. 10833

(G) A permit to operate may be renewed. An application for 10834  
renewal of a permit to operate shall be submitted to the director 10835  
at least one hundred eighty days prior to the expiration date of 10836  
the permit to operate and shall comply with the requirements 10837  
governing applications for permits to operate that are established 10838  
under this section and by rules, including requirements pertaining 10839  
to public notice and participation. 10840

(H) The director may modify, suspend, or revoke a permit to 10841  
operate in accordance with rules. 10842

(I) The owner or operator of a concentrated animal feeding 10843  
facility who proposes to make a major operational change at the 10844  
facility shall submit an application for approval of the change to 10845  
the director in accordance with rules. 10846

**Sec. 903.07.** (A) On and after the date that is established in 10847

rules by the director of agriculture, both of the following apply: 10848

10849

(1) The management and handling of manure at a major 10850  
concentrated animal feeding facility, including the land 10851  
application of manure or the removal of manure from a manure 10852  
storage or treatment facility, shall be conducted only by or under 10853  
the supervision of a person holding a livestock manager 10854  
certification issued under this section. A person managing or 10855  
handling manure who is acting under the instructions and control 10856  
of a person holding a livestock manager certification is 10857  
considered to be under the supervision of the certificate holder 10858  
if the certificate holder is responsible for the actions of the 10859  
person and is available when needed even though the certificate 10860  
holder is not physically present at the time of the manure 10861  
management or handling. 10862

(2) No person shall transport and land apply annually or buy, 10863  
sell, or land apply annually the volume of manure established in 10864  
rules adopted by the director under division ~~(E)~~(D)(5) of section 10865  
903.10 of the Revised Code unless the person holds a livestock 10866  
manager certification issued under this section. 10867

(B) The director shall issue a livestock manager 10868  
certification to a person who has submitted a complete application 10869  
for certification on a form prescribed and provided by the 10870  
director, together with the appropriate application fee, and who 10871  
has completed successfully the required training and has passed 10872  
the required examination. The director may suspend or revoke a 10873  
livestock manager certification and may reinstate a suspended or 10874  
revoked livestock manager certification in accordance with rules. 10875

(C) Information required to be included in an application for 10876  
a livestock manager certification, the amount of the application 10877  
fee, requirements regarding training and the examination, 10878

requirements governing the management and handling of manure, 10879  
including the land application of manure, and requirements 10880  
governing the keeping of records regarding the handling of manure, 10881  
including the land application of manure, shall be established in 10882  
rules. 10883

**Sec. 903.09.** (A) Prior to issuing or modifying a permit to 10884  
install, permit to operate, or NPDES permit, the director of 10885  
agriculture shall issue a draft permit. The director or the 10886  
director's representative shall mail notice of the issuance of a 10887  
draft permit to the applicant and shall publish the notice once in 10888  
a newspaper of general circulation in the county in which the 10889  
concentrated animal feeding facility or discharger is located or 10890  
proposed to be located. The director shall mail notice of the 10891  
issuance of a draft permit and a copy of the draft permit to the 10892  
board of county commissioners of the county and the board of 10893  
township trustees of the township in which the concentrated animal 10894  
feeding facility or discharger is located or proposed to be 10895  
located. The director or the director's representative also shall 10896  
provide notice of the issuance of a draft NPDES permit to any 10897  
other persons that are entitled to notice under the Federal Water 10898  
Pollution Control Act. Notice of the issuance of a draft permit to 10899  
install, permit to operate, or NPDES permit shall include the 10900  
address where written comments concerning the draft permit may be 10901  
submitted and the period of time during which comments will be 10902  
accepted as established by rule. 10903

If the director receives written comments in an amount that 10904  
demonstrates significant public interest, as defined by rule, in 10905  
the draft permit, the director shall schedule one public meeting 10906  
to provide information to the public and to hear comments 10907  
pertinent to the draft permit. The notice of the public meeting 10908  
shall be provided in the same manner as the notice of the issuance 10909  
of the draft permit. 10910

(B) If a person is required to obtain both a permit to 10911  
install and a permit to operate, including any permit to operate 10912  
with NPDES provisions, and public meetings are required for both 10913  
permits, the public meetings for the permits shall be combined. 10914

(C) The director shall apply the antidegradation policy 10915  
adopted under section 6111.12 of the Revised Code to permits 10916  
issued under this chapter to the same degree and under the same 10917  
circumstances as it applies to permits issued under Chapter 6111. 10918  
of the Revised Code. The director shall hold one public meeting to 10919  
consider antidegradation issues when such a meeting is required by 10920  
the antidegradation policy. When allowed by the antidegradation 10921  
policy, the director shall hold the public meeting on 10922  
antidegradation issues concurrently with any public meeting held 10923  
for the draft permit. 10924

(D) The director or the director's representative shall 10925  
publish notice of the issuance of a final permit to install, 10926  
permit to operate, or NPDES permit once in a newspaper of general 10927  
circulation in the county in which the concentrated animal feeding 10928  
facility or discharger is located. 10929

(E) Notice or a public meeting is not required for the 10930  
modification of a permit made with the consent of the permittee 10931  
for the correction of typographical errors. 10932

(F) The denial, modification, suspension, or revocation of a 10933  
permit to install, permit to operate, or NPDES permit without the 10934  
consent of the applicant or permittee shall be preceded by a 10935  
proposed action stating the director's intention to issue an order 10936  
with respect to the permit and the reasons for it. 10937

The director shall mail to the applicant or the permittee 10938  
notice of the director's proposed action to deny, modify, suspend, 10939  
or revoke a permit to install, permit to operate, or NPDES permit. 10940  
The director shall publish the notice once in a newspaper of 10941

general circulation in the county in which the concentrated animal 10942  
feeding facility or concentrated animal feeding operation is 10943  
located or proposed to be located. The director shall mail a copy 10944  
of the notice of the proposed action to the board of county 10945  
commissioners of the county and to the board of township trustees 10946  
of the township in which the concentrated animal feeding facility 10947  
or concentrated animal feeding operation is located or proposed to 10948  
be located. The director also shall provide notice of the 10949  
director's proposed action to deny, modify, suspend, or revoke a 10950  
permit to install, permit to operate, or NPDES permit to any other 10951  
person that is entitled to notice under the Federal Water 10952  
Pollution Control Act. The notice of the director's proposed 10953  
action to deny, modify, suspend, or revoke a permit to install, 10954  
permit to operate, or NPDES permit shall include the address where 10955  
written comments concerning the director's proposed action may be 10956  
submitted and the period of time during which comments will be 10957  
accepted as established by rule. If the director receives written 10958  
comments in an amount that demonstrates significant public 10959  
interest, as defined by rule, the director shall schedule one 10960  
public meeting to provide information to the public and to hear 10961  
comments pertinent to the proposed action. The notice of the 10962  
public meeting shall be provided in the same manner as the notice 10963  
of the director's proposed action. 10964

The director shall not issue an order that makes the proposed 10965  
action final until the applicant or permittee has had an 10966  
opportunity for an adjudication hearing in accordance with Chapter 10967  
119. of the Revised Code, except that section 119.12 of the 10968  
Revised Code does not apply. An order of the director that 10969  
finalizes the proposed action or an order issuing a permit without 10970  
a prior proposed action may be appealed to the environmental 10971  
review appeals commission under sections 3745.04 to 3745.06 of the 10972  
Revised Code. 10973

(G)(1) The director shall issue an order issuing or denying 10974  
an application for a permit to operate that contains NPDES 10975  
provisions or for a NPDES permit, as well as any application for a 10976  
permit to install that is submitted simultaneously, not later than 10977  
one hundred eighty days after receiving the application. 10978

(2) In the case of an application for a permit to install or 10979  
permit to operate that is not connected with an application for a 10980  
NPDES permit, the director shall issue or propose to deny the 10981  
permit not later than ninety days after receiving the application. 10982  
If the director has proposed to deny the permit to install or 10983  
permit to operate under division (G)(2) of this section, the 10984  
director shall issue an order denying the permit or, if the 10985  
director decides against the proposed denial, issuing the permit 10986  
not later than one hundred eighty days after receiving the 10987  
application. If the director denies the permit, the director shall 10988  
notify the applicant in writing of the reason for the denial. 10989

(H) All rulemaking and the issuance of civil penalties under 10990  
this chapter shall comply with Chapter 119. of the Revised Code. 10991

(I) Upon the transfer of ownership of an animal feeding 10992  
facility for which a permit to install, an installation permit, a 10993  
~~review compliance certificate,~~ or a permit to operate that 10994  
contains no NPDES provisions has been issued, the permit ~~or~~ 10995  
~~certificate~~ shall be transferred to the new owner of the animal 10996  
feeding facility except as provided in division (C) of section 10997  
903.05 of the Revised Code. In the case of the transfer of 10998  
ownership of a point source for which a NPDES permit or a permit 10999  
to operate that contains NPDES provisions has been issued, the 11000  
permit shall be transferred in accordance with rules. 11001

(J) Applications for installation permits for animal feeding 11002  
facilities pending before the director of environmental protection 11003  
on the date on which the director of agriculture has finalized the 11004  
programs required under division (A)(1) of section 903.02 and 11005

division (A)(1) of section 903.03 of the Revised Code shall be 11006  
transferred to the director of agriculture. In the case of an 11007  
applicant who is required to obtain a permit to install and a 11008  
permit to operate under sections 903.02 and 903.03, respectively, 11009  
of the Revised Code, the director of agriculture shall process the 11010  
pending application for an installation permit as an application 11011  
for a permit to install and a permit to operate. 11012

(K) Applications for NPDES permits for either of the 11013  
following that are pending before the director of environmental 11014  
protection on the date on which the United States environmental 11015  
protection agency approves the NPDES program submitted by the 11016  
director of agriculture under section 903.08 of the Revised Code 11017  
shall be transferred to the director of agriculture: 11018

(1) The discharge of pollutants from a concentrated animal 11019  
feeding operation; 11020

(2) The discharge of storm water resulting from an animal 11021  
feeding facility. 11022

In the case of an applicant who is required to obtain a NPDES 11023  
permit under section 903.08 of the Revised Code, the director of 11024  
agriculture shall process the pending application as an 11025  
application for a NPDES permit under that section. 11026

**Sec. 903.10.** The director of agriculture may adopt rules in 11027  
accordance with Chapter 119. of the Revised Code that do all of 11028  
the following: 11029

(A) Establish all of the following concerning permits to 11030  
install and permits to operate: 11031

(1) A description of what constitutes a modification of a 11032  
concentrated animal feeding facility; 11033

(2) A description of what constitutes a major operational 11034  
change at a concentrated animal feeding facility; 11035

(3) The amount of the fee that must be submitted with each permit application and each application for a permit modification;	11036 11037
(4) Information that must be included in the designs and plans required to be submitted with an application for a permit to install and criteria for approving, disapproving, or requiring modification of the designs and plans;	11038 11039 11040 11041
(5) Information that must be included in a manure management plan required to be submitted with an application for a permit to operate;	11042 11043 11044
(6) Information that must be included in an application for the modification of an installation permit, a permit to install, or a permit to operate;	11045 11046 11047
(7) Information that must be included in an application for approval of a major operational change at a concentrated animal feeding facility;	11048 11049 11050
(8) Any additional information that must be included with a permit application;	11051 11052
(9) Procedures for the issuance, denial, modification, transfer, suspension, and revocation of permits to install and permits to operate, including general permits;	11053 11054 11055
(10) Procedures for the approval or denial of an application for approval of a major operational change at a concentrated animal feeding facility;	11056 11057 11058
(11) Grounds for the denial, modification, suspension, or revocation of permits to install and permits to operate in addition to the grounds established in division (D) of section 903.02 and division (D) of section 903.03 of the Revised Code;	11059 11060 11061 11062
(12) Grounds for the denial of an application for approval of a major operational change at a concentrated animal feeding facility;	11063 11064 11065

(13) A requirement that a person that is required to obtain 11066  
both a permit to install and a permit to operate submit 11067  
applications for those permits simultaneously; 11068

(14) A definition of "general permit to operate" that 11069  
establishes categories of concentrated animal feeding facilities 11070  
to be covered under such a permit and a definition of "individual 11071  
permit to operate" together with the criteria for issuing a 11072  
general permit to operate and the criteria for determining a 11073  
person's eligibility to operate under a general permit to operate. 11074

~~(B) Establish all of the following for the purposes of review 11075  
compliance certificates issued under section 903.04 of the Revised 11076  
Code: 11077~~

~~(1) The form of a certificate; 11078~~

~~(2) Criteria for what constitutes a significant capital 11079  
expenditure under division (D) of that section; 11080~~

~~(3) Deadlines and procedures for submitting information under 11081  
division (E)(2) of that section. 11082~~

~~(C) Establish best management practices that minimize water 11083  
pollution, odors, insects, and rodents, that govern the land 11084  
application of manure that originated at a concentrated animal 11085  
feeding facility, and that govern all of the following activities 11086  
that occur at a concentrated animal feeding facility: 11087~~

(1) Manure management, including the storage, handling, 11088  
transportation, and land application of manure. Rules adopted 11089  
under division ~~(C)~~(B)(1) of this section shall include practices 11090  
that prevent surface and ground water contamination caused by the 11091  
storage of manure or the land application of manure and prevent 11092  
the contamination of water in drainage tiles that may be caused by 11093  
that application. 11094

(2) Disposal of dead livestock; 11095

(3) Production of biodiesel, biomass energy, electric or heat energy, and biologically derived methane gas as those terms are defined in section 5713.30 of the Revised Code;	11096 11097 11098
(4) Any other activity that the director considers appropriate.	11099 11100
Best management practices established in rules adopted under division <del>(C)</del> (B) of this section shall not conflict with best management practices established in rules that have been adopted under any other section of the Revised Code. The rules adopted under division <del>(C)</del> (B) of this section shall establish guidelines that require owners or operators of concentrated animal feeding facilities to consult with and work with local officials, including boards of county commissioners and boards of township trustees, in addressing issues related to local government infrastructure needs and the financing of that infrastructure.	11101 11102 11103 11104 11105 11106 11107 11108 11109 11110
<del>(D)</del> (C) Establish all of the following concerning insect and rodent control plans required under section 903.06 of the Revised Code:	11111 11112 11113
(1) The information to be included in an insect and rodent control plan;	11114 11115
(2) Criteria for approving, disapproving, or requiring modification of an insect and rodent control plan;	11116 11117
(3) Criteria for determining compliance with or violation of an insect and rodent control plan;	11118 11119
(4) Procedures and standards for monitoring insect and rodent control plans;	11120 11121
(5) Procedures and standards for enforcing insect and rodent control plans at concentrated animal feeding facilities at which insects or rodents constitute a nuisance or adversely affect public health;	11122 11123 11124 11125

(6) The amount of civil penalties for violation of an insect and rodent control plan assessed by the director of agriculture under division (B) of section 903.16 of the Revised Code, provided that the rules adopted under division ~~(D)~~(C)(6) of this section shall not establish a civil penalty of more than ten thousand dollars for a violation involving a concentrated animal feeding facility that is not a major concentrated animal feeding facility and shall not establish a civil penalty of more than twenty-five thousand dollars for a violation involving a major concentrated animal feeding facility;

(7) The time period within which the director must approve or deny an insect and rodent control plan after receiving it;

(8) Any other provisions necessary to administer and enforce section 903.12 of the Revised Code.

~~(E)~~(D) Establish all of the following concerning livestock manager certifications required under section 903.07 of the Revised Code:

(1) The information to be included in an application for a livestock manager certification and the amount of the application fee;

(2) The content of the training required to be completed and of the examination required to be passed by an applicant for a livestock manager certification. The training shall include and the examination shall test the applicant's knowledge of information on topics that include calculating nutrient values in manure, devising and implementing a plan for the land application of manure, removing manure held in a manure storage or treatment facility, and following best management practices established in rules for disposal of dead animals and manure management, including practices that control odor and protect the environment. The director may specify other types of recognized training

programs that, if completed, are considered to satisfy the	11157
training and examination requirement.	11158
(3) Criteria and procedures for the issuance, denial,	11159
suspension, revocation, or reinstatement of a livestock manager	11160
certification;	11161
(4) The length of time during which livestock manager	11162
certifications will be valid and procedures for their renewal;	11163
(5) The volume of manure that must be transported and land	11164
applied annually or the volume of manure that must be bought,	11165
sold, or land applied annually by a person in order for the person	11166
to be required to obtain a livestock manager certification under	11167
division (A)(2) of section 903.07 of the Revised Code;	11168
(6) Requirements governing the management and handling of	11169
manure, including the land application of manure;	11170
(7) Requirements governing the keeping of records regarding	11171
the handling of manure, including the land application of manure;	11172
(8) Any other provisions necessary to administer and enforce	11173
section 903.07 of the Revised Code.	11174
<del>(F)</del> <u>(E)</u> Establish all of the following concerning NPDES	11175
permits:	11176
(1) The designation of concentrated animal feeding operations	11177
that are subject to NPDES permit requirements under section 903.08	11178
of the Revised Code;	11179
(2) Effluent limitations governing discharges into waters of	11180
the state that are authorized by permits;	11181
(3) Variances from effluent limitations and other permit	11182
requirements to the extent that the variances are consistent with	11183
the Federal Water Pollution Control Act;	11184
(4) Terms and conditions to be included in a permit,	11185
including, as applicable, best management practices; installation	11186

of discharge or water quality monitoring methods or equipment;	11187
creation and retention of records; submission of periodic reports;	11188
schedules of compliance; net volume, net weight, and, where	11189
necessary, concentration and mass loading limits of manure that	11190
may be discharged into waters of the state; and authorized	11191
duration and frequency of any discharges into waters of the state;	11192
(5) Procedures for the submission of applications for permits	11193
and notices of intent to be covered by general permits, including	11194
information that must be included in the applications and notices;	11195
(6) The amount of the fee that must be submitted with an	11196
application for a permit;	11197
(7) Procedures for processing permit applications, including	11198
public notice and participation requirements;	11199
(8) Procedures for notifying the United States environmental	11200
protection agency of the submission of permit applications, the	11201
director's action on those applications, and any other reasonable	11202
and relevant information;	11203
(9) Procedures for notifying and receiving and responding to	11204
recommendations from other states whose waters may be affected by	11205
the issuance of a permit;	11206
(10) Procedures for the transfer of permits to new owners or	11207
operators;	11208
(11) Grounds and procedures for the issuance, denial,	11209
modification, suspension, or revocation of permits, including	11210
general permits;	11211
(12) A definition of "general NPDES permit" that establishes	11212
categories of point sources to be covered under such a permit and	11213
a definition of "individual NPDES permit" together with the	11214
criteria for issuing a general NPDES permit and the criteria for	11215
determining a person's eligibility to discharge under a general	11216

NPDES permit. 11217

The rules adopted under division ~~(F)~~(E) of this section shall 11218  
be consistent with the requirements of the Federal Water Pollution 11219  
Control Act. 11220

~~(G)~~(F) Establish public notice and participation 11221  
requirements, in addition to the procedures established in rules 11222  
adopted under division ~~(F)~~(E)(7) of this section, for the 11223  
issuance, denial, modification, transfer, suspension, and 11224  
revocation of permits to install, permits to operate, and NPDES 11225  
permits consistent with section 903.09 of the Revised Code, 11226  
including a definition of what constitutes significant public 11227  
interest for the purposes of divisions (A) and (F) of section 11228  
903.09 of the Revised Code and procedures for public meetings. The 11229  
rules shall require that information that is presented at such a 11230  
public meeting be limited to the criteria that are applicable to 11231  
the permit application that is the subject of the public meeting. 11232

~~(H)~~(G) Establish the amount of civil penalties assessed by 11233  
the director of agriculture under division (B) of section 903.16 11234  
of the Revised Code for violation of the terms and conditions of a 11235  
permit to install, or permit to operate, ~~or review compliance~~ 11236  
~~certificate~~, provided that the rules adopted under this division 11237  
shall not establish a civil penalty of more than ten thousand 11238  
dollars per day for each violation; 11239

~~(I)~~(H) Establish procedures for the protection of trade 11240  
secrets from public disclosure. The procedures shall authorize the 11241  
release of trade secrets to officers, employees, or authorized 11242  
representatives of the state, another state, or the United States 11243  
when necessary for an enforcement action brought under this 11244  
chapter or when otherwise required by the Federal Water Pollution 11245  
Control Act. The rules shall require at least ten days' written 11246  
notice to the person to whom a trade secret applies prior to the 11247  
release of the trade secret. Rules adopted under this division do 11248

not apply to any information that is contained in applications, 11249  
including attachments, for NPDES permits and that is required to 11250  
be submitted under section 903.08 of the Revised Code or rules 11251  
adopted under division ~~(F)~~(E) of this section. 11252

~~(F)~~(I) Establish any other provisions necessary to administer 11253  
and enforce this chapter. 11254

**Sec. 903.11.** (A) The director of agriculture may enter into 11255  
contracts or agreements to carry out the purposes of this chapter 11256  
with any public or private person, including OSU extension, the 11257  
natural resources conservation service in the United States 11258  
department of agriculture, the environmental protection agency, 11259  
the division of soil and water resources in the department of 11260  
natural resources, and soil and water conservation districts 11261  
established under Chapter 1515. of the Revised Code. However, the 11262  
director shall not enter into a contract or agreement with a 11263  
private person for the review of applications for permits to 11264  
install, permits to operate, or NPDES permits, ~~or review~~ 11265  
~~compliance certificates~~ that are issued under this chapter or for 11266  
the inspection of a facility regulated under this chapter or with 11267  
any person for the issuance of any of those permits ~~or~~ 11268  
~~certificates~~ or for the enforcement of this chapter and rules 11269  
adopted under it. 11270

(B) The director may administer grants and loans using moneys 11271  
from the federal government and other sources, public or private, 11272  
for carrying out any of the director's functions. Nothing in this 11273  
chapter shall be construed to limit the eligibility of owners or 11274  
operators of animal feeding facilities or other agricultural 11275  
enterprises to receive moneys from the water pollution control 11276  
loan fund established under section 6111.036 of the Revised Code 11277  
and the nonpoint source pollution management fund established 11278  
under section 6111.037 of the Revised Code. 11279

The director of agriculture shall provide the director of 11280  
environmental protection with written recommendations for 11281  
providing financial assistance from those funds to agricultural 11282  
enterprises. The director of environmental protection shall 11283  
consider the recommendations in developing priorities for 11284  
providing financial assistance from the funds. 11285

**Sec. 903.12.** (A) The director of agriculture or the 11286  
director's authorized representative at reasonable times may enter 11287  
on any public or private property, real or personal, to make 11288  
investigations and inspections, including the sampling of 11289  
discharges and the inspection of discharge monitoring equipment, 11290  
or to otherwise execute duties that are necessary for the 11291  
administration and enforcement of this chapter. The director or 11292  
the director's authorized representative at reasonable times may 11293  
examine and copy any records pertaining to discharges that are 11294  
subject to this chapter or any records that are required to be 11295  
maintained by the terms and conditions of a permit ~~or review~~ 11296  
~~compliance certificate~~ issued under this chapter. If refused 11297  
entry, the director or the director's authorized representative 11298  
may apply for and the court of common pleas having jurisdiction 11299  
may issue an appropriate warrant. 11300

(B) No person to whom a permit ~~or review compliance~~ 11301  
~~certificate~~ has been issued under this chapter shall refuse entry 11302  
to the director or the director's authorized representative or 11303  
purposely hinder or thwart the director or the director's 11304  
authorized representative in the exercise of any authority granted 11305  
under division (A) of this section. 11306

**Sec. 903.13.** In a private civil action for an alleged 11307  
nuisance related to agricultural activities conducted at a 11308  
concentrated animal feeding facility, it is an affirmative defense 11309  
if the person owning, operating, or otherwise responsible for the 11310

concentrated animal feeding facility is in compliance with best 11311  
management practices established in the installation permit, or 11312  
permit to operate, ~~or review compliance certificate~~ issued for the 11313  
concentrated animal feeding facility and the agricultural 11314  
activities do not violate federal, state, and local laws governing 11315  
nuisances. 11316

**Sec. 903.16.** (A) The director of agriculture may propose to 11317  
require corrective actions and assess a civil penalty against an 11318  
owner or operator of a concentrated animal feeding facility if the 11319  
director or the director's authorized representative determines 11320  
that the owner or operator is not in compliance with section 11321  
903.02, or 903.03, ~~or 903.04~~ or division (A) of section 903.07 of 11322  
the Revised Code, the terms and conditions of a permit to install, 11323  
or permit to operate, ~~or review compliance certificate~~ issued for 11324  
the concentrated animal feeding facility, including the 11325  
requirements established under division (C) of section 903.06 of 11326  
the Revised Code, or rules adopted under division (A), (B), (C), 11327  
(D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of the Revised Code. 11328  
However, the director may impose a civil penalty only if all of 11329  
the following occur: 11330

(1) The owner or operator is notified in writing of the 11331  
deficiencies resulting in noncompliance, the actions that the 11332  
owner or operator must take to correct the deficiencies, and the 11333  
time period within which the owner or operator must correct the 11334  
deficiencies and attain compliance. 11335

(2) After the time period specified in the notice has 11336  
elapsed, the director or the director's duly authorized 11337  
representative has inspected the concentrated animal feeding 11338  
facility, determined that the owner or operator is still not in 11339  
compliance, and issued a notice of an adjudication hearing. 11340

(3) The director affords the owner or operator an opportunity 11341  
for an adjudication hearing under Chapter 119. of the Revised Code 11342  
to challenge the director's determination that the owner or 11343  
operator is not in compliance or the imposition of the civil 11344  
penalty, or both. However, the owner or operator may waive the 11345  
right to an adjudication hearing. 11346

(B) If the opportunity for an adjudication hearing is waived 11347  
or if, after an adjudication hearing, the director determines that 11348  
a violation has occurred or is occurring, the director may issue 11349  
an order requiring compliance and assess the civil penalty. The 11350  
order and the assessment of the civil penalty may be appealed in 11351  
accordance with section 119.12 of the Revised Code. 11352

Civil penalties shall be assessed under this division as 11353  
follows: 11354

(1) A person who has violated section 903.02, or 903.03, ~~or~~ 11355  
~~903.04~~ of the Revised Code, the terms and conditions of a permit 11356  
to install, or permit to operate, ~~or review compliance~~ 11357  
~~certificate~~, or rules adopted under division (A), (B), (C), (D), 11358  
(~~E~~), or (~~J~~)(I) of section 903.10 of the Revised Code shall pay a 11359  
civil penalty in an amount established in rules unless the 11360  
violation is of the requirements established under division (C) of 11361  
section 903.06 or division (A) of section 903.07 of the Revised 11362  
Code. 11363

(2) A person who has violated the requirements established 11364  
under division (C) of section 903.06 of the Revised Code shall pay 11365  
a civil penalty in an amount established in rules for each 11366  
violation. Each seven-day period during which a violation 11367  
continues constitutes a separate violation. 11368

(3) A person who has violated the requirements established 11369  
under division (A) of section 903.07 of the Revised Code shall pay 11370  
a civil penalty of not more than ten thousand dollars for each 11371

violation. Each thirty-day period during which a violation 11372  
continues constitutes a separate violation. 11373

(C) The attorney general, upon the written request of the 11374  
director, shall bring an action for an injunction in any court of 11375  
competent jurisdiction against any person violating or threatening 11376  
to violate section 903.02, or 903.03, ~~or 903.04~~ or division (A) of 11377  
section 903.07 of the Revised Code; the terms and conditions of a 11378  
permit to install, or permit to operate, ~~or review compliance~~ 11379  
~~certificate~~, including the requirements established under division 11380  
(C) of section 903.06 of the Revised Code; rules adopted under 11381  
division (A), (B), (C), (D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of 11382  
the Revised Code; or an order issued under division (B) of this 11383  
section or division (B) of section 903.07 of the Revised Code. 11384

(D)(1) In lieu of seeking civil penalties under division (A) 11385  
of this section, the director may request the attorney general, in 11386  
writing, to bring an action for a civil penalty in a court of 11387  
competent jurisdiction against any person that has violated or is 11388  
violating division (A) of section 903.07 of the Revised Code or 11389  
the terms and conditions of a permit to install, or permit to 11390  
operate, ~~or review compliance certificate~~, including the 11391  
requirements established under division (C) of section 903.06 of 11392  
the Revised Code. 11393

(2) The director may request the attorney general, in 11394  
writing, to bring an action for a civil penalty in a court of 11395  
competent jurisdiction against any person that has violated or is 11396  
violating section 903.02, or 903.03, ~~or 903.04~~ of the Revised 11397  
Code, rules adopted under division (A), (B), (C), (D), ~~(E)~~, or 11398  
~~(J)~~(I) of section 903.10 of the Revised Code, or an order issued 11399  
under division (B) of this section or division (B) of section 11400  
903.07 of the Revised Code. 11401

(3) A person who has committed a violation for which the 11402  
attorney general may bring an action for a civil penalty under 11403

division (D)(1) or (2) of this section shall pay a civil penalty 11404  
of not more than ten thousand dollars per violation. Each day that 11405  
a violation continues constitutes a separate violation. 11406

(E) In addition to any other penalties imposed under this 11407  
section, the director may impose an administrative penalty against 11408  
an owner or operator of a concentrated animal feeding facility if 11409  
the director or the director's authorized representative 11410  
determines that the owner or operator is not in compliance with 11411  
best management practices that are established in rules adopted 11412  
under division (B) or (C) ~~or (D)~~ of section 903.10 of the Revised 11413  
Code or in the permit to install, or permit to operate, ~~or review~~ 11414  
~~compliance certificate~~ issued for the facility. The administrative 11415  
penalty shall not exceed five thousand dollars. 11416

The director shall afford the owner or operator an 11417  
opportunity for an adjudication hearing under Chapter 119. of the 11418  
Revised Code to challenge the director's determination under this 11419  
division, the director's imposition of an administrative penalty 11420  
under this division, or both. The director's determination and the 11421  
imposition of the administrative penalty may be appealed in 11422  
accordance with section 119.12 of the Revised Code. 11423

**Sec. 903.17.** (A) The director of agriculture may propose to 11424  
require corrective actions and assess a civil penalty against an 11425  
owner or operator of an animal feeding operation if the director 11426  
or the director's authorized representative determines that the 11427  
owner or operator is not in compliance with section 903.08 of the 11428  
Revised Code, the terms and conditions of a NPDES permit, the 11429  
NPDES provisions of a permit to operate, or rules adopted under 11430  
division ~~(F)~~(E) of section 903.10 of the Revised Code. However, 11431  
the director may impose a civil penalty only if all of the 11432  
following occur: 11433

(1) The owner or operator is notified in writing of the 11434

deficiencies resulting in noncompliance, the actions that the owner or operator must take to correct the deficiencies, and the time period within which the owner or operator must correct the deficiencies and attain compliance.

(2) After the time period specified in the notice has elapsed, the director or the director's duly authorized representative has inspected the animal feeding operation, determined that the owner or operator is still not in compliance, and issued a notice of violation to require corrective actions.

(3) The director affords the owner or operator an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the director's determination that the owner or operator is not in compliance or the imposition of the civil penalty, or both. However, the owner or operator may waive the right to an adjudication hearing.

(B) If the opportunity for an adjudication hearing is waived or if, after an adjudication hearing, the director determines that a violation has occurred or is occurring, the director may issue an order and assess a civil penalty of not more than ten thousand dollars per violation against the violator. For purposes of determining the civil penalty, each day that a violation continues constitutes a separate and distinct violation. The order and the assessment of the civil penalty may be appealed in accordance with section 119.12 of the Revised Code.

(C) To the extent consistent with the Federal Water Pollution Control Act, the director shall consider technical feasibility and economic costs in issuing orders under this section.

(D)(1) The attorney general, upon the written request of the director, shall bring an action for an injunction in any court of competent jurisdiction against any person violating or threatening to violate section 903.08 of the Revised Code, the terms and

conditions of a NPDES permit, the NPDES provisions of a permit to 11466  
operate, rules adopted under division ~~(F)~~(E) of section 903.10 of 11467  
the Revised Code, or an order issued under division (B) of this 11468  
section. 11469

(2) In lieu of seeking civil penalties under division (A) of 11470  
this section, the director may request, in writing, the attorney 11471  
general to bring an action for a civil penalty of not more than 11472  
ten thousand dollars per violation in a court of competent 11473  
jurisdiction against any person that has violated or is violating 11474  
section 903.08 of the Revised Code, the terms and conditions of a 11475  
NPDES permit, the NPDES provisions of a permit to operate, rules 11476  
adopted under division ~~(F)~~(E) of section 903.10 of the Revised 11477  
Code, or an order issued under division (B) of this section. For 11478  
purposes of determining the civil penalty to be assessed under 11479  
division (B) of this section, each day that a violation continues 11480  
constitutes a separate and distinct violation. 11481

(E) In addition to any other penalties imposed under this 11482  
section, the director may impose an administrative penalty against 11483  
an owner or operator of an animal feeding operation if the 11484  
director or the director's authorized representative determines 11485  
that the owner or operator has discharged pollutants into waters 11486  
of the state in violation of section 903.08 of the Revised Code or 11487  
the terms and conditions of a NPDES permit or the NPDES provisions 11488  
of the permit to operate issued for the operation. The 11489  
administrative penalty shall not exceed five thousand dollars. 11490

The director shall afford the owner or operator an 11491  
opportunity for an adjudication hearing under Chapter 119. of the 11492  
Revised Code to challenge the director's determination under this 11493  
division, the director's imposition of an administrative penalty 11494  
under this division, or both. The director's determination and the 11495  
imposition of the administrative penalty may be appealed in 11496  
accordance with section 119.12 of the Revised Code. 11497

**Sec. 903.25.** An owner or operator of an animal feeding facility who holds a permit to install, a permit to operate, a ~~review compliance certificate,~~ or a NPDES permit or who is operating under an operation and management plan, as defined in section 1511.01 of the Revised Code, developed or approved by the chief of the division of soil and water resources in the department of natural resources under section 1511.02 of the Revised Code or by the supervisors of the appropriate soil and water conservation district under section 1515.08 of the Revised Code shall not be required by any political subdivision of the state or any officer, employee, agency, board, commission, department, or other instrumentality of a political subdivision to obtain a license, permit, or other approval pertaining to manure, insects or rodents, odor, or siting requirements for installation of an animal feeding facility.

**Sec. 903.40.** (A) No person, for the purposes of agricultural production as defined in section 905.31 of the Revised Code, shall apply manure obtained from a concentrated animal feeding facility issued a permit under this chapter unless one of the following applies:

(1) The person has been issued a livestock manager certification under section 903.07 of the Revised Code.

(2) The person has been certified under this section to apply the manure by the director of agriculture.

(B) The director shall issue, renew, and deny certifications for the purposes of division (A)(2) of this section in the manner established in sections 905.321 and 905.322 of the Revised Code and rules adopted under the latter section for the certification of fertilizer applicators. Procedures, requirements, and other provisions that are established in those sections and rules apply

to the certification of persons under division (A)(2) of this 11528  
section. For purposes of that application, references in sections 11529  
905.321 and 905.322 of the Revised Code to "fertilizer" are deemed 11530  
to be replaced with references to "manure." 11531

Sec. 905.326. (A) Except as provided in division (B) of this 11532  
section, no person in the western basin shall surface apply 11533  
fertilizer under any of the following circumstances: 11534

(1) On snow-covered or frozen soil; 11535

(2) When the top two inches of soil are saturated from 11536  
precipitation; 11537

(3) When the local weather forecast for the application area 11538  
contains greater than a fifty per cent chance of precipitation 11539  
exceeding one-half inch in a twenty-four-hour period. 11540

(B) Division (A) of this section does not apply if a person 11541  
in the western basin applies fertilizer under any of the following 11542  
circumstances: 11543

(1) The fertilizer application is injected into the ground. 11544

(2) The fertilizer application is incorporated within 11545  
twenty-four hours of surface application. 11546

(3) The fertilizer application is applied onto a growing 11547  
crop. 11548

(4) The fertilizer application consists of potash or gypsum. 11549

(C)(1) Upon receiving a complaint by any person or upon 11550  
receiving information that would indicate a violation of this 11551  
section, the director or the director's designee may investigate 11552  
or make inquiries into any alleged failure to comply with this 11553  
section. 11554

(2) After receiving a complaint by any person or upon 11555  
receiving information that would indicate a violation of this 11556

section, the director or the director's designee may enter at 11557  
reasonable times on any private or public property to inspect and 11558  
investigate conditions relating to any such alleged failure to 11559  
comply with this section. 11560

(3) If an individual denies access to the director or the 11561  
director's designee, the director may apply to a court of 11562  
competent jurisdiction in the county in which the premises is 11563  
located for a search warrant authorizing access to the premises 11564  
for the purposes of this section. 11565

(4) The court shall issue the search warrant for the purposes 11566  
requested if there is probable cause to believe that the person is 11567  
not in compliance with this section. The finding of probable cause 11568  
may be based on hearsay, provided that there is a reasonable basis 11569  
for believing that the source of the hearsay is credible. 11570

(D) This section does not affect any restrictions established 11571  
in Chapter 903. of the Revised Code or otherwise apply to those 11572  
entities or facilities that are permitted as concentrated animal 11573  
feeding facilities under that chapter. 11574

(E) As used in this section and section 905.327 of the 11575  
Revised Code, "western basin" means land in the state that is 11576  
located in the following watersheds identified by the specified 11577  
United States geological survey hydrologic unit code: 11578

(1) St. Marys watershed, hydrologic unit code 04100004; 11579

(2) Auglaize watershed, hydrologic unit code 04100007; 11580

(3) Blanchard watershed, hydrologic unit code 041000008; 11581

(4) Sandusky watershed, hydrologic unit code 04100011; 11582

(5) Cedar-Portage watershed, hydrologic unit code 04100010; 11583

(6) Lower Maumee watershed, hydrologic unit code 04100009; 11584

(7) Upper Maumee watershed, hydrologic unit code 04100005; 11585

- (8) Tiffin watershed, hydrologic unit code 04100006; 11586
- (9) St. Joseph watershed, hydrologic unit code 04100003; 11587
- (10) Ottawa watershed, hydrologic unit code 04100001; 11588
- (11) River Raisin watershed, hydrologic unit code 04100002. 11589

**Sec. 905.327.** (A) The director of agriculture may assess a 11590  
civil penalty against a person that violates section 905.326 of 11591  
the Revised Code. The director may impose a civil penalty only if 11592  
the director affords the person an opportunity for an adjudication 11593  
hearing under Chapter 119. of the Revised Code to challenge the 11594  
director's determination that the person violated section 905.326 11595  
of the Revised Code. The person may waive the right to an 11596  
adjudication hearing. 11597

(B) If the opportunity for an adjudication hearing is waived 11598  
or if, after an adjudication hearing, the director determines that 11599  
a violation has occurred or is occurring, the director may issue 11600  
an order requiring compliance with section 905.326 of the Revised 11601  
Code and assess the civil penalty. The order and the assessment of 11602  
the civil penalty may be appealed in accordance with section 11603  
119.12 of the Revised Code. 11604

(C) A person that has violated section 905.326 of the Revised 11605  
Code shall pay a civil penalty in an amount established in rules. 11606  
Each thirty-day period during which a violation continues 11607  
constitutes a separate violation. 11608

(D) The director shall adopt rules in accordance with Chapter 11609  
119. of the Revised Code that establish the amount of the civil 11610  
penalty assessed under this section. The civil penalty shall not 11611  
be more than ten thousand dollars for each violation. 11612

(E) For purposes of this section, "rule" means a rule adopted 11613  
under division (D) of this section. 11614

Sec. 918.41. If the director of agriculture has not entered 11615  
into an agreement with the United States department of agriculture 11616  
in compliance with section 918.44 of the Revised Code, ~~he~~ the 11617  
director shall establish and maintain a state acceptance service 11618  
within the department of agriculture to examine and monitor 11619  
compliance by meat and poultry vendors ~~on the list established and~~ 11620  
~~maintained by the director of administrative services under~~ 11621  
~~section 125.17 of the Revised Code~~ with the specifications of the 11622  
state purchase contracts awarded them under section 125.11 of the 11623  
Revised Code, and by establishments, as defined in section 918.01 11624  
or 918.21 of the Revised Code, subject to state or federal 11625  
inspection. State acceptance service shall be made available to 11626  
such vendors and establishments within the state from eight a.m. 11627  
to five p.m. Monday through Friday. 11628

At least forty-eight hours, excluding Saturday and Sunday, 11629  
before the date on which ~~he~~ a vendor or authorized representative 11630  
from such an establishment desires examination and monitoring of 11631  
the production of meat products, as defined in section 918.01 of 11632  
the Revised Code, or poultry products, as defined in section 11633  
918.21 of the Revised Code, that ~~he~~ the vendor or establishment 11634  
intends to supply to the state under a state purchase contract, a 11635  
vendor or authorized representative from such an establishment 11636  
shall contact the state acceptance service and request examination 11637  
and monitoring. A state acceptor shall examine and monitor the 11638  
production of the meat or poultry products to determine whether 11639  
there is compliance with the state purchase contract 11640  
specifications. The containers of products found to be in 11641  
compliance shall be sealed, dated, and marked with an official 11642  
mark. The state acceptor shall provide an official acceptance 11643  
certificate to accompany each shipment to its destination. 11644

The director shall train and appoint as state acceptors 11645  
inspectors, as defined in sections 918.01 and 918.21 of the 11646

Revised Code. 11647

Acceptance may be provided by the United States department of 11648  
agriculture at the option of the vendor or authorized 11649  
representative of such an establishment. 11650

**Sec. 956.18.** (A) All money collected by the director of 11651  
agriculture from license fees under section 956.07 and civil 11652  
penalties assessed under section 956.13 of the Revised Code shall 11653  
be deposited in the state treasury to the credit of the high 11654  
volume breeder kennel control license fund, which is hereby 11655  
created. The fund shall also consist of money appropriated to it. 11656

~~(B) No money may be released from the fund without 11657  
controlling board approval. The director shall request the 11658  
controlling board to release money in an amount not to exceed two 11659  
million five hundred thousand dollars per biennium. 11660~~

~~(C) The director shall use the money in the fund for the 11661  
purpose of administering this chapter and rules adopted under it. 11662~~

**Sec. 1306.20.** (A) Subject to section 1306.11 of the Revised 11663  
Code, each state agency shall determine if, and the extent to 11664  
which, it will send and receive electronic records and electronic 11665  
signatures to and from other persons and otherwise create, 11666  
generate, communicate, store, process, use, and rely upon 11667  
electronic records and electronic signatures. 11668

(B)(1) Subject to division (B)(2) of this section, a state 11669  
agency may waive a requirement in the Revised Code, other than a 11670  
requirement in sections 1306.01 to 1306.15 of the Revised Code, 11671  
that relates to any of the following: 11672

(a) The method of posting or displaying records; 11673

(b) The manner of sending, communicating, or transmitting 11674  
records; 11675

(c) The manner of formatting records. 11676

(2) A state agency may exercise its authority to waive a 11677  
requirement under division (B)(1) of this section only if the 11678  
following apply: 11679

(a) The requirement relates to a matter over which the state 11680  
agency has jurisdiction; 11681

(b) The waiver is consistent with criteria set forth in rules 11682  
adopted by the state agency. The criteria, to the extent 11683  
reasonable under the circumstances, shall contain standards to 11684  
facilitate the use of electronic commerce by persons under the 11685  
jurisdiction of the state agency consistent with rules adopted by 11686  
the department of administrative services pursuant to division (A) 11687  
of section 1306.21 of the Revised Code. 11688

(C) If a state agency creates, uses, receives, or retains 11689  
electronic records, both of the following apply: 11690

(1) Any rules adopted by a state agency relating to 11691  
electronic records shall be consistent with rules adopted by the 11692  
department of administrative services pursuant to division (A) of 11693  
section 1306.21 of the Revised Code. 11694

(2) Each state agency shall create, use, receive, and retain 11695  
electronic records in accordance with section 149.40 of the 11696  
Revised Code. 11697

(D) If a state agency creates, uses, or receives electronic 11698  
signatures, the state agency shall create, use, or receive the 11699  
signatures in accordance with rules adopted by the department of 11700  
administrative services pursuant to division (A) of section 11701  
1306.21 of the Revised Code. 11702

(E)~~(1)~~ To the extent a state agency retains an electronic 11703  
record, the state agency may retain a record in a format that is 11704  
different from the format in which the record was originally 11705

created, used, sent, or received only if it can be demonstrated 11706  
that the alternative format used accurately and completely 11707  
reflects the record as it was originally created, used, sent, or 11708  
received. 11709

~~(2) If a state agency in retaining any set of electronic 11710  
records pursuant to division (E)(1) of this section alters the 11711  
format of the records, the state agency shall create a certificate 11712  
of authenticity for each set of records that is altered. 11713~~

~~(3) The department of administrative services, in 11714  
consultation with the state archivist, shall adopt rules in 11715  
accordance with section 111.15 of the Revised Code that establish 11716  
the methods for creating certificates of authenticity pursuant to 11717  
division (E)(2) of this section. 11718~~

(F) Whenever any rule of law requires or authorizes the 11719  
filing of any information, notice, lien, or other document or 11720  
record with any state agency, a filing made by an electronic 11721  
record shall have the same force and effect as a filing made on 11722  
paper in all cases where the state agency has authorized or agreed 11723  
to such electronic filing and the filing is made in accordance 11724  
with applicable rules or agreement. 11725

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 11726  
Code shall be construed to require any state agency to use or 11727  
permit the use of electronic records and electronic signatures. 11728

~~(H)(1) Notwithstanding division (C)(1) or (D) of this 11729  
section, any state agency that, prior to September 14, 2000, used 11730  
or permitted the use of electronic records or electronic 11731  
signatures pursuant to laws enacted, rules adopted, or agency 11732  
policies adopted before September 14, 2000, may use or permit the 11733  
use of electronic records or electronic signatures pursuant to 11734  
those previously enacted laws, adopted rules, or adopted policies 11735  
for a period of two years after September 14, 2000. 11736~~

~~(2) Subject to division (H)(3) of this section, after the two year period described in division (H)(1) of this section has concluded, all state agencies that use or permit the use of electronic records or electronic signatures before September 14, 2000, shall only use or permit the use of electronic records or electronic signatures consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.~~

~~(3) After the two year period described in division (H)(1) of this section has concluded, the department of administrative services may permit a state agency to use electronic records or electronic signatures that do not comply with division (H)(2) of this section, if the state agency files a written request with the department.~~

~~(I) For the purposes of this section, "state agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, but does not include the general assembly, any legislative agency, the supreme court, the other courts of record in this state, any judicial agency, or any state university identified in section 3345.011 of the Revised Code, or the northeast Ohio medical university.~~

~~(J)(I) A state university identified in section 3345.011 of the Revised Code, and the northeast Ohio medical university, that uses or permits the use of electronic records or electronic signatures on the effective date of this amendment September 16, 2014, shall, within six months after the effective date of this amendment September 16, 2014, adopt rules in accordance with section 111.15 of the Revised Code to provide for the use or permission to use electronic records or electronic signatures. A state university identified in section 3345.011 of the Revised Code, and the northeast Ohio medical university, if not using or~~

permitting the use of electronic records or electronic signatures 11769  
on ~~the effective date of this amendment~~ September 16, 2014, shall 11770  
adopt rules in accordance with section 111.15 of the Revised Code 11771  
when it elects to begin using or permitting the use of electronic 11772  
records or electronic signatures. 11773

**Sec. 1309.528.** All fees collected by the secretary of state 11774  
for filings under Title XIII or XVII of the Revised Code shall be 11775  
deposited into the state treasury to the credit of the corporate 11776  
and uniform commercial code filing fund, which is hereby created. 11777  
The fund shall also receive revenue from fees charged to customers 11778  
for special database requests. All moneys credited to the fund 11779  
shall be used for the purpose of paying for the operations of the 11780  
office of the secretary of state and for the purpose of paying for 11781  
expenses relating to the processing of filings under Title XIII or 11782  
XVII of the Revised Code. 11783

**Sec. 1333.99.** (A) Whoever violates sections 1333.01 to 11784  
1333.04 of the Revised Code is guilty of a minor misdemeanor. 11785

(B) Whoever violates section ~~1333.12~~ or 1333.71 of the 11786  
Revised Code is guilty of a misdemeanor of the fourth degree. 11787

(C) Whoever violates section 1333.36 of the Revised Code is 11788  
guilty of a misdemeanor of the third degree. 11789

(D) A prosecuting attorney may file an action to restrain any 11790  
person found in violation of section 1333.36 of the Revised Code. 11791  
Upon the filing of such an action, the common pleas court may 11792  
receive evidence of such violation and forthwith grant a temporary 11793  
restraining order as may be prayed for, pending a hearing on the 11794  
merits of said cause. 11795

(E) Whoever violates division (A)(1) of section 1333.52 or 11796  
section 1333.81 of the Revised Code is guilty of a misdemeanor of 11797  
the first degree. 11798

(F) Whoever violates division (A)(2) or (B) of section 11799  
1333.52 of the Revised Code is guilty of a misdemeanor of the 11800  
second degree. 11801

(G) Except as otherwise provided in this division, whoever 11802  
violates section 1333.92 of the Revised Code is guilty of a 11803  
misdemeanor of the first degree. If the value of the compensation 11804  
is one thousand dollars or more and less than seven thousand five 11805  
hundred dollars, whoever violates section 1333.92 of the Revised 11806  
Code is guilty of a felony of the fifth degree. If the value of 11807  
the compensation is seven thousand five hundred dollars or more 11808  
and less than one hundred fifty thousand dollars, whoever violates 11809  
section 1333.92 of the Revised Code is guilty of a felony of the 11810  
fourth degree. If the value of the compensation is one hundred 11811  
fifty thousand dollars or more, whoever violates section 1333.92 11812  
of the Revised Code is guilty of a felony of the third degree. 11813

**Sec. 1347.08.** (A) Every state or local agency that maintains 11814  
a personal information system, upon the request and the proper 11815  
identification of any person who is the subject of personal 11816  
information in the system, shall: 11817

(1) Inform the person of the existence of any personal 11818  
information in the system of which the person is the subject; 11819

(2) Except as provided in divisions (C) and (E)(2) of this 11820  
section, permit the person, the person's legal guardian, or an 11821  
attorney who presents a signed written authorization made by the 11822  
person, to inspect all personal information in the system of which 11823  
the person is the subject; 11824

(3) Inform the person about the types of uses made of the 11825  
personal information, including the identity of any users usually 11826  
granted access to the system. 11827

(B) Any person who wishes to exercise a right provided by 11828

this section may be accompanied by another individual of the 11829  
person's choice. 11830

(C)(1) A state or local agency, upon request, shall disclose 11831  
medical, psychiatric, or psychological information to a person who 11832  
is the subject of the information or to the person's legal 11833  
guardian, unless a physician, psychiatrist, or psychologist 11834  
determines for the agency that the disclosure of the information 11835  
is likely to have an adverse effect on the person, in which case 11836  
the information shall be released to a physician, psychiatrist, or 11837  
psychologist who is designated by the person or by the person's 11838  
legal guardian. 11839

(2) Upon the signed written request of either a licensed 11840  
attorney at law or a licensed physician designated by the inmate, 11841  
together with the signed written request of an inmate of a 11842  
correctional institution under the administration of the 11843  
department of rehabilitation and correction, the department shall 11844  
disclose medical information to the designated attorney or 11845  
physician as provided in division (C) of section 5120.21 of the 11846  
Revised Code. 11847

(D) If an individual who is authorized to inspect personal 11848  
information that is maintained in a personal information system 11849  
requests the state or local agency that maintains the system to 11850  
provide a copy of any personal information that the individual is 11851  
authorized to inspect, the agency shall provide a copy of the 11852  
personal information to the individual. Each state and local 11853  
agency may establish reasonable fees for the service of copying, 11854  
upon request, personal information that is maintained by the 11855  
agency. 11856

(E)(1) This section regulates access to personal information 11857  
that is maintained in a personal information system by persons who 11858  
are the subject of the information, but does not limit the 11859  
authority of any person, including a person who is the subject of 11860

personal information maintained in a personal information system, 11861  
to inspect or have copied, pursuant to section 149.43 of the 11862  
Revised Code, a public record as defined in that section. 11863

(2) This section does not provide a person who is the subject 11864  
of personal information maintained in a personal information 11865  
system, the person's legal guardian, or an attorney authorized by 11866  
the person, with a right to inspect or have copied, or require an 11867  
agency that maintains a personal information system to permit the 11868  
inspection of or to copy, a confidential law enforcement 11869  
investigatory record or trial preparation record, as defined in 11870  
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 11871

(F) This section does not apply to any of the following: 11872

(1) The contents of an adoption file maintained by the 11873  
department of health under sections 3705.12 to 3705.124 of the 11874  
Revised Code; 11875

(2) Information contained in the putative father registry 11876  
established by section 3107.062 of the Revised Code, regardless of 11877  
whether the information is held by the department of job and 11878  
family services or, pursuant to section 3111.69 of the Revised 11879  
Code, the office of child support in the department or a child 11880  
support enforcement agency; 11881

(3) Papers, records, and books that pertain to an adoption 11882  
and that are subject to inspection in accordance with section 11883  
3107.17 of the Revised Code; 11884

(4) Records specified in division (A) of section 3107.52 of 11885  
the Revised Code; 11886

(5) Records that identify an individual described in division 11887  
(A)(1) of section 3721.031 of the Revised Code, or that would tend 11888  
to identify such an individual; 11889

(6) Files and records that have been expunged under division 11890

(D)(1) or (2) of section 3721.23 of the Revised Code;	11891
(7) Records that identify an individual described in division	11892
(A)(1) of section 3721.25 of the Revised Code, or that would tend	11893
to identify such an individual;	11894
(8) Records that identify an individual described in division	11895
(A)(1) of section 5165.88 of the Revised Code, or that would tend	11896
to identify such an individual;	11897
(9) Test materials, examinations, or evaluation tools used in	11898
an examination for licensure as a nursing home administrator that	11899
the board of executives of long-term services and supports	11900
administers under section 4751.04 of the Revised Code or contracts	11901
under that section with a private or government entity to	11902
administer;	11903
(10) Information contained in a database established and	11904
maintained pursuant to section 5101.13 of the Revised Code;	11905
<u>(11) Information contained in a database established and</u>	11906
<u>maintained pursuant to section 5101.612 of the Revised Code.</u>	11907
<b>Sec. 1349.04.</b> (A) As used in this section:	11908
(1) "Active duty" means active duty pursuant to an executive	11909
order of the president of the United States, an act of the	11910
congress of the United States, or section 5919.29 or 5923.21 of	11911
the Revised Code.	11912
(2) "Immediate family" means a person's spouse residing in	11913
the person's household; brothers and sisters of the whole or half	11914
blood; children, including adopted children and stepchildren;	11915
parents; and grandparents.	11916
(B) The attorney general shall appoint a member of the staff	11917
of the consumer protection division of the attorney general's	11918
office to expedite cases or issues raised by a person, or the	11919
immediate family of the person, who is deployed on active duty,	11920

which cases or issues raised relate to ~~sections 125.021,~~ section 11921  
317.322, 1343.031, 1349.02, 1349.03, 1713.60, 1923.062, 3313.64, 11922  
3332.20, 3345.53, 3915.053, 4933.12, or 4933.121 of the Revised 11923  
Code or to any other relevant section of the Revised Code 11924  
regulating consumer protection. 11925

**Sec. 1501.01.** (A) Except where otherwise expressly provided, 11926  
the director of natural resources shall formulate and institute 11927  
all the policies and programs of the department of natural 11928  
resources. The chief of any division of the department shall not 11929  
enter into any contract, agreement, or understanding unless it is 11930  
approved by the director. No appointee or employee of the 11931  
director, other than the assistant director, may bind the director 11932  
in a contract except when given general or special authority to do 11933  
so by the director. 11934

The director may enter into contracts or agreements with any 11935  
agency of the United States government, any other public agency, 11936  
or any private entity or organization for the performance of the 11937  
duties of the department. 11938

(B) The director shall correlate and coordinate the work and 11939  
activities of the divisions in the department to eliminate 11940  
unnecessary duplications of effort and overlapping of functions. 11941  
The chiefs of the various divisions of the department shall meet 11942  
with the director at least once each month at a time and place 11943  
designated by the director. 11944

The director may create advisory boards to any of those 11945  
divisions in conformity with section 121.13 of the Revised Code. 11946

(C) The director may accept and expend gifts, devises, and 11947  
bequests of money, lands, and other properties on behalf of the 11948  
department or any division thereof under the terms set forth in 11949  
section 9.20 of the Revised Code. Any political subdivision of 11950  
this state may make contributions to the department for the use of 11951

the department or any division therein according to the terms of 11952  
the contribution. 11953

(D) The director may publish and sell or otherwise distribute 11954  
data, reports, and information. 11955

(E) The director may identify and develop the geographic 11956  
information system needs for the department, which may include, 11957  
but not be limited to, all of the following: 11958

(1) Assisting in the training and education of department 11959  
resource managers, administrators, and other staff in the 11960  
application and use of geographic information system technology; 11961

(2) Providing technical support to the department in the 11962  
design, preparation of data, and use of appropriate geographic 11963  
information system applications in order to help solve resource 11964  
related problems and to improve the effectiveness and efficiency 11965  
of department delivered services; 11966

(3) Creating, maintaining, and documenting spatial digital 11967  
data bases; 11968

(4) Providing information to and otherwise assisting 11969  
government officials, planners, and resource managers in 11970  
understanding land use planning and resource management; 11971

(5) Providing continuing assistance to local government 11972  
officials and others in natural resource digital data base 11973  
development and in applying and utilizing the geographic 11974  
information system for land use planning, current agricultural use 11975  
value assessment, development reviews, coastal management, and 11976  
other resource management activities; 11977

(6) Coordinating and administering the remote sensing needs 11978  
of the department, including the collection and analysis of aerial 11979  
photography, satellite data, and other data pertaining to land, 11980  
water, and other resources of the state; 11981

(7) Preparing and publishing maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;	11982 11983 11984
(8) Locating and distributing hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public;	11985 11986 11987
(9) Preparing special studies and executing any other related duties, functions, and responsibilities identified by the director;	11988 11989 11990
(10) Entering into contracts or agreements with any agency of the United States government, any other public agency, or any private agency or organization for the performance of the duties specified in division (E) of this section or for accomplishing cooperative projects within those duties;	11991 11992 11993 11994 11995
(11) Entering into agreements with local government agencies for the purposes of land use inventories, Ohio capability analysis data layers, and other duties related to resource management.	11996 11997 11998
(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to permit the department to accept by means of a credit card the payment of fees, charges, and rentals at those facilities described in section 1501.07 of the Revised Code that are operated by the department, for any data, reports, or information sold by the department, and for any other goods or services provided by the department.	11999 12000 12001 12002 12003 12004 12005
(G) Whenever authorized by the governor to do so, the director may appropriate property for the uses and purposes authorized to be performed by the department and on behalf of any division within the department. This authority shall be exercised in the manner provided in sections 163.01 to 163.22 of the Revised Code for the appropriation of property by the director of administrative services. This authority to appropriate property is	12006 12007 12008 12009 12010 12011 12012

in addition to the authority provided by law for the appropriation 12013  
of property by divisions of the department. The director of 12014  
natural resources also may acquire by purchase, lease, or 12015  
otherwise such real and personal property rights or privileges in 12016  
the name of the state as are necessary for the purposes of the 12017  
department or any division therein. The director, ~~with the~~ 12018  
~~approval of the governor and the attorney general~~ in accordance 12019  
with section 5301.13 of the Revised Code, if applicable, may sell, 12020  
lease, or exchange portions of lands or property, real or 12021  
personal, of any division of the department or grant easements or 12022  
licenses for the use thereof, or enter into agreements for the 12023  
sale of water from lands and waters under the administration or 12024  
care of the department or any of its divisions, when the sale, 12025  
lease, exchange, easement, agreement, or license for use is in an 12026  
amount that is less than fifty thousand dollars and is 12027  
advantageous to the state, ~~provided that such approval is not~~ 12028  
~~required for leases and contracts made under section 1501.07,~~ 12029  
~~1501.09, or 1520.03 or Chapter 1523. of the Revised Code. With the~~ 12030  
approval of the governor, the director, in accordance with section 12031  
5301.13 of the Revised Code, if applicable, may sell, lease, or 12032  
exchange portions of, grant easements or licenses for the use of, 12033  
or enter into agreements for the sale of such lands, property, or 12034  
waters in an amount of fifty thousand dollars or more when the 12035  
sale, lease, exchange, easement, agreement, or license is 12036  
advantageous to the state. Water may be sold from a reservoir only 12037  
to the extent that the reservoir was designed to yield a supply of 12038  
water for a purpose other than recreation or wildlife, and the 12039  
water sold is in excess of that needed to maintain the reservoir 12040  
for purposes of recreation or wildlife. 12041

Money received from such sales, leases, easements, exchanges, 12042  
agreements, or licenses for use, except revenues required to be 12043  
set aside or paid into depositories or trust funds for the payment 12044  
of bonds issued under sections 1501.12 to 1501.15 of the Revised 12045

Code, and to maintain the required reserves therefor as provided 12046  
in the orders authorizing the issuance of such bonds or the trust 12047  
agreements securing such bonds, revenues required to be paid and 12048  
credited pursuant to the bond proceeding applicable to obligations 12049  
issued pursuant to section 154.22, and revenues generated under 12050  
section 1520.05 of the Revised Code, shall be deposited in the 12051  
state treasury to the credit of the fund of the division of the 12052  
department having prior jurisdiction over the lands or property. 12053  
If no such fund exists, the money shall be credited to the general 12054  
revenue fund. All such money received from lands or properties 12055  
administered by the division of wildlife shall be credited to the 12056  
wildlife fund. 12057

(H) The director shall provide for the custody, safekeeping, 12058  
and deposit of all moneys, checks, and drafts received by the 12059  
department or its employees prior to paying them to the treasurer 12060  
of state under section 113.08 of the Revised Code. 12061

(I) The director shall cooperate with the nature conservancy, 12062  
other nonprofit organizations, and the United States fish and 12063  
wildlife service in order to secure protection of islands in the 12064  
Ohio river and the wildlife and wildlife habitat of those islands. 12065

(J) Any instrument by which real property is acquired 12066  
pursuant to this section shall identify the agency of the state 12067  
that has the use and benefit of the real property as specified in 12068  
section 5301.012 of the Revised Code. 12069

**Sec. 1501.011.** (A) Except as provided in divisions (B), (C), 12070  
and (D) of this section, the Ohio facilities construction 12071  
commission shall supervise the design and construction of, and 12072  
make contracts for the construction, reconstruction, improvement, 12073  
enlargement, alteration, repair, or decoration of, any projects or 12074  
improvements for the department of natural resources that may be 12075  
authorized by legislative appropriations or any other funds 12076

available therefor, the estimated cost of which amounts to two 12077  
hundred thousand dollars or more or the amount determined pursuant 12078  
to section 153.53 of the Revised Code or more. 12079

(B) The department of natural resources shall administer the 12080  
construction of improvements under an agreement with the 12081  
supervisors of a soil and water conservation district pursuant to 12082  
division (I) of section 1515.08 of the Revised Code. 12083

(C)(1) The department of natural resources shall supervise 12084  
the design and construction of, and make contracts for the 12085  
construction, reconstruction, improvement, enlargement, 12086  
alteration, repair, or decoration of, any of the following 12087  
activities, projects, or improvements: 12088

(a) Dam repairs administered by the division of engineering 12089  
under Chapter 1507. of the Revised Code; 12090

(b) Projects or improvements administered by the division of 12091  
watercraft and funded through the waterways safety fund 12092  
established in section 1547.75 of the Revised Code; 12093

(c) Projects or improvements administered by the division of 12094  
wildlife under Chapter 1531. or 1533. of the Revised Code; 12095

(d) Activities conducted by the department pursuant to 12096  
section 5511.05 of the Revised Code in order to maintain the 12097  
department's roadway inventory. 12098

(2) If a contract to be let under division (C)(1) of this 12099  
section involves an exigency that concerns the public health, 12100  
safety, or welfare or addresses an emergency situation in which 12101  
timeliness is crucial in preventing the cost of the contract from 12102  
increasing significantly, pursuant to the declaration of a public 12103  
exigency, the department may award the contract without 12104  
competitive bidding or selection as otherwise required by Chapter 12105  
153. of the Revised Code. 12106

A notice published by the department of natural resources 12107  
regarding an activity, project, or improvement shall be published 12108  
as contemplated in section 7.16 of the Revised Code. 12109

(D) The executive director of the Ohio facilities 12110  
construction commission may authorize the department of natural 12111  
resources to administer any other project or improvement, the 12112  
estimated cost of which, including design fees, construction, 12113  
equipment, and contingency amounts, is not more than one million 12114  
five hundred thousand dollars. 12115

**Sec. 1505.10.** ~~The chief of the division of geological survey~~ 12116  
director of natural resources or the director's designee shall 12117  
prepare and publish for public distribution annual reports that 12118  
shall include all of the following: 12119

(A) A list of the operators of mines, quarries, pits, or 12120  
other mineral resource extraction operations in this state; 12121

(B) Information on the location of and commodity extracted at 12122  
each operation; 12123

(C) Information on the employment at each operation; 12124

(D) Information on the tonnage of coal or other minerals 12125  
extracted at each operation along with the method of extraction; 12126

(E) Information on the production, use, distribution, value, 12127  
and other facts relative to the mineral resources of the state 12128  
that may be of public interest. 12129

The director or the director's designee may require the 12130  
division of mineral resources management to perform the duties 12131  
required by this section. 12132

Each operator engaged in the extraction of minerals shall 12133  
submit an accurate and complete annual report, on or before the 12134  
last day of January each year, to the ~~chief of the division of~~ 12135  
~~geological survey~~ director or the director's designee on forms 12136

provided by the ~~chief~~ director or the director's designee and 12137  
containing the information specified in divisions (A) to (E) of 12138  
this section for the immediately preceding calendar year. The 12139  
~~chief of the division of mineral resources management~~ director or 12140  
the director's designee may use all or portions of the information 12141  
collected pursuant to this section in preparing the annual report 12142  
required by section 1561.04 of the Revised Code. 12143

No person shall fail to comply with this section. 12144

**Sec. 1509.01.** As used in this chapter: 12145

(A) "Well" means any borehole, whether drilled or bored, 12146  
within the state for production, extraction, or injection of any 12147  
gas or liquid mineral, excluding potable water to be used as such, 12148  
but including natural or artificial brines and oil field waters. 12149

(B) "Oil" means crude petroleum oil and all other 12150  
hydrocarbons, regardless of gravity, that are produced in liquid 12151  
form by ordinary production methods, but does not include 12152  
hydrocarbons that were originally in a gaseous phase in the 12153  
reservoir. 12154

(C) "Gas" means all natural gas and all other fluid 12155  
hydrocarbons that are not oil, including condensate. 12156

(D) "Condensate" means liquid hydrocarbons separated at or 12157  
near the well pad or along the gas production or gathering system 12158  
~~prior to~~ or by gas processing. 12159

(E) "Pool" means an underground reservoir containing a common 12160  
accumulation of oil or gas, or both, but does not include a gas 12161  
storage reservoir. Each zone of a geological structure that is 12162  
completely separated from any other zone in the same structure may 12163  
contain a separate pool. 12164

(F) "Field" means the general area underlaid by one or more 12165  
pools. 12166

(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.	12167 12168 12169
(H) "Waste" includes all of the following:	12170
(1) Physical waste, as that term generally is understood in the oil and gas industry;	12171 12172
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	12173 12174
(3) Inefficient storing of oil or gas;	12175
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	12176 12177 12178 12179 12180 12181
(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.	12182 12183
(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.	12184 12185 12186 12187 12188
(J) "Tract" means a single, <del>individually taxed</del> <u>individual</u> parcel of land <del>appearing on the tax list or a portion of a single,</del> <u>individual parcel of land.</u>	12189 12190 12191
(K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when	12192 12193 12194 12195 12196

the well has been plugged in accordance with applicable rules 12197  
adopted and orders issued under this chapter. "Owner" does not 12198  
include a person who obtains a lease of the mineral rights for oil 12199  
and gas on a parcel of land if the person does not attempt to 12200  
produce or produce oil or gas from a well or obtain a permit under 12201  
this chapter for a well or if the entire interest of a well is 12202  
transferred to the person in accordance with division (B) of 12203  
section 1509.31 of the Revised Code. 12204

(L) "Royalty interest" means the fee holder's share in the 12205  
production from a well. 12206

(M) "Discovery well" means the first well capable of 12207  
producing oil or gas in commercial quantities from a pool. 12208

(N) "Prepared clay" means a clay that is plastic and is 12209  
thoroughly saturated with fresh water to a weight and consistency 12210  
great enough to settle through saltwater in the well in which it 12211  
is to be used, except as otherwise approved by the chief of the 12212  
division of oil and gas resources management. 12213

(O) "Rock sediment" means the combined cutting and residue 12214  
from drilling sedimentary rocks and formation. 12215

(P) "Excavations and workings," "mine," and "pillar" have the 12216  
same meanings as in section 1561.01 of the Revised Code. 12217

(Q) "Coal bearing township" means a township designated as 12218  
such by the chief of the division of mineral resources management 12219  
under section 1561.06 of the Revised Code. 12220

(R) "Gas storage reservoir" means a continuous area of a 12221  
subterranean porous sand or rock stratum or strata into which gas 12222  
is or may be injected for the purpose of storing it therein and 12223  
removing it therefrom and includes a gas storage reservoir as 12224  
defined in section 1571.01 of the Revised Code. 12225

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 12226

Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 12227  
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 12228  
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 12229  
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 12230  
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 12231  
regulations adopted under those acts. 12232

(T) "Person" includes any political subdivision, department, 12233  
agency, or instrumentality of this state; the United States and 12234  
any department, agency, or instrumentality thereof; ~~and~~ any legal 12235  
entity defined as a person under section 1.59 of the Revised Code; 12236  
any limited liability company; any joint venture; and any other 12237  
form of business organization or entity. 12238

(U) "Brine" means all saline geological formation water 12239  
resulting from, obtained from, or produced in connection with 12240  
exploration, drilling, well stimulation, production of oil or gas, 12241  
or plugging of a well. 12242

(V) "Waters of the state" means all streams, lakes, ponds, 12243  
marshes, watercourses, waterways, springs, irrigation systems, 12244  
drainage systems, and other bodies of water, surface or 12245  
underground, natural or artificial, that are situated wholly or 12246  
partially within this state or within its jurisdiction, except 12247  
those private waters that do not combine or effect a junction with 12248  
natural surface or underground waters. 12249

(W) "Exempt Mississippian well" means a well that meets all 12250  
of the following criteria: 12251

(1) Was drilled and completed before January 1, 1980; 12252

(2) Is located in an unglaciated part of the state; 12253

(3) Was completed in a reservoir no deeper than the 12254  
Mississippian Big Injun sandstone in areas underlain by 12255  
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 12256  
sandstone in areas directly underlain by Permian stratigraphy; 12257

(4) Is used primarily to provide oil or gas for domestic use.	12258
(X) "Exempt domestic well" means a well that meets all of the following criteria:	12259
	12260
(1) Is owned by the owner of the surface estate of the tract on which the well is located;	12261
	12262
(2) Is used primarily to provide gas for the owner's domestic use;	12263
	12264
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	12265
	12266
	12267
	12268
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	12269
	12270
	12271
	12272
(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	12273
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	12278
(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	12279
	12280
	12281
(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road	12282
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construction, well drilling, well completion, well stimulation,	12288
well site activities, reclamation, and plugging. "Production	12289
operation" also includes all of the following:	12290
(1) The piping, equipment, and facilities used for the	12291
production and preparation of hydrocarbon gas or liquids for	12292
transportation or delivery;	12293
(2) The processes of extraction and recovery, lifting,	12294
stabilization, treatment, separation, production processing,	12295
storage, waste disposal, and measurement of hydrocarbon gas and	12296
liquids, including related equipment and facilities;	12297
(3) The processes and related equipment and facilities	12298
associated with production compression, gas lift, gas injection,	12299
fuel gas supply, well drilling, well stimulation, and well	12300
completion activities, including dikes, pits, and earthen and	12301
other impoundments used for the temporary storage of fluids and	12302
waste substances associated with well drilling, well stimulation,	12303
and well completion activities;	12304
(4) Equipment and facilities at a wellpad or other location	12305
that are used for the transportation, handling, recycling,	12306
temporary storage, management, processing, or treatment of any	12307
equipment, material, and by-products or other substances from an	12308
operation at a wellpad that may be used or reused at the same or	12309
another operation at a wellpad or that will be disposed of in	12310
accordance with applicable laws and rules adopted under them.	12311
(BB) "Annular overpressurization" means the accumulation of	12312
fluids within an annulus with sufficient pressure to allow	12313
migration of annular fluids into underground sources of drinking	12314
water.	12315
(CC) "Idle and orphaned well" means a well for which a bond	12316
has been forfeited or an abandoned well for which no money is	12317
available to plug the well in accordance with this chapter and	12318

rules adopted under it.	12319
(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the Revised Code.	12320 12321 12322
(EE) "Material and substantial violation" means any of the following:	12323 12324
(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;	12325 12326
(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;	12327 12328
(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;	12329 12330
(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well;	12331 12332 12333 12334 12335
(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;	12336 12337
(6) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;	12338 12339 12340
(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	12341 12342
(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	12343 12344
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	12345 12346
(GG) "Horizontal well" means a well that is drilled for the	12347

production of oil or gas in which the wellbore reaches a 12348  
horizontal or near horizontal position in the Point Pleasant, 12349  
Utica, or Marcellus formation and the well is stimulated. 12350

(HH) "Well pad" means the area that is cleared or prepared 12351  
for the drilling of one or more horizontal wells. 12352

**Sec. 1509.02.** There is hereby created in the department of 12353  
natural resources the division of oil and gas resources 12354  
management, which shall be administered by the chief of the 12355  
division of oil and gas resources management. The division has 12356  
sole and exclusive authority to regulate the permitting, location, 12357  
and spacing of oil and gas wells and production operations within 12358  
the state, excepting only those activities regulated under federal 12359  
laws for which oversight has been delegated to the environmental 12360  
protection agency and activities regulated under sections 6111.02 12361  
to 6111.028 of the Revised Code. The regulation of oil and gas 12362  
activities is a matter of general statewide interest that requires 12363  
uniform statewide regulation, and this chapter and rules adopted 12364  
under it constitute a comprehensive plan with respect to all 12365  
aspects of the locating, drilling, well stimulation, completing, 12366  
and operating of oil and gas wells within this state, including 12367  
site construction and restoration, permitting related to those 12368  
activities, and the disposal of wastes from those wells. In order 12369  
to assist the division in the furtherance of its sole and 12370  
exclusive authority as established in this section, the chief may 12371  
enter into cooperative agreements with other state agencies for 12372  
advice and consultation, including visitations at the surface 12373  
location of a well on behalf of the division. Such cooperative 12374  
agreements do not confer on other state agencies any authority to 12375  
administer or enforce this chapter and rules adopted under it. In 12376  
addition, such cooperative agreements shall not be construed to 12377  
dilute or diminish the division's sole and exclusive authority as 12378  
established in this section. Nothing in this section affects the 12379

authority granted to the director of transportation and local 12380  
authorities in section 723.01 or 4513.34 of the Revised Code, 12381  
provided that the authority granted under those sections shall not 12382  
be exercised in a manner that discriminates against, unfairly 12383  
impedes, or obstructs oil and gas activities and operations 12384  
regulated under this chapter. 12385

The chief shall not hold any other public office, nor shall 12386  
the chief be engaged in any occupation or business that might 12387  
interfere with or be inconsistent with the duties as chief. 12388

All moneys collected ~~by the chief~~ pursuant to sections 12389  
1509.06, 1509.061, 1509.062, 1509.071, 1509.11, 1509.13, 1509.22, 12390  
1509.222, 1509.28, and 1509.34, ~~and 1509.50~~ of the Revised Code, 12391  
~~ninety per cent of moneys received by the treasurer of state~~ 12392  
revenue from the tax levied in divisions (A)(5) ~~and~~, (6), (10), 12393  
(11), (12), and (13) of section 5749.02 of the Revised Code, all 12394  
civil penalties paid under section 1509.33 of the Revised Code, 12395  
and, notwithstanding any section of the Revised Code relating to 12396  
the distribution or crediting of fines for violations of the 12397  
Revised Code, all fines imposed under divisions (A) and (B) of 12398  
section 1509.99 of the Revised Code and fines imposed under 12399  
divisions (C) and (D) of section 1509.99 of the Revised Code for 12400  
all violations prosecuted by the attorney general and for 12401  
violations prosecuted by prosecuting attorneys that do not involve 12402  
the transportation of brine by vehicle shall be deposited into the 12403  
state treasury to the credit of the oil and gas well fund, which 12404  
is hereby created. Fines imposed under divisions (C) and (D) of 12405  
section 1509.99 of the Revised Code for violations prosecuted by 12406  
prosecuting attorneys that involve the transportation of brine by 12407  
vehicle and penalties associated with a compliance agreement 12408  
entered into pursuant to this chapter shall be paid to the county 12409  
treasury of the county where the violation occurred. 12410

The fund shall be used solely and exclusively for the 12411

purposes enumerated in division (B) of section 1509.071 of the Revised Code, for the expenses of the division associated with the administration of this chapter and Chapter 1571. of the Revised Code and rules adopted under them, and for expenses that are critical and necessary for the protection of human health and safety and the environment related to oil and gas production in this state. The expenses of the division in excess of the moneys available in the fund shall be paid from general revenue fund appropriations to the department.

Sec. 1509.051. (A) A person that intends to engage in an activity regulated under this chapter or rules adopted under it first shall register with the division of oil and gas resources management on a form prescribed by the chief of the division of oil and gas resources management prior to engaging in the activity. The person shall disclose on the form all felony convictions or felony guilty pleas of or by the person and of or by the officers of the person to any of the following that have occurred within the previous twenty-five years from the date of registration:

(1) Knowing violations of the "Federal Water Pollution Control Act";

(2) Purposeful violations of Chapter 6111. Of the Revised Code or rules adopted under it;

(3) Purposeful or knowing violations, as applicable, of any other state's laws implementing the "Federal Water Pollution Control Act" that are not more stringent than that act.

If the person has been convicted of or pled guilty to such a felony, the chief may request that the person submit additional information concerning the felony conviction or felony guilty plea. Such a request shall not extend to or require information from any of the person's corporate parent entities. The chief may

request the superintendent of the bureau of criminal 12443  
identification and investigation to review federal and state 12444  
criminal records with respect to any person that submitted a form 12445  
for registration under this section. 12446

After the chief has reviewed the information required to be 12447  
submitted under this division and any additional information 12448  
submitted by the person or received from a criminal records review 12449  
requested by the chief under this section, the chief may deny the 12450  
person's registration by order. If the chief issues an order 12451  
denying an application based on the submission of information 12452  
required under this division, the person may appeal the order to 12453  
the oil and gas commission or the Franklin county court of common 12454  
pleas. Notwithstanding any other provision of this chapter and 12455  
rules adopted under it, the chief shall not issue a permit, 12456  
registration certificate, or order authorizing an activity under 12457  
this chapter or rules adopted under it to a person whose 12458  
registration was denied. 12459

(B) This section does not apply to any of the following: 12460

(1) A person that is registered with the division prior to 12461  
the effective date of this section; 12462

(2) A person that, prior to the effective date of this 12463  
section, was issued a permit, registration certificate, or order 12464  
authorizing an activity under this chapter or rules adopted under 12465  
it; 12466

(3) A person that, prior to the effective date of this 12467  
section, was operating as provided in section 1509.227 of the 12468  
Revised Code. 12469

(C) A person whose registration was denied by an order of the 12470  
chief under this section may reapply for a registration beginning 12471  
three months from the date on which the order denying registration 12472  
becomes final and nonappealable. 12473

<u>(D) As used in this section:</u>	12474
<u>(1) "Federal Water Pollution Control Act" has the same meaning as in section 6111.01 of the Revised Code.</u>	12475 12476
<u>(2) "Officer of the person" means an individual who is employed by a person and authorized to manage the operations of the person. "Officer of the person" includes an individual who is a statutory agent of a person.</u>	12477 12478 12479 12480
<b>Sec. 1509.06.</b> (A) An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply, including associated production operations, shall be filed with the chief of the division of oil and gas resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:	12481 12482 12483 12484 12485 12486 12487 12488
(1) The name and address of the owner and, if a corporation, the name and address of the statutory agent;	12489 12490
(2) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.	12491 12492 12493
(3) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;	12494 12495 12496
(4) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county;	12497 12498 12499
(5) Designation of the well by name and number;	12500
(6)(a) The geological formation to be tested or used and the proposed total depth of the well;	12501 12502

(b) If the well is for the injection of a liquid, identity of 12503  
the geological formation to be used as the injection zone and the 12504  
composition of the liquid to be injected. 12505

(7) The type of drilling equipment to be used; 12506

(8)(a) An identification, to the best of the owner's 12507  
knowledge, of each proposed source of ground water and surface 12508  
water that will be used in the production operations of the well. 12509  
The identification of each proposed source of water shall indicate 12510  
if the water will be withdrawn from the Lake Erie watershed or the 12511  
Ohio river watershed. In addition, the owner shall provide, to the 12512  
best of the owner's knowledge, the proposed estimated rate and 12513  
volume of the water withdrawal for the production operations. If 12514  
recycled water will be used in the production operations, the 12515  
owner shall provide the estimated volume of recycled water to be 12516  
used. The owner shall submit to the chief an update of any of the 12517  
information that is required by division (A)(8)(a) of this section 12518  
if any of that information changes before the chief issues a 12519  
permit for the application. 12520

(b) Except as provided in division (A)(8)(c) of this section, 12521  
for an application for a permit to drill a new well within an 12522  
urbanized area, the results of sampling of water wells within 12523  
three hundred feet of the proposed well prior to commencement of 12524  
drilling. In addition, the owner shall include a list that 12525  
identifies the location of each water well where the owner of the 12526  
property on which the water well is located denied the owner 12527  
access to sample the water well. The sampling shall be conducted 12528  
in accordance with the guidelines established in "Best Management 12529  
Practices For Pre-drilling Water Sampling" in effect at the time 12530  
that the application is submitted. The division shall furnish 12531  
those guidelines upon request and shall make them available on the 12532  
division's web site. If the chief determines that conditions at 12533  
the proposed well site warrant a revision, the chief may revise 12534

the distance established in this division for purposes of 12535  
pre-drilling water sampling. 12536

(c) For an application for a permit to drill a new horizontal 12537  
well, the results of sampling of water wells within one thousand 12538  
five hundred feet of the proposed horizontal wellhead prior to 12539  
commencement of drilling. In addition, the owner shall include a 12540  
list that identifies the location of each water well where the 12541  
owner of the property on which the water well is located denied 12542  
the owner access to sample the water well. The sampling shall be 12543  
conducted in accordance with the guidelines established in "Best 12544  
Management Practices For Pre-drilling Water Sampling" in effect at 12545  
the time that the application is submitted. The division shall 12546  
furnish those guidelines upon request and shall make them 12547  
available on the division's web site. If the chief determines that 12548  
conditions at the proposed well site warrant a revision, the chief 12549  
may revise the distance established in this division for purposes 12550  
of pre-drilling water sampling. 12551

(9) For an application for a permit to drill a new well 12552  
within an urbanized area, a sworn statement that the applicant has 12553  
provided notice by regular mail of the application to the owner of 12554  
each parcel of real property that is located within five hundred 12555  
feet of the surface location of the well and to the executive 12556  
authority of the municipal corporation or the board of township 12557  
trustees of the township, as applicable, in which the well is to 12558  
be located. In addition, the notice shall contain a statement that 12559  
informs an owner of real property who is required to receive the 12560  
notice under division (A)(9) of this section that within five days 12561  
of receipt of the notice, the owner is required to provide notice 12562  
under section 1509.60 of the Revised Code to each residence in an 12563  
occupied dwelling that is located on the owner's parcel of real 12564  
property. The notice shall contain a statement that an application 12565  
has been filed with the division of oil and gas resources 12566

management, identify the name of the applicant and the proposed 12567  
well location, include the name and address of the division, and 12568  
contain a statement that comments regarding the application may be 12569  
sent to the division. The notice may be provided by hand delivery 12570  
or regular mail. The identity of the owners of parcels of real 12571  
property shall be determined using the tax records of the 12572  
municipal corporation or county in which a parcel of real property 12573  
is located as of the date of the notice. 12574

(10) A plan for restoration of the land surface disturbed by 12575  
drilling operations. The plan shall provide for compliance with 12576  
the restoration requirements of division (A) of section 1509.072 12577  
of the Revised Code and any rules adopted by the chief pertaining 12578  
to that restoration. 12579

(11)(a) A description by name or number of the county, 12580  
township, and municipal corporation roads, streets, and highways 12581  
that the applicant anticipates will be used for access to and 12582  
egress from the well site; 12583

(b) For an application for a permit for a horizontal well, a 12584  
copy of an agreement concerning maintenance and safe use of the 12585  
roads, streets, and highways described in division (A)(11)(a) of 12586  
this section entered into on reasonable terms with the public 12587  
official that has the legal authority to enter into such 12588  
maintenance and use agreements for each county, township, and 12589  
municipal corporation, as applicable, in which any such road, 12590  
street, or highway is located or an affidavit on a form prescribed 12591  
by the chief attesting that the owner attempted in good faith to 12592  
enter into an agreement under division (A)(11)(b) of this section 12593  
with the applicable public official of each such county, township, 12594  
or municipal corporation, but that no agreement was executed. 12595

(12) Such other relevant information as the chief prescribes 12596  
by rule. 12597

Each application shall be accompanied by a map, on a scale 12598  
not smaller than four hundred feet to the inch, prepared by an 12599  
Ohio registered surveyor, showing the location of the well and 12600  
containing such other data as may be prescribed by the chief. If 12601  
the well is or is to be located within the excavations and 12602  
workings of a mine, the map also shall include the location of the 12603  
mine, the name of the mine, and the name of the person operating 12604  
the mine. 12605

(B) The chief shall cause a copy of the weekly circular 12606  
prepared by the division to be provided to the county engineer of 12607  
each county that contains active or proposed drilling activity. 12608  
The weekly circular shall contain, in the manner prescribed by the 12609  
chief, the names of all applicants for permits, the location of 12610  
each well or proposed well, the information required by division 12611  
(A)(11) of this section, and any additional information the chief 12612  
prescribes. In addition, the chief promptly shall transfer an 12613  
electronic copy or facsimile, or if those methods are not 12614  
available to a municipal corporation or township, a copy via 12615  
regular mail, of a drilling permit application to the clerk of the 12616  
legislative authority of the municipal corporation or to the clerk 12617  
of the township in which the well or proposed well is or is to be 12618  
located if the legislative authority of the municipal corporation 12619  
or the board of township trustees has asked to receive copies of 12620  
such applications and the appropriate clerk has provided the chief 12621  
an accurate, current electronic mailing address or facsimile 12622  
number, as applicable. 12623

(C)(1) Except as provided in division (C)(2) of this section, 12624  
the chief shall not issue a permit for at least ten days after the 12625  
date of filing of the application for the permit unless, upon 12626  
reasonable cause shown, the chief waives that period or a request 12627  
for expedited review is filed under this section. However, the 12628  
chief shall issue a permit within twenty-one days of the filing of 12629

the application unless the chief denies the application by order. 12630

(2) If the location of a well or proposed well will be or is 12631  
within an urbanized area, the chief shall not issue a permit for 12632  
at least eighteen days after the date of filing of the application 12633  
for the permit unless, upon reasonable cause shown, the chief 12634  
waives that period or the chief at the chief's discretion grants a 12635  
request for an expedited review. However, the chief shall issue a 12636  
permit for a well or proposed well within an urbanized area within 12637  
thirty days of the filing of the application unless the chief 12638  
denies the application by order. 12639

(D) An applicant may file a request with the chief for 12640  
expedited review of a permit application if the well is not or is 12641  
not to be located in a gas storage reservoir or reservoir 12642  
protective area, as "reservoir protective area" is defined in 12643  
section 1571.01 of the Revised Code. If the well is or is to be 12644  
located in a coal bearing township, the application shall be 12645  
accompanied by the affidavit of the landowner prescribed in 12646  
section 1509.08 of the Revised Code. 12647

In addition to a complete application for a permit that meets 12648  
the requirements of this section and the permit fee prescribed by 12649  
this section, a request for expedited review shall be accompanied 12650  
by a separate nonrefundable filing fee of two hundred fifty 12651  
dollars. Upon the filing of a request for expedited review, the 12652  
chief shall cause the county engineer of the county in which the 12653  
well is or is to be located to be notified of the filing of the 12654  
permit application and the request for expedited review by 12655  
telephone or other means that in the judgment of the chief will 12656  
provide timely notice of the application and request. The chief 12657  
shall issue a permit within seven days of the filing of the 12658  
request unless the chief denies the application by order. 12659  
Notwithstanding the provisions of this section governing expedited 12660  
review of permit applications, the chief may refuse to accept 12661

requests for expedited review if, in the chief's judgment, the 12662  
acceptance of the requests would prevent the issuance, within 12663  
twenty-one days of their filing, of permits for which applications 12664  
are pending. 12665

(E) A well shall be drilled and operated in accordance with 12666  
the plans, sworn statements, and other information submitted in 12667  
the approved application. 12668

(F) The chief shall issue an order denying a permit if the 12669  
chief finds that there is a substantial risk that the operation 12670  
will result in violations of this chapter or rules adopted under 12671  
it that will present an imminent danger to public health or safety 12672  
or damage to the environment, provided that where the chief finds 12673  
that terms or conditions to the permit can reasonably be expected 12674  
to prevent such violations, the chief shall issue the permit 12675  
subject to those terms or conditions, including, if applicable, 12676  
terms and conditions regarding subjects identified in rules 12677  
adopted under section 1509.03 of the Revised Code. The issuance of 12678  
a permit shall not be considered an order of the chief. 12679

The chief shall post notice of each permit that has been 12680  
approved under this section on the division's web site not later 12681  
than two business days after the application for a permit has been 12682  
approved. 12683

(G) Each application for a permit required by section 1509.05 12684  
of the Revised Code, except an application ~~to plug back an~~ 12685  
~~existing well that is required by that section and an application~~ 12686  
for a well drilled or reopened for purposes of section 1509.22 of 12687  
the Revised Code, also shall be accompanied by a nonrefundable fee 12688  
as follows: 12689

(1) Five hundred dollars for a permit to conduct activities 12690  
in a township with a population of fewer than ten thousand; 12691

(2) Seven hundred fifty dollars for a permit to conduct 12692

activities in a township with a population of ten thousand or more, but fewer than fifteen thousand;	12693 12694
(3) One thousand dollars for a permit to conduct activities in either of the following:	12695 12696
(a) A township with a population of fifteen thousand or more;	12697
(b) A municipal corporation regardless of population.	12698
(4) If the application is for a permit that requires mandatory pooling, an additional five thousand dollars.	12699 12700
For purposes of calculating fee amounts, populations shall be determined using the most recent federal decennial census.	12701 12702
Each application for the revision or reissuance of a permit shall be accompanied by a nonrefundable fee of two hundred fifty dollars.	12703 12704 12705
(H)(1) Prior to the commencement of well pad construction and prior to the issuance of a permit to drill a proposed horizontal well or a proposed well that is to be located in an urbanized area, the division shall conduct a site review to identify and evaluate any site-specific terms and conditions that may be attached to the permit. At the site review, a representative of the division shall consider fencing, screening, and landscaping requirements, if any, for similar structures in the community in which the well is proposed to be located. The terms and conditions that are attached to the permit shall include the establishment of fencing, screening, and landscaping requirements for the surface facilities of the proposed well, including a tank battery of the well.	12706 12707 12708 12709 12710 12711 12712 12713 12714 12715 12716 12717 12718
(2) Prior to the issuance of a permit to drill a proposed well, the division shall conduct a review to identify and evaluate any site-specific terms and conditions that may be attached to the permit if the proposed well will be located in a one-hundred-year	12719 12720 12721 12722

floodplain or within the five-year time of travel associated with 12723  
a public drinking water supply. 12724

(I) A permit shall be issued by the chief in accordance with 12725  
this chapter. A permit issued under this section for a well that 12726  
is or is to be located in an urbanized area shall be valid for 12727  
twelve months, and all other permits issued under this section 12728  
shall be valid for twenty-four months. 12729

(J) An applicant or a permittee, as applicable, shall submit 12730  
to the chief an update of the information that is required under 12731  
division (A)(8)(a) of this section if any of that information 12732  
changes prior to commencement of production operations. 12733

(K) A permittee or a permittee's authorized representative 12734  
shall notify an inspector from the division at least twenty-four 12735  
hours, or another time period agreed to by the chief's authorized 12736  
representative, prior to the commencement of well pad construction 12737  
and of drilling, reopening, converting, well stimulation, or 12738  
plugback operations. 12739

**Sec. 1509.10.** (A) Any person drilling within the state shall, 12740  
within sixty days after the completion of drilling operations to 12741  
the proposed total depth or after a determination that a well is a 12742  
dry or lost hole, file with the division of oil and gas resources 12743  
management all wireline electric logs and an accurate well 12744  
completion record on a form that is prescribed by the chief of the 12745  
division of oil and gas resources management that designates: 12746

(1) The purpose for which the well was drilled; 12747  
12748

(2) The character, depth, and thickness of geological units 12749  
encountered, including coal seams, mineral beds, associated fluids 12750  
such as fresh water, brine, and crude oil, natural gas, and sour 12751  
gas, if such seams, beds, fluids, or gases are known; 12752

(3) The dates on which drilling operations were commenced and completed; 12753  
12754

(4) The types of drilling tools used and the name of the person that drilled the well; 12755  
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(5) The length in feet of the various sizes of casing and tubing used in drilling the well, the amount removed after completion, the type and setting depth of each packer, all other data relating to cementing in the annular space behind such casing or tubing, and data indicating completion as a dry, gas, oil, combination oil and gas, brine injection, or artificial brine well or a stratigraphic test; 12757  
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(6) The number of perforations in the casing and the intervals of the perforations; 12764  
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(7) The elevation above mean sea level of the point from which the depth measurements were made, stating also the height of the point above ground level at the well, the total depth of the well, and the deepest geological unit that was penetrated in the drilling of the well; 12766  
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(8) If applicable, the type, volume, and concentration of acid, and the date on which acid was used in acidizing the well; 12771  
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(9)(a) If applicable, the trade name and the total amount of all products, fluids, and substances, and the supplier of each product, fluid, or substance, not including cement and its constituents and lost circulation materials, intentionally added to facilitate the drilling of any portion of the well until the surface casing is set and properly sealed. The owner shall identify each additive used and provide a brief description of the purpose for which the additive is used. In addition, the owner shall include a list of all chemicals, not including any information that is designated as a trade secret pursuant to division (I)(1) of this section, intentionally added to all 12773  
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products, fluids, or substances and include each chemical's 12784  
corresponding chemical abstracts service number and the maximum 12785  
concentration of each chemical. The owner shall obtain the 12786  
chemical information, not including any information that is 12787  
designated as a trade secret pursuant to division (I)(1) of this 12788  
section, from the company that drilled the well, provided service 12789  
at the well, or supplied the chemicals. If the company that 12790  
drilled the well, provided service at the well, or supplied the 12791  
chemicals provides incomplete or inaccurate chemical information, 12792  
the owner shall make reasonable efforts to obtain the required 12793  
information from the company or supplier. 12794

(b) For purposes of division (A)(9)(a) of this section, if 12795  
recycled fluid was used, the total volume of recycled fluid and 12796  
the well that is the source of the recycled fluid or the 12797  
centralized facility that is the source of the recycled fluid. 12798

(10)(a) If applicable, the type and volume of fluid, not 12799  
including cement and its constituents or information that is 12800  
designated as a trade secret pursuant to division (I)(1) of this 12801  
section, used to stimulate the reservoir of the well, the 12802  
reservoir breakdown pressure, the method used for the containment 12803  
of fluids recovered from the fracturing of the well, the methods 12804  
used for the containment of fluids when pulled from the wellbore 12805  
from swabbing the well, the average pumping rate of the well, and 12806  
the name of the person that performed the well stimulation. In 12807  
addition, the owner shall include a copy of the log from the 12808  
stimulation of the well, a copy of the invoice for each of the 12809  
procedures and methods described in division (A)(10) of this 12810  
section that were used on a well, and a copy of the pumping 12811  
pressure and rate graphs. However, the owner may redact from the 12812  
copy of each invoice that is required to be included under 12813  
division (A)(10) of this section the costs of and charges for the 12814  
procedures and methods described in division (A)(10) of this 12815

section that were used on a well. 12816

(b) If applicable, the trade name and the total volume of all 12817  
products, fluids, and substances, and the supplier of each 12818  
product, fluid, or substance used to stimulate the well. The owner 12819  
shall identify each additive used, provide a brief description of 12820  
the purpose for which the additive is used, and include the 12821  
maximum concentration of the additive used. In addition, the owner 12822  
shall include a list of all chemicals, not including any 12823  
information that is designated as a trade secret pursuant to 12824  
division (I)(1) of this section, intentionally added to all 12825  
products, fluids, or substances and include each chemical's 12826  
corresponding chemical abstracts service number and the maximum 12827  
concentration of each chemical. The owner shall obtain the 12828  
chemical information, not including any information that is 12829  
designated as a trade secret pursuant to division (I)(1) of this 12830  
section, from the company that stimulated the well or supplied the 12831  
chemicals. If the company that stimulated the well or supplied the 12832  
chemicals provides incomplete or inaccurate chemical information, 12833  
the owner shall make reasonable efforts to obtain the required 12834  
information from the company or supplier. 12835

(c) For purposes of division (A)(10)(b) of this section, if 12836  
recycled fluid was used, the total volume of recycled fluid and 12837  
the well that is the source of the recycled fluid or the 12838  
centralized facility that is the source of the recycled fluid. 12839

(11) The name of the company that performed the logging of 12840  
the well and the types of wireline electric logs performed on the 12841  
well. 12842

The well completion record shall be submitted in duplicate. 12843  
The first copy shall be retained as a permanent record in the 12844  
files of the division, and the second copy shall be transmitted by 12845  
the chief to the division of geological survey. 12846

(B)(1) Not later than sixty days after the completion of the drilling operations to the proposed total depth, the owner shall file all wireline electric logs with the division of oil and gas resources management and the chief shall transmit such logs electronically, if available, to the division of geological survey. Such logs may be retained by the owner for a period of not more than six months, or such additional time as may be granted by the chief in writing, after the completion of the well substantially to the depth shown in the application required by section 1509.06 of the Revised Code.

(2) If a well is not completed within sixty days after the completion of drilling operations, the owner shall file with the division of oil and gas resources management a supplemental well completion record that includes all of the information required under this section within sixty days after the completion of the well.

(3) After a well is initially completed and stimulated and until the well is plugged, the owner shall report, on a form prescribed by the chief, all materials placed into the formation to refracture, restimulate, or newly complete the well. The owner shall submit the information within sixty days after completing the refracturing, restimulation, or new completion. In addition, the owner shall report the information required in divisions (A)(10)(a) to (c) of this section, as applicable, in a manner consistent with the requirements established in this section.

(C) Upon request in writing by the chief of the division of geological survey prior to the beginning of drilling of the well, the person drilling the well shall make available a complete set of cuttings accurately identified as to depth.

(D) The form of the well completion record required by this section shall be one that has been prescribed by the chief of the division of oil and gas resources management and the chief of the

division of geological survey. The filing of a log as required by 12879  
this section fulfills the requirement of filing a log with the 12880  
chief of the division of geological survey in section 1505.04 of 12881  
the Revised Code. 12882

(E) If a material listed or designated under division (A)(9) 12883  
or (10) or (B)(3) of this section is a material for which the 12884  
division of oil and gas resources management does not have a 12885  
material safety data sheet, the owner shall provide a copy of the 12886  
material safety data sheet for the material to the chief. 12887

(F) An owner shall submit to the chief the information that 12888  
is required in divisions (A)(10)(b) and (c) and (B)(3) of this 12889  
section consistent with the requirements established in this 12890  
section using one of the following methods: 12891

(1) On a form prescribed by the chief; 12892

(2) Through the chemical disclosure registry that is 12893  
maintained by the ground water protection council and the 12894  
interstate oil and gas compact commission; 12895

(3) Any other means approved by the chief. 12896

(G) The chief shall post on the division's web site each 12897  
material safety data sheet obtained under division (E) of this 12898  
section. In addition, the chief shall make available through the 12899  
division's web site the chemical information that is required by 12900  
divisions (A)(9) and (10) and (B)(3) of this section. 12901

(H)(1) If a medical professional, in order to assist in the 12902  
diagnosis or treatment of an individual who was affected by an 12903  
incident associated with the production operations of a well, 12904  
requests the exact chemical composition of each product, fluid, or 12905  
substance and of each chemical component in a product, fluid, or 12906  
substance that is designated as a trade secret pursuant to 12907  
division (I) of this section, the person claiming the trade secret 12908  
protection pursuant to that division shall provide to the medical 12909

professional the exact chemical composition of the product, fluid, 12910  
or substance and of the chemical component in a product, fluid, or 12911  
substance that is requested. 12912

(2) A medical professional who receives information pursuant 12913  
to division (H)(1) of this section shall keep the information 12914  
confidential and shall not disclose the information for any 12915  
purpose that is not related to the diagnosis or treatment of an 12916  
individual who was affected by an incident associated with the 12917  
production operations of a well. Nothing in division (H)(2) of 12918  
this section precludes a medical professional from making any 12919  
report required by law or professional ethical standards. 12920

(I)(1) The owner of a well who is required to submit a well 12921  
completion record under division (A) of this section or a report 12922  
under division (B)(3) of this section or a person that provides 12923  
information to the owner as described in and for purposes of 12924  
division (A)(9) or (10) or (B)(3) of this section may designate 12925  
without disclosing on a form prescribed by the chief and withhold 12926  
from disclosure to the chief the identity, amount, concentration, 12927  
or purpose of a product, fluid, or substance or of a chemical 12928  
component in a product, fluid, or substance as a trade secret. The 12929  
owner or person may pursue enforcement of any rights or remedies 12930  
established in sections 1333.61 to 1333.69 of the Revised Code for 12931  
misappropriation, as defined in section 1333.61 of the Revised 12932  
Code, with respect to the identity, amount, concentration, or 12933  
purpose of a product, fluid, or substance or a chemical component 12934  
in a product, fluid, or substance designated as a trade secret 12935  
pursuant to division (I)(1) of this section. The Except as 12936  
provided in division (J)(2) of this section, the division shall 12937  
not disclose information regarding the identity, amount, 12938  
concentration, or purpose of any product, fluid, or substance or 12939  
of any chemical component in a product, fluid, or substance 12940  
designated as a trade secret pursuant to division (I)(1) of this 12941

section. 12942

(2) A property owner, an adjacent property owner, or any 12943  
person or agency of this state having an interest that is or may 12944  
be adversely affected by a product, fluid, or substance or by a 12945  
chemical component in a product, fluid, or substance may commence 12946  
a civil action in the court of common pleas of Franklin county 12947  
against an owner or person described in division (I)(1) of this 12948  
section challenging the owner's or person's claim to entitlement 12949  
to trade secret protection for the specific identity, amount, 12950  
concentration, or purpose of a product, fluid, or substance or of 12951  
a chemical component in a product, fluid, or substance pursuant to 12952  
division (I)(1) of this section. A person who commences a civil 12953  
action pursuant to division (I)(2) of this section shall provide 12954  
notice to the chief in a manner prescribed by the chief. In the 12955  
civil action, the court shall conduct an in camera review of 12956  
information submitted by an owner or person described in division 12957  
(I)(1) of this section to determine if the identity, amount, 12958  
concentration, or purpose of a product, fluid, or substance or of 12959  
a chemical component in a product, fluid, or substance pursuant to 12960  
division (I)(1) of this section is entitled to trade secret 12961  
protection. 12962

(J)(1) Except for any information that is designated as a 12963  
trade secret pursuant to division (I)(1) of this section and 12964  
except as provided in division (J)(2) of this section, the owner 12965  
of a well shall maintain records of all chemicals placed in a well 12966  
for a period of not less than two years after the date on which 12967  
each such chemical was placed in the well. The chief may inspect 12968  
the records at any time concerning any such chemical. 12969

(2) An owner or person who has designated the identity, 12970  
amount, concentration, or purpose of a product, fluid, or 12971  
substance or of a chemical component in a product, fluid, or 12972  
substance as a trade secret pursuant to division (I)(1) of this 12973

section shall maintain the records for such a product, fluid, or 12974  
substance or for a chemical component in a product, fluid, or 12975  
substance for a period of not less than two years after the date 12976  
on which each such product, fluid, or substance or each such 12977  
chemical component in a product, fluid, or substance was ~~placed in~~ 12978  
the well brought to a location that is regulated under or is 12979  
subject to this chapter or rules adopted under it. Upon the 12980  
request of the chief, the owner or person, as applicable, without 12981  
undue delay shall disclose the records or information to the chief 12982  
if the records or information is necessary to respond to a spill, 12983  
release, or investigation. ~~However~~ The owner or person who 12984  
received a request for records or information under this division 12985  
shall label and clearly identify all records or information that 12986  
has been designated as a trade secret. 12987

The chief may provide the records or information to any 12988  
agency of the state or emergency responder that is responding to a 12989  
spill or release or that is participating in an investigation of a 12990  
spill or release. If the chief provides the records or information 12991  
to an agency of the state or an emergency responder, the chief 12992  
shall notify, as soon as practicable, the owner or person who 12993  
disclosed the records or information that the chief has provided 12994  
the records or information to the agency of the state or emergency 12995  
responder, as applicable. Unless otherwise authorized by the 12996  
Revised Code, the chief or an agency of the state or emergency 12997  
responder receiving the records or information shall not disclose 12998  
the records or information that ~~is~~ has been designated as a trade 12999  
secret. 13000

The provision of records or information by the chief to a 13001  
state agency or emergency responder under this division does not 13002  
affect the designation of a trade secret under division (I)(1) of 13003  
this section. In addition, the chief's provision of records or 13004  
information to a state agency or emergency responder under this 13005

division does not subject the records or information to public disclosure. Nothing in this division precludes an owner or person who has designated the identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance as a trade secret and discloses records or information to the chief pursuant to a request by the chief under this division from requesting a confidentiality agreement with a recipient of the records or information.

(K)(1) For purposes of correcting inaccuracies and incompleteness in chemical information required by divisions (A)(9) and (10) and (B)(3) of this section, an owner shall be considered in substantial compliance if the owner has made reasonable efforts to obtain the required information from the supplier.

(2) For purposes of reporting under this section, an owner is not required to report chemicals that occur incidentally or in trace amounts.

(L) As used in this section, the term "material safety data sheet" shall conform to any revision of or change in the term by the occupational safety and health administration in the United States department of labor.

**Sec. 1509.11.** (A)(1)(a) The owner of any well, except a horizontal well, that is producing or capable of producing oil or gas shall file with the chief of the division of oil and gas resources management, on or before the thirty-first day of March, a statement of production of oil, gas, and brine for the last preceding calendar year in such form as the chief may prescribe.

An owner that has more than one hundred such wells in this state shall submit electronically the statement of production in a format that is approved by the chief. ~~The chief shall include on~~

~~the form, at the minimum, a request for the submittal of the~~ 13037  
~~information that a person who is regulated under this chapter is~~ 13038  
~~required to submit under the "Emergency Planning and Community~~ 13039  
~~Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and~~ 13040  
~~regulations adopted under it, and that the division of oil and gas~~ 13041  
~~resources management does not obtain through other reporting~~ 13042  
~~mechanisms.~~ 13043

(b)(i) As used in division (A)(1)(b) of this section, 13044  
"qualifying gas well" means either of the following: 13045

(I) An exempt domestic well, except for a well designated as 13046  
an exempt domestic well before June 30, 2010. 13047

(II) A well that is not a horizontal well from which 13048  
twenty-five per cent of the quantity of gas produced from the well 13049  
in the preceding calendar year does not exceed nine hundred ten 13050  
thousand cubic feet. 13051

(ii) The owner of one or more qualifying gas wells shall 13052  
remit a fee of sixty dollars for each qualifying gas well to the 13053  
director of the department of natural resources or the director's 13054  
designee by the thirty-first day of March of each year, together 13055  
with the annual statement filed in accordance with division 13056  
(A)(1)(a) of this section or another form prescribed by the 13057  
director for such purpose. Fees collected under this division 13058  
shall be credited to the oil and gas well fund. 13059

(2) The owner of any horizontal well that is producing or 13060  
capable of producing oil or gas shall file with the chief, on the 13061  
forty-fifth day following the close of each calendar quarter, a 13062  
statement of production of oil, gas, and brine for the preceding 13063  
calendar quarter in a form that the chief prescribes. An owner 13064  
that has more than one hundred horizontal wells in this state 13065  
shall submit electronically the statement of production in a 13066  
format that is approved by the chief. ~~The chief shall include on~~ 13067

~~the form, at a minimum, a request for the submittal of the 13068  
information that a person who is regulated under this chapter is 13069  
required to submit under the "Emergency Planning and Community 13070  
Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and 13071  
regulations adopted under it, and that the division does not 13072  
obtain through other reporting mechanisms. 13073~~

(B) The chief shall not disclose information received from 13074  
the department of taxation under division (C)(12) of section 13075  
5703.21 of the Revised Code until the related statement of 13076  
production required by division (A) of this section is filed with 13077  
the chief. 13078

(C) Not later than the thirty-first day of July of each year, 13079  
the chief shall do both of the following: 13080

(1) Calculate for each county and certify to the director of 13081  
budget and management and the tax commissioner the quotient 13082  
obtained by dividing (a) the number of horizontal wells drilled, 13083  
plus the number of horizontal wells for which drilling was 13084  
initiated pursuant to a permit issued under section 1509.06 of the 13085  
Revised Code located in the county on the last day of the 13086  
preceding fiscal year by (b) the number of all horizontal wells 13087  
drilled, plus the number of all horizontal wells for which 13088  
drilling was initiated pursuant to a permit issued under that 13089  
section on that day. The chief shall not adjust any county's 13090  
calculation after the calculations are certified. 13091

(2) Determine which counties in the state had active oil and 13092  
gas development in the Point Pleasant, Utica, or Marcellus 13093  
formation in the preceding fiscal year and, as soon as is 13094  
practicable, certify that determination to the Ohio shale products 13095  
regional commission. 13096

Sec. 1509.211. (A) Except as otherwise provided in this 13097  
section, no person shall store, recycle, treat, or process brine 13098

or other waste substances pursuant to a permit or order issued 13099  
under division (B)(2)(a) of section 1509.22 of the Revised Code if 13100  
the person has not satisfied the financial assurance requirements 13101  
established in this section. 13102

(B)(1) An applicant for a permit or order under division 13103  
(B)(2)(a) of section 1509.22 of the Revised Code or rules adopted 13104  
under it shall execute and file with the director of natural 13105  
resources or the director's designee, on a form prescribed and 13106  
furnished by the director or the director's designee, a surety 13107  
bond or other form of financial assurance that is authorized under 13108  
division (B)(2) of this section. The surety bond shall be payable 13109  
to the state as obligee and conditioned on the performance of all 13110  
the requirements established by this chapter and rules adopted 13111  
under it. The surety bond shall be in an amount established in 13112  
rules adopted by the director in accordance with Chapter 119. of 13113  
the Revised Code. However, the amount shall not exceed two million 13114  
dollars. 13115

The surety bond shall be executed by a surety company 13116  
authorized to do business in this state. The director or the 13117  
director's designee shall not accept any bond until the bond is 13118  
personally signed and acknowledged by both principal and surety, 13119  
or as to either by the principal's or surety's attorney in fact, 13120  
with a certified copy of the power of attorney attached to it. The 13121  
director or the director's designee shall not accept a bond unless 13122  
there is attached a certificate of the director of insurance that 13123  
the company is authorized to transact a fidelity and surety 13124  
business in this state. 13125

(2) In lieu of a surety bond, an applicant may deposit with 13126  
the director or the director's designee cash in an amount equal to 13127  
the amount of the surety bond established in rules adopted under 13128  
this section or negotiable certificates of deposit issued by any 13129  
bank organized or transacting business in this state or by any 13130

savings and loan association as defined in section 1151.01 of the 13131  
Revised Code, having a cash value equal to or greater than the 13132  
amount of the surety bond established in rules adopted under this 13133  
section. Cash or certificates of deposit shall be deposited on the 13134  
same terms as those on which surety bonds shall be deposited. If 13135  
certificates of deposit are deposited with the director or the 13136  
director's designee instead of a surety bond, the director or the 13137  
director's designee shall require the bank or the savings and loan 13138  
association that issued the certificates to pledge securities of a 13139  
cash value equal to the amount of the certificate that is in 13140  
excess of the amount insured by any of the agencies and 13141  
instrumentalities created under the "Federal Deposit Insurance 13142  
Act," 64 Stat. 873 (1950), 12 U.S.C. 1811, as amended, and 13143  
regulations adopted under it, including at least the federal 13144  
deposit insurance corporation, bank insurance fund, and savings 13145  
association insurance fund. Immediately upon a deposit of cash or 13146  
certificates of deposit with the director or the director's 13147  
designee, the director or the director's designee shall deliver 13148  
them to the treasurer of state who shall hold them in trust for 13149  
the purposes for which they have been deposited. 13150

(C) The surety bond or other financial assurance required by 13151  
this section shall be maintained until the person complies with 13152  
rules adopted under section 1509.22 of the Revised Code for the 13153  
closure of a location for which a permit or order was issued under 13154  
division (B)(2)(a) of section 1509.22 of the Revised Code. If 13155  
rules are not adopted under that section for the closure of a 13156  
location for which a permit or order was issued to store, recycle, 13157  
treat, or process brine or other waste substances, the person 13158  
shall maintain the surety bond or other financial assurance until 13159  
the director or the director's designee inspects the location for 13160  
which a permit or order was issued to store, recycle, treat, or 13161  
process brine or other waste substances and issues a written 13162  
approval of closure for the location. 13163

(D)(1) When the director or the director's designee finds 13164  
that a person who has been issued a permit or order under division 13165  
(B)(2)(a) of section 1509.22 of the Revised Code has failed to 13166  
comply with a final nonappealable order issued or a compliance 13167  
agreement entered into under section 1509.04 of the Revised Code, 13168  
rules adopted under division (C) of section 1509.22 of the Revised 13169  
Code, or an order relating thereto, the director or the director's 13170  
designee shall make a finding of that fact and may issue a bond 13171  
forfeiture order to the person. The bond forfeiture order shall 13172  
include provisions that do all of the following: 13173

(a) Specify the violation giving rise to the order; 13174

(b) Declare that the entire amount of the bond or other form 13175  
of financial assurance is forfeited; 13176

(c) If the bond filed with the director or the director's 13177  
designee is supported by or in the form of cash or negotiable 13178  
certificates of deposit, declare the cash or certificates property 13179  
of the state. 13180

(2) The director or the director's designee shall certify the 13181  
total forfeiture to the attorney general, and the attorney general 13182  
shall proceed to collect the amount of the forfeiture. 13183

(E) All money collected because of the forfeiture of a bond 13184  
or other financial assurance as provided in this section shall be 13185  
deposited in the state treasury to the credit of the oil and gas 13186  
well fund created in section 1509.02 of the Revised Code and shall 13187  
be used to restore the location for which the bond or other 13188  
financial assurance was provided. Nothing in this division 13189  
requires the director or the director's designee to use money in 13190  
excess of the amount of the bond or other financial assurance to 13191  
restore the location. 13192

(F) A person that submits an application for a permit or 13193  
order to store, recycle, treat, or process brine or other waste 13194

substances under division (B)(2)(a) of section 1509.22 of the Revised Code or rules adopted under it shall obtain liability insurance coverage from a company authorized to do business in this state in an amount established in rules adopted by the director. The amount of the liability insurance shall not exceed twelve million dollars. The liability insurance shall provide coverage to pay damages for injury to persons or damage to property caused by the location for which the permit or order was issued.

(G) The director may adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements and procedures concerning the financial assurance and insurance requirements established in this section.

**Sec. 1509.222.** (A)(1) Except as provided in section 1509.226 of the Revised Code, no person shall transport brine ~~by vehicle~~ in this state unless the business entity that employs the person first registers with and obtains a registration certificate and identification number from the chief of the division of oil and gas resources management.

(2) No more than one registration certificate shall be required of any business entity. Registration certificates issued under this section are not transferable. An applicant shall file an application with the chief, containing such information in such form as the chief prescribes. The application shall include at least all of the following:

(a) A list that identifies each pipeline, vehicle, vessel, railcar, and container that will be used in the transportation of brine;

(b) A plan for disposal that provides for compliance with the requirements of this chapter and rules of the chief pertaining to the transportation of brine ~~by vehicle~~ and the disposal of brine

so transported and that lists all disposal sites that the applicant intends to use;

(c) The bond required by section 1509.225 of the Revised Code;

(d) A certificate issued by an insurance company authorized to do business in this state certifying that the applicant has in force a liability insurance policy in an amount not less than three hundred thousand dollars bodily injury coverage and three hundred thousand dollars property damage coverage to pay damages for injury to persons or property caused by the collecting, handling, transportation, or disposal of brine.

The insurance policy required by division (A)(2)(d) of this section shall be maintained in effect during the term of the registration certificate. The policy or policies providing the coverage shall require the insurance company to give notice to the chief if the policy or policies lapse for any reason. Upon such termination of the policy, the chief may suspend the registration certificate until proper insurance coverage is obtained.

(3) Each application for a registration certificate shall be accompanied by a nonrefundable fee of five hundred dollars.

(4) If a business entity that has been issued a registration certificate under this section changes its name due to a business reorganization or merger, the business entity shall revise the bond or certificates of deposit required by section 1509.225 of the Revised Code and obtain a new certificate from an insurance company in accordance with division (A)(2)~~(e)~~(d) of this section to reflect the change in the name of the business entity.

(B) The chief shall issue an order denying an application for a registration certificate if the chief finds that either of the following applies:

(1) The applicant, at the time of applying for the

registration certificate, has been found liable by a final 13257  
nonappealable order of a court of competent jurisdiction for 13258  
damage to streets, roads, highways, bridges, culverts, or 13259  
drainways pursuant to section 4513.34 or 5577.12 of the Revised 13260  
Code until the applicant provides the chief with evidence of 13261  
compliance with the order. 13262

(2) The applicant's plan for disposal does not provide for 13263  
compliance with the requirements of this chapter and rules of the 13264  
chief pertaining to the transportation of brine ~~by vehicle~~ and the 13265  
disposal of brine so transported. 13266

(C) No applicant shall attempt to circumvent division (B) of 13267  
this section by applying for a registration certificate under a 13268  
different name or business organization name, by transferring 13269  
responsibility to another person or entity, or by any similar act. 13270

(D) A registered transporter shall not allow any other person 13271  
to use the transporter's registration certificate to transport 13272  
brine. 13273

(E) A registered transporter shall apply to revise a disposal 13274  
plan under procedures that the chief shall prescribe by rule. 13275  
However, at a minimum, an application for a revision shall list 13276  
all ~~sources and~~ disposal sites of brine currently transported. The 13277  
chief shall deny any application for a revision of a plan under 13278  
this division if the chief finds that the proposed revised plan 13279  
does not provide for compliance with the requirements of this 13280  
chapter and rules of the chief pertaining to the transportation of 13281  
brine ~~by vehicle~~ and the disposal of brine so transported. 13282  
~~Approvals and denials of revisions shall be by order of the chief.~~ 13283

~~(E)~~(F) The chief may adopt rules, issue orders, and attach 13284  
terms and conditions to registration certificates as may be 13285  
necessary to administer, implement, and enforce sections 1509.222 13286  
to 1509.226 of the Revised Code for protection of public health or 13287

safety or conservation of natural resources. 13288

(G) As used in this section: 13289

(1) "Transport brine" does not include the movement of brine 13290  
within the boundaries of a location for which an order or permit 13291  
was issued pursuant to division (B)(2)(a) of section 1509.22 of 13292  
the Revised Code. 13293

(2) "Pipeline" does not include piping or other appurtenances 13294  
associated with processing activity within the boundaries of a 13295  
location for which an order or permit was issued pursuant to 13296  
division (B)(2)(a) of section 1509.22 of the Revised Code. 13297

**Sec. 1509.223.** (A)(1) No permit holder or owner of a well 13298  
shall enter into an agreement with or permit any person to 13299  
transport brine produced from the well who is not registered 13300  
pursuant to section 1509.222 of the Revised Code or exempt from 13301  
registration under section 1509.226 of the Revised Code. 13302

(2) No permit holder or owner of a well for which a permit 13303  
has been issued under division (D) of section 1509.22 of the 13304  
Revised Code shall enter into an agreement with or permit any 13305  
person who is not registered pursuant to section 1509.222 of the 13306  
Revised Code to dispose of brine at the well. 13307

(B) Each registered transporter shall file with the chief of 13308  
the division of oil and gas resources management, on or before the 13309  
fifteenth day of April, a statement concerning brine transported, 13310  
including quantities transported and source and delivery points, 13311  
during the last preceding calendar year, and such other 13312  
information in such form as the chief may prescribe. 13313

(C) Each registered transporter shall keep on each vehicle, 13314  
vessel, railcar, and container used to transport brine a daily log 13315  
and have it available upon the request of the chief ~~or~~ an 13316  
authorized representative of the chief, or a peace officer. In 13317

addition, each registered transporter shall keep a daily log for 13318  
each pipeline used to transport brine and have it available upon 13319  
the request of the chief, an authorized representative of the 13320  
chief, or a peace officer. The log shall, at a minimum, include 13321  
all of the following information: 13322

(1) The name of the owner or owners of the well or wells 13323  
producing the brine to be transported; 13324

(2) The date and time the brine is loaded or transported 13325  
through a pipeline, as applicable; 13326

(3) The name of the driver, if applicable; 13327

(4) The amount of brine loaded at each collection point or 13328  
the amount of brine transported through a pipeline, as applicable; 13329

(5) The disposal location; 13330

(6) The date and time the brine is disposed of and the amount 13331  
of brine disposed of at each location. 13332

The chief, by rule, may establish procedures for the 13333  
electronic submission to the chief of the information that is 13334  
required to be included in ~~the~~ a daily log. No registered 13335  
transporter shall falsify or fail to keep or submit ~~the~~ a log 13336  
required by this division. 13337

(D) Each registered transporter shall legibly identify with 13338  
reflective paints all vehicles, vessels, railcars, and containers 13339  
employed in transporting or disposing of brine. Letters shall be 13340  
no less than four inches in height and shall indicate the 13341  
identification number issued by the chief, the word "brine," and 13342  
the name and telephone number of the transporter. 13343

Each registered transporter shall legibly identify, on the 13344  
surface of the ground in a manner similar to the identification of 13345  
underground gas lines, each pipeline employed in transporting or 13346  
disposing of brine. The identification shall include the 13347

identification number issued by the chief, the word "brine," and 13348  
the name and telephone number of the transporter. 13349

(E) The chief shall maintain and keep a current list of 13350  
persons registered to transport brine under section 1509.222 of 13351  
the Revised Code. The list shall be open to public inspection. It 13352  
is an affirmative defense to a charge under division (A) of this 13353  
section that at the time the permit holder or owner of a well 13354  
entered into an agreement with or permitted a person to transport 13355  
or dispose of brine, the person was shown on the list as currently 13356  
registered to transport brine. 13357

**Sec. 1509.23.** ~~(A)~~ Rules of the chief of the division of oil 13358  
and gas resources management may specify practices to be followed 13359  
in the drilling and treatment of wells, production of oil and gas, 13360  
and plugging of wells for protection of public health or safety or 13361  
to prevent damage to natural resources, including specification of 13362  
the following: 13363

~~(1)~~(A) Appropriate devices; 13364

~~(2)~~(B) Minimum distances that wells and other excavations, 13365  
structures, and equipment shall be located from water wells, 13366  
streets, roads, highways, rivers, lakes, streams, ponds, other 13367  
bodies of water, railroad tracks, public or private recreational 13368  
areas, zoning districts, and buildings or other structures. Rules 13369  
adopted under this division ~~(A)(2) of this section~~ shall not 13370  
conflict with section 1509.021 of the Revised Code. 13371

~~(3)~~(C) Other methods of operation; 13372

~~(4)~~(D) Procedures, methods, and equipment and other 13373  
requirements for equipment to prevent and contain discharges of 13374  
oil and brine from oil production facilities and oil drilling and 13375  
workover facilities consistent with and equivalent in scope, 13376  
content, and coverage to section 311(j)(1)(c) of the "Federal 13377

Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 13378  
U.S.C.A. 1251, as amended, and regulations adopted under it. In 13379  
addition, the rules may specify procedures, methods, and equipment 13380  
and other requirements for equipment to prevent and contain 13381  
surface and subsurface discharges of fluids, condensates, and 13382  
gases. 13383

~~(5)(E)~~ Notifications; 13384

~~(6)(F)~~ Requirements governing the location and construction 13385  
of fresh water impoundments that are part of a production 13386  
operation. 13387

~~(B) The chief, in consultation with the emergency response 13388  
commission created in section 3750.02 of the Revised Code, shall 13389  
adopt rules in accordance with Chapter 119. of the Revised Code 13390  
that specify the information that shall be included in an 13391  
electronic database that the chief shall create and host. The 13392  
information shall be that which the chief considers to be 13393  
appropriate for the purpose of responding to emergency situations 13394  
that pose a threat to public health or safety or the environment. 13395  
At the minimum, the information shall include that which a person 13396  
who is regulated under this chapter is required to submit under 13397  
the "Emergency Planning and Community Right To Know Act of 1986," 13398  
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 13399  
it. 13400~~

~~In addition, the rules shall specify whether and to what 13401  
extent the database and the information that it contains will be 13402  
made accessible to the public. The rules shall ensure that the 13403  
database will be made available via the internet or a system of 13404  
computer disks to the emergency response commission and to every 13405  
local emergency planning committee and fire department in this 13406  
state. 13407~~

Sec. 1509.231. (A) A person that is regulated under this 13408

chapter and rules adopted under it and that is required to submit 13409  
information under the "Emergency Planning and Community 13410  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and 13411  
regulations adopted under it shall submit the information to the 13412  
chief of the division of oil and gas resources management on or 13413  
before the first day of March of each calendar year. The person 13414  
shall submit the information in accordance with rules adopted 13415  
under division (B) of this section. 13416

(B) The chief, in consultation with the emergency response 13417  
commission created in section 3750.02 of the Revised Code, shall 13418  
adopt rules in accordance with Chapter 119. of the Revised Code 13419  
that specify the information that shall be included in an 13420  
electronic database that the chief shall create and host. The 13421  
information shall be information that the chief considers to be 13422  
appropriate for the purpose of responding to emergency situations 13423  
that pose a threat to public health or safety or the environment. 13424  
The rules shall require that the information be consistent with 13425  
the information that a person that is regulated under this chapter 13426  
is required to submit under the "Emergency Planning and Community 13427  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and 13428  
regulations adopted under it. 13429

In addition, the rules shall do all of the following: 13430

(1) Specify whether and to what extent the database and the 13431  
information that it contains will be made accessible to the 13432  
public; 13433

(2) Ensure that the information submitted for the database 13434  
will be made immediately available to the emergency response 13435  
commission, the local emergency planning committee of the 13436  
emergency planning district in which a facility is located, and 13437  
the fire department having jurisdiction over a facility; 13438

(3) Ensure that the information submitted for the database 13439

includes the information required to be reported under section 13440  
3750.08 of the Revised Code and rules adopted under section 13441  
3750.02 of the Revised Code. 13442

(C) As used in this section, "emergency planning district," 13443  
"facility," and "fire department" have the same meanings as in 13444  
section 3750.01 of the Revised Code. 13445

**Sec. 1509.232.** (A) A person engaging in an activity regulated 13446  
under this chapter and rules adopted under it shall notify the 13447  
director of natural resources or the director's designee of the 13448  
occurrence of any of the following within thirty minutes of the 13449  
occurrence: 13450

(1) Emergency medical treatment at a location other than the 13451  
production operation of a person exposed to a chemical or injured 13452  
at a production operation or a fatality occurring at a production 13453  
operation; 13454

(2) The response of a fire department to a fire at a 13455  
production operation, excluding flaring or controlled burns 13456  
authorized under this chapter and rules adopted under it or by the 13457  
terms and conditions of a permit issued under this chapter; 13458

(3) An uncontrolled release of gas or oil that may jeopardize 13459  
worker safety or public safety; 13460

(4) A discharge or spill of a liquid, solid, or semisolid 13461  
substance or material associated with a production operation or 13462  
other activity regulated under this chapter and rules adopted 13463  
under it, excluding a discharge or spill consisting solely of 13464  
fresh water; 13465

(5) Any other occurrence that the director specifies in rules 13466  
adopted under this section. 13467

(B) If a person performs services on behalf of the owner of a 13468  
well and an occurrence specified in division (A) of this section 13469

occurs at the well or associated production operation, the person 13470  
shall notify the owner of the well within thirty minutes of the 13471  
occurrence. 13472

(C) The director may adopt rules in accordance with Chapter 13473  
119. of the Revised Code that are necessary for the administration 13474  
of this section. 13475

(D) Failure to comply with this section is a strict liability 13476  
offense, and section 2901.20 of the Revised Code does not apply. 13477  
The designation of that failure as a strict liability offense 13478  
shall not be construed to imply that any other offense, for which 13479  
there is no specified degree of culpability, is not a strict 13480  
liability offense. 13481

**Sec. 1509.27.** ~~If a tract of land is~~ or tracts are of 13482  
insufficient size or shape to meet the requirements for drilling a 13483  
proposed well thereon as provided in section 1509.24 or 1509.25 of 13484  
the Revised Code, whichever is applicable, and the owner ~~of the~~ 13485  
~~tract who also is the owner of the mineral interest~~ has been 13486  
unable to form a drilling unit under agreement as provided in 13487  
section 1509.26 of the Revised Code, on a just and equitable 13488  
basis, ~~such as~~ the owner may make application to the division of 13489  
oil and gas resources management for a mandatory pooling order. 13490

The application shall include information as shall be 13491  
reasonably required by the chief of the division of oil and gas 13492  
resources management and shall be accompanied by an application 13493  
for a permit as required by section 1509.05 of the Revised Code. 13494  
The chief shall notify all mineral rights owners of ~~land~~ tracts 13495  
within the area proposed to be pooled by an order and included 13496  
within the drilling unit of the filing of the application and of 13497  
their right to a hearing. After the hearing or after the 13498  
expiration of thirty days from the date notice of application was 13499  
mailed to such owners, the chief, if satisfied that the 13500

application is proper in form and that mandatory pooling is 13501  
necessary to protect correlative rights and to provide effective 13502  
development, use, and conservation of oil and gas, shall issue a 13503  
drilling permit and a mandatory pooling order complying with the 13504  
requirements for drilling a well as provided in section 1509.24 or 13505  
1509.25 of the Revised Code, whichever is applicable. The 13506  
mandatory pooling order shall: 13507

(A) Designate the boundaries of the drilling unit within 13508  
which the well shall be drilled; 13509

(B) Designate the proposed production site; 13510

(C) Describe each separately owned tract or part thereof 13511  
pooled by the order; 13512

(D) Allocate on a surface acreage basis a pro rata portion of 13513  
the production to ~~the owner of~~ each tract pooled by the order. The 13514  
pro rata portion shall be in the same proportion that the 13515  
percentage of the ~~owner's~~ tract's acreage is to the state minimum 13516  
acreage requirements established in rules adopted under this 13517  
chapter for a drilling unit unless the applicant demonstrates to 13518  
the chief using geological evidence that the geologic structure 13519  
containing the oil or gas is larger than the minimum acreage 13520  
requirement in which case the pro rata portion shall be in the 13521  
same proportion that the percentage of the ~~owner's~~ tract's acreage 13522  
is to the geologic structure. 13523

(E) Specify the basis upon which each mineral rights owner of 13524  
a tract pooled by the order shall share all reasonable costs and 13525  
expenses of drilling and producing if the mineral rights owner 13526  
elects to participate in the drilling and operation of the well; 13527

(F) Designate the person to whom the permit shall be issued. 13528

A person shall not submit more than five applications for 13529  
mandatory pooling orders per year under this section unless 13530  
otherwise approved by the chief. 13531

No surface operations or disturbances to the surface of the land shall occur on a tract pooled by an order without the written consent of or a written agreement with the surface rights owner of the tract that approves the operations or disturbances.

If ~~an~~ a mineral rights owner of a tract pooled by the order does not elect to participate in the risk and cost of the drilling and operation of a well, the mineral rights owner shall be designated as a nonparticipating owner in the drilling and operation of the well on a limited or carried basis and is subject to terms and conditions determined by the chief to be just and reasonable. In addition, if ~~an~~ a mineral rights owner is designated as a nonparticipating owner, the mineral rights owner is not liable for actions or conditions associated with the drilling or operation of the well. If the applicant bears the costs of drilling, equipping, and operating a well for the benefit of a nonparticipating owner, as provided for in the pooling order, then the applicant shall be entitled to the share of production from the drilling unit accruing to the interest of that nonparticipating owner, exclusive of the nonparticipating owner's proportionate share of the royalty interest until there has been received the share of costs charged to that nonparticipating owner plus such additional percentage of the share of costs as the chief shall determine. The total amount receivable hereunder shall in no event exceed two hundred per cent of the share of costs charged to that nonparticipating owner. After receipt of that share of costs by such an applicant, a nonparticipating owner shall receive a proportionate share of the working interest in the well in addition to a proportionate share of the royalty interest, if any.

If there is a dispute as to costs of drilling, equipping, or operating a well, the chief shall determine those costs.

**Sec. 1509.28.** (A) A person that has obtained the mineral

rights to at least sixty-five per cent of the tracts overlying a 13563  
pool may submit an application to the chief of the division of oil 13564  
and gas resources management to consider the need to issue a 13565  
compulsory unitization order for operation as a unit and to 13566  
consider the tracts to be included within the unit. 13567

(B) An application for a compulsory unitization order shall 13568  
be accompanied by a nonrefundable fee of ten thousand dollars and 13569  
by all of the following information: 13570

(1) The applicant's name, address, and telephone number; 13571

(2) An affidavit attesting that the applicant has obtained 13572  
the mineral rights to at least sixty-five per cent of the tracts 13573  
overlying a pool; 13574

(3) A summary of the request for compulsory unitization, 13575  
including an explanation of how the applicant satisfies the 13576  
requirements specified in division (D) or (E) of this section, as 13577  
applicable, for a compulsory unitization order; 13578

(4) An identification of all mineral rights owners in the 13579  
proposed unit, including all unleased mineral rights owners; 13580

(5) An identification of all working interest owners in the 13581  
proposed unit; 13582

(6) Maps illustrating the location of the proposed unit 13583  
within each applicable county and township and of the proposed 13584  
boundaries of the unit; 13585

(7) Geophysical data identifying the proposed geological 13586  
formation to be developed; 13587

(8) An itemized statement of proposed expenditures; 13588

(9) An affidavit detailing attempts to lease unleased mineral 13589  
rights; 13590

(10) Any other information the chief determines necessary. 13591

(C)(1) Upon receipt of an application for a compulsory unitization order, the chief shall review the application to determine if the application is complete. If the application is incomplete, the chief shall notify the applicant of all items that are missing, and the applicant may submit any missing item upon receipt of the notification. When the application is complete, the chief shall schedule a hearing on the compulsory unitization order application and notify the applicant of the scheduled hearing date. 13592  
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(2) The applicant shall notify all unleased mineral rights owners and all working interest owners proposed to be included in the unit of the hearing by certified mail at least thirty days prior to the scheduled hearing date. The applicant shall send to the chief, not later than fourteen days before the scheduled hearing date, proof of receipt of certified mailing to each unleased mineral rights owner and each working interest owner to be included in the proposed unit. The applicant also shall publish notice of the hearing in a newspaper of general circulation in the county or counties, as applicable, where the proposed unit is to be located. The applicant shall submit proof of publication to the chief not later than fourteen days prior to the scheduled hearing date. No applicant shall fail to comply with this division. 13601  
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(3) The chief shall review the proof of receipt of certified mailing to each unleased mineral rights owner and each working interest owner to be included in the proposed unit as required in division (C)(2) of this section to determine if the hearing should proceed as scheduled. If the chief determines that the hearing should not proceed as scheduled because of incomplete or improper notification, the chief shall notify the applicant, all unleased mineral rights owners, all working interest owners, and any other person determined necessary by the chief. The chief shall attempt to notify all such persons in a timely manner and shall post on 13614  
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the web site of the division of oil and gas resources management 13624  
all changes to scheduled hearings. 13625

(4) The chief may establish procedures and requirements 13626  
governing hearings under this section. 13627

(D) The chief may issue a compulsory unitization order if the 13628  
chief finds that operation as a unit is reasonably necessary to 13629  
increase substantially the ultimate recovery of oil and gas, and 13630  
the value of the estimated additional recovery exceeds the 13631  
estimated additional costs to conduct the operation. 13632

(E) If an applicant is unable to enter into a voluntary 13633  
agreement creating a unit pursuant to section 1509.26 of the 13634  
Revised Code and the chief determines that a compulsory 13635  
unitization order will prevent or assist in preventing waste, 13636  
avoid drilling of unnecessary wells, or protect correlative 13637  
rights, the chief, in a compulsory unitization order issued under 13638  
division (D) of this section, may include in the unit any tract 13639  
that is not subject to a voluntary agreement. The mineral rights 13640  
owner of such a tract included in the unit shall be considered an 13641  
unleased mineral rights owner. 13642

(F)(1) The person to whom a compulsory unitization order is 13643  
issued under this section shall pay each unleased mineral rights 13644  
owner included in the unit a monthly cash payment equal to a 13645  
one-eighth landowner royalty interest calculated on gross 13646  
proceeds. The person to whom an order is issued under this section 13647  
shall pay each unleased mineral rights owner at the same time that 13648  
a royalty payment is made to a voluntary participant in the unit 13649  
that is owed a royalty payment. 13650

(2) After the person to whom a compulsory unitization order 13651  
is issued under this section recovers not more than two hundred 13652  
per cent of the actual cost of well site construction, drilling, 13653  
testing, completing, and producing for a well, the person to whom 13654

the order is issued shall pay an unleased mineral rights owner a 13655  
monthly cash payment equal to a seven-eighths share of the net 13656  
proceeds of production in addition to the payment required by 13657  
division (F)(1) of this section. When a cost is charged to a well, 13658  
the same cost shall not be charged to subsequent wells in the unit 13659  
or in another unit. 13660

(3) Allocation of royalties under divisions (F)(1) and (2) of 13661  
this section shall be based on the unit participation of an 13662  
unleased mineral rights owner's tract, to be determined on a 13663  
surface acreage basis unless otherwise specified in the compulsory 13664  
unitization order. 13665

(4) No person shall fail to comply with division (F)(1) or 13666  
(2) of this section. 13667

(G) The chief shall include in a compulsory unitization order 13668  
terms and conditions that are just and reasonable. The order also 13669  
shall prescribe a plan for unit operation that includes all of the 13670  
following: 13671

(1) A description of the unitized area, termed the unit area; 13672

(2) A statement of the nature of the operations contemplated; 13673

(3) An allocation to the separately owned tracts in the unit 13674  
area of all the oil, gas, condensate, and natural gas liquids that 13675  
are produced from the unit area and that are not used in the 13676  
conduct of operations on the unit area or not unavoidably lost; 13677

(4) A provision for the credits and charges to be made in the 13678  
adjustment among the person to whom a compulsory unitization order 13679  
is issued and working interest owners in the unit area for their 13680  
respective investments in wells, tanks, pumps, machinery, 13681  
materials, and equipment contributed to the unit operations; 13682

(5) A provision providing how the expenses of unit 13683  
operations, including capital investment, will be determined and 13684

charged to the separately owned tracts and how the expenses will 13685  
be paid; 13686

(6) A provision, if necessary, for carrying or otherwise 13687  
financing any person who is unable to meet the person's financial 13688  
obligations in connection with the unit, allowing a reasonable 13689  
interest charge for that service; 13690

(7) A provision for the supervision and conduct of the unit 13691  
operations, in respect to which each person must have a vote with 13692  
a value corresponding to the percentage of the expenses of unit 13693  
operations chargeable against the interest of that person; 13694

(8) The time when the unit operations will commence, and the 13695  
manner in which, and the circumstances under which, the unit 13696  
operations will terminate; 13697

(9) A provision requiring an accounting of the actual costs 13698  
of unit creation and operation, including costs of producing, 13699  
gathering, storing, separating, treating, dehydrating, 13700  
compressing, processing, transporting, pipeline construction and 13701  
maintenance, and marketing and taxes; 13702

(10) A provision requiring an accounting that demonstrates 13703  
net proceeds for unit creation and operation; 13704

(11) Additional provisions that are appropriate for carrying 13705  
on the unit operations and for the protection or adjustment of 13706  
correlative rights. 13707

(H)(1) A person to whom a compulsory unitization order is 13708  
issued shall not conduct surface operations on or cause 13709  
disturbances to the surface of the land on a tract belonging to an 13710  
unleased mineral rights owner included in the unit by the order 13711  
unless the person does both of the following: 13712

(a) Obtains the written consent of the owner of the tract 13713  
approving the operations or disturbance; 13714

(b) Provides a copy of that written consent to the chief. 13715

(2) No person shall fail to comply with this division. 13716

(I) An unleased mineral rights owner of any tract included in 13717  
a compulsory unitization order shall not incur liability for any 13718  
personal or property damage associated with any drilling, testing, 13719  
completing, producing, operating, or plugging activities of any 13720  
well within a unit subject to a compulsory unitization order 13721  
issued under this section. 13722

(J) The operations conducted pursuant to a compulsory 13723  
unitization order issued under this section constitute a 13724  
fulfillment of all the express or implied obligations of each 13725  
lease or contract covering tracts in the unit to the extent that 13726  
compliance with those obligations cannot be had because of the 13727  
order of the chief. 13728

(K) No compulsory unitization order of the chief shall become 13729  
effective unless and until the plan for unit operations prescribed 13730  
by the chief in the compulsory unitization order has been approved 13731  
in writing by a majority of the mineral rights owners of the unit, 13732  
including the person to whom the order is issued and the working 13733  
interest owners who, under the chief's order, will be required to 13734  
pay the costs of the unit operation. If the person to whom the 13735  
order is issued and the working interest owners do not approve the 13736  
plan for unit operations prescribed in the compulsory unitization 13737  
order within a period of six months from the date on which the 13738  
compulsory unitization order is issued, the compulsory unitization 13739  
order ceases to be of force and shall be revoked by the chief. 13740

(L) The person to whom a compulsory unitization order is 13741  
issued shall record the compulsory unitization order in the office 13742  
of the county recorder in each county in which the unit is to be 13743  
located within ten days after the effective date of the order as 13744  
established by division (K) of this section. If the person fails 13745

to record the compulsory unitization order within that time, the 13746  
compulsory unitization order ceases to be of force and shall be 13747  
revoked by the chief. The person also shall file certification of 13748  
the recording with the chief within thirty days after recording 13749  
the compulsory unitization order. No person shall fail to comply 13750  
with this division. 13751

(M) A compulsory unitization order may be amended by an order 13752  
of the chief. 13753

The chief shall determine if any of the following are 13754  
required for an amendment of a compulsory unitization order: 13755

(1) Additional information; 13756

(2) A hearing; 13757

(3) A new application for a compulsory unitization order. 13758

The chief may amend a compulsory unitization order after 13759  
commencement of operations on a unit. 13760

(N) The chief retains continuing jurisdiction over any unit 13761  
created by a compulsory unitization order consistent with the 13762  
chief's authority under this chapter and rules adopted under it. 13763

(O) A compulsory unitization order issued by the chief under 13764  
this section takes precedence over any terms included in any 13765  
agreement between the person to whom a compulsory unitization 13766  
order is issued and any voluntary participants in the unit, 13767  
including working interest owners. 13768

(P) A compulsory unitization order issued under this section 13769  
terminates if drilling operations in the unit are not begun by the 13770  
date required by the compulsory unitization order. 13771

(Q) Oil, gas, condensate, and natural gas liquids allocated 13772  
to a separately owned tract shall be deemed, for all purposes, to 13773  
have been actually produced from the tract, and all operations, 13774  
including the commencement, drilling, operation of, or production 13775

from a well on any portion of the unit area shall be deemed for 13776  
all purposes the conduct of such operations and production from 13777  
any lease or contract for lands any portion of which is included 13778  
in the unit area. 13779

(R) No order of the chief or other contract relating to the 13780  
sale or purchase of production from a separately owned tract shall 13781  
be terminated by the order providing for unit operations, but 13782  
shall remain in force and apply to oil and gas allocated to the 13783  
tract until terminated in accordance with the provisions thereof. 13784

(S) Except to the extent that the parties affected so agree, 13785  
no order providing for unit operations shall be construed to 13786  
result in a transfer of all or any part of the title of any person 13787  
to the oil and gas rights in any tract in the unit area. All 13788  
property, whether real or personal, that may be acquired for the 13789  
account of the owners within the unit area shall be the property 13790  
of those owners in the proportion that the expenses of unit 13791  
operations are charged. 13792

(T) A violation of division (C)(2), (F)(5), (H)(2), or (L) of 13793  
this section is a strict liability offense, and section 2901.20 of 13794  
the Revised Code does not apply. The designation of those 13795  
violations as strict liability offenses shall not be construed to 13796  
imply that any other offense, for which there is no specified 13797  
degree of culpability, is not a strict liability offense. 13798

(U) As used in this section: 13799

(1) "Working interest owner" means a person who has obtained 13800  
a right to the mineral interests of a tract and is obligated, 13801  
under an agreement or otherwise, to pay a percentage of the cost 13802  
of leasing, drilling, producing, or operating a well in the unit 13803  
or of the cost of operating the unit. "Working interest owner" 13804  
does not include an unleased mineral rights owner. 13805

(2) "Gross proceeds" means a share of the gross production of 13806

oil, gas, condensate, and natural gas liquids free of any and all 13807  
cost of producing, gathering, storing, separating, treating, 13808  
dehydrating, compressing, processing, transporting, marketing, or 13809  
pipeline construction and maintenance. "Gross proceeds" does not 13810  
include costs that result in enhancing the value of marketable 13811  
oil, gas, condensate, natural gas liquids, or other products to 13812  
receive a better price so long as the costs are the actual costs 13813  
of such enhancement and an unleased mineral rights owner's pro 13814  
rata part of such cost is less than the amount of the enhanced 13815  
value of the product. 13816

(3) "Net proceeds" means the share of gross production of 13817  
oil, gas, condensate, or natural gas liquids after payment of all 13818  
costs of producing, gathering, storing, separating, treating, 13819  
dehydrating, compressing, processing, transporting, and marketing 13820  
and taxes. 13821

**Sec. 1509.33.** (A) Whoever violates sections 1509.01 to 13822  
1509.31 of the Revised Code, or any rules adopted or orders or 13823  
terms or conditions of a permit or registration certificate issued 13824  
pursuant to these sections for which no specific penalty is 13825  
provided in this section, shall pay a civil penalty of not more 13826  
than ~~four~~ ten thousand dollars for each offense. 13827

(B) Whoever violates section 1509.221 of the Revised Code or 13828  
any rules adopted or orders or terms or conditions of a permit 13829  
issued thereunder shall pay a civil penalty of not more than ~~two~~ 13830  
ten thousand ~~five hundred~~ dollars for each violation. 13831

(C) Whoever violates division (D) of section 1509.22 or 13832  
division (A)(1) of section 1509.222 of the Revised Code shall pay 13833  
a civil penalty of not less than two thousand five hundred dollars 13834  
nor more than twenty thousand dollars for each violation. 13835

(D) Whoever violates division (A) of section 1509.22 of the 13836  
Revised Code shall pay a civil penalty of not less than two 13837

thousand five hundred dollars nor more than ten thousand dollars 13838  
for each violation. 13839

(E) Whoever violates division (A) of section 1509.223 of the 13840  
Revised Code shall pay a civil penalty of not more than ten 13841  
thousand dollars for each violation. 13842

(F) Whoever violates section 1509.072 of the Revised Code or 13843  
any rules adopted or orders issued to administer, implement, or 13844  
enforce that section shall pay a civil penalty of not more than 13845  
five thousand dollars for each violation. 13846

(G) In addition to any other penalties provided in this 13847  
chapter, whoever violates section 1509.05, section 1509.21, 13848  
division (B) of section 1509.22, or division (A)(1) of section 13849  
1509.222 of the Revised Code or a term or condition of a permit or 13850  
an order issued by the chief of the division of oil and gas 13851  
resources management under this chapter or knowingly violates 13852  
division (A) of section 1509.223 of the Revised Code is liable for 13853  
any damage or injury caused by the violation and for the actual 13854  
cost of rectifying the violation and conditions caused by the 13855  
violation. If two or more persons knowingly violate one or more of 13856  
those divisions in connection with the same event, activity, or 13857  
transaction, they are jointly and severally liable under this 13858  
division. 13859

(H) The attorney general, upon the request of the chief of 13860  
the division of oil and gas resources management, shall commence 13861  
an action under this section against any person who violates 13862  
sections 1509.01 to 1509.31 of the Revised Code, or any rules 13863  
adopted or orders or terms or conditions of a permit or 13864  
registration certificate issued pursuant to these sections. Any 13865  
action under this section is a civil action, governed by the Rules 13866  
of Civil Procedure and other rules of practice and procedure 13867  
applicable to civil actions. The remedy provided in this division 13868  
is cumulative and concurrent with any other remedy provided in 13869

this chapter, and the existence or exercise of one remedy does not 13870  
prevent the exercise of any other, except that no person shall be 13871  
subject to both a civil penalty under division (A), (B), (C), or 13872  
(D) of this section and a ~~criminal penalty under~~ fine established 13873  
in section 1509.99 of the Revised Code for the same offense. 13874

(I) For purposes of this section, each day of violation 13875  
constitutes a separate offense. 13876

**Sec. 1509.34.** (A)(1) If an owner fails to pay the fees 13877  
imposed by this chapter, or if the chief of the division of oil 13878  
and gas resources management incurs costs under division (E) of 13879  
section 1509.071 of the Revised Code to correct conditions 13880  
associated with the owner's well that the chief reasonably has 13881  
determined are causing imminent health or safety risks, the 13882  
division of oil and gas resources management shall have a priority 13883  
lien against that owner's interest in the applicable well in front 13884  
of all other creditors for the amount of any such unpaid fees and 13885  
costs incurred. The chief shall file a statement in the office of 13886  
the county recorder of the county in which the applicable well is 13887  
located of the amount of the unpaid fees and costs incurred as 13888  
described in this division. The statement shall constitute a lien 13889  
on the owner's interest in the well as of the date of the filing. 13890  
The lien shall remain in force so long as any portion of the lien 13891  
remains unpaid or until the chief issues a certificate of release 13892  
of the lien. If the chief issues a certificate of release of the 13893  
lien, the chief shall file the certificate of release in the 13894  
office of the applicable county recorder. 13895

(2) A lien imposed under division (A)(1) of this section 13896  
shall be in addition to any lien imposed by the attorney general 13897  
for failure to pay the assessment imposed by former section 13898  
1509.50 of the Revised Code or the tax levied under division 13899  
(A)(5) or (6) of section 5749.02 of the Revised Code, as 13900

applicable. 13901

(3) If the attorney general cannot collect from a severer or 13902  
an owner for an outstanding balance of amounts due under former 13903  
section 1509.50 of the Revised Code or of unpaid taxes levied 13904  
under division (A)(5) ~~or~~, (6), (10), (11), (12), or (13) of 13905  
section 5749.02 of the Revised Code, as applicable, the tax 13906  
commissioner may request the chief to impose a priority lien 13907  
against the owner's interest in the applicable well. Such a lien 13908  
has priority in front of all other creditors. 13909

(B) The chief promptly shall issue a certificate of release 13910  
of a lien under either of the following circumstances: 13911

(1) Upon the repayment in full of the amount of unpaid fees 13912  
imposed by this chapter or costs incurred by the chief under 13913  
division (E) of section 1509.071 of the Revised Code to correct 13914  
conditions associated with the owner's well that the chief 13915  
reasonably has determined are causing imminent health or safety 13916  
risks; 13917

(2) Any other circumstance that the chief determines to be in 13918  
the best interests of the state. 13919

(C) The chief may modify the amount of a lien under this 13920  
section. If the chief modifies a lien, the chief shall file a 13921  
statement in the office of the county recorder of the applicable 13922  
county of the new amount of the lien. 13923

(D) An owner regarding which the division has recorded a lien 13924  
against the owner's interest in a well in accordance with this 13925  
section shall not transfer a well, lease, or mineral rights to 13926  
another owner or person until the chief issues a certificate of 13927  
release for each lien against the owner's interest in the well. 13928

(E) All money from the collection of liens under this section 13929  
shall be deposited in the state treasury to the credit of the oil 13930  
and gas well fund created in section 1509.02 of the Revised Code. 13931

(F) As used in this section, "former section 1509.50 of the Revised Code" means section 1509.50 of the Revised Code as it existed before its repeal by ...B... of the 131st general assembly. 13932  
13933  
13934  
13935

**Sec. 1509.99.** (A) Whoever violates sections 1509.01 to 13936  
1509.31 of the Revised Code or any rules adopted or orders or 13937  
terms or conditions of a permit issued pursuant to these sections 13938  
for which no specific penalty is provided in this section shall be 13939  
fined not less than ~~one~~ five hundred nor more than ~~one~~ five 13940  
thousand dollars and imprisoned for not more than six months for a 13941  
first offense; for each subsequent offense the person shall be 13942  
fined not less than ~~two hundred~~ one thousand nor more than ~~two~~ ten 13943  
thousand dollars and imprisoned for not more than one year. 13944

(B) Whoever violates section 1509.221 of the Revised Code or 13945  
any rules adopted or orders or terms or conditions of a permit 13946  
issued thereunder shall be fined not more than five thousand 13947  
dollars for each day of each violation. 13948

(C) Whoever knowingly violates section 1509.072, division 13949  
(A), (B), or (D) of section 1509.22, division (A)(1) or (C) of 13950  
section 1509.222, or division (A) or (D) of section 1509.223 of 13951  
the Revised Code or any rules adopted or orders issued under 13952  
division (C) of section 1509.22 or rules adopted or orders or 13953  
terms or conditions of a registration certificate issued under 13954  
division (E) of section 1509.222 of the Revised Code is guilty of 13955  
a felony and shall be fined not less than ten thousand dollars nor 13956  
more than fifty thousand dollars or imprisoned for ~~six months~~ 13957  
three years, or both for a first offense; for each subsequent 13958  
offense the person shall be fined not less than twenty thousand 13959  
dollars nor more than one hundred thousand dollars or imprisoned 13960  
for ~~two~~ six years, or both. Whoever negligently violates those 13961  
divisions, sections, rules, orders, or terms or conditions of a 13962

registration certificate is guilty of a misdemeanor and shall be 13963  
fined not ~~more~~ less than five thousand dollars nor more than 13964  
twenty-five thousand dollars or imprisoned for not more than one 13965  
year, or both; for each subsequent offense the person is guilty of 13966  
a felony and shall be fined not less than ten thousand dollars nor 13967  
more than fifty thousand dollars or imprisoned for two years, or 13968  
both. 13969

(D) Whoever negligently violates division (C) of section 13970  
1509.223 of the Revised Code shall be fined not more than ~~five~~ 13971  
~~hundred~~ one thousand dollars for a first offense and not more than 13972  
~~one~~ ten thousand dollars for a subsequent offense. 13973

(E) If a person is convicted of or pleads guilty to a 13974  
violation of any section of this chapter, in addition to the 13975  
financial sanctions authorized by this chapter or section 2929.18 13976  
or 2929.28 or any other section of the Revised Code, the court 13977  
imposing the sentence on the person may order the person to 13978  
reimburse the state agency or a political subdivision for any 13979  
actual costs that it incurred in responding to the violation, 13980  
including the cost of rectifying the violation and conditions 13981  
caused by the violation. 13982

(F) The prosecuting attorney of the county in which the 13983  
offense was committed or the attorney general may prosecute an 13984  
action under this section. 13985

~~(F)~~(G) For purposes of this section, each day of violation 13986  
constitutes a separate offense. 13987

**Sec. 1511.10.** (A) Except as provided in division (B) of this 13988  
section, no person in the western basin shall surface apply manure 13989  
under any of the following circumstances: 13990

(1) On snow-covered or frozen soil; 13991

(2) When the top two inches of soil are saturated from 13992

<u>precipitation;</u>	13993
<u>(3) When the local weather forecast for the application area</u>	13994
<u>contains greater than a fifty per cent chance of precipitation</u>	13995
<u>exceeding one-half inch in a twenty-four-hour period.</u>	13996
<u>(B) Division (A) of this section does not apply if a person</u>	13997
<u>in the western basin applies manure under any of the following</u>	13998
<u>circumstances:</u>	13999
<u>(1) The manure application is injected into the ground.</u>	14000
<u>(2) The manure application is incorporated within twenty-four</u>	14001
<u>hours of surface application.</u>	14002
<u>(3) The manure application is applied onto a growing crop.</u>	14003
<u>(4) In the event of an emergency, the director of natural</u>	14004
<u>resources or the director's designee provides written consent and</u>	14005
<u>the manure application is made in accordance with procedures</u>	14006
<u>established in the United States department of agriculture natural</u>	14007
<u>resources conservation service practice standard code 590 prepared</u>	14008
<u>for this state.</u>	14009
<u>(C)(1) Upon receiving a complaint by any person or upon</u>	14010
<u>receiving information that would indicate a violation of this</u>	14011
<u>section, the director or the director's designee may investigate</u>	14012
<u>or make inquiries into any alleged failure to comply with this</u>	14013
<u>section.</u>	14014
<u>(2) After receiving a complaint by any person or upon</u>	14015
<u>receiving information that would indicate a violation of this</u>	14016
<u>section, the director or the director's designee may enter at</u>	14017
<u>reasonable times on any private or public property to inspect and</u>	14018
<u>investigate conditions relating to any such alleged failure to</u>	14019
<u>comply with this section.</u>	14020
<u>(3) If an individual denies access to the individual's</u>	14021
<u>property, the director or the director's designee may apply to a</u>	14022

court of competent jurisdiction in the county in which the 14023  
premises is located for a search warrant authorizing access to the 14024  
premises for the purposes of this section. 14025

(4) The court shall issue the search warrant for the purposes 14026  
requested if there is probable cause to believe that the person is 14027  
not in compliance with this section. The finding of probable cause 14028  
may be based on hearsay, provided that there is a reasonable basis 14029  
for believing that the source of the hearsay is credible. 14030

(D) This section does not affect any restrictions established 14031  
in Chapter 903. of the Revised Code or otherwise apply to those 14032  
entities or facilities that are permitted as concentrated animal 14033  
feeding facilities under that chapter. 14034

(E) As used in this section, "western basin" has the same 14035  
meaning as in section 905.326 of the Revised Code. 14036

**Sec. 1511.11.** (A) The director of natural resources may 14037  
assess a civil penalty against a person that violates section 14038  
1511.10 of the Revised Code. The director may impose a civil 14039  
penalty only if the director affords the person an opportunity for 14040  
an adjudication hearing under Chapter 119. of the Revised Code to 14041  
challenge the director's determination that the person violated 14042  
section 1511.10 of the Revised Code. The person may waive the 14043  
right to an adjudication hearing. 14044

(B) If the opportunity for an adjudication hearing is waived 14045  
or if, after an adjudication hearing, the director determines that 14046  
a violation has occurred or is occurring, the director may issue 14047  
an order requiring compliance with section 1511.10 of the Revised 14048  
Code and assess the civil penalty. The order and the assessment of 14049  
the civil penalty may be appealed in accordance with section 14050  
119.12 of the Revised Code. 14051

(C) A person that has violated section 1511.10 of the Revised 14052

Code shall pay a civil penalty in an amount established in rules. 14053  
Each thirty-day period during which a violation continues 14054  
constitutes a separate violation. 14055

(D) The director shall adopt rules in accordance with Chapter 14056  
119. of the Revised Code that establish the amount of the civil 14057  
penalty assessed under this section. The civil penalty shall not 14058  
be more than ten thousand dollars for each violation. 14059

**Sec. 1511.99.** Whoever violates division (A) of section 14060  
1511.07 or division (A) of section 1511.10 of the Revised Code is 14061  
guilty of a misdemeanor of the first degree. Each day of violation 14062  
is a separate offense. In addition to the penalty provided in this 14063  
division, the sentencing court may assess damages in an amount 14064  
equal to the costs of reclaiming, restoring, or otherwise 14065  
repairing any damage to public or private property caused by any 14066  
violation of division (A) of section 1511.07 or division (A) of 14067  
section 1511.10 of the Revised Code. All fines and moneys assessed 14068  
as damages under this section shall be paid into the agricultural 14069  
pollution abatement fund created in section 1511.071 of the 14070  
Revised Code. 14071

**Sec. 1513.16.** (A) Any permit issued under this chapter to 14072  
conduct coal mining operations shall require that the operations 14073  
meet all applicable performance standards of this chapter and such 14074  
other requirements as the chief of the division of mineral 14075  
resources management shall adopt by rule. General performance 14076  
standards shall apply to all coal mining and reclamation 14077  
operations and shall require the operator at a minimum to do all 14078  
of the following: 14079

(1) Conduct coal mining operations so as to maximize the 14080  
utilization and conservation of the solid fuel resource being 14081  
recovered so that re-affecting the land in the future through coal 14082

mining can be minimized; 14083

(2) Restore the land affected to a condition capable of 14084  
supporting the uses that it was capable of supporting prior to any 14085  
mining, or higher or better uses of which there is reasonable 14086  
likelihood, so long as the uses do not present any actual or 14087  
probable hazard to public health or safety or pose any actual or 14088  
probable threat of diminution or pollution of the waters of the 14089  
state, and the permit applicants' declared proposed land uses 14090  
following reclamation are not considered to be impractical or 14091  
unreasonable, to be inconsistent with applicable land use policies 14092  
and plans, to involve unreasonable delay in implementation, or to 14093  
violate federal, state, or local law; 14094

(3) Except as provided in division (B) of this section, with 14095  
respect to all coal mining operations, backfill, compact where 14096  
advisable to ensure stability or to prevent leaching of toxic 14097  
materials, and grade in order to restore the approximate original 14098  
contour of the land with all highwalls, spoil piles, and 14099  
depressions eliminated unless small depressions are needed in 14100  
order to retain moisture to assist revegetation or as otherwise 14101  
authorized pursuant to this chapter, provided that if the operator 14102  
demonstrates that due to volumetric expansion the amount of 14103  
overburden and the spoil and waste materials removed in the course 14104  
of the mining operation are more than sufficient to restore the 14105  
approximate original contour, the operator shall backfill, grade, 14106  
and compact the excess overburden and other spoil and waste 14107  
materials to attain the lowest grade, but not more than the angle 14108  
of repose, and to cover all acid-forming and other toxic materials 14109  
in order to achieve an ecologically sound land use compatible with 14110  
the surrounding region in accordance with the approved mining 14111  
plan. The overburden or spoil shall be shaped and graded in such a 14112  
way as to prevent slides, erosion, and water pollution and shall 14113  
be revegetated in accordance with this chapter. 14114

(4) Stabilize and protect all surface areas, including spoil piles affected by the coal mining and reclamation operation, to control erosion and attendant air and water pollution effectively;

(5) Remove the topsoil from the land in a separate layer, replace it on the backfill area, or, if not utilized immediately, segregate it in a separate pile from the spoil, and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick-growing plants or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by acid or other toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation. If the topsoil is of insufficient quantity or of poor quality for sustaining vegetation or if other strata can be shown to be more suitable for vegetation requirements, the operator shall remove, segregate, and preserve in a like manner such other strata as are best able to support vegetation.

(6) Restore the topsoil or the best available subsoil that is best able to support vegetation;

(7) For all prime farmlands as identified in division (B)(1)(p) of section 1513.07 of the Revised Code to be mined and reclaimed, perform soil removal, storage, replacement, and reconstruction in accordance with specifications established by the secretary of the United States department of agriculture under the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be required to do all of the following:

(a) Segregate the A horizon of the natural soil, except where it can be shown that other available soil materials will create a final soil having a greater productive capacity, and, if not utilized immediately, stockpile this material separately from the

spoil and provide needed protection from wind and water erosion or 14147  
contamination by acid or other toxic material; 14148

(b) Segregate the B horizon of the natural soil, or 14149  
underlying C horizons or other strata, or a combination of such 14150  
horizons or other strata that are shown to be both texturally and 14151  
chemically suitable for plant growth and that can be shown to be 14152  
equally or more favorable for plant growth than the B horizon, in 14153  
sufficient quantities to create in the regraded final soil a root 14154  
zone of comparable depth and quality to that which existed in the 14155  
natural soil, and, if not utilized immediately, stockpile this 14156  
material separately from the spoil and provide needed protection 14157  
from wind and water erosion or contamination by acid or other 14158  
toxic material; 14159

(c) Replace and regrade the root zone material described in 14160  
division (A)(7)(b) of this section with proper compaction and 14161  
uniform depth over the regraded spoil material; 14162

(d) Redistribute and grade in a uniform manner the surface 14163  
soil horizon described in division (A)(7)(a) of this section. 14164

(8) Create, if authorized in the approved mining and 14165  
reclamation plan and permit, permanent impoundments of water on 14166  
mining sites as part of reclamation activities only when it is 14167  
adequately demonstrated by the operator that all of the following 14168  
conditions will be met: 14169

(a) The size of the impoundment is adequate for its intended 14170  
purposes. 14171

(b) The impoundment dam construction will be so designed as 14172  
to achieve necessary stability with an adequate margin of safety 14173  
compatible with that of structures constructed under the 14174  
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 14175  
(1954), 16 U.S.C. 1001, as amended. 14176

(c) The quality of impounded water will be suitable on a 14177

permanent basis for its intended use and discharges from the 14178  
impoundment will not degrade the water quality below water quality 14179  
standards established pursuant to applicable federal and state law 14180  
in the receiving stream. 14181

(d) The level of water will be reasonably stable. 14182

(e) Final grading will provide adequate safety and access for 14183  
proposed water users. 14184

(f) The water impoundments will not result in the diminution 14185  
of the quality or quantity of water utilized by adjacent or 14186  
surrounding landowners for agricultural, industrial, recreational, 14187  
or domestic uses. 14188

(9) Conduct any augering operation associated with strip 14189  
mining in a manner to maximize recoverability of mineral reserves 14190  
remaining after the operation and reclamation are complete and 14191  
seal all auger holes with an impervious and noncombustible 14192  
material in order to prevent drainage, except where the chief 14193  
determines that the resulting impoundment of water in such auger 14194  
holes may create a hazard to the environment or the public health 14195  
or safety. The chief may prohibit augering if necessary to 14196  
maximize the utilization, recoverability, or conservation of the 14197  
solid fuel resources or to protect against adverse water quality 14198  
impacts. 14199

(10) Minimize the disturbances to the prevailing hydrologic 14200  
balance at the mine site and in associated offsite areas and to 14201  
the quality and quantity of water in surface and ground water 14202  
systems both during and after coal mining operations and during 14203  
reclamation by doing all of the following: 14204

(a) Avoiding acid or other toxic mine drainage by such 14205  
measures as, but not limited to: 14206

(i) Preventing or removing water from contact with toxic 14207  
producing deposits; 14208

(ii) Treating drainage to reduce toxic content that adversely affects downstream water upon being released to water courses in accordance with rules adopted by the chief in accordance with section 1513.02 of the Revised Code; 14209  
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(iii) Casing, sealing, or otherwise managing boreholes, shafts, and wells, and keeping acid or other toxic drainage from entering ground and surface waters. 14213  
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(b)(i) Conducting coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable state or federal laws; 14216  
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(ii) Constructing any siltation structures pursuant to division (A)(10)(b)(i) of this section prior to commencement of coal mining operations. The structures shall be certified by persons approved by the chief to be constructed as designed and as approved in the reclamation plan. 14222  
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(c) Cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized, and depositing the silt and debris at a site and in a manner approved by the chief; 14227  
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(d) Restoring recharge capacity of the mined area to approximate premining conditions; 14231  
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(e) Avoiding channel deepening or enlargement in operations requiring the discharge of water from mines; 14233  
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(f) Such other actions as the chief may prescribe. 14235

(11) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working areas or excavations, stabilize all waste 14236  
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piles in designated areas through construction in compacted 14239  
layers, including the use of noncombustible and impervious 14240  
materials if necessary, and ensure that the final contour of the 14241  
waste pile will be compatible with natural surroundings and that 14242  
the site can and will be stabilized and revegetated according to 14243  
this chapter; 14244

(12) Refrain from coal mining within five hundred feet of 14245  
active and abandoned underground mines in order to prevent 14246  
breakthroughs and to protect the health or safety of miners. The 14247  
chief shall permit an operator to mine near, through, or partially 14248  
through an abandoned underground mine or closer than five hundred 14249  
feet to an active underground mine if both of the following 14250  
conditions are met: 14251

(a) The nature, timing, and sequencing of the approximate 14252  
coincidence of specific strip mine activities with specific 14253  
underground mine activities are approved by the chief. 14254

(b) The operations will result in improved resource recovery, 14255  
abatement of water pollution, or elimination of hazards to the 14256  
health and safety of the public. 14257

(13) Design, locate, construct, operate, maintain, enlarge, 14258  
modify, and remove or abandon, in accordance with the standards 14259  
and criteria developed pursuant to rules adopted by the chief, all 14260  
existing and new coal mine waste piles consisting of mine wastes, 14261  
tailings, coal processing wastes, or other liquid and solid 14262  
wastes, and used either temporarily or permanently as dams or 14263  
embankments; 14264

(14) Ensure that all debris, acid-forming materials, toxic 14265  
materials, or materials constituting a fire hazard are treated or 14266  
buried and compacted or otherwise disposed of in a manner designed 14267  
to prevent contamination of ground or surface waters and that 14268  
contingency plans are developed to prevent sustained combustion; 14269

(15) Ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the coal mining operations, except that where the applicant proposes to combine strip mining operations with underground mining operations to ensure maximum practical recovery of the mineral resources, the chief may grant a variance for specific areas within the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as practicable to permit underground mining operations prior to reclamation if:

(a) The chief finds in writing that:

(i) The applicant has presented, as part of the permit application, specific, feasible plans for the proposed underground mining operations.

(ii) The proposed underground mining operations are necessary or desirable to ensure maximum practical recovery of the mineral resource and will avoid multiple disturbance of the surface.

(iii) The applicant has satisfactorily demonstrated that the plan for the underground mining operations conforms to requirements for underground mining in this state and that permits necessary for the underground mining operations have been issued by the appropriate authority.

(iv) The areas proposed for the variance have been shown by the applicant to be necessary for the implementing of the proposed underground mining operations.

(v) No substantial adverse environmental damage, either on-site or off-site, will result from the delay in completion of reclamation as required by this chapter.

(vi) Provisions for the off-site storage of spoil will comply with division (A)(21) of this section.

(b) The chief has adopted specific rules to govern the 14300  
granting of such variances in accordance with this division and 14301  
has imposed such additional requirements as the chief considers 14302  
necessary. 14303

(c) Variances granted under this division shall be reviewed 14304  
by the chief not more than three years from the date of issuance 14305  
of the permit. 14306

(d) Liability under the performance security filed by the 14307  
applicant with the chief pursuant to section 1513.08 of the 14308  
Revised Code shall be for the duration of the underground mining 14309  
operations and until the requirements of this section and section 14310  
1513.08 of the Revised Code have been fully complied with. 14311

(16) Ensure that the construction, maintenance, and 14312  
postmining conditions of access roads into and across the site of 14313  
operations will control or prevent erosion and siltation, 14314  
pollution of water, and damage to fish or wildlife or their 14315  
habitat, or to public or private property; 14316

(17) Refrain from the construction of roads or other access 14317  
ways up a stream bed or drainage channel or in such proximity to 14318  
the channel as to seriously alter the normal flow of water; 14319

(18) Establish, on the regraded areas and all other lands 14320  
affected, a diverse, effective, and permanent vegetative cover of 14321  
the same seasonal variety native to the area of land to be 14322  
affected and capable of self-regeneration and plant succession at 14323  
least equal in extent of cover to the natural vegetation of the 14324  
area, except that introduced species may be used in the 14325  
revegetation process where desirable and necessary to achieve the 14326  
approved postmining land use plan; 14327

(19)(a) Assume the responsibility for successful 14328  
revegetation, as required by division (A)(18) of this section, for 14329  
a period of five full years after the last year of augmented 14330

seeding, fertilizing, irrigation, or other work in order to ensure 14331  
compliance with that division, except that when the chief approves 14332  
a long-term intensive agricultural postmining land use, the 14333  
applicable five-year period of responsibility for revegetation 14334  
shall commence at the date of initial planting for that long-term 14335  
intensive agricultural postmining land use, and except that when 14336  
the chief issues a written finding approving a long-term intensive 14337  
agricultural postmining land use as part of the mining and 14338  
reclamation plan, the chief may grant an exception to division 14339  
(A)(18) of this section; 14340

(b) On lands eligible for remining, assume the responsibility 14341  
for successful revegetation, as required by division (A)(18) of 14342  
this section, for a period of two full years after the last year 14343  
of augmented seeding, fertilizing, irrigation, or other work in 14344  
order to ensure compliance with that division. 14345

(20) Protect off-site areas from slides or damage occurring 14346  
during the coal mining and reclamation operations and not deposit 14347  
spoil material or locate any part of the operations or waste 14348  
accumulations outside the permit area; 14349

(21) Place all excess spoil material resulting from coal 14350  
mining and reclamation operations in such a manner that all of the 14351  
following apply: 14352

(a) Spoil is transported and placed in a controlled manner in 14353  
position for concurrent compaction and in such a way as to ensure 14354  
mass stability and to prevent mass movement. 14355

(b) The areas of disposal are within the permit areas for 14356  
which performance security has been provided. All organic matter 14357  
shall be removed immediately prior to spoil placement except in 14358  
the zoned concept method. 14359

(c) Appropriate surface and internal drainage systems and 14360  
diversion ditches are used so as to prevent spoil erosion and mass 14361

movement. 14362

(d) The disposal area does not contain springs, natural 14363  
watercourses, or wet weather seeps unless lateral drains are 14364  
constructed from the wet areas to the main underdrains in such a 14365  
manner that filtration of the water into the spoil pile will be 14366  
prevented unless the zoned concept method is used. 14367

(e) If placed on a slope, the spoil is placed upon the most 14368  
moderate slope among those slopes upon which, in the judgment of 14369  
the chief, the spoil could be placed in compliance with all the 14370  
requirements of this chapter and is placed, where possible, upon, 14371  
or above, a natural terrace, bench, or berm if that placement 14372  
provides additional stability and prevents mass movement. 14373

(f) Where the toe of the spoil rests on a downslope, a rock 14374  
toe buttress of sufficient size to prevent mass movement is 14375  
constructed. 14376

(g) The final configuration is compatible with the natural 14377  
drainage pattern and surroundings and suitable for intended uses. 14378

(h) Design of the spoil disposal area is certified by a 14379  
qualified registered professional engineer in conformance with 14380  
professional standards. 14381

(i) All other provisions of this chapter are met. 14382

(22) Meet such other criteria as are necessary to achieve 14383  
reclamation in accordance with the purpose of this chapter, taking 14384  
into consideration the physical, climatological, and other 14385  
characteristics of the site; 14386

(23) To the extent possible, using the best technology 14387  
currently available, minimize disturbances and adverse impacts of 14388  
the operation on fish, wildlife, and related environmental values, 14389  
and achieve enhancement of such resources where practicable; 14390

(24) Provide for an undisturbed natural barrier beginning at 14391

the elevation of the lowest coal seam to be mined and extending 14392  
from the outslope for such distance as the chief shall determine 14393  
to be retained in place as a barrier to slides and erosion; 14394

(25) Restore on the permit area streams and wetlands affected 14395  
by mining operations unless the chief approves restoration off the 14396  
permit area without a permit required by section 1513.07 or 14397  
1513.074 of the Revised Code, instead of restoration on the permit 14398  
area, of a stream or wetland or a portion of a stream or wetland, 14399  
provided that the chief first makes all of the following written 14400  
determinations: 14401

(a) A hydrologic and engineering assessment of the affected 14402  
lands, submitted by the operator, demonstrates that restoration on 14403  
the permit area is not possible. 14404

(b) The proposed mitigation plan under which mitigation 14405  
activities described in division (A)(25)(c) of this section will 14406  
be conducted is limited to a stream or wetland, or a portion of a 14407  
stream or wetland, for which restoration on the permit area is not 14408  
possible. 14409

(c) Mitigation activities off the permit area, including 14410  
mitigation banking and payment of in-lieu mitigation fees, will be 14411  
performed pursuant to a permit issued under sections 401 and 404 14412  
of the "Federal Water Pollution Control Act" as defined in section 14413  
6111.01 of the Revised Code or an isolated wetland permit issued 14414  
under Chapter 6111. of the Revised Code or pursuant to a no-cost 14415  
reclamation contract for the restoration of water resources 14416  
affected by past mining activities pursuant to section 1513.37 of 14417  
the Revised Code. 14418

(d) The proposed mitigation plan and mitigation activities 14419  
comply with the standards established in this section. 14420

If the chief approves restoration off the permit area in 14421  
accordance with this division, the operator shall complete all 14422

mitigation construction or other activities required by the 14423  
mitigation plan. 14424

Performance security for reclamation activities on the permit 14425  
area shall be released pursuant to division (F) of this section, 14426  
except that the release of the remaining portion of performance 14427  
security under division (F)(3)(c) of this section shall not be 14428  
approved prior to the construction of required mitigation 14429  
activities off the permit area. 14430

(B)(1) The chief may permit mining operations for the 14431  
purposes set forth in division (B)(3) of this section. 14432

(2) When an applicant meets the requirements of divisions 14433  
(B)(3) and (4) of this section, a permit without regard to the 14434  
requirement to restore to approximate original contour known as 14435  
mountain top removal set forth in divisions (A)(3) or (C)(2) and 14436  
(3) of this section may be granted for the mining of coal where 14437  
the mining operation will remove an entire coal seam or seams 14438  
running through the upper fraction of a mountain, ridge, or hill, 14439  
except as provided in division (B)(4)(a) of this section, by 14440  
removing all of the overburden and creating a level plateau or a 14441  
gently rolling contour with no highwalls remaining, and capable of 14442  
supporting postmining uses in accordance with this division. 14443

(3) In cases where an industrial, commercial, agricultural, 14444  
residential, or public facility use, including recreational 14445  
facilities, is proposed for the postmining use of the affected 14446  
land, the chief may grant a permit for a mining operation of the 14447  
nature described in division (B)(2) of this section when all of 14448  
the following apply: 14449

(a) After consultation with the appropriate land use planning 14450  
agencies, if any, the proposed postmining land use is considered 14451  
to constitute an equal or better economic or public use of the 14452  
affected land, as compared with premining use. 14453

(b) The applicant presents specific plans for the proposed postmining land use and appropriate assurances that the use will be all of the following:	14454 14455 14456
(i) Compatible with adjacent land uses;	14457
(ii) Obtainable according to data regarding expected need and market;	14458 14459
(iii) Assured of investment in necessary public facilities;	14460
(iv) Supported by commitments from public agencies where appropriate;	14461 14462
(v) Practicable with respect to private financial capability for completion of the proposed use;	14463 14464
(vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use;	14465 14466 14467
(vii) Designed by a registered engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.	14468 14469 14470 14471
(c) The proposed use is consistent with adjacent land uses and existing state and local land use plans and programs.	14472 14473
(d) The chief provides the governing body of the unit of general-purpose local government in which the land is located, and any state or federal agency that the chief, in the chief's discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use.	14474 14475 14476 14477 14478 14479
(e) All other requirements of this chapter will be met.	14480
(4) In granting a permit pursuant to this division, the chief shall require that each of the following is met:	14481 14482

(a) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion. 14483  
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(b) The reclaimed area is stable. 14486

(c) The resulting plateau or rolling contour drains inward from the outslopes except at specified points. 14487  
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(d) No damage will be done to natural watercourses. 14489

(e) Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use, except that all excess spoil material not retained on the mountaintop bench shall be placed in accordance with division (A)(21) of this section. 14490  
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(f) Stability of the spoil retained on the mountaintop bench is ensured and the other requirements of this chapter are met. 14495  
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(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary. 14497  
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(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan. 14501  
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(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is 14507  
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to proceed, leaving a plain or predominantly flat area, or where 14513  
an operator is in compliance with division (B) of this section: 14514

(1) The operator shall ensure that when performing coal 14515  
mining on steep slopes, no debris, abandoned or disabled 14516  
equipment, spoil material, or waste mineral matter is placed on 14517  
the downslope below the bench or mining cut. Spoil material in 14518  
excess of that required for the reconstruction of the approximate 14519  
original contour under division (A)(3) or (C)(2) of this section 14520  
shall be permanently stored pursuant to division (A)(21) of this 14521  
section. 14522

(2) The operator shall complete backfilling with spoil 14523  
material to cover completely the highwall and return the site to 14524  
the approximate original contour, which material will maintain 14525  
stability following mining and reclamation. 14526

(3) The operator shall not disturb land above the top of the 14527  
highwall unless the chief finds that the disturbance will 14528  
facilitate compliance with the environmental protection standards 14529  
of this section, except that any such disturbance involving land 14530  
above the highwall shall be limited to that amount of land 14531  
necessary to facilitate compliance. 14532

(D)(1) The chief may permit variances for the purposes set 14533  
forth in division (D)(3) of this section, provided that the 14534  
watershed control of the area is improved and that complete 14535  
backfilling with spoil material shall be required to cover 14536  
completely the highwall, which material will maintain stability 14537  
following mining and reclamation. 14538

(2) Where an applicant meets the requirements of divisions 14539  
(D)(3) and (4) of this section, a variance from the requirement to 14540  
restore to approximate original contour set forth in division 14541  
(C)(2) of this section may be granted for the mining of coal when 14542  
the owner of the surface knowingly requests in writing, as a part 14543

of the permit application, that such a variance be granted so as 14544  
to render the land, after reclamation, suitable for an industrial, 14545  
commercial, residential, or public use, including recreational 14546  
facilities, in accordance with divisions (D)(3) and (4) of this 14547  
section. 14548

(3) A variance pursuant to division (D)(2) of this section 14549  
may be granted if: 14550

(a) After consultation with the appropriate land use planning 14551  
agencies, if any, the potential use of the affected land is 14552  
considered to constitute an equal or better economic or public 14553  
use. 14554

(b) The postmining land condition is designed and certified 14555  
by a registered professional engineer in conformity with 14556  
professional standards established to ensure the stability, 14557  
drainage, and configuration necessary for the intended use of the 14558  
site. 14559

(c) After approval of the appropriate state environmental 14560  
agencies, the watershed of the affected land is considered to be 14561  
improved. 14562

(4) In granting a variance pursuant to division (D) of this 14563  
section, the chief shall require that only such amount of spoil 14564  
will be placed off the mine bench as is necessary to achieve the 14565  
planned postmining land use, ensure stability of the spoil 14566  
retained on the bench, and meet all other requirements of this 14567  
chapter. All spoil placement off the mine bench shall comply with 14568  
division (A)(21) of this section. 14569

(5) The chief shall adopt specific rules to govern the 14570  
granting of variances under division (D) of this section and may 14571  
impose such additional requirements as the chief considers 14572  
necessary. 14573

(6) All variances granted under division (D) of this section 14574

shall be reviewed not more than three years from the date of 14575  
issuance of the permit unless the permittee affirmatively 14576  
demonstrates that the proposed development is proceeding in 14577  
accordance with the terms of the reclamation plan. 14578

(E) The chief shall establish standards and criteria 14579  
regulating the design, location, construction, operation, 14580  
maintenance, enlargement, modification, removal, and abandonment 14581  
of new and existing coal mine waste piles referred to in division 14582  
(A)(13) of this section and division (A)(5) of section 1513.35 of 14583  
the Revised Code. The standards and criteria shall conform to the 14584  
standards and criteria used by the chief of the United States army 14585  
corps of engineers to ensure that flood control structures are 14586  
safe and effectively perform their intended function. In addition 14587  
to engineering and other technical specifications, the standards 14588  
and criteria developed pursuant to this division shall include 14589  
provisions for review and approval of plans and specifications 14590  
prior to construction, enlargement, modification, removal, or 14591  
abandonment; performance of periodic inspections during 14592  
construction; issuance of certificates of approval upon completion 14593  
of construction; performance of periodic safety inspections; and 14594  
issuance of notices for required remedial or maintenance work. 14595

(F)(1) The permittee may file a request with the chief for 14596  
release of a part of a performance security under division (F)(3) 14597  
of this section. Within thirty days after any request for 14598  
performance security release under this section has been filed 14599  
with the chief, the operator shall submit a copy of an 14600  
advertisement placed at least once a week for four successive 14601  
weeks in a newspaper of general circulation in the locality of the 14602  
coal mining operation. The advertisement shall be considered part 14603  
of any performance security release application and shall contain 14604  
a notification of the precise location of the land affected, the 14605  
number of acres, the permit number and the date approved, the 14606

amount of the performance security filed and the portion sought to be released, the type and appropriate dates of reclamation work performed, and a description of the results achieved as they relate to the operator's approved reclamation plan and, if applicable, the operator's pollution abatement plan. In addition, as part of any performance security release application, the applicant shall submit copies of the letters sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities or water companies in the locality in which the coal mining and reclamation activities took place, notifying them of the applicant's intention to seek release from the performance security.

(2) Upon receipt of a copy of the advertisement and request for release of a performance security under division (F)(3)(c) of this section, the chief, within thirty days, shall conduct an inspection and evaluation of the reclamation work involved. The evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuation or future occurrence of the pollution, and the estimated cost of abating the pollution. The chief shall notify the permittee in writing of the decision to release or not to release all or part of the performance security within sixty days after the filing of the request if no public hearing is held pursuant to division (F)(6) of this section or, if there has been a public hearing held pursuant to division (F)(6) of this section, within thirty days thereafter.

(3) The chief may release the performance security if the reclamation covered by the performance security or portion thereof has been accomplished as required by this chapter and rules adopted under it according to the following schedule:

(a) When the operator completes the backfilling, regrading,

and drainage control of an area for which performance security has 14639  
been provided in accordance with the approved reclamation plan, 14640  
and, if the area covered by the performance security is one for 14641  
which an authorization was made under division (E)(7) of section 14642  
1513.07 of the Revised Code, the operator has complied with the 14643  
approved pollution abatement plan and all additional requirements 14644  
established by the chief in rules adopted under section 1513.02 of 14645  
the Revised Code governing coal mining and reclamation operations 14646  
on pollution abatement areas, the chief shall grant a release of 14647  
fifty per cent of the performance security for the applicable 14648  
permit area. 14649

(b) After resoiling and revegetation have been established on 14650  
the regraded mined lands in accordance with the approved 14651  
reclamation plan, the chief shall grant a release in an amount not 14652  
exceeding thirty-five per cent of the original performance 14653  
security for all or part of the affected area under the permit. 14654  
When determining the amount of performance security to be released 14655  
after successful revegetation has been established, the chief 14656  
shall retain that amount of performance security for the 14657  
revegetated area that would be sufficient for a third party to 14658  
cover the cost of reestablishing revegetation for the period 14659  
specified for operator responsibility in this section for 14660  
reestablishing revegetation. No part of the performance security 14661  
shall be released under this division so long as the lands to 14662  
which the release would be applicable are contributing suspended 14663  
solids to streamflow or runoff outside the permit area in excess 14664  
of the requirements of this section or until soil productivity for 14665  
prime farmlands has returned to equivalent levels of yield as 14666  
nonmined land of the same soil type in the surrounding area under 14667  
equivalent management practices as determined from the soil survey 14668  
performed pursuant to section 1513.07 of the Revised Code. If the 14669  
area covered by the performance security is one for which an 14670  
authorization was made under division (E)(7) of section 1513.07 of 14671

the Revised Code, no part of the performance security shall be 14672  
released under this division until the operator has complied with 14673  
the approved pollution abatement plan and all additional 14674  
requirements established by the chief in rules adopted under 14675  
section 1513.02 of the Revised Code governing coal mining and 14676  
reclamation operations on pollution abatement areas. Where a silt 14677  
dam is to be retained as a permanent impoundment pursuant to 14678  
division (A)(10) of this section, the portion of performance 14679  
security may be released under this division so long as provisions 14680  
for sound future maintenance by the operator or the landowner have 14681  
been made with the chief. 14682

(c) When the operator has completed successfully all coal 14683  
mining and reclamation activities, including, if applicable, all 14684  
additional requirements established in the pollution abatement 14685  
plan approved under division (E)(7) of section 1513.07 of the 14686  
Revised Code and all additional requirements established by the 14687  
chief in rules adopted under section 1513.02 of the Revised Code 14688  
governing coal mining and reclamation operations on pollution 14689  
abatement areas, the chief shall release all or any of the 14690  
remaining portion of the performance security for all or part of 14691  
the affected area under a permit, but not before the expiration of 14692  
the period specified for operator responsibility in this section, 14693  
except that the chief may adopt rules for a variance to the 14694  
operator period of responsibility considering vegetation success 14695  
and probability of continued growth and consent of the landowner, 14696  
provided that no performance security shall be fully released 14697  
until all reclamation requirements of this chapter are fully met. 14698

(4) If the chief disapproves the application for release of 14699  
the performance security or portion thereof, the chief shall 14700  
notify the permittee, in writing, stating the reasons for 14701  
disapproval and recommending corrective actions necessary to 14702  
secure the release, and allowing the opportunity for a public 14703

adjudicatory hearing. 14704

(5) When any application for total or partial performance 14705  
security release is filed with the chief under this section, the 14706  
chief shall notify the municipal corporation in which the coal 14707  
mining operation is located by certified mail at least thirty days 14708  
prior to the release of all or a portion of the performance 14709  
security. 14710

(6) A person with a valid legal interest that might be 14711  
adversely affected by release of a performance security under this 14712  
section or the responsible officer or head of any federal, state, 14713  
or local government agency that has jurisdiction by law or special 14714  
expertise with respect to any environmental, social, or economic 14715  
impact involved in the operation or is authorized to develop and 14716  
enforce environmental standards with respect to such operations 14717  
may file written objections to the proposed release from the 14718  
performance security with the chief within thirty days after the 14719  
last publication of the notice required by division (F)(1) of this 14720  
section. If written objections are filed and an informal 14721  
conference is requested, the chief shall inform all interested 14722  
parties of the time and place of the conference. The date, time, 14723  
and location of the informal conference shall be advertised by the 14724  
chief in a newspaper of general circulation in the locality of the 14725  
coal mining operation proposed for performance security release 14726  
for at least once a week for two consecutive weeks. The informal 14727  
conference shall be held in the locality of the coal mining 14728  
operation proposed for performance security release or in Franklin 14729  
county, at the option of the objector, within thirty days after 14730  
the request for the conference. An electronic or stenographic 14731  
record shall be made of the conference proceeding unless waived by 14732  
all parties. The record shall be maintained and shall be 14733  
accessible to the parties until final release of the performance 14734  
security at issue. In the event all parties requesting the 14735

informal conference stipulate agreement prior to the requested 14736  
informal conference and withdraw their request, the informal 14737  
conference need not be held. 14738

(7) If an informal conference has been held pursuant to 14739  
division (F)(6) of this section, the chief shall issue and furnish 14740  
the applicant and persons who participated in the conference with 14741  
the written decision regarding the release within sixty days after 14742  
the conference. Within thirty days after notification of the final 14743  
decision of the chief regarding the performance security release, 14744  
the applicant or any person with an interest that is or may be 14745  
adversely affected by the decision may appeal the decision to the 14746  
reclamation commission pursuant to section 1513.13 of the Revised 14747  
Code. 14748

(8)(a) If the chief determines that a permittee is 14749  
responsible for mine drainage that requires water treatment after 14750  
reclamation is completed under the terms of the permit or that a 14751  
permittee must provide an alternative water supply after 14752  
reclamation is completed under the terms of the permit, the 14753  
permittee shall provide alternative financial security in an 14754  
amount determined by the chief prior to the release of the 14755  
remaining portion of performance security under division (F)(3)(c) 14756  
of this section. The alternative financial security shall be in an 14757  
amount that is equal to or greater than the present value of the 14758  
estimated cost over time to develop and implement mine drainage 14759  
plans and provide water treatment or in an amount that is 14760  
necessary to provide and maintain an alternative water supply, as 14761  
applicable. The alternative financial security shall include a 14762  
contract, trust, or other agreement or mechanism that is 14763  
enforceable under law to provide long-term water treatment or a 14764  
long-term alternative water supply, or both. The contract, trust, 14765  
or other agreement or mechanism included with the alternative 14766  
financial security may provide for the funding of the alternative 14767

financial security incrementally over a period of time, not to 14768  
exceed five years, with reliance on guarantees or other collateral 14769  
provided by the permittee and approved by the chief for the 14770  
balance of the alternative financial security required until the 14771  
alternative financial security has been fully funded by the 14772  
permittee. 14773

(b) The chief shall adopt rules in accordance with Chapter 14774  
119. of the Revised Code that are necessary for the administration 14775  
of division (F)(8)(a) of this section. 14776

(c) If the chief determines that a permittee must provide 14777  
alternative financial security under division (F)(8)(a) of this 14778  
section and the performance security for the permit was provided 14779  
under division (C)(2) of section 1513.08 of the Revised Code, the 14780  
permittee may fund the alternative financial security 14781  
incrementally over a period of time, not to exceed five years, 14782  
with reliance on the reclamation forfeiture fund created in 14783  
section 1513.18 of the Revised Code for the balance of the 14784  
alternative financial security required until the alternative 14785  
financial security has been fully funded by the permittee. The 14786  
permittee semiannually shall pay to the division of mineral 14787  
resources management a fee that is equal to seven and one-half per 14788  
cent of the average balance of the alternative financial security 14789  
that is being provided by reliance on the reclamation forfeiture 14790  
fund over the previous six months. All money received from the fee 14791  
shall be credited to the reclamation forfeiture fund. 14792

(9) Final release of the performance security in accordance 14793  
with division (F)(3)(c) of this section terminates the 14794  
jurisdiction of the chief under this chapter over the reclaimed 14795  
site of a surface coal mining and reclamation operation or 14796  
applicable portion of an operation. However, the chief shall 14797  
reassert jurisdiction over such a site if the release was based on 14798  
fraud, collusion, or misrepresentation of a material fact and the 14799

chief, in writing, demonstrates evidence of the fraud, collusion, 14800  
or misrepresentation. Any person with an interest that is or may 14801  
be adversely affected by the chief's determination may appeal the 14802  
determination to the reclamation commission in accordance with 14803  
section 1513.13 of the Revised Code. 14804

(G) The chief shall adopt rules governing the criteria for 14805  
forfeiture of performance security, the method of determining the 14806  
forfeited amount, and the procedures to be followed in the event 14807  
of forfeiture. Cash received as the result of such forfeiture is 14808  
the property of the state. 14809

**Sec. 1531.35.** The wildlife boater angler fund is hereby 14810  
created in the state treasury. The fund shall consist of money 14811  
credited to the fund pursuant to section 5735.051 of the Revised 14812  
Code and other money contributed to the division of wildlife for 14813  
the purposes of the fund. The fund shall be used for boating 14814  
access construction, improvements, ~~and~~ maintenance and repair of 14815  
dams and impoundments, and acquisitions, including lands and 14816  
facilities for boating access, and to pay for equipment and 14817  
personnel costs involved with those activities, on ~~lakes~~ waters on 14818  
which the operation of gasoline-powered watercraft is permissible. 14819  
However, not more than ~~two~~ five hundred thousand dollars of the 14820  
annual expenditures from the fund may be used to pay for the 14821  
equipment and personnel costs. 14822

**Sec. 1533.10.** Except as provided in this section or division 14823  
(A)(2) of section 1533.12 or section 1533.73 or 1533.731 of the 14824  
Revised Code, no person shall hunt any wild bird or wild quadruped 14825  
without a hunting license. Each day that any person hunts within 14826  
the state without procuring such a license constitutes a separate 14827  
offense. Except as otherwise provided in this section, every 14828  
applicant for a hunting license who is a resident of the state and 14829  
eighteen years of age or more shall procure a resident hunting 14830

license or an apprentice resident hunting license, the fee for 14831  
which shall be eighteen dollars unless the rules adopted under 14832  
division (B) of section 1533.12 of the Revised Code provide for 14833  
issuance of a resident hunting license to the applicant free of 14834  
charge. Except as provided in rules adopted under division (B)(2) 14835  
of that section, each applicant who is a resident of this state 14836  
and who at the time of application is sixty-six years of age or 14837  
older shall procure a special senior hunting license, the fee for 14838  
which shall be one-half of the regular hunting license fee. Every 14839  
applicant who is under the age of eighteen years shall procure a 14840  
special youth hunting license or an apprentice youth hunting 14841  
license, the fee for which shall be one-half of the regular 14842  
hunting license fee. 14843

A resident of this state who owns lands in the state and the 14844  
owner's children of any age and grandchildren under eighteen years 14845  
of age may hunt on the lands without a hunting license. A resident 14846  
of any other state who owns real property in this state, and the 14847  
spouse and children living with the property owner, may hunt on 14848  
that property without a license, provided that the state of 14849  
residence of the real property owner allows residents of this 14850  
state owning real property in that state, and the spouse and 14851  
children living with the property owner, to hunt without a 14852  
license. If the owner of land in this state is a limited liability 14853  
company or a limited liability partnership that consists of three 14854  
or fewer individual members or partners, as applicable, an 14855  
individual member or partner who is a resident of this state and 14856  
the member's or partner's children of any age and grandchildren 14857  
under eighteen years of age may hunt on the land owned by the 14858  
limited liability company or limited liability partnership without 14859  
a hunting license. In addition, if the owner of land in this state 14860  
is a trust that has a total of three or fewer trustees and 14861  
beneficiaries, an individual who is a trustee or beneficiary and 14862  
who is a resident of this state and the individual's children of 14863

any age and grandchildren under eighteen years of age may hunt on 14864  
the land owned by the trust without a hunting license. The tenant 14865  
and children of the tenant, residing on lands in the state, may 14866  
hunt on them without a hunting license. 14867

Except as otherwise provided in division (A)(1) of section 14868  
1533.12 of the Revised Code, every applicant for a hunting license 14869  
who is a nonresident of the state and who is eighteen years of age 14870  
or older shall procure a nonresident hunting license or an 14871  
apprentice nonresident hunting license, the fee for which shall be 14872  
one hundred ~~twenty-four~~ forty-nine dollars unless the applicant is 14873  
a resident of a state that is a party to an agreement under 14874  
section 1533.91 of the Revised Code, in which case the fee shall 14875  
be eighteen dollars. Apprentice resident hunting licenses, 14876  
apprentice youth hunting licenses, and apprentice nonresident 14877  
hunting licenses are subject to the requirements established under 14878  
section 1533.102 of the Revised Code and rules adopted pursuant to 14879  
it. 14880

The chief of the division of wildlife may issue a small game 14881  
hunting license expiring three days from the effective date of the 14882  
license to a nonresident of the state, the fee for which shall be 14883  
thirty-nine dollars. No person shall take or possess deer, wild 14884  
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 14885  
animal while possessing only a small game hunting license. A small 14886  
game hunting license or an apprentice nonresident hunting license 14887  
does not authorize the taking or possessing of ducks, geese, or 14888  
brant without having obtained, in addition to the small game 14889  
hunting license or the apprentice nonresident hunting license, a 14890  
wetlands habitat stamp as provided in section 1533.112 of the 14891  
Revised Code. A small game hunting license or an apprentice 14892  
nonresident hunting license does not authorize the taking or 14893  
possessing of deer, wild turkeys, or fur-bearing animals. A 14894  
nonresident of the state who wishes to take or possess deer, wild 14895

turkeys, or fur-bearing animals in this state shall procure, 14896  
respectively, a deer or wild turkey permit as provided in section 14897  
1533.11 of the Revised Code or a fur taker permit as provided in 14898  
section 1533.111 of the Revised Code in addition to a nonresident 14899  
hunting license, an apprentice nonresident hunting license, a 14900  
special youth hunting license, or an apprentice youth hunting 14901  
license, as applicable, as provided in this section. 14902

No person shall procure or attempt to procure a hunting 14903  
license by fraud, deceit, misrepresentation, or any false 14904  
statement. 14905

This section does not authorize the taking and possessing of 14906  
deer or wild turkeys without first having obtained, in addition to 14907  
the hunting license required by this section, a deer or wild 14908  
turkey permit as provided in section 1533.11 of the Revised Code 14909  
or the taking and possessing of ducks, geese, or brant without 14910  
first having obtained, in addition to the hunting license required 14911  
by this section, a wetlands habitat stamp as provided in section 14912  
1533.112 of the Revised Code. 14913

This section does not authorize the hunting or trapping of 14914  
fur-bearing animals without first having obtained, in addition to 14915  
a hunting license required by this section, a fur taker permit as 14916  
provided in section 1533.111 of the Revised Code. 14917

No hunting license shall be issued unless it is accompanied 14918  
by a written explanation of the law in section 1533.17 of the 14919  
Revised Code and the penalty for its violation, including a 14920  
description of terms of imprisonment and fines that may be 14921  
imposed. 14922

No hunting license, other than an apprentice hunting license, 14923  
shall be issued unless the applicant presents to the agent 14924  
authorized to issue the license a previously held hunting license 14925  
or evidence of having held such a license in content and manner 14926

approved by the chief, a certificate of completion issued upon 14927  
completion of a hunter education and conservation course approved 14928  
by the chief, or evidence of equivalent training in content and 14929  
manner approved by the chief. A previously held apprentice hunting 14930  
license does not satisfy the requirement concerning the 14931  
presentation of a previously held hunting license or evidence of 14932  
it. 14933

No person shall issue a hunting license, except an apprentice 14934  
hunting license, to any person who fails to present the evidence 14935  
required by this section. No person shall purchase or obtain a 14936  
hunting license, other than an apprentice hunting license, without 14937  
presenting to the issuing agent the evidence required by this 14938  
section. Issuance of a hunting license in violation of the 14939  
requirements of this section is an offense by both the purchaser 14940  
of the illegally obtained hunting license and the clerk or agent 14941  
who issued the hunting license. Any hunting license issued in 14942  
violation of this section is void. 14943

The chief, with approval of the wildlife council, shall adopt 14944  
rules prescribing a hunter education and conservation course for 14945  
first-time hunting license buyers, other than buyers of apprentice 14946  
hunting licenses, and for volunteer instructors. The course shall 14947  
consist of subjects including, but not limited to, hunter safety 14948  
and health, use of hunting implements, hunting tradition and 14949  
ethics, the hunter and conservation, the law in section 1533.17 of 14950  
the Revised Code along with the penalty for its violation, 14951  
including a description of terms of imprisonment and fines that 14952  
may be imposed, and other law relating to hunting. Authorized 14953  
personnel of the division or volunteer instructors approved by the 14954  
chief shall conduct such courses with such frequency and at such 14955  
locations throughout the state as to reasonably meet the needs of 14956  
license applicants. The chief shall issue a certificate of 14957  
completion to each person who successfully completes the course 14958

and passes an examination prescribed by the chief. 14959

**Sec. 1533.11.** (A)(1) Except as provided in this section or 14960  
section 1533.731 of the Revised Code, no person shall hunt deer on 14961  
lands of another without first obtaining an annual deer permit. 14962  
Except as provided in this section, no person shall hunt wild 14963  
turkeys on lands of another without first obtaining an annual wild 14964  
turkey permit. ~~Each~~ 14965

(2) ~~Each~~ applicant for a ~~deer or~~ wild turkey permit shall pay 14966  
an annual fee of twenty-three dollars for ~~each~~ the permit unless 14967  
the rules adopted under division (B) of section 1533.12 of the 14968  
Revised Code provide for issuance of a ~~deer or~~ wild turkey permit 14969  
to the applicant free of charge. Except as provided in rules 14970  
adopted under division (B)(2) of that section, each applicant who 14971  
is a resident of this state and who at the time of application is 14972  
sixty-six years of age or older shall procure a senior ~~deer or~~ 14973  
wild turkey permit, the fee for which shall be one-half of the 14974  
regular ~~deer or~~ wild turkey permit fee. Each applicant who is 14975  
under the age of eighteen years shall procure a youth ~~deer or~~ wild 14976  
turkey permit, the fee for which shall be one-half of the regular 14977  
~~deer or~~ wild turkey permit fee. ~~Except~~ 14978

(3) Each applicant for a deer permit who is a resident of 14979  
this state shall procure a resident deer permit, the fee for which 14980  
is twenty-three dollars unless the rules adopted under division 14981  
(B) of section 1533.12 of the Revised Code provide for issuance of 14982  
a deer permit to the applicant free of charge. Each applicant for 14983  
a deer permit who is a nonresident of this state shall procure a 14984  
nonresident deer permit, the fee for which is ninety-nine dollars 14985  
unless the rules adopted under that division provide for issuance 14986  
of a deer permit to the applicant free of charge. Except as 14987  
provided in rules adopted under division (B)(2) of section 1533.12 14988  
of the Revised Code, each applicant who is a resident of this 14989

state and who at the time of application is sixty-six years of age 14990  
or older shall procure a senior resident deer permit, the fee for 14991  
which is one-half of the regular resident deer permit fee. Each 14992  
applicant who is under the age of eighteen years, regardless of 14993  
residency, shall procure a youth deer permit, the fee for which is 14994  
one-half of the regular resident deer permit fee. 14995

(4) As used in this chapter, "deer permit" includes a 14996  
resident deer permit and a nonresident deer permit unless the 14997  
context indicates otherwise. 14998

(5) Except as provided in division (A)(2) of section 1533.12 14999  
of the Revised Code, a deer or wild turkey permit shall run 15000  
concurrently with the hunting license. The money received shall be 15001  
paid into the state treasury to the credit of the wildlife fund, 15002  
created in section 1531.17 of the Revised Code, exclusively for 15003  
the use of the division of wildlife in the acquisition and 15004  
development of land for deer or wild turkey management, for 15005  
investigating deer or wild turkey problems, and for the stocking, 15006  
management, and protection of deer or wild turkey. Every person, 15007  
while hunting deer or wild turkey on lands of another, shall carry 15008  
the person's deer or wild turkey permit and exhibit it to any 15009  
enforcement officer so requesting. Failure to so carry and exhibit 15010  
such a permit constitutes an offense under this section. The chief 15011  
of the division of wildlife shall adopt any additional rules the 15012  
chief considers necessary to carry out this section and section 15013  
1533.10 of the Revised Code. 15014

An owner who is a resident of this state or an owner who is 15015  
exempt from obtaining a hunting license under section 1533.10 of 15016  
the Revised Code and the children of the owner of lands in this 15017  
state may hunt deer or wild turkey thereon without a deer or wild 15018  
turkey permit. If the owner of land in this state is a limited 15019  
liability company or a limited liability partnership that consists 15020  
of three or fewer individual members or partners, as applicable, 15021

an individual member or partner who is a resident of this state 15022  
and the member's or partner's children of any age may hunt deer or 15023  
wild turkey on the land owned by the limited liability company or 15024  
limited liability partnership without a deer or wild turkey 15025  
permit. In addition, if the owner of land in this state is a trust 15026  
that has a total of three or fewer trustees and beneficiaries, an 15027  
individual who is a trustee or beneficiary and who is a resident 15028  
of this state and the individual's children of any age may hunt 15029  
deer or wild turkey on the land owned by the trust without a deer 15030  
or wild turkey permit. The tenant and children of the tenant may 15031  
hunt deer or wild turkey on lands where they reside without a deer 15032  
or wild turkey permit. 15033

(B) A deer or wild turkey permit is not transferable. No 15034  
person shall carry a deer or wild turkey permit issued in the name 15035  
of another person. 15036

(C) The wildlife refunds fund is hereby created in the state 15037  
treasury. The fund shall consist of money received from 15038  
application fees for deer permits that are not issued. Money in 15039  
the fund shall be used to make refunds of such application fees. 15040

(D) If the division establishes a system for the electronic 15041  
submission of information regarding deer or wild turkey that are 15042  
taken, the division shall allow the owner and the children of the 15043  
owner of lands in this state to use the owner's name or address 15044  
for purposes of submitting that information electronically via 15045  
that system. 15046

**Sec. 1533.12.** (A)(1) Except as otherwise provided in division 15047  
(A)(2) of this section, every person on active duty in the armed 15048  
forces of the United States who is stationed in this state and who 15049  
wishes to engage in an activity for which a license, permit, or 15050  
stamp is required under this chapter first shall obtain the 15051  
requisite license, permit, or stamp. Such a person is eligible to 15052

obtain a resident hunting or fishing license regardless of whether 15053  
the person qualifies as a resident of this state. To obtain a 15054  
resident hunting or fishing license, the person shall present a 15055  
card or other evidence identifying the person as being on active 15056  
duty in the armed forces of the United States and as being 15057  
stationed in this state. 15058

(2) Every person on active duty in the armed forces of the 15059  
United States, while on leave or furlough, may take or catch fish 15060  
of the kind lawfully permitted to be taken or caught within the 15061  
state, may hunt any wild bird or wild quadruped lawfully permitted 15062  
to be hunted within the state, and may trap fur-bearing animals 15063  
lawfully permitted to be trapped within the state, without 15064  
procuring a fishing license, a hunting license, a fur taker 15065  
permit, or a wetlands habitat stamp required by this chapter, 15066  
provided that the person shall carry on the person when fishing, 15067  
hunting, or trapping, a card or other evidence identifying the 15068  
person as being on active duty in the armed forces of the United 15069  
States, and provided that the person is not otherwise violating 15070  
any of the hunting, fishing, and trapping laws of this state. 15071

In order to hunt deer or wild turkey, any such person shall 15072  
obtain a resident deer or wild turkey permit, as applicable, under 15073  
section 1533.11 of the Revised Code. Such a person is eligible to 15074  
obtain a resident deer permit regardless of whether the person is 15075  
a resident of this state. However, the person need not obtain a 15076  
hunting license in order to obtain ~~such a~~ either permit. 15077

(B) The chief of the division of wildlife shall provide by 15078  
rule adopted under section 1531.10 of the Revised Code all of the 15079  
following: 15080

(1) Every resident of this state with a disability that has 15081  
been determined by the veterans administration to be permanently 15082  
and totally disabling, who receives a pension or compensation from 15083  
the veterans administration, and who received an honorable 15084

discharge from the armed forces of the United States, and every 15085  
veteran to whom the registrar of motor vehicles has issued a set 15086  
of license plates under section 4503.41 of the Revised Code, shall 15087  
be issued a fishing license, hunting license, fur taker permit, 15088  
deer or wild turkey permit, or wetlands habitat stamp, or any 15089  
combination of those licenses, permits, and stamp, free of charge 15090  
on an annual, multi-year, or lifetime basis as determined 15091  
appropriate by the chief when application is made to the chief in 15092  
the manner prescribed by and on forms provided by the chief. 15093

(2) Every resident of the state who was born on or before 15094  
December 31, 1937, shall be issued an annual fishing license, 15095  
hunting license, fur taker permit, deer or wild turkey permit, or 15096  
wetlands habitat stamp, or any combination of those licenses, 15097  
permits, and stamp, free of charge when application is made to the 15098  
chief in the manner prescribed by and on forms provided by the 15099  
chief. 15100

(3) Every resident of state or county institutions, 15101  
charitable institutions, and military homes in this state shall be 15102  
issued an annual fishing license free of charge when application 15103  
is made to the chief in the manner prescribed by and on forms 15104  
provided by the chief. 15105

(4) Any mobility impaired or blind person, as defined in 15106  
section 955.011 of the Revised Code, who is a resident of this 15107  
state and who is unable to engage in fishing without the 15108  
assistance of another person shall be issued an annual fishing 15109  
license free of charge when application is made to the chief in 15110  
the manner prescribed by and on forms provided by the chief. The 15111  
person who is assisting the mobility impaired or blind person may 15112  
assist in taking or catching fish of the kind permitted to be 15113  
taken or caught without procuring the license required under 15114  
section 1533.32 of the Revised Code, provided that only one line 15115  
is used by both persons. 15116

(5) As used in division (B)(5) of this section, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States.

Any person who has been a prisoner of war, was honorably discharged from the military forces, and is a resident of this state shall be issued a fishing license, hunting license, fur taker permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge on an annual, multi-year, or lifetime basis as determined appropriate by the chief when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(C) The chief shall adopt rules pursuant to section 1531.08 of the Revised Code designating not more than two days, which need not be consecutive, in each year as "free sport fishing days" on which any resident may exercise the privileges accorded the holder of a fishing license issued under section 1533.32 of the Revised Code without procuring such a license, provided that the person is not otherwise violating any of the fishing laws of this state.

**Sec. 1561.04.** ~~The chief of the division of mineral resources management~~ director of natural resources or the director's designee shall annually make a report to the governor, which shall include:

(A) A summary of the activities and of the reports of the deputy mine inspectors;

(B) A statement of the condition and the operation of the mines of the state;

(C) A statement of the number of accidents in and about the mines, the manner in which they occurred, and any other data and

facts bearing upon the prevention of accidents and the 15147  
preservation of life, health, and property, and any suggestions 15148  
relative to the better preservation of the life, health, and 15149  
property of those engaged in the mining industry. 15150

The records of the bureau of workers' compensation shall be 15151  
available to the ~~chief~~ director or the director's designee for 15152  
information concerning such a report. The ~~chief~~ director or the 15153  
director's designee shall send by mail to each coal operator in 15154  
the state, to a duly designated representative of the miners at 15155  
each mine, and to such other persons as the ~~chief~~ director or the 15156  
director's designee deems proper, a copy of such report. The ~~chief~~ 15157  
director or the director's designee may have as many copies of 15158  
such report printed as are needed to make the distribution thereof 15159  
as provided in this section. 15160

The ~~chief~~ director or the director's designee shall also 15161  
prepare and publish for public distribution quarterly reports, 15162  
including therein information relative to the items enumerated in 15163  
this section that is pertinent or available at such times. 15164

**Sec. 1707.01.** As used in this chapter: 15165

(A) Whenever the context requires it, "division" or "division 15166  
of securities" may be read as "director of commerce" or as 15167  
"commissioner of securities." 15168

(B) "Security" means any certificate or instrument, or any 15169  
oral, written, or electronic agreement, understanding, or 15170  
opportunity, that represents title to or interest in, or is 15171  
secured by any lien or charge upon, the capital, assets, profits, 15172  
property, or credit of any person or of any public or governmental 15173  
body, subdivision, or agency. It includes shares of stock, 15174  
certificates for shares of stock, an uncertificated security, 15175  
membership interests in limited liability companies, voting-trust 15176  
certificates, warrants and options to purchase securities, 15177

subscription rights, interim receipts, interim certificates, 15178  
promissory notes, all forms of commercial paper, evidences of 15179  
indebtedness, bonds, debentures, land trust certificates, fee 15180  
certificates, leasehold certificates, syndicate certificates, 15181  
endowment certificates, interests in or under profit-sharing or 15182  
participation agreements, interests in or under oil, gas, or 15183  
mining leases, preorganization or reorganization subscriptions, 15184  
preorganization certificates, reorganization certificates, 15185  
interests in any trust or pretended trust, any investment 15186  
contract, any life settlement interest, any instrument evidencing 15187  
a promise or an agreement to pay money, warehouse receipts for 15188  
intoxicating liquor, and the currency of any government other than 15189  
those of the United States and Canada, but sections 1707.01 to 15190  
1707.45 of the Revised Code do not apply to the sale of real 15191  
estate. 15192

(C)(1) "Sale" has the full meaning of "sale" as applied by or 15193  
accepted in courts of law or equity, and includes every 15194  
disposition, or attempt to dispose, of a security or of an 15195  
interest in a security. "Sale" also includes a contract to sell, 15196  
an exchange, an attempt to sell, an option of sale, a solicitation 15197  
of a sale, a solicitation of an offer to buy, a subscription, or 15198  
an offer to sell, directly or indirectly, by agent, circular, 15199  
pamphlet, advertisement, or otherwise. 15200

(2) "Sell" means any act by which a sale is made. 15201

(3) The use of advertisements, circulars, or pamphlets in 15202  
connection with the sale of securities in this state exclusively 15203  
to the purchasers specified in division (D) of section 1707.03 of 15204  
the Revised Code is not a sale when the advertisements, circulars, 15205  
and pamphlets describing and offering those securities bear a 15206  
readily legible legend in substance as follows: "This offer is 15207  
made on behalf of dealers licensed under sections 1707.01 to 15208  
1707.45 of the Revised Code, and is confined in this state 15209

exclusively to institutional investors and licensed dealers." 15210

(4) The offering of securities by any person in conjunction 15211  
with a licensed dealer by use of advertisement, circular, or 15212  
pamphlet is not a sale if that person does not otherwise attempt 15213  
to sell securities in this state. 15214

(5) Any security given with, or as a bonus on account of, any 15215  
purchase of securities is conclusively presumed to constitute a 15216  
part of the subject of that purchase and has been "sold." 15217

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 15218  
acting in a representative capacity, includes sale on behalf of 15219  
such party by an agent, including a licensed dealer or 15220  
salesperson. 15221

(D) "Person," except as otherwise provided in this chapter, 15222  
means a natural person, firm, partnership, limited partnership, 15223  
partnership association, syndicate, joint-stock company, 15224  
unincorporated association, trust or trustee except where the 15225  
trust was created or the trustee designated by law or judicial 15226  
authority or by a will, and a corporation or limited liability 15227  
company organized under the laws of any state, any foreign 15228  
government, or any political subdivision of a state or foreign 15229  
government. 15230

(E)(1) "Dealer," except as otherwise provided in this 15231  
chapter, means every person, other than a salesperson, who engages 15232  
or professes to engage, in this state, for either all or part of 15233  
the person's time, directly or indirectly, either in the business 15234  
of the sale of securities for the person's own account, or in the 15235  
business of the purchase or sale of securities for the account of 15236  
others in the reasonable expectation of receiving a commission, 15237  
fee, or other remuneration as a result of engaging in the purchase 15238  
and sale of securities. "Dealer" does not mean any of the 15239  
following: 15240

(a) Any issuer, including any officer, director, employee, or trustee of, or member or manager of, or partner in, or any general partner of, any issuer, that sells, offers for sale, or does any act in furtherance of the sale of a security that represents an economic interest in that issuer, provided no commission, fee, or other similar remuneration is paid to or received by the issuer for the sale;

(b) Any licensed attorney, public accountant, or firm of such attorneys or accountants, whose activities are incidental to the practice of the attorney's, accountant's, or firm's profession;

(c) Any person that, for the account of others, engages in the purchase or sale of securities that are issued and outstanding before such purchase and sale, if a majority or more of the equity interest of an issuer is sold in that transaction, and if, in the case of a corporation, the securities sold in that transaction represent a majority or more of the voting power of the corporation in the election of directors;

(d) Any person that brings an issuer together with a potential investor and whose compensation is not directly or indirectly based on the sale of any securities by the issuer to the investor;

(e) Any bank;

(f) Any person that the division of securities by rule exempts from the definition of "dealer" under division (E)(1) of this section.

(2) "Licensed dealer" means a dealer licensed under this chapter.

(F)(1) "Salesman" or "salesperson" means every natural person, other than a dealer, who is employed, authorized, or appointed by a dealer to sell securities within this state.

(2) The general partners of a partnership, and the executive officers of a corporation or unincorporated association, licensed as a dealer are not salespersons within the meaning of this definition, nor are clerical or other employees of an issuer or dealer that are employed for work to which the sale of securities is secondary and incidental; but the division of securities may require a license from any such partner, executive officer, or employee if it determines that protection of the public necessitates the licensing.

(3) "Licensed salesperson" means a salesperson licensed under this chapter.

(G) "Issuer" means every person who has issued, proposes to issue, or issues any security.

(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees.

(I) "Incorporator" means any incorporator of a corporation and any organizer of, or any person participating, other than in a representative or professional capacity, in the organization of an unincorporated issuer.

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or promise; any fictitious or pretended purchase or sale of securities; and any act, practice, transaction, or course of business relating to the purchase or sale of securities that is

fraudulent or that has operated or would operate as a fraud upon 15302  
the seller or purchaser. 15303

(K) Except as otherwise specifically provided, whenever any 15304  
classification or computation is based upon "par value," as 15305  
applied to securities without par value, the average of the 15306  
aggregate consideration received or to be received by the issuer 15307  
for each class of those securities shall be used as the basis for 15308  
that classification or computation. 15309

(L)(1) "Intangible property" means patents, copyrights, 15310  
secret processes, formulas, services, good will, promotion and 15311  
organization fees and expenses, trademarks, trade brands, trade 15312  
names, licenses, franchises, any other assets treated as 15313  
intangible according to generally accepted accounting principles, 15314  
and securities, accounts receivable, or contract rights having no 15315  
readily determinable value. 15316

(2) "Tangible property" means all property other than 15317  
intangible property and includes securities, accounts receivable, 15318  
and contract rights, when the securities, accounts receivable, or 15319  
contract rights have a readily determinable value. 15320

(M) "Public utilities" means those utilities defined in 15321  
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 15322  
Code; in the case of a foreign corporation, it means those 15323  
utilities defined as public utilities by the laws of its domicile; 15324  
and in the case of any other foreign issuer, it means those 15325  
utilities defined as public utilities by the laws of the situs of 15326  
its principal place of business. The term always includes 15327  
railroads whether or not they are so defined as public utilities. 15328

(N) "State" means any state of the United States, any 15329  
territory or possession of the United States, the District of 15330  
Columbia, and any province of Canada. 15331

(O) "Bank" means any bank, trust company, savings and loan 15332

association, savings bank, or credit union that is incorporated or 15333  
organized under the laws of the United States, any state of the 15334  
United States, Canada, or any province of Canada and that is 15335  
subject to regulation or supervision by that country, state, or 15336  
province. 15337

(P) "Include," when used in a definition, does not exclude 15338  
other things or persons otherwise within the meaning of the term 15339  
defined. 15340

(Q)(1) "Registration by description" means that the 15341  
requirements of section 1707.08 of the Revised Code have been 15342  
complied with. 15343

(2) "Registration by qualification" means that the 15344  
requirements of sections 1707.09 and 1707.11 of the Revised Code 15345  
have been complied with. 15346

(3) "Registration by coordination" means that there has been 15347  
compliance with section 1707.091 of the Revised Code. Reference in 15348  
this chapter to registration by qualification also includes 15349  
registration by coordination unless the context otherwise 15350  
indicates. 15351

(R) "Intoxicating liquor" includes all liquids and compounds 15352  
that contain more than three and two-tenths per cent of alcohol by 15353  
weight and are fit for use for beverage purposes. 15354

(S) "Institutional investor" means ~~any corporation, bank,~~ 15355  
~~insurance company, pension fund or pension fund trust, employees'~~ 15356  
~~profit sharing fund or employees' profit sharing trust, any~~ 15357  
~~association engaged, as a substantial part of its business or~~ 15358  
~~operations, in purchasing or holding securities, or any trust in~~ 15359  
~~respect of which a bank is trustee or cotrustee. "Institutional~~ 15360  
~~investor" does not include any business entity formed for the~~ 15361  
~~primary purpose of evading sections 1707.01 to 1707.45 of the~~ 15362  
~~Revised Code any of the following, whether acting for itself or~~ 15363

<u>for others in a fiduciary capacity:</u>	15364
<u>(1) A bank or international banking institution;</u>	15365
<u>(2) An insurance company;</u>	15366
<u>(3) A separate account of an insurance company;</u>	15367
<u>(4) An investment company as defined in the "Investment Company Act of 1940," 15 U.S.C. 80a-3;</u>	15368 15369
<u>(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;</u>	15370 15371 15372
<u>(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:</u>	15373 15374 15375 15376 15377
<u>(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;</u>	15378 15379
<u>(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;</u>	15380 15381 15382
<u>(c) An investment adviser registered under this chapter, a bank, or an insurance company.</u>	15383 15384
<u>(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:</u>	15385 15386 15387 15388 15389 15390 15391 15392
<u>(a) A broker-dealer registered under the "Securities Exchange</u>	15393

<u>Act of 1934," 15 U.S.C. 78o, as amended;</u>	15394
<u>(b) An investment adviser registered or exempt from</u>	15395
<u>registration under the "Investment Advisers Act of 1940," 15</u>	15396
<u>U.S.C. 80b-3;</u>	15397
<u>(c) An investment adviser registered under this chapter, a</u>	15398
<u>bank, or an insurance company.</u>	15399
<u>(8) A trust, if it has total assets in excess of ten million</u>	15400
<u>dollars, its trustee is a bank, and its participants are</u>	15401
<u>exclusively plans of the types identified in division (S)(6) or</u>	15402
<u>(7) of this section, regardless of the size of their assets,</u>	15403
<u>except a trust that includes as participants self-directed</u>	15404
<u>individual retirement accounts or similar self-directed plans;</u>	15405
<u>(9) An organization described in section 501(c)(3) of the</u>	15406
<u>"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended,</u>	15407
<u>corporation, Massachusetts trust or similar business trust,</u>	15408
<u>limited liability company, or partnership, not formed for the</u>	15409
<u>specific purpose of acquiring the securities offered, with total</u>	15410
<u>assets in excess of ten million dollars;</u>	15411
<u>(10) A small business investment company licensed by the</u>	15412
<u>small business administration under section 301(c) of the "Small</u>	15413
<u>Business Investment Act of 1958," 15 U.S.C. 681(c), with total</u>	15414
<u>assets in excess of ten million dollars;</u>	15415
<u>(11) A private business development company as defined in</u>	15416
<u>section 202(a)(22) of the "Investment Advisers Act of 1940," 15</u>	15417
<u>U.S.C. 80b-2(a)(22), with total assets in excess of ten million</u>	15418
<u>dollars;</u>	15419
<u>(12) A federal covered investment adviser acting for its own</u>	15420
<u>account;</u>	15421
<u>(13) A "qualified institutional buyer" as defined in 17</u>	15422
<u>C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);</u>	15423

<u>(14) A "major U.S. institutional investor" as defined in 17</u>	15424
<u>C.F.R. 240.15a-6(b)(4)(i);</u>	15425
<u>(15) Any other person, other than an individual, of</u>	15426
<u>institutional character with total assets in excess of ten million</u>	15427
<u>dollars not organized for the specific purpose of evading this</u>	15428
<u>chapter;</u>	15429
<u>(16) Any other person specified by rule adopted or order</u>	15430
<u>issued under this chapter.</u>	15431
(T) A reference to a statute of the United States or to a	15432
rule, regulation, or form promulgated by the securities and	15433
exchange commission or by another federal agency means the	15434
statute, rule, regulation, or form as it exists at the time of the	15435
act, omission, event, or transaction to which it is applied under	15436
this chapter.	15437
(U) "Securities and exchange commission" means the securities	15438
and exchange commission established by the Securities Exchange Act	15439
of 1934.	15440
(V)(1) "Control bid" means the purchase of or offer to	15441
purchase any equity security of a subject company from a resident	15442
of this state if either of the following applies:	15443
(a) After the purchase of that security, the offeror would be	15444
directly or indirectly the beneficial owner of more than ten per	15445
cent of any class of the issued and outstanding equity securities	15446
of the issuer.	15447
(b) The offeror is the subject company, there is a pending	15448
control bid by a person other than the issuer, and the number of	15449
the issued and outstanding shares of the subject company would be	15450
reduced by more than ten per cent.	15451
(2) For purposes of division (V)(1) of this section, "control	15452
bid" does not include any of the following:	15453

(a) A bid made by a dealer for the dealer's own account in 15454  
the ordinary course of business of buying and selling securities; 15455

(b) An offer to acquire any equity security solely in 15456  
exchange for any other security, or the acquisition of any equity 15457  
security pursuant to an offer, for the sole account of the 15458  
offeror, in good faith and not for the purpose of avoiding the 15459  
provisions of this chapter, and not involving any public offering 15460  
of the other security within the meaning of Section 4 of Title I 15461  
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 15462  
as amended; 15463

(c) Any other offer to acquire any equity security, or the 15464  
acquisition of any equity security pursuant to an offer, for the 15465  
sole account of the offeror, from not more than fifty persons, in 15466  
good faith and not for the purpose of avoiding the provisions of 15467  
this chapter. 15468

(W) "Offeror" means a person who makes, or in any way 15469  
participates or aids in making, a control bid and includes persons 15470  
acting jointly or in concert, or who intend to exercise jointly or 15471  
in concert any voting rights attached to the securities for which 15472  
the control bid is made and also includes any subject company 15473  
making a control bid for its own securities. 15474

(X)(1) "Investment adviser" means any person who, for 15475  
compensation, engages in the business of advising others, either 15476  
directly or through publications or writings, as to the value of 15477  
securities or as to the advisability of investing in, purchasing, 15478  
or selling securities, or who, for compensation and as a part of 15479  
regular business, issues or promulgates analyses or reports 15480  
concerning securities. 15481

(2) "Investment adviser" does not mean any of the following: 15482

(a) Any attorney, accountant, engineer, or teacher, whose 15483  
performance of investment advisory services described in division 15484

(X)(1) of this section is solely incidental to the practice of the attorney's, accountant's, engineer's, or teacher's profession; 15485  
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(b) A publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation; 15487  
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(c) A person who acts solely as an investment adviser representative; 15490  
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(d) A bank holding company, as defined in the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an investment company; 15492  
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(e) A bank, or any receiver, conservator, or other liquidating agent of a bank; 15495  
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(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services; 15497  
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(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c; 15503  
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(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 15511  
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1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer;

(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter.

(Y)(1) "Subject company" means an issuer that satisfies both of the following:

(a) Its principal place of business or its principal executive office is located in this state, or it owns or controls assets located within this state that have a fair market value of at least one million dollars.

(b) More than ten per cent of its beneficial or record equity security holders are resident in this state, more than ten per cent of its equity securities are owned beneficially or of record by residents in this state, or more than one thousand of its beneficial or record equity security holders are resident in this state.

(2) The division of securities may adopt rules to establish more specific application of the provisions set forth in division (Y)(1) of this section. Notwithstanding the provisions set forth in division (Y)(1) of this section and any rules adopted under this division, the division, by rule or in an adjudicatory proceeding, may make a determination that an issuer does not constitute a "subject company" under division (Y)(1) of this section if appropriate review of control bids involving the issuer

is to be made by any regulatory authority of another jurisdiction. 15547

(Z) "Beneficial owner" includes any person who directly or 15548  
indirectly through any contract, arrangement, understanding, or 15549  
relationship has or shares, or otherwise has or shares, the power 15550  
to vote or direct the voting of a security or the power to dispose 15551  
of, or direct the disposition of, the security. "Beneficial 15552  
ownership" includes the right, exercisable within sixty days, to 15553  
acquire any security through the exercise of any option, warrant, 15554  
or right, the conversion of any convertible security, or 15555  
otherwise. Any security subject to any such option, warrant, 15556  
right, or conversion privilege held by any person shall be deemed 15557  
to be outstanding for the purpose of computing the percentage of 15558  
outstanding securities of the class owned by that person, but 15559  
shall not be deemed to be outstanding for the purpose of computing 15560  
the percentage of the class owned by any other person. A person 15561  
shall be deemed the beneficial owner of any security beneficially 15562  
owned by any relative or spouse or relative of the spouse residing 15563  
in the home of that person, any trust or estate in which that 15564  
person owns ten per cent or more of the total beneficial interest 15565  
or serves as trustee or executor, any corporation or entity in 15566  
which that person owns ten per cent or more of the equity, and any 15567  
affiliate or associate of that person. 15568

(AA) "Offeree" means the beneficial or record owner of any 15569  
security that an offeror acquires or offers to acquire in 15570  
connection with a control bid. 15571

(BB) "Equity security" means any share or similar security, 15572  
or any security convertible into any such security, or carrying 15573  
any warrant or right to subscribe to or purchase any such 15574  
security, or any such warrant or right, or any other security 15575  
that, for the protection of security holders, is treated as an 15576  
equity security pursuant to rules of the division of securities. 15577

(CC)(1) "Investment adviser representative" means a 15578

supervised person of an investment adviser, provided that the 15579  
supervised person has more than five clients who are natural 15580  
persons other than excepted persons defined in division (EE) of 15581  
this section, and that more than ten per cent of the supervised 15582  
person's clients are natural persons other than excepted persons 15583  
defined in division (EE) of this section. "Investment adviser 15584  
representative" does not mean any of the following: 15585

(a) A supervised person that does not on a regular basis 15586  
solicit, meet with, or otherwise communicate with clients of the 15587  
investment adviser; 15588

(b) A supervised person that provides only investment 15589  
advisory services described in division (X)(1) of this section by 15590  
means of written materials or oral statements that do not purport 15591  
to meet the objectives or needs of specific individuals or 15592  
accounts; 15593

(c) Any other person that the division designates by rule, if 15594  
the division finds that the designation is necessary or 15595  
appropriate in the public interest or for the protection of 15596  
investors or clients and is consistent with the provisions fairly 15597  
intended by the policy and provisions of this chapter. 15598

(2) For the purpose of the calculation of clients in division 15599  
(CC)(1) of this section, a natural person and the following 15600  
persons are deemed a single client: Any minor child of the natural 15601  
person; any relative, spouse, or relative of the spouse of the 15602  
natural person who has the same principal residence as the natural 15603  
person; all accounts of which the natural person or the persons 15604  
referred to in division (CC)(2) of this section are the only 15605  
primary beneficiaries; and all trusts of which the natural person 15606  
or persons referred to in division (CC)(2) of this section are the 15607  
only primary beneficiaries. Persons who are not residents of the 15608  
United States need not be included in the calculation of clients 15609  
under division (CC)(1) of this section. 15610

(3) If subsequent to March 18, 1999, amendments are enacted 15611  
or adopted defining "investment adviser representative" for 15612  
purposes of the Investment Advisers Act of 1940 or additional 15613  
rules or regulations are promulgated by the securities and 15614  
exchange commission regarding the definition of "investment 15615  
adviser representative" for purposes of the Investment Advisers 15616  
Act of 1940, the division of securities shall, by rule, adopt the 15617  
substance of the amendments, rules, or regulations, unless the 15618  
division finds that the amendments, rules, or regulations are not 15619  
necessary for the protection of investors or in the public 15620  
interest. 15621

(DD) "Supervised person" means a natural person who is any of 15622  
the following: 15623

(1) A partner, officer, or director of an investment adviser, 15624  
or other person occupying a similar status or performing similar 15625  
functions with respect to an investment adviser; 15626

(2) An employee of an investment adviser; 15627

(3) A person who provides investment advisory services 15628  
described in division (X)(1) of this section on behalf of the 15629  
investment adviser and is subject to the supervision and control 15630  
of the investment adviser. 15631

(EE) "Excepted person" means a natural person to whom any of 15632  
the following applies: 15633

(1) Immediately after entering into the investment advisory 15634  
contract with the investment adviser, the person has at least 15635  
seven hundred fifty thousand dollars under the management of the 15636  
investment adviser. 15637

(2) The investment adviser reasonably believes either of the 15638  
following at the time the investment advisory contract is entered 15639  
into with the person: 15640

(a) The person has a net worth, together with assets held jointly with a spouse, of more than one million five hundred thousand dollars. 15641  
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(b) The person is a qualified purchaser as defined in division (FF) of this section. 15644  
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(3) Immediately prior to entering into an investment advisory contract with the investment adviser, the person is either of the following: 15646  
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(a) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser; 15649  
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(b) An employee of the investment adviser, other than an employee performing solely clerical, secretarial, or administrative functions or duties for the investment adviser, which employee, in connection with the employee's regular functions or duties, participates in the investment activities of the investment adviser, provided that, for at least twelve months, the employee has been performing such nonclerical, nonsecretarial, or nonadministrative functions or duties for or on behalf of the investment adviser or performing substantially similar functions or duties for or on behalf of another company. 15652  
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If subsequent to March 18, 1999, amendments are enacted or adopted defining "excepted person" for purposes of the Investment Advisers Act of 1940 or additional rules or regulations are promulgated by the securities and exchange commission regarding the definition of "excepted person" for purposes of the Investment Advisers Act of 1940, the division of securities shall, by rule, adopt the substance of the amendments, rules, or regulations, unless the division finds that the amendments, rules, or regulations are not necessary for the protection of investors or in the public interest. 15662  
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(FF)(1) "Qualified purchaser" means either of the following: 15672

(a) A natural person who owns not less than five million 15673  
dollars in investments as defined by rule by the division of 15674  
securities; 15675

(b) A natural person, acting for the person's own account or 15676  
accounts of other qualified purchasers, who in the aggregate owns 15677  
and invests on a discretionary basis, not less than twenty-five 15678  
million dollars in investments as defined by rule by the division 15679  
of securities. 15680

(2) If subsequent to March 18, 1999, amendments are enacted 15681  
or adopted defining "qualified purchaser" for purposes of the 15682  
Investment Advisers Act of 1940 or additional rules or regulations 15683  
are promulgated by the securities and exchange commission 15684  
regarding the definition of "qualified purchaser" for purposes of 15685  
the Investment Advisers Act of 1940, the division of securities 15686  
shall, by rule, adopt the amendments, rules, or regulations, 15687  
unless the division finds that the amendments, rules, or 15688  
regulations are not necessary for the protection of investors or 15689  
in the public interest. 15690

(GG)(1) "Purchase" has the full meaning of "purchase" as 15691  
applied by or accepted in courts of law or equity and includes 15692  
every acquisition of, or attempt to acquire, a security or an 15693  
interest in a security. "Purchase" also includes a contract to 15694  
purchase, an exchange, an attempt to purchase, an option to 15695  
purchase, a solicitation of a purchase, a solicitation of an offer 15696  
to sell, a subscription, or an offer to purchase, directly or 15697  
indirectly, by agent, circular, pamphlet, advertisement, or 15698  
otherwise. 15699

(2) "Purchase" means any act by which a purchase is made. 15700

(3) Any security given with, or as a bonus on account of, any 15701  
purchase of securities is conclusively presumed to constitute a 15702

part of the subject of that purchase. 15703

(HH) "Life settlement interest" means the entire interest or 15704  
any fractional interest in an insurance policy or certificate of 15705  
insurance, or in an insurance benefit under such a policy or 15706  
certificate, that is the subject of a life settlement contract. 15707

For purposes of this division, "life settlement contract" 15708  
means an agreement for the purchase, sale, assignment, transfer, 15709  
devise, or bequest of any portion of the death benefit or 15710  
ownership of any life insurance policy or contract, in return for 15711  
consideration or any other thing of value that is less than the 15712  
expected death benefit of the life insurance policy or contract. 15713  
"Life settlement contract" includes a viatical settlement contract 15714  
as defined in section 3916.01 of the Revised Code, but does not 15715  
include any of the following: 15716

(1) A loan by an insurer under the terms of a life insurance 15717  
policy, including, but not limited to, a loan secured by the cash 15718  
value of the policy; 15719

(2) An agreement with a bank that takes an assignment of a 15720  
life insurance policy as collateral for a loan; 15721

(3) The provision of accelerated benefits as defined in 15722  
section 3915.21 of the Revised Code; 15723

(4) Any agreement between an insurer and a reinsurer; 15724

(5) An agreement by an individual to purchase an existing 15725  
life insurance policy or contract from the original owner of the 15726  
policy or contract, if the individual does not enter into more 15727  
than one life settlement contract per calendar year; 15728

(6) The initial purchase of an insurance policy or 15729  
certificate of insurance from its owner by a viatical settlement 15730  
provider, as defined in section 3916.01 of the Revised Code, that 15731  
is licensed under Chapter 3916. of the Revised Code. 15732

(II) "State retirement system" means the public employees 15733  
retirement system, Ohio police and fire pension fund, state 15734  
teachers retirement system, school employees retirement system, 15735  
and state highway patrol retirement system. 15736

(JJ) "State retirement system investment officer" means an 15737  
individual employed by a state retirement system as a chief 15738  
investment officer, assistant investment officer, or the person in 15739  
charge of a class of assets or in a position that is substantially 15740  
equivalent to chief investment officer, assistant investment 15741  
officer, or person in charge of a class of assets. 15742

(KK) "Bureau of workers' compensation chief investment 15743  
officer" means an individual employed by the administrator of 15744  
workers' compensation as a chief investment officer or in a 15745  
position that is substantially equivalent to a chief investment 15746  
officer. 15747

**Sec. 1707.14.** (A)~~(1)~~ No person shall act as a dealer, unless 15748  
the person is licensed as a dealer by the division of securities, 15749  
except ~~in~~ when at least one of the following cases applies: 15750

~~(a)~~(1) When the person is transacting business through or 15751  
with a licensed dealer; 15752

~~(b)~~(2) When the securities are the subject matter of one or 15753  
more transactions enumerated in divisions (B) to (L), (O) to (R), 15754  
and (U) to (Y) of section 1707.03, or in section 1707.06 of the 15755  
Revised Code, except when a commission, discount, or other 15756  
remuneration is paid or given in consideration with transactions 15757  
enumerated in divisions (O), (Q), (W), (X), and (Y) of section 15758  
1707.03, or in section 1707.06 of the Revised Code; 15759

~~(c)~~(3) When the person is an issuer selling securities issued 15760  
by it or by its subsidiary, if such securities are specified under 15761  
division (G) or (I) of section 1707.02, or under section 1707.04 15762

of the Revised Code; 15763

~~(d)(4)~~ When the person is participating in transactions 15764  
exempt, under section 1707.34 of the Revised Code, from this 15765  
chapter; 15766

(5) When the person has no place of business in this state, 15767  
is registered with the securities and exchange commission, and the 15768  
only transactions effected in this state are with institutional 15769  
investors. 15770

~~(2) Notwithstanding the exceptions to licensure set forth in~~ 15771  
~~divisions (A)(1)(a) to (d) of this section, no person other than~~ 15772  
~~an issuer selling its own securities shall engage in the business~~ 15773  
~~of selling securities to an institutional investor unless the~~ 15774  
~~person is licensed as a dealer or the division, by rule, finds~~ 15775  
~~that such licensure is not necessary for the protection of~~ 15776  
~~investors or in the public interest.~~ 15777

(B) Each dealer that in any twelve-month or shorter period, 15778  
alone or with any other dealer with which it is affiliated, has 15779  
total revenues of one hundred fifty thousand dollars or more 15780  
derived from the business of buying, selling, or otherwise dealing 15781  
in securities, and that at any time during such period has one 15782  
hundred or more retail securities customers, shall be registered 15783  
as a broker or dealer with the securities and exchange commission 15784  
under the Securities Exchange Act of 1934, except the following 15785  
entities: 15786

(1) A bank; 15787

(2) A dealer that enters into and is in compliance with an 15788  
undertaking accepted by the division, in which the dealer agrees 15789  
that it will not engage in any transaction involving the buying, 15790  
selling, or otherwise dealing in securities with any natural 15791  
person in this state, except for transactions involving either of 15792  
the following: 15793

(a) Securities of corporations or associations that have qualified for treatment as nonprofit organizations pursuant to section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended;	15794 15795 15796 15797
(b) Securities or transactions that are described in divisions (A)(1) <del>(a)</del> to <del>(d)</del> <u>(4)</u> of this section.	15798 15799
(C) Every dealer that must be registered as a broker or dealer with the securities and exchange commission pursuant to division (B) of this section shall become so registered no later than ninety days after the date on which the dealer meets the requirements for such registration.	15800 15801 15802 15803 15804
(D) The division by rule may exempt any dealer from complying with the licensing or registration requirements of this section, if the division finds that such licensing or registration is not necessary for the protection of investors or in the public interest.	15805 15806 15807 15808 15809
(E) As used in division (B) of this section, "retail securities customer" means a person that purchases from or through or sells securities to or through a dealer, and that is not an officer, a director, a principal, a general partner, or an employee of, the dealer. Each of the following is deemed to be a single retail securities customer:	15810 15811 15812 15813 15814 15815
(1) A husband and wife;	15816
(2) A minor child and the minor child's parent or legal guardian;	15817 15818
(3) A corporation, a partnership, an association or other unincorporated entity, a joint stock company, or a trust.	15819 15820
<b>Sec. 1713.02.</b> (A) Any institution described in division (A) of section 1713.01 of the Revised Code may become incorporated under sections 1702.01 to 1702.58 of the Revised Code.	15821 15822 15823

(B) Except as provided in division (E) of this section, no nonprofit institution or corporation of the type described in division (A) of section 1713.01 of the Revised Code that is established after October 13, 1967, may confer degrees, diplomas, or other written evidences of proficiency or achievement, until it has received a certificate of authorization issued by the ~~Ohio board of regents~~ director of higher education, nor shall any such institution or corporation identify itself as a "college" or "university" unless it has received a certificate of authorization from the ~~board~~ director.

(C) Except as provided in division (E) of this section, no institution of the type described in division (A)(3) or (B) of section 1713.01 of the Revised Code that intends to offer or offers a course or courses within this state, but that did not offer a course or courses within this state on or before October 13, 1967, may confer degrees, diplomas, or other written evidences of proficiency or achievement or offer any course or courses within this state until it has received a certificate of authorization from the ~~Ohio board of regents~~ director, nor shall the institution identify itself as a "college" or "university" unless it has received such a certificate from the ~~board~~ director.

(D) Each certificate of authorization shall specify the diplomas or degrees authorized to be given, courses authorized to be offered, and the sites at which courses are to be conducted. A copy of such certificate shall be filed with the secretary of state if the institution is incorporated. Any institution or corporation established or that offered a course or courses of instruction in this state prior to October 13, 1967, may apply to the ~~board~~ director for a certificate of authorization, and the ~~board~~ director shall issue a certificate if it finds that such institution or corporation meets the requirements established pursuant to sections 1713.01, 1713.02, 1713.03, 1713.04, 1713.06,

1713.09, and 1713.25 of the Revised Code. 15856

(E) An institution that clearly identifies itself in its name 15857  
with the phrase "bible college" or "bible institute" and has not 15858  
received a certificate of authorization may confer diplomas and 15859  
other written evidences of proficiency or achievement other than 15860  
associate, baccalaureate, master's, and doctoral degrees or any 15861  
other type of degree and may identify itself as a "bible college" 15862  
if such institution: 15863

(1) Prominently discloses on any transcripts, diplomas, or 15864  
other written evidences of proficiency or achievement, and 15865  
includes with any promotional material or other literature 15866  
intended for the public, the statement: "this institution is not 15867  
certified by the ~~board of regents~~ department of higher education 15868  
or the state of Ohio." 15869

(2) Limits its course of instruction to religion, theology, 15870  
or preparation for a religious vocation, or is operated by a 15871  
church or religious organization and limits its instruction to 15872  
preparation for service to churches or other religious 15873  
organizations. 15874

(3) Confers only diplomas and other written evidences of 15875  
proficiency or achievement that bear titles clearly signifying the 15876  
religious nature of the instruction offered by the institution. 15877

(F) Except as otherwise provided in section 3333.046 of the 15878  
Revised Code, no school of the type described in division (E) of 15879  
section 3332.01 of the Revised Code that intends to offer or 15880  
offers a degree program within this state or solicits students 15881  
within this state may confer a baccalaureate, master's, or 15882  
doctoral degree or solicit students for such degree programs until 15883  
it has received both a certificate of authorization from the ~~board~~ 15884  
~~of regents~~ director of higher education under this chapter and 15885  
program authorization from the state board of career colleges and 15886

schools for such degree program under section 3332.05 of the 15887  
Revised Code. 15888

**Sec. 1713.03.** The ~~Ohio board of regents~~ director of higher 15889  
education shall establish standards for certificates of 15890  
authorization to be issued to institutions as defined in section 15891  
1713.01 of the Revised Code, to private institutions exempt from 15892  
regulation under Chapter 3332. of the Revised Code as prescribed 15893  
in section 3333.046 of the Revised Code, and to schools holding 15894  
certificates of registration issued by the state board of career 15895  
colleges and schools pursuant to division (C) of section 3332.05 15896  
of the Revised Code. A certificate of authorization may permit an 15897  
institution or school to award one or more types of degrees. 15898

The standards for a certificate of authorization may include, 15899  
for various types of institutions, schools, or degrees, minimum 15900  
qualifications for faculty, library, laboratories, and other 15901  
facilities as adopted and published by the ~~Ohio board of regents~~ 15902  
director. The standards shall be adopted by the ~~board~~ director 15903  
pursuant to Chapter 119. of the Revised Code. 15904

An institution or school shall apply to the ~~board~~ director 15905  
for a certificate of authorization on forms containing such 15906  
information as is prescribed by the ~~board~~ director. Each 15907  
institution or school with a certificate of authorization shall 15908  
file an annual report with the ~~board~~ director in such form and 15909  
containing such information as the ~~board~~ director prescribes. 15910

The ~~board~~ director shall adopt a rule under Chapter 119. of 15911  
the Revised Code establishing fees to pay the cost of reviewing an 15912  
application for a certificate of authorization, which the 15913  
institution or school shall pay when it applies for a certificate 15914  
of authorization, and establishing fees, which an institution or 15915  
school shall pay, for any further reviews the ~~board~~ director 15916  
determines necessary upon examining an institution's or school's 15917

annual report. 15918

**Sec. 1713.031.** The ~~Ohio board of regents~~ director of higher 15919  
education shall review an application for a certificate of 15920  
authorization from a school described in division (E) of section 15921  
3332.01 of the Revised Code within twenty-two weeks. 15922

**Sec. 1713.04.** A certificate of authorization provided for in 15923  
section 1713.02 of the Revised Code is subject to revocation by 15924  
the ~~Ohio board of regents~~ director of higher education for cause 15925  
pursuant to Chapter 119. of the Revised Code. 15926

**Sec. 1713.05.** (A) As used in this section: 15927

(1) "College or university" means a nonprofit educational 15928  
institution qualifying under division (A)(2) of section 1713.01 15929  
and holding a certificate of authorization issued under section 15930  
1713.02 of the Revised Code. 15931

(2) "Controlled entity" means a wholly owned subsidiary of a 15932  
college or a university or a partnership in which a college or a 15933  
university, or its wholly owned subsidiary, is the sole general 15934  
partner. 15935

(3) "Student" means a person attending a college or 15936  
university who borrows money or obtains credit from such college 15937  
or university, or from a controlled entity of such college or 15938  
university, to finance the costs of attending such college or 15939  
university, and includes the parents, guardians, and spouse of the 15940  
student. 15941

(B) Notwithstanding section 1343.01 of the Revised Code, a 15942  
college or university, or a controlled entity of such college or 15943  
university, may charge interest or finance charges on loans made 15944  
or credit granted to a student for the student's costs of 15945  
attending such college or university at any rate or rates agreed 15946

upon or consented to by the student in any open accounts 15947  
receivable, loan agreement, or promissory note, but not to exceed 15948  
the maximum interest rate applicable to the federal Stafford loan 15949  
program under 34 C.F.R. 682.202(a)(1). The ~~Ohio board of regents~~ 15950  
director of higher education shall adopt rules specifying a 15951  
schedule for the certification of such maximum interest rate. 15952

(C) A college or university, or a controlled entity of such 15953  
college or university, may charge students for the late payment of 15954  
any costs of attending such college or university, including any 15955  
payment under an agreement or note pursuant to division (B) of 15956  
this section, at a rate not exceeding five per cent of any unpaid 15957  
amount due and not paid per month for two months and not exceeding 15958  
two per cent of such amount for subsequent months. A charge for a 15959  
full month may be made for payments more than ten days late. 15960

**Sec. 1713.06.** If any institution, school, or person confers 15961  
degrees, diplomas, or other written evidences of proficiency or 15962  
achievement or offers or intends to offer a course or courses in 15963  
this state applicable to requirements for a diploma or degree 15964  
without the certificate of authorization required by section 15965  
1713.02 of the Revised Code, the ~~Ohio board of regents~~ director of 15966  
higher education may, through the office of the attorney general, 15967  
apply to the court of common pleas in the county in which such 15968  
institution, school, or person is operating to restrain such 15969  
institution, school, or person from the exercise of its franchise, 15970  
if the institution, school, or person is a corporation, from the 15971  
awarding of the degrees or diplomas the institution, school, or 15972  
person is not authorized to award, and from offering any course or 15973  
courses or enrolling any student in any course or courses it is 15974  
not authorized to conduct. 15975

The ~~board~~ director may, through the office of the attorney 15976  
general, petition the court of common pleas in the county in which 15977

the institution, school, or person is operating for an order 15978  
enjoining the awarding of diplomas or degrees, the offering of 15979  
courses, and the enrolling of students. The court may grant such 15980  
injunctive relief upon a showing that the institution, school, or 15981  
person named in the petition is awarding degrees or diplomas, 15982  
offering courses applicable to requirements for such degrees or 15983  
diplomas, or enrolling students in such courses to be offered in 15984  
the state without receiving the appropriate certificate of 15985  
authorization issued by the ~~board of regents~~ director. 15986

**Sec. 1713.09.** A college, university, or other institution of 15987  
learning, existing by virtue of an act of incorporation, or that 15988  
becomes incorporated for any of the purposes specified in sections 15989  
1713.01 to 1713.39, inclusive, of the Revised Code, if 15990  
three-fourths of the trustees or directors thereof deem it proper, 15991  
or if the institution is owned in shares, or by stock subscribed 15992  
or taken, by a vote of the holders of three-fourths of the stock 15993  
or shares, may change the location of such institution, convey its 15994  
real estate, and transfer the effects thereof, and invest them at 15995  
the place to which such institution is removed. Any institution 15996  
which has a certificate of authorization from the ~~Ohio board of~~ 15997  
~~regents~~ director of higher education shall give written notice to 15998  
the ~~board~~ director before such institution changes its location. 15999  
No such removal shall be ordered, and no vote taken thereon, until 16000  
after publication in the manner provided by law in case of a sale 16001  
and distribution of the property of such an institution. Such 16002  
publication shall fully set forth the place to which it is 16003  
proposed to remove the institution. In case of removal, a copy of 16004  
the proceedings of such meeting shall be filed with the secretary 16005  
of state. 16006

**Sec. 1713.25.** The board of trustees of an institution of 16007  
learning incorporated under the authority of this state for the 16008

sole purpose of promoting education, religion and morality, or the fine arts, at a regular or special meeting of such board called for that purpose, after thirty days' actual notice to each trustee, may change the name and enlarge the purposes and objects of such institution of learning, by amendment to its charter, approved by a majority of the board.

No institution as defined in section 1713.01 of the Revised Code or school that holds a certificate of registration issued by the state board of career colleges and schools pursuant to division (C) of section 3332.05 of the Revised Code, that has been issued a certificate of authorization by the ~~Ohio board of regents~~ director of higher education shall change the purposes of the institution without giving written notice to the ~~Ohio board of regents, which~~ director, who shall issue an amended certificate of authorization to the institution or school upon receipt of such notice.

**Sec. 2151.3514.** (A) As used in this section:

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code;

(2) "Chemical dependency" means either of the following:

(a) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others;

(b) The use of a drug of abuse to the extent that the user becomes physically or psychologically dependent on the drug or endangers the user's health, safety, or welfare or that of others.

(3) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code.

(B) If the juvenile court issues an order of temporary

custody or protective supervision under division (A) of section 16039  
2151.353 of the Revised Code with respect to a child adjudicated 16040  
to be an abused, neglected, or dependent child and the alcohol or 16041  
other drug addiction of a parent or other caregiver of the child 16042  
was the basis for the adjudication of abuse, neglect, or 16043  
dependency, the court shall issue an order requiring the parent or 16044  
other caregiver to submit to an assessment and, if needed, 16045  
treatment from a community addiction services provider ~~certified~~ 16046  
~~by the department of mental health and addiction services.~~ The 16047  
court may order the parent or other caregiver to submit to alcohol 16048  
or other drug testing during, after, or both during and after, the 16049  
treatment. The court shall send any order issued pursuant to this 16050  
division to the public children services agency that serves the 16051  
county in which the court is located for use as described in 16052  
section 340.15 of the Revised Code. 16053

(C) Any order requiring alcohol or other drug testing that is 16054  
issued pursuant to division (B) of this section shall require one 16055  
alcohol or other drug test to be conducted each month during a 16056  
period of twelve consecutive months beginning the month 16057  
immediately following the month in which the order for alcohol or 16058  
other drug testing is issued. Arrangements for administering the 16059  
alcohol or other drug tests, as well as funding the costs of the 16060  
tests, shall be locally determined in accordance with sections 16061  
340.03 and 340.15 of the Revised Code. If a parent or other 16062  
caregiver required to submit to alcohol or other drug tests under 16063  
this section is not a recipient of medicaid, the agency that 16064  
refers the parent or caregiver for the tests may require the 16065  
parent or caregiver to reimburse the agency for the cost of 16066  
conducting the tests. 16067

(D) The ~~certified~~ community addiction services provider that 16068  
conducts any alcohol or other drug tests ordered in accordance 16069  
with divisions (B) and (C) of this section shall send the results 16070

of the tests, along with the provider's recommendations as to the 16071  
benefits of continued treatment, to the court and to the public 16072  
children services agency providing services to the involved 16073  
family, according to federal regulations set forth in 42 C.F.R. 16074  
Part 2, and division (B) of section 340.15 of the Revised Code. 16075  
The court shall consider the results and the recommendations sent 16076  
to it under this division in any adjudication or review by the 16077  
court, according to section 2151.353, 2151.414, or 2151.419 of the 16078  
Revised Code. 16079

**Sec. 2151.421.** (A)(1)(a) No person described in division 16080  
(A)(1)(b) of this section who is acting in an official or 16081  
professional capacity and knows, or has reasonable cause to 16082  
suspect based on facts that would cause a reasonable person in a 16083  
similar position to suspect, that a child under eighteen years of 16084  
age or a mentally retarded, developmentally disabled, or 16085  
physically impaired child under twenty-one years of age has 16086  
suffered or faces a threat of suffering any physical or mental 16087  
wound, injury, disability, or condition of a nature that 16088  
reasonably indicates abuse or neglect of the child shall fail to 16089  
immediately report that knowledge or reasonable cause to suspect 16090  
to the entity or persons specified in this division. Except as 16091  
provided in section 5120.173 of the Revised Code, the person 16092  
making the report shall make it to the public children services 16093  
agency or a municipal or county peace officer in the county in 16094  
which the child resides or in which the abuse or neglect is 16095  
occurring or has occurred. In the circumstances described in 16096  
section 5120.173 of the Revised Code, the person making the report 16097  
shall make it to the entity specified in that section. 16098

(b) Division (A)(1)(a) of this section applies to any person 16099  
who is an attorney; physician, including a hospital intern or 16100  
resident; dentist; podiatrist; practitioner of a limited branch of 16101  
medicine as specified in section 4731.15 of the Revised Code; 16102

registered nurse; licensed practical nurse; visiting nurse; other 16103  
health care professional; licensed psychologist; licensed school 16104  
psychologist; independent marriage and family therapist or 16105  
marriage and family therapist; speech pathologist or audiologist; 16106  
coroner; administrator or employee of a child day-care center; 16107  
administrator or employee of a residential camp or child day camp; 16108  
administrator or employee of a certified child care agency or 16109  
other public or private children services agency; school teacher; 16110  
school employee; school authority; person engaged in social work 16111  
or the practice of professional counseling; agent of a county 16112  
humane society; person, other than a cleric, rendering spiritual 16113  
treatment through prayer in accordance with the tenets of a 16114  
well-recognized religion; employee of a county department of job 16115  
and family services who is a professional and who works with 16116  
children and families; superintendent or regional administrator 16117  
employed by the department of youth services; superintendent, 16118  
board member, or employee of a county board of developmental 16119  
disabilities; investigative agent contracted with by a county 16120  
board of developmental disabilities; employee of the department of 16121  
developmental disabilities; employee of a facility or home that 16122  
provides respite care in accordance with section 5123.171 of the 16123  
Revised Code; employee of a home health agency; employee of an 16124  
entity that provides homemaker services; a person performing the 16125  
duties of an assessor pursuant to Chapter 3107. or 5103. of the 16126  
Revised Code; third party employed by a public children services 16127  
agency to assist in providing child or family related services; 16128  
court appointed special advocate; or guardian ad litem. 16129

(2) Except as provided in division (A)(3) of this section, an 16130  
attorney or a physician is not required to make a report pursuant 16131  
to division (A)(1) of this section concerning any communication 16132  
the attorney or physician receives from a client or patient in an 16133  
attorney-client or physician-patient relationship, if, in 16134  
accordance with division (A) or (B) of section 2317.02 of the 16135

Revised Code, the attorney or physician could not testify with 16136  
respect to that communication in a civil or criminal proceeding. 16137

(3) The client or patient in an attorney-client or 16138  
physician-patient relationship described in division (A)(2) of 16139  
this section is deemed to have waived any testimonial privilege 16140  
under division (A) or (B) of section 2317.02 of the Revised Code 16141  
with respect to any communication the attorney or physician 16142  
receives from the client or patient in that attorney-client or 16143  
physician-patient relationship, and the attorney or physician 16144  
shall make a report pursuant to division (A)(1) of this section 16145  
with respect to that communication, if all of the following apply: 16146

(a) The client or patient, at the time of the communication, 16147  
is either a child under eighteen years of age or a mentally 16148  
retarded, developmentally disabled, or physically impaired person 16149  
under twenty-one years of age. 16150

(b) The attorney or physician knows, or has reasonable cause 16151  
to suspect based on facts that would cause a reasonable person in 16152  
similar position to suspect, as a result of the communication or 16153  
any observations made during that communication, that the client 16154  
or patient has suffered or faces a threat of suffering any 16155  
physical or mental wound, injury, disability, or condition of a 16156  
nature that reasonably indicates abuse or neglect of the client or 16157  
patient. 16158

(c) The abuse or neglect does not arise out of the client's 16159  
or patient's attempt to have an abortion without the notification 16160  
of her parents, guardian, or custodian in accordance with section 16161  
2151.85 of the Revised Code. 16162

(4)(a) No cleric and no person, other than a volunteer, 16163  
designated by any church, religious society, or faith acting as a 16164  
leader, official, or delegate on behalf of the church, religious 16165  
society, or faith who is acting in an official or professional 16166

capacity, who knows, or has reasonable cause to believe based on 16167  
facts that would cause a reasonable person in a similar position 16168  
to believe, that a child under eighteen years of age or a mentally 16169  
retarded, developmentally disabled, or physically impaired child 16170  
under twenty-one years of age has suffered or faces a threat of 16171  
suffering any physical or mental wound, injury, disability, or 16172  
condition of a nature that reasonably indicates abuse or neglect 16173  
of the child, and who knows, or has reasonable cause to believe 16174  
based on facts that would cause a reasonable person in a similar 16175  
position to believe, that another cleric or another person, other 16176  
than a volunteer, designated by a church, religious society, or 16177  
faith acting as a leader, official, or delegate on behalf of the 16178  
church, religious society, or faith caused, or poses the threat of 16179  
causing, the wound, injury, disability, or condition that 16180  
reasonably indicates abuse or neglect shall fail to immediately 16181  
report that knowledge or reasonable cause to believe to the entity 16182  
or persons specified in this division. Except as provided in 16183  
section 5120.173 of the Revised Code, the person making the report 16184  
shall make it to the public children services agency or a 16185  
municipal or county peace officer in the county in which the child 16186  
resides or in which the abuse or neglect is occurring or has 16187  
occurred. In the circumstances described in section 5120.173 of 16188  
the Revised Code, the person making the report shall make it to 16189  
the entity specified in that section. 16190

(b) Except as provided in division (A)(4)(c) of this section, 16191  
a cleric is not required to make a report pursuant to division 16192  
(A)(4)(a) of this section concerning any communication the cleric 16193  
receives from a penitent in a cleric-penitent relationship, if, in 16194  
accordance with division (C) of section 2317.02 of the Revised 16195  
Code, the cleric could not testify with respect to that 16196  
communication in a civil or criminal proceeding. 16197

(c) The penitent in a cleric-penitent relationship described 16198

in division (A)(4)(b) of this section is deemed to have waived any 16199  
testimonial privilege under division (C) of section 2317.02 of the 16200  
Revised Code with respect to any communication the cleric receives 16201  
from the penitent in that cleric-penitent relationship, and the 16202  
cleric shall make a report pursuant to division (A)(4)(a) of this 16203  
section with respect to that communication, if all of the 16204  
following apply: 16205

(i) The penitent, at the time of the communication, is either 16206  
a child under eighteen years of age or a mentally retarded, 16207  
developmentally disabled, or physically impaired person under 16208  
twenty-one years of age. 16209

(ii) The cleric knows, or has reasonable cause to believe 16210  
based on facts that would cause a reasonable person in a similar 16211  
position to believe, as a result of the communication or any 16212  
observations made during that communication, the penitent has 16213  
suffered or faces a threat of suffering any physical or mental 16214  
wound, injury, disability, or condition of a nature that 16215  
reasonably indicates abuse or neglect of the penitent. 16216

(iii) The abuse or neglect does not arise out of the 16217  
penitent's attempt to have an abortion performed upon a child 16218  
under eighteen years of age or upon a mentally retarded, 16219  
developmentally disabled, or physically impaired person under 16220  
twenty-one years of age without the notification of her parents, 16221  
guardian, or custodian in accordance with section 2151.85 of the 16222  
Revised Code. 16223

(d) Divisions (A)(4)(a) and (c) of this section do not apply 16224  
in a cleric-penitent relationship when the disclosure of any 16225  
communication the cleric receives from the penitent is in 16226  
violation of the sacred trust. 16227

(e) As used in divisions (A)(1) and (4) of this section, 16228  
"cleric" and "sacred trust" have the same meanings as in section 16229

2317.02 of the Revised Code. 16230

(B) Anyone who knows, or has reasonable cause to suspect 16231  
based on facts that would cause a reasonable person in similar 16232  
circumstances to suspect, that a child under eighteen years of age 16233  
or a mentally retarded, developmentally disabled, or physically 16234  
impaired person under twenty-one years of age has suffered or 16235  
faces a threat of suffering any physical or mental wound, injury, 16236  
disability, or other condition of a nature that reasonably 16237  
indicates abuse or neglect of the child may report or cause 16238  
reports to be made of that knowledge or reasonable cause to 16239  
suspect to the entity or persons specified in this division. 16240  
Except as provided in section 5120.173 of the Revised Code, a 16241  
person making a report or causing a report to be made under this 16242  
division shall make it or cause it to be made to the public 16243  
children services agency or to a municipal or county peace 16244  
officer. In the circumstances described in section 5120.173 of the 16245  
Revised Code, a person making a report or causing a report to be 16246  
made under this division shall make it or cause it to be made to 16247  
the entity specified in that section. 16248

(C) Any report made pursuant to division (A) or (B) of this 16249  
section shall be made forthwith either by telephone or in person 16250  
and shall be followed by a written report, if requested by the 16251  
receiving agency or officer. The written report shall contain: 16252

(1) The names and addresses of the child and the child's 16253  
parents or the person or persons having custody of the child, if 16254  
known; 16255

(2) The child's age and the nature and extent of the child's 16256  
injuries, abuse, or neglect that is known or reasonably suspected 16257  
or believed, as applicable, to have occurred or of the threat of 16258  
injury, abuse, or neglect that is known or reasonably suspected or 16259  
believed, as applicable, to exist, including any evidence of 16260  
previous injuries, abuse, or neglect; 16261

(3) Any other information that might be helpful in 16262  
establishing the cause of the injury, abuse, or neglect that is 16263  
known or reasonably suspected or believed, as applicable, to have 16264  
occurred or of the threat of injury, abuse, or neglect that is 16265  
known or reasonably suspected or believed, as applicable, to 16266  
exist. 16267

Any person, who is required by division (A) of this section 16268  
to report child abuse or child neglect that is known or reasonably 16269  
suspected or believed to have occurred, may take or cause to be 16270  
taken color photographs of areas of trauma visible on a child and, 16271  
if medically indicated, cause to be performed radiological 16272  
examinations of the child. 16273

(D) As used in this division, "children's advocacy center" 16274  
and "sexual abuse of a child" have the same meanings as in section 16275  
2151.425 of the Revised Code. 16276

(1) When a municipal or county peace officer receives a 16277  
report concerning the possible abuse or neglect of a child or the 16278  
possible threat of abuse or neglect of a child, upon receipt of 16279  
the report, the municipal or county peace officer who receives the 16280  
report shall refer the report to the appropriate public children 16281  
services agency. 16282

(2) When a public children services agency receives a report 16283  
pursuant to this division or division (A) or (B) of this section, 16284  
upon receipt of the report, the public children services agency 16285  
shall do both of the following: 16286

(a) Comply with section 2151.422 of the Revised Code; 16287

(b) If the county served by the agency is also served by a 16288  
children's advocacy center and the report alleges sexual abuse of 16289  
a child or another type of abuse of a child that is specified in 16290  
the memorandum of understanding that creates the center as being 16291  
within the center's jurisdiction, comply regarding the report with 16292

the protocol and procedures for referrals and investigations, with 16293  
the coordinating activities, and with the authority or 16294  
responsibility for performing or providing functions, activities, 16295  
and services stipulated in the interagency agreement entered into 16296  
under section 2151.428 of the Revised Code relative to that 16297  
center. 16298

(E) No township, municipal, or county peace officer shall 16299  
remove a child about whom a report is made pursuant to this 16300  
section from the child's parents, stepparents, or guardian or any 16301  
other persons having custody of the child without consultation 16302  
with the public children services agency, unless, in the judgment 16303  
of the officer, and, if the report was made by physician, the 16304  
physician, immediate removal is considered essential to protect 16305  
the child from further abuse or neglect. The agency that must be 16306  
consulted shall be the agency conducting the investigation of the 16307  
report as determined pursuant to section 2151.422 of the Revised 16308  
Code. 16309

(F)(1) Except as provided in section 2151.422 of the Revised 16310  
Code or in an interagency agreement entered into under section 16311  
2151.428 of the Revised Code that applies to the particular 16312  
report, the public children services agency shall investigate, 16313  
within twenty-four hours, each report of child abuse or child 16314  
neglect that is known or reasonably suspected or believed to have 16315  
occurred and of a threat of child abuse or child neglect that is 16316  
known or reasonably suspected or believed to exist that is 16317  
referred to it under this section to determine the circumstances 16318  
surrounding the injuries, abuse, or neglect or the threat of 16319  
injury, abuse, or neglect, the cause of the injuries, abuse, 16320  
neglect, or threat, and the person or persons responsible. The 16321  
investigation shall be made in cooperation with the law 16322  
enforcement agency and in accordance with the memorandum of 16323  
understanding prepared under division (J) of this section. A 16324

representative of the public children services agency shall, at 16325  
the time of initial contact with the person subject to the 16326  
investigation, inform the person of the specific complaints or 16327  
allegations made against the person. The information shall be 16328  
given in a manner that is consistent with division (H)(1) of this 16329  
section and protects the rights of the person making the report 16330  
under this section. 16331

A failure to make the investigation in accordance with the 16332  
memorandum is not grounds for, and shall not result in, the 16333  
dismissal of any charges or complaint arising from the report or 16334  
the suppression of any evidence obtained as a result of the report 16335  
and does not give, and shall not be construed as giving, any 16336  
rights or any grounds for appeal or post-conviction relief to any 16337  
person. The public children services agency shall report each case 16338  
to the uniform statewide automated child welfare information 16339  
system that the department of job and family services shall 16340  
maintain in accordance with section 5101.13 of the Revised Code. 16341  
The public children services agency shall submit a report of its 16342  
investigation, in writing, to the law enforcement agency. 16343

(2) The public children services agency shall make any 16344  
recommendations to the county prosecuting attorney or city 16345  
director of law that it considers necessary to protect any 16346  
children that are brought to its attention. 16347

(G)(1)(a) Except as provided in division (H)(3) of this 16348  
section, anyone or any hospital, institution, school, health 16349  
department, or agency participating in the making of reports under 16350  
division (A) of this section, anyone or any hospital, institution, 16351  
school, health department, or agency participating in good faith 16352  
in the making of reports under division (B) of this section, and 16353  
anyone participating in good faith in a judicial proceeding 16354  
resulting from the reports, shall be immune from any civil or 16355  
criminal liability for injury, death, or loss to person or 16356

property that otherwise might be incurred or imposed as a result 16357  
of the making of the reports or the participation in the judicial 16358  
proceeding. 16359

(b) Notwithstanding section 4731.22 of the Revised Code, the 16360  
physician-patient privilege shall not be a ground for excluding 16361  
evidence regarding a child's injuries, abuse, or neglect, or the 16362  
cause of the injuries, abuse, or neglect in any judicial 16363  
proceeding resulting from a report submitted pursuant to this 16364  
section. 16365

(2) In any civil or criminal action or proceeding in which it 16366  
is alleged and proved that participation in the making of a report 16367  
under this section was not in good faith or participation in a 16368  
judicial proceeding resulting from a report made under this 16369  
section was not in good faith, the court shall award the 16370  
prevailing party reasonable attorney's fees and costs and, if a 16371  
civil action or proceeding is voluntarily dismissed, may award 16372  
reasonable attorney's fees and costs to the party against whom the 16373  
civil action or proceeding is brought. 16374

(H)(1) Except as provided in divisions (H)(4) and (N) of this 16375  
section, a report made under this section is confidential. The 16376  
information provided in a report made pursuant to this section and 16377  
the name of the person who made the report shall not be released 16378  
for use, and shall not be used, as evidence in any civil action or 16379  
proceeding brought against the person who made the report. Nothing 16380  
in this division shall preclude the use of reports of other 16381  
incidents of known or suspected abuse or neglect in a civil action 16382  
or proceeding brought pursuant to division (M) of this section 16383  
against a person who is alleged to have violated division (A)(1) 16384  
of this section, provided that any information in a report that 16385  
would identify the child who is the subject of the report or the 16386  
maker of the report, if the maker of the report is not the 16387  
defendant or an agent or employee of the defendant, has been 16388

redacted. In a criminal proceeding, the report is admissible in 16389  
evidence in accordance with the Rules of Evidence and is subject 16390  
to discovery in accordance with the Rules of Criminal Procedure. 16391

(2) No person shall permit or encourage the unauthorized 16392  
dissemination of the contents of any report made under this 16393  
section. 16394

(3) A person who knowingly makes or causes another person to 16395  
make a false report under division (B) of this section that 16396  
alleges that any person has committed an act or omission that 16397  
resulted in a child being an abused child or a neglected child is 16398  
guilty of a violation of section 2921.14 of the Revised Code. 16399

(4) If a report is made pursuant to division (A) or (B) of 16400  
this section and the child who is the subject of the report dies 16401  
for any reason at any time after the report is made, but before 16402  
the child attains eighteen years of age, the public children 16403  
services agency or municipal or county peace officer to which the 16404  
report was made or referred, on the request of the child fatality 16405  
review board or the director of health pursuant to guidelines 16406  
established under section 3701.70 of the Revised Code, shall 16407  
submit a summary sheet of information providing a summary of the 16408  
report to the review board of the county in which the deceased 16409  
child resided at the time of death or to the director. On the 16410  
request of the review board or director, the agency or peace 16411  
officer may, at its discretion, make the report available to the 16412  
review board or director. If the county served by the public 16413  
children services agency is also served by a children's advocacy 16414  
center and the report of alleged sexual abuse of a child or 16415  
another type of abuse of a child is specified in the memorandum of 16416  
understanding that creates the center as being within the center's 16417  
jurisdiction, the agency or center shall perform the duties and 16418  
functions specified in this division in accordance with the 16419  
interagency agreement entered into under section 2151.428 of the 16420

Revised Code relative to that advocacy center. 16421

(5) A public children services agency shall advise a person 16422  
alleged to have inflicted abuse or neglect on a child who is the 16423  
subject of a report made pursuant to this section, including a 16424  
report alleging sexual abuse of a child or another type of abuse 16425  
of a child referred to a children's advocacy center pursuant to an 16426  
interagency agreement entered into under section 2151.428 of the 16427  
Revised Code, in writing of the disposition of the investigation. 16428  
The agency shall not provide to the person any information that 16429  
identifies the person who made the report, statements of 16430  
witnesses, or police or other investigative reports. 16431

(I) Any report that is required by this section, other than a 16432  
report that is made to the state highway patrol as described in 16433  
section 5120.173 of the Revised Code, shall result in protective 16434  
services and emergency supportive services being made available by 16435  
the public children services agency on behalf of the children 16436  
about whom the report is made, in an effort to prevent further 16437  
neglect or abuse, to enhance their welfare, and, whenever 16438  
possible, to preserve the family unit intact. The agency required 16439  
to provide the services shall be the agency conducting the 16440  
investigation of the report pursuant to section 2151.422 of the 16441  
Revised Code. 16442

(J)(1) Each public children services agency shall prepare a 16443  
memorandum of understanding that is signed by all of the 16444  
following: 16445

(a) If there is only one juvenile judge in the county, the 16446  
juvenile judge of the county or the juvenile judge's 16447  
representative; 16448

(b) If there is more than one juvenile judge in the county, a 16449  
juvenile judge or the juvenile judges' representative selected by 16450  
the juvenile judges or, if they are unable to do so for any 16451

reason, the juvenile judge who is senior in point of service or 16452  
the senior juvenile judge's representative; 16453

(c) The county peace officer; 16454

(d) All chief municipal peace officers within the county; 16455

(e) Other law enforcement officers handling child abuse and 16456  
neglect cases in the county; 16457

(f) The prosecuting attorney of the county; 16458

(g) If the public children services agency is not the county 16459  
department of job and family services, the county department of 16460  
job and family services; 16461

(h) The county humane society; 16462

(i) If the public children services agency participated in 16463  
the execution of a memorandum of understanding under section 16464  
2151.426 of the Revised Code establishing a children's advocacy 16465  
center, each participating member of the children's advocacy 16466  
center established by the memorandum. 16467

(2) A memorandum of understanding shall set forth the normal 16468  
operating procedure to be employed by all concerned officials in 16469  
the execution of their respective responsibilities under this 16470  
section and division (C) of section 2919.21, division (B)(1) of 16471  
section 2919.22, division (B) of section 2919.23, and section 16472  
2919.24 of the Revised Code and shall have as two of its primary 16473  
goals the elimination of all unnecessary interviews of children 16474  
who are the subject of reports made pursuant to division (A) or 16475  
(B) of this section and, when feasible, providing for only one 16476  
interview of a child who is the subject of any report made 16477  
pursuant to division (A) or (B) of this section. A failure to 16478  
follow the procedure set forth in the memorandum by the concerned 16479  
officials is not grounds for, and shall not result in, the 16480  
dismissal of any charges or complaint arising from any reported 16481

case of abuse or neglect or the suppression of any evidence 16482  
obtained as a result of any reported child abuse or child neglect 16483  
and does not give, and shall not be construed as giving, any 16484  
rights or any grounds for appeal or post-conviction relief to any 16485  
person. 16486

(3) A memorandum of understanding shall include all of the 16487  
following: 16488

(a) The roles and responsibilities for handling emergency and 16489  
nonemergency cases of abuse and neglect; 16490

(b) Standards and procedures to be used in handling and 16491  
coordinating investigations of reported cases of child abuse and 16492  
reported cases of child neglect, methods to be used in 16493  
interviewing the child who is the subject of the report and who 16494  
allegedly was abused or neglected, and standards and procedures 16495  
addressing the categories of persons who may interview the child 16496  
who is the subject of the report and who allegedly was abused or 16497  
neglected. 16498

(4) If a public children services agency participated in the 16499  
execution of a memorandum of understanding under section 2151.426 16500  
of the Revised Code establishing a children's advocacy center, the 16501  
agency shall incorporate the contents of that memorandum in the 16502  
memorandum prepared pursuant to this section. 16503

(5) The clerk of the court of common pleas in the county may 16504  
sign the memorandum of understanding prepared under division 16505  
(J)(1) of this section. If the clerk signs the memorandum of 16506  
understanding, the clerk shall execute all relevant 16507  
responsibilities as required of officials specified in the 16508  
memorandum. 16509

(K)(1) Except as provided in division (K)(4) of this section, 16510  
a person who is required to make a report pursuant to division (A) 16511  
of this section may make a reasonable number of requests of the 16512

public children services agency that receives or is referred the 16513  
report, or of the children's advocacy center that is referred the 16514  
report if the report is referred to a children's advocacy center 16515  
pursuant to an interagency agreement entered into under section 16516  
2151.428 of the Revised Code, to be provided with the following 16517  
information: 16518

(a) Whether the agency or center has initiated an 16519  
investigation of the report; 16520

(b) Whether the agency or center is continuing to investigate 16521  
the report; 16522

(c) Whether the agency or center is otherwise involved with 16523  
the child who is the subject of the report; 16524

(d) The general status of the health and safety of the child 16525  
who is the subject of the report; 16526

(e) Whether the report has resulted in the filing of a 16527  
complaint in juvenile court or of criminal charges in another 16528  
court. 16529

(2) A person may request the information specified in 16530  
division (K)(1) of this section only if, at the time the report is 16531  
made, the person's name, address, and telephone number are 16532  
provided to the person who receives the report. 16533

When a municipal or county peace officer or employee of a 16534  
public children services agency receives a report pursuant to 16535  
division (A) or (B) of this section the recipient of the report 16536  
shall inform the person of the right to request the information 16537  
described in division (K)(1) of this section. The recipient of the 16538  
report shall include in the initial child abuse or child neglect 16539  
report that the person making the report was so informed and, if 16540  
provided at the time of the making of the report, shall include 16541  
the person's name, address, and telephone number in the report. 16542

Each request is subject to verification of the identity of 16543  
the person making the report. If that person's identity is 16544  
verified, the agency shall provide the person with the information 16545  
described in division (K)(1) of this section a reasonable number 16546  
of times, except that the agency shall not disclose any 16547  
confidential information regarding the child who is the subject of 16548  
the report other than the information described in those 16549  
divisions. 16550

(3) A request made pursuant to division (K)(1) of this 16551  
section is not a substitute for any report required to be made 16552  
pursuant to division (A) of this section. 16553

(4) If an agency other than the agency that received or was 16554  
referred the report is conducting the investigation of the report 16555  
pursuant to section 2151.422 of the Revised Code, the agency 16556  
conducting the investigation shall comply with the requirements of 16557  
division (K) of this section. 16558

(L) The director of job and family services shall adopt rules 16559  
in accordance with Chapter 119. of the Revised Code to implement 16560  
this section. The department of job and family services may enter 16561  
into a plan of cooperation with any other governmental entity to 16562  
aid in ensuring that children are protected from abuse and 16563  
neglect. The department shall make recommendations to the attorney 16564  
general that the department determines are necessary to protect 16565  
children from child abuse and child neglect. 16566

(M) Whoever violates division (A) of this section is liable 16567  
for compensatory and exemplary damages to the child who would have 16568  
been the subject of the report that was not made. A person who 16569  
brings a civil action or proceeding pursuant to this division 16570  
against a person who is alleged to have violated division (A)(1) 16571  
of this section may use in the action or proceeding reports of 16572  
other incidents of known or suspected abuse or neglect, provided 16573  
that any information in a report that would identify the child who 16574

is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency

shall provide the written notice to the owner or governing board 16607  
of the out-of-home care entity that is the subject of the report. 16608  
The agency shall not provide witness statements or police or other 16609  
investigative reports. 16610

(3) No later than three days after the day on which a public 16611  
children services agency that conducted the investigation as 16612  
determined pursuant to section 2151.422 of the Revised Code makes 16613  
a disposition of an investigation involving a report of alleged 16614  
child abuse or child neglect, or a report of an alleged threat of 16615  
child abuse or child neglect, that allegedly occurred in or 16616  
involved an out-of-home care entity, the agency shall send written 16617  
notice of the disposition of the investigation to the 16618  
administrator, director, or other chief administrative officer and 16619  
the owner or governing board of the out-of-home care entity. The 16620  
agency shall not provide witness statements or police or other 16621  
investigative reports. 16622

(O) As used in this section, "investigation" means the public 16623  
children services agency's response to an accepted report of child 16624  
abuse or neglect through either an alternative response or a 16625  
traditional response. 16626

**Sec. 2925.03.** (A) No person shall knowingly do any of the 16627  
following: 16628

(1) Sell or offer to sell a controlled substance or a 16629  
controlled substance analog; 16630

(2) Prepare for shipment, ship, transport, deliver, prepare 16631  
for distribution, or distribute a controlled substance or a 16632  
controlled substance analog, when the offender knows or has 16633  
reasonable cause to believe that the controlled substance or a 16634  
controlled substance analog is intended for sale or resale by the 16635  
offender or another person. 16636

(B) This section does not apply to any of the following: 16637

(1) Manufacturers, licensed health professionals authorized 16638  
to prescribe drugs, pharmacists, owners of pharmacies, and other 16639  
persons whose conduct is in accordance with Chapters 3719., 4715., 16640  
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 16641

(2) If the offense involves an anabolic steroid, any person 16642  
who is conducting or participating in a research project involving 16643  
the use of an anabolic steroid if the project has been approved by 16644  
the United States food and drug administration; 16645

(3) Any person who sells, offers for sale, prescribes, 16646  
dispenses, or administers for livestock or other nonhuman species 16647  
an anabolic steroid that is expressly intended for administration 16648  
through implants to livestock or other nonhuman species and 16649  
approved for that purpose under the "Federal Food, Drug, and 16650  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 16651  
and is sold, offered for sale, prescribed, dispensed, or 16652  
administered for that purpose in accordance with that act. 16653

(C) Whoever violates division (A) of this section is guilty 16654  
of one of the following: 16655

(1) If the drug involved in the violation is any compound, 16656  
mixture, preparation, or substance included in schedule I or 16657  
schedule II, with the exception of marihuana, cocaine, L.S.D., 16658  
heroin, hashish, and controlled substance analogs, whoever 16659  
violates division (A) of this section is guilty of aggravated 16660  
trafficking in drugs. The penalty for the offense shall be 16661  
determined as follows: 16662

(a) Except as otherwise provided in division (C)(1)(b), (c), 16663  
(d), (e), or (f) of this section, aggravated trafficking in drugs 16664  
is a felony of the fourth degree, and division (C) of section 16665  
2929.13 of the Revised Code applies in determining whether to 16666  
impose a prison term on the offender. 16667

(b) Except as otherwise provided in division (C)(1)(c), (d), 16668  
(e), or (f) of this section, if the offense was committed in the 16669  
vicinity of a school or in the vicinity of a juvenile, aggravated 16670  
trafficking in drugs is a felony of the third degree, and division 16671  
(C) of section 2929.13 of the Revised Code applies in determining 16672  
whether to impose a prison term on the offender. 16673

(c) Except as otherwise provided in this division, if the 16674  
amount of the drug involved equals or exceeds the bulk amount but 16675  
is less than five times the bulk amount, aggravated trafficking in 16676  
drugs is a felony of the third degree, and, except as otherwise 16677  
provided in this division, there is a presumption for a prison 16678  
term for the offense. If aggravated trafficking in drugs is a 16679  
felony of the third degree under this division and if the offender 16680  
two or more times previously has been convicted of or pleaded 16681  
guilty to a felony drug abuse offense, the court shall impose as a 16682  
mandatory prison term one of the prison terms prescribed for a 16683  
felony of the third degree. If the amount of the drug involved is 16684  
within that range and if the offense was committed in the vicinity 16685  
of a school or in the vicinity of a juvenile, aggravated 16686  
trafficking in drugs is a felony of the second degree, and the 16687  
court shall impose as a mandatory prison term one of the prison 16688  
terms prescribed for a felony of the second degree. 16689

(d) Except as otherwise provided in this division, if the 16690  
amount of the drug involved equals or exceeds five times the bulk 16691  
amount but is less than fifty times the bulk amount, aggravated 16692  
trafficking in drugs is a felony of the second degree, and the 16693  
court shall impose as a mandatory prison term one of the prison 16694  
terms prescribed for a felony of the second degree. If the amount 16695  
of the drug involved is within that range and if the offense was 16696  
committed in the vicinity of a school or in the vicinity of a 16697  
juvenile, aggravated trafficking in drugs is a felony of the first 16698  
degree, and the court shall impose as a mandatory prison term one 16699

of the prison terms prescribed for a felony of the first degree. 16700

(e) If the amount of the drug involved equals or exceeds 16701  
fifty times the bulk amount but is less than one hundred times the 16702  
bulk amount and regardless of whether the offense was committed in 16703  
the vicinity of a school or in the vicinity of a juvenile, 16704  
aggravated trafficking in drugs is a felony of the first degree, 16705  
and the court shall impose as a mandatory prison term one of the 16706  
prison terms prescribed for a felony of the first degree. 16707

(f) If the amount of the drug involved equals or exceeds one 16708  
hundred times the bulk amount and regardless of whether the 16709  
offense was committed in the vicinity of a school or in the 16710  
vicinity of a juvenile, aggravated trafficking in drugs is a 16711  
felony of the first degree, the offender is a major drug offender, 16712  
and the court shall impose as a mandatory prison term the maximum 16713  
prison term prescribed for a felony of the first degree. 16714

(2) If the drug involved in the violation is any compound, 16715  
mixture, preparation, or substance included in schedule III, IV, 16716  
or V, whoever violates division (A) of this section is guilty of 16717  
trafficking in drugs. The penalty for the offense shall be 16718  
determined as follows: 16719

(a) Except as otherwise provided in division (C)(2)(b), (c), 16720  
(d), or (e) of this section, trafficking in drugs is a felony of 16721  
the fifth degree, and division (B) of section 2929.13 of the 16722  
Revised Code applies in determining whether to impose a prison 16723  
term on the offender. 16724

(b) Except as otherwise provided in division (C)(2)(c), (d), 16725  
or (e) of this section, if the offense was committed in the 16726  
vicinity of a school or in the vicinity of a juvenile, trafficking 16727  
in drugs is a felony of the fourth degree, and division (C) of 16728  
section 2929.13 of the Revised Code applies in determining whether 16729  
to impose a prison term on the offender. 16730

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, trafficking in drugs is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana

other than hashish, whoever violates division (A) of this section 16763  
is guilty of trafficking in marihuana. The penalty for the offense 16764  
shall be determined as follows: 16765

(a) Except as otherwise provided in division (C)(3)(b), (c), 16766  
(d), (e), (f), (g), or (h) of this section, trafficking in 16767  
marihuana is a felony of the fifth degree, and division (B) of 16768  
section 2929.13 of the Revised Code applies in determining whether 16769  
to impose a prison term on the offender. 16770

(b) Except as otherwise provided in division (C)(3)(c), (d), 16771  
(e), (f), (g), or (h) of this section, if the offense was 16772  
committed in the vicinity of a school or in the vicinity of a 16773  
juvenile, trafficking in marihuana is a felony of the fourth 16774  
degree, and division (B) of section 2929.13 of the Revised Code 16775  
applies in determining whether to impose a prison term on the 16776  
offender. 16777

(c) Except as otherwise provided in this division, if the 16778  
amount of the drug involved equals or exceeds two hundred grams 16779  
but is less than one thousand grams, trafficking in marihuana is a 16780  
felony of the fourth degree, and division (B) of section 2929.13 16781  
of the Revised Code applies in determining whether to impose a 16782  
prison term on the offender. If the amount of the drug involved is 16783  
within that range and if the offense was committed in the vicinity 16784  
of a school or in the vicinity of a juvenile, trafficking in 16785  
marihuana is a felony of the third degree, and division (C) of 16786  
section 2929.13 of the Revised Code applies in determining whether 16787  
to impose a prison term on the offender. 16788

(d) Except as otherwise provided in this division, if the 16789  
amount of the drug involved equals or exceeds one thousand grams 16790  
but is less than five thousand grams, trafficking in marihuana is 16791  
a felony of the third degree, and division (C) of section 2929.13 16792  
of the Revised Code applies in determining whether to impose a 16793  
prison term on the offender. If the amount of the drug involved is 16794

within that range and if the offense was committed in the vicinity 16795  
of a school or in the vicinity of a juvenile, trafficking in 16796  
marihuana is a felony of the second degree, and there is a 16797  
presumption that a prison term shall be imposed for the offense. 16798

(e) Except as otherwise provided in this division, if the 16799  
amount of the drug involved equals or exceeds five thousand grams 16800  
but is less than twenty thousand grams, trafficking in marihuana 16801  
is a felony of the third degree, and there is a presumption that a 16802  
prison term shall be imposed for the offense. If the amount of the 16803  
drug involved is within that range and if the offense was 16804  
committed in the vicinity of a school or in the vicinity of a 16805  
juvenile, trafficking in marihuana is a felony of the second 16806  
degree, and there is a presumption that a prison term shall be 16807  
imposed for the offense. 16808

(f) Except as otherwise provided in this division, if the 16809  
amount of the drug involved equals or exceeds twenty thousand 16810  
grams but is less than forty thousand grams, trafficking in 16811  
marihuana is a felony of the second degree, and the court shall 16812  
impose a mandatory prison term of five, six, seven, or eight 16813  
years. If the amount of the drug involved is within that range and 16814  
if the offense was committed in the vicinity of a school or in the 16815  
vicinity of a juvenile, trafficking in marihuana is a felony of 16816  
the first degree, and the court shall impose as a mandatory prison 16817  
term the maximum prison term prescribed for a felony of the first 16818  
degree. 16819

(g) Except as otherwise provided in this division, if the 16820  
amount of the drug involved equals or exceeds forty thousand 16821  
grams, trafficking in marihuana is a felony of the second degree, 16822  
and the court shall impose as a mandatory prison term the maximum 16823  
prison term prescribed for a felony of the second degree. If the 16824  
amount of the drug involved equals or exceeds forty thousand grams 16825  
and if the offense was committed in the vicinity of a school or in 16826

the vicinity of a juvenile, trafficking in marihuana is a felony 16827  
of the first degree, and the court shall impose as a mandatory 16828  
prison term the maximum prison term prescribed for a felony of the 16829  
first degree. 16830

(h) Except as otherwise provided in this division, if the 16831  
offense involves a gift of twenty grams or less of marihuana, 16832  
trafficking in marihuana is a minor misdemeanor upon a first 16833  
offense and a misdemeanor of the third degree upon a subsequent 16834  
offense. If the offense involves a gift of twenty grams or less of 16835  
marihuana and if the offense was committed in the vicinity of a 16836  
school or in the vicinity of a juvenile, trafficking in marihuana 16837  
is a misdemeanor of the third degree. 16838

(4) If the drug involved in the violation is cocaine or a 16839  
compound, mixture, preparation, or substance containing cocaine, 16840  
whoever violates division (A) of this section is guilty of 16841  
trafficking in cocaine. The penalty for the offense shall be 16842  
determined as follows: 16843

(a) Except as otherwise provided in division (C)(4)(b), (c), 16844  
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 16845  
felony of the fifth degree, and division (B) of section 2929.13 of 16846  
the Revised Code applies in determining whether to impose a prison 16847  
term on the offender. 16848

(b) Except as otherwise provided in division (C)(4)(c), (d), 16849  
(e), (f), or (g) of this section, if the offense was committed in 16850  
the vicinity of a school or in the vicinity of a juvenile, 16851  
trafficking in cocaine is a felony of the fourth degree, and 16852  
division (C) of section 2929.13 of the Revised Code applies in 16853  
determining whether to impose a prison term on the offender. 16854

(c) Except as otherwise provided in this division, if the 16855  
amount of the drug involved equals or exceeds five grams but is 16856  
less than ten grams of cocaine, trafficking in cocaine is a felony 16857

of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, trafficking in cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall

impose as a mandatory prison term one of the prison terms 16890  
prescribed for a felony of the first degree. 16891

(f) If the amount of the drug involved equals or exceeds 16892  
twenty-seven grams but is less than one hundred grams of cocaine 16893  
and regardless of whether the offense was committed in the 16894  
vicinity of a school or in the vicinity of a juvenile, trafficking 16895  
in cocaine is a felony of the first degree, and the court shall 16896  
impose as a mandatory prison term one of the prison terms 16897  
prescribed for a felony of the first degree. 16898

(g) If the amount of the drug involved equals or exceeds one 16899  
hundred grams of cocaine and regardless of whether the offense was 16900  
committed in the vicinity of a school or in the vicinity of a 16901  
juvenile, trafficking in cocaine is a felony of the first degree, 16902  
the offender is a major drug offender, and the court shall impose 16903  
as a mandatory prison term the maximum prison term prescribed for 16904  
a felony of the first degree. 16905

(5) If the drug involved in the violation is L.S.D. or a 16906  
compound, mixture, preparation, or substance containing L.S.D., 16907  
whoever violates division (A) of this section is guilty of 16908  
trafficking in L.S.D. The penalty for the offense shall be 16909  
determined as follows: 16910

(a) Except as otherwise provided in division (C)(5)(b), (c), 16911  
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 16912  
felony of the fifth degree, and division (B) of section 2929.13 of 16913  
the Revised Code applies in determining whether to impose a prison 16914  
term on the offender. 16915

(b) Except as otherwise provided in division (C)(5)(c), (d), 16916  
(e), (f), or (g) of this section, if the offense was committed in 16917  
the vicinity of a school or in the vicinity of a juvenile, 16918  
trafficking in L.S.D. is a felony of the fourth degree, and 16919  
division (C) of section 2929.13 of the Revised Code applies in 16920

determining whether to impose a prison term on the offender. 16921

(c) Except as otherwise provided in this division, if the 16922  
amount of the drug involved equals or exceeds ten unit doses but 16923  
is less than fifty unit doses of L.S.D. in a solid form or equals 16924  
or exceeds one gram but is less than five grams of L.S.D. in a 16925  
liquid concentrate, liquid extract, or liquid distillate form, 16926  
trafficking in L.S.D. is a felony of the fourth degree, and 16927  
division (B) of section 2929.13 of the Revised Code applies in 16928  
determining whether to impose a prison term for the offense. If 16929  
the amount of the drug involved is within that range and if the 16930  
offense was committed in the vicinity of a school or in the 16931  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 16932  
third degree, and there is a presumption for a prison term for the 16933  
offense. 16934

(d) Except as otherwise provided in this division, if the 16935  
amount of the drug involved equals or exceeds fifty unit doses but 16936  
is less than two hundred fifty unit doses of L.S.D. in a solid 16937  
form or equals or exceeds five grams but is less than twenty-five 16938  
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 16939  
distillate form, trafficking in L.S.D. is a felony of the third 16940  
degree, and, except as otherwise provided in this division, there 16941  
is a presumption for a prison term for the offense. If trafficking 16942  
in L.S.D. is a felony of the third degree under this division and 16943  
if the offender two or more times previously has been convicted of 16944  
or pleaded guilty to a felony drug abuse offense, the court shall 16945  
impose as a mandatory prison term one of the prison terms 16946  
prescribed for a felony of the third degree. If the amount of the 16947  
drug involved is within that range and if the offense was 16948  
committed in the vicinity of a school or in the vicinity of a 16949  
juvenile, trafficking in L.S.D. is a felony of the second degree, 16950  
and the court shall impose as a mandatory prison term one of the 16951  
prison terms prescribed for a felony of the second degree. 16952

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term

prescribed for a felony of the first degree. 16985

(6) If the drug involved in the violation is heroin or a 16986  
compound, mixture, preparation, or substance containing heroin, 16987  
whoever violates division (A) of this section is guilty of 16988  
trafficking in heroin. The penalty for the offense shall be 16989  
determined as follows: 16990

(a) Except as otherwise provided in division (C)(6)(b), (c), 16991  
(d), (e), (f), or (g) of this section, trafficking in heroin is a 16992  
felony of the fifth degree, and division (B) of section 2929.13 of 16993  
the Revised Code applies in determining whether to impose a prison 16994  
term on the offender. 16995

(b) Except as otherwise provided in division (C)(6)(c), (d), 16996  
(e), (f), or (g) of this section, if the offense was committed in 16997  
the vicinity of a school or in the vicinity of a juvenile, 16998  
trafficking in heroin is a felony of the fourth degree, and 16999  
division (C) of section 2929.13 of the Revised Code applies in 17000  
determining whether to impose a prison term on the offender. 17001

(c) Except as otherwise provided in this division, if the 17002  
amount of the drug involved equals or exceeds ten unit doses but 17003  
is less than fifty unit doses or equals or exceeds one gram but is 17004  
less than five grams, trafficking in heroin is a felony of the 17005  
fourth degree, and division (B) of section 2929.13 of the Revised 17006  
Code applies in determining whether to impose a prison term for 17007  
the offense. If the amount of the drug involved is within that 17008  
range and if the offense was committed in the vicinity of a school 17009  
or in the vicinity of a juvenile, trafficking in heroin is a 17010  
felony of the third degree, and there is a presumption for a 17011  
prison term for the offense. 17012

(d) Except as otherwise provided in this division, if the 17013  
amount of the drug involved equals or exceeds fifty unit doses but 17014  
is less than one hundred unit doses or equals or exceeds five 17015

grams but is less than ten grams, trafficking in heroin is a 17016  
felony of the third degree, and there is a presumption for a 17017  
prison term for the offense. If the amount of the drug involved is 17018  
within that range and if the offense was committed in the vicinity 17019  
of a school or in the vicinity of a juvenile, trafficking in 17020  
heroin is a felony of the second degree, and there is a 17021  
presumption for a prison term for the offense. 17022

(e) Except as otherwise provided in this division, if the 17023  
amount of the drug involved equals or exceeds one hundred unit 17024  
doses but is less than five hundred unit doses or equals or 17025  
exceeds ten grams but is less than fifty grams, trafficking in 17026  
heroin is a felony of the second degree, and the court shall 17027  
impose as a mandatory prison term one of the prison terms 17028  
prescribed for a felony of the second degree. If the amount of the 17029  
drug involved is within that range and if the offense was 17030  
committed in the vicinity of a school or in the vicinity of a 17031  
juvenile, trafficking in heroin is a felony of the first degree, 17032  
and the court shall impose as a mandatory prison term one of the 17033  
prison terms prescribed for a felony of the first degree. 17034

(f) If the amount of the drug involved equals or exceeds five 17035  
hundred unit doses but is less than two thousand five hundred unit 17036  
doses or equals or exceeds fifty grams but is less than two 17037  
hundred fifty grams and regardless of whether the offense was 17038  
committed in the vicinity of a school or in the vicinity of a 17039  
juvenile, trafficking in heroin is a felony of the first degree, 17040  
and the court shall impose as a mandatory prison term one of the 17041  
prison terms prescribed for a felony of the first degree. 17042

(g) If the amount of the drug involved equals or exceeds two 17043  
thousand five hundred unit doses or equals or exceeds two hundred 17044  
fifty grams and regardless of whether the offense was committed in 17045  
the vicinity of a school or in the vicinity of a juvenile, 17046  
trafficking in heroin is a felony of the first degree, the 17047

offender is a major drug offender, and the court shall impose as a 17048  
mandatory prison term the maximum prison term prescribed for a 17049  
felony of the first degree. 17050

(7) If the drug involved in the violation is hashish or a 17051  
compound, mixture, preparation, or substance containing hashish, 17052  
whoever violates division (A) of this section is guilty of 17053  
trafficking in hashish. The penalty for the offense shall be 17054  
determined as follows: 17055

(a) Except as otherwise provided in division (C)(7)(b), (c), 17056  
(d), (e), (f), or (g) of this section, trafficking in hashish is a 17057  
felony of the fifth degree, and division (B) of section 2929.13 of 17058  
the Revised Code applies in determining whether to impose a prison 17059  
term on the offender. 17060

(b) Except as otherwise provided in division (C)(7)(c), (d), 17061  
(e), (f), or (g) of this section, if the offense was committed in 17062  
the vicinity of a school or in the vicinity of a juvenile, 17063  
trafficking in hashish is a felony of the fourth degree, and 17064  
division (B) of section 2929.13 of the Revised Code applies in 17065  
determining whether to impose a prison term on the offender. 17066

(c) Except as otherwise provided in this division, if the 17067  
amount of the drug involved equals or exceeds ten grams but is 17068  
less than fifty grams of hashish in a solid form or equals or 17069  
exceeds two grams but is less than ten grams of hashish in a 17070  
liquid concentrate, liquid extract, or liquid distillate form, 17071  
trafficking in hashish is a felony of the fourth degree, and 17072  
division (B) of section 2929.13 of the Revised Code applies in 17073  
determining whether to impose a prison term on the offender. If 17074  
the amount of the drug involved is within that range and if the 17075  
offense was committed in the vicinity of a school or in the 17076  
vicinity of a juvenile, trafficking in hashish is a felony of the 17077  
third degree, and division (C) of section 2929.13 of the Revised 17078  
Code applies in determining whether to impose a prison term on the 17079

offender. 17080

(d) Except as otherwise provided in this division, if the 17081  
amount of the drug involved equals or exceeds fifty grams but is 17082  
less than two hundred fifty grams of hashish in a solid form or 17083  
equals or exceeds ten grams but is less than fifty grams of 17084  
hashish in a liquid concentrate, liquid extract, or liquid 17085  
distillate form, trafficking in hashish is a felony of the third 17086  
degree, and division (C) of section 2929.13 of the Revised Code 17087  
applies in determining whether to impose a prison term on the 17088  
offender. If the amount of the drug involved is within that range 17089  
and if the offense was committed in the vicinity of a school or in 17090  
the vicinity of a juvenile, trafficking in hashish is a felony of 17091  
the second degree, and there is a presumption that a prison term 17092  
shall be imposed for the offense. 17093

(e) Except as otherwise provided in this division, if the 17094  
amount of the drug involved equals or exceeds two hundred fifty 17095  
grams but is less than one thousand grams of hashish in a solid 17096  
form or equals or exceeds fifty grams but is less than two hundred 17097  
grams of hashish in a liquid concentrate, liquid extract, or 17098  
liquid distillate form, trafficking in hashish is a felony of the 17099  
third degree, and there is a presumption that a prison term shall 17100  
be imposed for the offense. If the amount of the drug involved is 17101  
within that range and if the offense was committed in the vicinity 17102  
of a school or in the vicinity of a juvenile, trafficking in 17103  
hashish is a felony of the second degree, and there is a 17104  
presumption that a prison term shall be imposed for the offense. 17105

(f) Except as otherwise provided in this division, if the 17106  
amount of the drug involved equals or exceeds one thousand grams 17107  
but is less than two thousand grams of hashish in a solid form or 17108  
equals or exceeds two hundred grams but is less than four hundred 17109  
grams of hashish in a liquid concentrate, liquid extract, or 17110  
liquid distillate form, trafficking in hashish is a felony of the 17111

second degree, and the court shall impose a mandatory prison term 17112  
of five, six, seven, or eight years. If the amount of the drug 17113  
involved is within that range and if the offense was committed in 17114  
the vicinity of a school or in the vicinity of a juvenile, 17115  
trafficking in hashish is a felony of the first degree, and the 17116  
court shall impose as a mandatory prison term the maximum prison 17117  
term prescribed for a felony of the first degree. 17118

(g) Except as otherwise provided in this division, if the 17119  
amount of the drug involved equals or exceeds two thousand grams 17120  
of hashish in a solid form or equals or exceeds four hundred grams 17121  
of hashish in a liquid concentrate, liquid extract, or liquid 17122  
distillate form, trafficking in hashish is a felony of the second 17123  
degree, and the court shall impose as a mandatory prison term the 17124  
maximum prison term prescribed for a felony of the second degree. 17125  
If the amount of the drug involved equals or exceeds two thousand 17126  
grams of hashish in a solid form or equals or exceeds four hundred 17127  
grams of hashish in a liquid concentrate, liquid extract, or 17128  
liquid distillate form and if the offense was committed in the 17129  
vicinity of a school or in the vicinity of a juvenile, trafficking 17130  
in hashish is a felony of the first degree, and the court shall 17131  
impose as a mandatory prison term the maximum prison term 17132  
prescribed for a felony of the first degree. 17133

(8) If the drug involved in the violation is a controlled 17134  
substance analog or compound, mixture, preparation, or substance 17135  
that contains a controlled substance analog, whoever violates 17136  
division (A) of this section is guilty of trafficking in a 17137  
controlled substance analog. The penalty for the offense shall be 17138  
determined as follows: 17139

(a) Except as otherwise provided in division (C)(8)(b), (c), 17140  
(d), (e), (f), or (g) of this section, trafficking in a controlled 17141  
substance analog is a felony of the fifth degree, and division (C) 17142  
of section 2929.13 of the Revised Code applies in determining 17143

whether to impose a prison term on the offender. 17144

(b) Except as otherwise provided in division (C)(8)(c), (d), 17145  
(e), (f), or (g) of this section, if the offense was committed in 17146  
the vicinity of a school or in the vicinity of a juvenile, 17147  
trafficking in a controlled substance analog is a felony of the 17148  
fourth degree, and division (C) of section 2929.13 of the Revised 17149  
Code applies in determining whether to impose a prison term on the 17150  
offender. 17151

(c) Except as otherwise provided in this division, if the 17152  
amount of the drug involved equals or exceeds ten grams but is 17153  
less than twenty grams, trafficking in a controlled substance 17154  
analog is a felony of the fourth degree, and division (B) of 17155  
section 2929.13 of the Revised Code applies in determining whether 17156  
to impose a prison term for the offense. If the amount of the drug 17157  
involved is within that range and if the offense was committed in 17158  
the vicinity of a school or in the vicinity of a juvenile, 17159  
trafficking in a controlled substance analog is a felony of the 17160  
third degree, and there is a presumption for a prison term for the 17161  
offense. 17162

(d) Except as otherwise provided in this division, if the 17163  
amount of the drug involved equals or exceeds twenty grams but is 17164  
less than thirty grams, trafficking in a controlled substance 17165  
analog is a felony of the third degree, and there is a presumption 17166  
for a prison term for the offense. If the amount of the drug 17167  
involved is within that range and if the offense was committed in 17168  
the vicinity of a school or in the vicinity of a juvenile, 17169  
trafficking in a controlled substance analog is a felony of the 17170  
second degree, and there is a presumption for a prison term for 17171  
the offense. 17172

(e) Except as otherwise provided in this division, if the 17173  
amount of the drug involved equals or exceeds thirty grams but is 17174  
less than forty grams, trafficking in a controlled substance 17175

analog is a felony of the second degree, and the court shall 17176  
impose as a mandatory prison term one of the prison terms 17177  
prescribed for a felony of the second degree. If the amount of the 17178  
drug involved is within that range and if the offense was 17179  
committed in the vicinity of a school or in the vicinity of a 17180  
juvenile, trafficking in a controlled substance analog is a felony 17181  
of the first degree, and the court shall impose as a mandatory 17182  
prison term one of the prison terms prescribed for a felony of the 17183  
first degree. 17184

(f) If the amount of the drug involved equals or exceeds 17185  
forty grams but is less than fifty grams and regardless of whether 17186  
the offense was committed in the vicinity of a school or in the 17187  
vicinity of a juvenile, trafficking in a controlled substance 17188  
analog is a felony of the first degree, and the court shall impose 17189  
as a mandatory prison term one of the prison terms prescribed for 17190  
a felony of the first degree. 17191

(g) If the amount of the drug involved equals or exceeds 17192  
fifty grams and regardless of whether the offense was committed in 17193  
the vicinity of a school or in the vicinity of a juvenile, 17194  
trafficking in a controlled substance analog is a felony of the 17195  
first degree, the offender is a major drug offender, and the court 17196  
shall impose as a mandatory prison term the maximum prison term 17197  
prescribed for a felony of the first degree. 17198

(D) In addition to any prison term authorized or required by 17199  
division (C) of this section and sections 2929.13 and 2929.14 of 17200  
the Revised Code, and in addition to any other sanction imposed 17201  
for the offense under this section or sections 2929.11 to 2929.18 17202  
of the Revised Code, the court that sentences an offender who is 17203  
convicted of or pleads guilty to a violation of division (A) of 17204  
this section shall do all of the following that are applicable 17205  
regarding the offender: 17206

(1) If the violation of division (A) of this section is a 17207

felony of the first, second, or third degree, the court shall 17208  
impose upon the offender the mandatory fine specified for the 17209  
offense under division (B)(1) of section 2929.18 of the Revised 17210  
Code unless, as specified in that division, the court determines 17211  
that the offender is indigent. Except as otherwise provided in 17212  
division (H)(1) of this section, a mandatory fine or any other 17213  
fine imposed for a violation of this section is subject to 17214  
division (F) of this section. If a person is charged with a 17215  
violation of this section that is a felony of the first, second, 17216  
or third degree, posts bail, and forfeits the bail, the clerk of 17217  
the court shall pay the forfeited bail pursuant to divisions 17218  
(D)(1) and (F) of this section, as if the forfeited bail was a 17219  
fine imposed for a violation of this section. If any amount of the 17220  
forfeited bail remains after that payment and if a fine is imposed 17221  
under division (H)(1) of this section, the clerk of the court 17222  
shall pay the remaining amount of the forfeited bail pursuant to 17223  
divisions (H)(2) and (3) of this section, as if that remaining 17224  
amount was a fine imposed under division (H)(1) of this section. 17225

(2) The court shall suspend the driver's or commercial 17226  
driver's license or permit of the offender in accordance with 17227  
division (G) of this section. 17228

(3) If the offender is a professionally licensed person, the 17229  
court immediately shall comply with section 2925.38 of the Revised 17230  
Code. 17231

(E) When a person is charged with the sale of or offer to 17232  
sell a bulk amount or a multiple of a bulk amount of a controlled 17233  
substance, the jury, or the court trying the accused, shall 17234  
determine the amount of the controlled substance involved at the 17235  
time of the offense and, if a guilty verdict is returned, shall 17236  
return the findings as part of the verdict. In any such case, it 17237  
is unnecessary to find and return the exact amount of the 17238  
controlled substance involved, and it is sufficient if the finding 17239

and return is to the effect that the amount of the controlled 17240  
substance involved is the requisite amount, or that the amount of 17241  
the controlled substance involved is less than the requisite 17242  
amount. 17243

(F)(1) Notwithstanding any contrary provision of section 17244  
3719.21 of the Revised Code and except as provided in division (H) 17245  
of this section, the clerk of the court shall pay any mandatory 17246  
fine imposed pursuant to division (D)(1) of this section and any 17247  
fine other than a mandatory fine that is imposed for a violation 17248  
of this section pursuant to division (A) or (B)(5) of section 17249  
2929.18 of the Revised Code to the county, township, municipal 17250  
corporation, park district, as created pursuant to section 511.18 17251  
or 1545.04 of the Revised Code, or state law enforcement agencies 17252  
in this state that primarily were responsible for or involved in 17253  
making the arrest of, and in prosecuting, the offender. However, 17254  
the clerk shall not pay a mandatory fine so imposed to a law 17255  
enforcement agency unless the agency has adopted a written 17256  
internal control policy under division (F)(2) of this section that 17257  
addresses the use of the fine moneys that it receives. Each agency 17258  
shall use the mandatory fines so paid to subsidize the agency's 17259  
law enforcement efforts that pertain to drug offenses, in 17260  
accordance with the written internal control policy adopted by the 17261  
recipient agency under division (F)(2) of this section. 17262

(2) Prior to receiving any fine moneys under division (F)(1) 17263  
of this section or division (B) of section 2925.42 of the Revised 17264  
Code, a law enforcement agency shall adopt a written internal 17265  
control policy that addresses the agency's use and disposition of 17266  
all fine moneys so received and that provides for the keeping of 17267  
detailed financial records of the receipts of those fine moneys, 17268  
the general types of expenditures made out of those fine moneys, 17269  
and the specific amount of each general type of expenditure. The 17270  
policy shall not provide for or permit the identification of any 17271

specific expenditure that is made in an ongoing investigation. All 17272  
financial records of the receipts of those fine moneys, the 17273  
general types of expenditures made out of those fine moneys, and 17274  
the specific amount of each general type of expenditure by an 17275  
agency are public records open for inspection under section 149.43 17276  
of the Revised Code. Additionally, a written internal control 17277  
policy adopted under this division is such a public record, and 17278  
the agency that adopted it shall comply with it. 17279

(3) As used in division (F) of this section: 17280

(a) "Law enforcement agencies" includes, but is not limited 17281  
to, the state board of pharmacy and the office of a prosecutor. 17282

(b) "Prosecutor" has the same meaning as in section 2935.01 17283  
of the Revised Code. 17284

(G) When required under division (D)(2) of this section or 17285  
any other provision of this chapter, the court shall suspend for 17286  
not less than six months or more than five years the driver's or 17287  
commercial driver's license or permit of any person who is 17288  
convicted of or pleads guilty to any violation of this section or 17289  
any other specified provision of this chapter. If an offender's 17290  
driver's or commercial driver's license or permit is suspended 17291  
pursuant to this division, the offender, at any time after the 17292  
expiration of two years from the day on which the offender's 17293  
sentence was imposed or from the day on which the offender finally 17294  
was released from a prison term under the sentence, whichever is 17295  
later, may file a motion with the sentencing court requesting 17296  
termination of the suspension; upon the filing of such a motion 17297  
and the court's finding of good cause for the termination, the 17298  
court may terminate the suspension. 17299

(H)(1) In addition to any prison term authorized or required 17300  
by division (C) of this section and sections 2929.13 and 2929.14 17301  
of the Revised Code, in addition to any other penalty or sanction 17302

imposed for the offense under this section or sections 2929.11 to 17303  
2929.18 of the Revised Code, and in addition to the forfeiture of 17304  
property in connection with the offense as prescribed in Chapter 17305  
2981. of the Revised Code, the court that sentences an offender 17306  
who is convicted of or pleads guilty to a violation of division 17307  
(A) of this section may impose upon the offender an additional 17308  
fine specified for the offense in division (B)(4) of section 17309  
2929.18 of the Revised Code. A fine imposed under division (H)(1) 17310  
of this section is not subject to division (F) of this section and 17311  
shall be used solely for the support of one or more eligible 17312  
community addiction services ~~provider~~ providers in accordance with 17313  
divisions (H)(2) and (3) of this section. 17314

(2) The court that imposes a fine under division (H)(1) of 17315  
this section shall specify in the judgment that imposes the fine 17316  
one or more eligible community addiction services ~~provider~~ 17317  
providers for the support of which the fine money is to be used. 17318  
No community addiction services provider shall receive or use 17319  
money paid or collected in satisfaction of a fine imposed under 17320  
division (H)(1) of this section unless the services provider is 17321  
specified in the judgment that imposes the fine. No community 17322  
addiction services provider shall be specified in the judgment 17323  
unless the services provider is an eligible community addiction 17324  
services provider and, except as otherwise provided in division 17325  
(H)(2) of this section, unless the services provider is located in 17326  
the county in which the court that imposes the fine is located or 17327  
in a county that is immediately contiguous to the county in which 17328  
that court is located. If no eligible community addiction services 17329  
provider is located in any of those counties, the judgment may 17330  
specify an eligible community addiction services provider that is 17331  
located anywhere within this state. 17332

(3) Notwithstanding any contrary provision of section 3719.21 17333  
of the Revised Code, the clerk of the court shall pay any fine 17334

imposed under division (H)(1) of this section to the eligible 17335  
community addiction services provider specified pursuant to 17336  
division (H)(2) of this section in the judgment. The eligible 17337  
community addiction services provider that receives the fine 17338  
moneys shall use the moneys only for the alcohol and drug 17339  
addiction services identified in the application for certification 17340  
of services under section 5119.36 of the Revised Code or in the 17341  
application for a license under section 5119.391 of the Revised 17342  
Code filed with the department of mental health and addiction 17343  
services by the community addiction services provider specified in 17344  
the judgment. 17345

(4) Each community addiction services provider that receives 17346  
in a calendar year any fine moneys under division (H)(3) of this 17347  
section shall file an annual report covering that calendar year 17348  
with the court of common pleas and the board of county 17349  
commissioners of the county in which the services provider is 17350  
located, with the court of common pleas and the board of county 17351  
commissioners of each county from which the services provider 17352  
received the moneys if that county is different from the county in 17353  
which the services provider is located, and with the attorney 17354  
general. The community addiction services provider shall file the 17355  
report no later than the first day of March in the calendar year 17356  
following the calendar year in which the services provider 17357  
received the fine moneys. The report shall include statistics on 17358  
the number of persons served by the community addiction services 17359  
provider, identify the types of alcohol and drug addiction 17360  
services provided to those persons, and include a specific 17361  
accounting of the purposes for which the fine moneys received were 17362  
used. No information contained in the report shall identify, or 17363  
enable a person to determine the identity of, any person served by 17364  
the community addiction services provider. Each report received by 17365  
a court of common pleas, a board of county commissioners, or the 17366  
attorney general is a public record open for inspection under 17367

section 149.43 of the Revised Code. 17368

(5) As used in divisions (H)(1) to (5) of this section: 17369

(a) "Community addiction services provider" and "alcohol and 17370  
drug addiction services" have the same meanings as in section 17371  
5119.01 of the Revised Code. 17372

(b) "Eligible community addiction services provider" means a 17373  
community addiction services provider ~~that is certified under~~ 17374  
~~section 5119.36,~~ as defined in section 5119.01 of the Revised 17375  
Code, or a community addiction services provider that maintains a 17376  
methadone treatment program licensed under section 5119.391 of the 17377  
Revised Code ~~by the department of mental health and addiction~~ 17378  
~~services.~~ 17379

(I) As used in this section, "drug" includes any substance 17380  
that is represented to be a drug. 17381

(J) It is an affirmative defense to a charge of trafficking 17382  
in a controlled substance analog under division (C)(8) of this 17383  
section that the person charged with violating that offense sold 17384  
or offered to sell, or prepared for shipment, shipped, 17385  
transported, delivered, prepared for distribution, or distributed 17386  
an item described in division (HH)(2)(a), (b), or (c) of section 17387  
3719.01 of the Revised Code. 17388

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 17389  
(G) of this section and unless a specific sanction is required to 17390  
be imposed or is precluded from being imposed pursuant to law, a 17391  
court that imposes a sentence upon an offender for a felony may 17392  
impose any sanction or combination of sanctions on the offender 17393  
that are provided in sections 2929.14 to 2929.18 of the Revised 17394  
Code. 17395

If the offender is eligible to be sentenced to community 17396  
control sanctions, the court shall consider the appropriateness of 17397

imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also shall impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (B)(4) of section

2929.14 of the Revised Code or a community control sanction as 17430  
described in division (G)(2) of this section. 17431

(B)(1)(a) Except as provided in division (B)(1)(b) of this 17432  
section, if an offender is convicted of or pleads guilty to a 17433  
felony of the fourth or fifth degree that is not an offense of 17434  
violence or that is a qualifying assault offense, the court shall 17435  
sentence the offender to a community control sanction of at least 17436  
one year's duration if all of the following apply: 17437

(i) The offender previously has not been convicted of or 17438  
pleaded guilty to a felony offense. 17439

(ii) The most serious charge against the offender at the time 17440  
of sentencing is a felony of the fourth or fifth degree. 17441

(iii) If the court made a request of the department of 17442  
rehabilitation and correction pursuant to division (B)(1)(c) of 17443  
this section, the department, within the forty-five-day period 17444  
specified in that division, provided the court with the names of, 17445  
contact information for, and program details of one or more 17446  
community control sanctions of at least one year's duration that 17447  
are available for persons sentenced by the court. 17448

(iv) The offender previously has not been convicted of or 17449  
pleaded guilty to a misdemeanor offense of violence that the 17450  
offender committed within two years prior to the offense for which 17451  
sentence is being imposed. 17452

(b) The court has discretion to impose a prison term upon an 17453  
offender who is convicted of or pleads guilty to a felony of the 17454  
fourth or fifth degree that is not an offense of violence or that 17455  
is a qualifying assault offense if any of the following apply: 17456

(i) The offender committed the offense while having a firearm 17457  
on or about the offender's person or under the offender's control. 17458

(ii) If the offense is a qualifying assault offense, the 17459

offender caused serious physical harm to another person while 17460  
committing the offense, and, if the offense is not a qualifying 17461  
assault offense, the offender caused physical harm to another 17462  
person while committing the offense. 17463

(iii) The offender violated a term of the conditions of bond 17464  
as set by the court. 17465

(iv) The court made a request of the department of 17466  
rehabilitation and correction pursuant to division (B)(1)(c) of 17467  
this section, and the department, within the forty-five-day period 17468  
specified in that division, did not provide the court with the 17469  
name of, contact information for, and program details of any 17470  
community control sanction of at least one year's duration that is 17471  
available for persons sentenced by the court. 17472

(v) The offense is a sex offense that is a fourth or fifth 17473  
degree felony violation of any provision of Chapter 2907. of the 17474  
Revised Code. 17475

(vi) In committing the offense, the offender attempted to 17476  
cause or made an actual threat of physical harm to a person with a 17477  
deadly weapon. 17478

(vii) In committing the offense, the offender attempted to 17479  
cause or made an actual threat of physical harm to a person, and 17480  
the offender previously was convicted of an offense that caused 17481  
physical harm to a person. 17482

(viii) The offender held a public office or position of 17483  
trust, and the offense related to that office or position; the 17484  
offender's position obliged the offender to prevent the offense or 17485  
to bring those committing it to justice; or the offender's 17486  
professional reputation or position facilitated the offense or was 17487  
likely to influence the future conduct of others. 17488

(ix) The offender committed the offense for hire or as part 17489  
of an organized criminal activity. 17490

(x) The offender at the time of the offense was serving, or 17491  
the offender previously had served, a prison term. 17492

(xi) The offender committed the offense while under a 17493  
community control sanction, while on probation, or while released 17494  
from custody on a bond or personal recognizance. 17495

(c) If a court that is sentencing an offender who is 17496  
convicted of or pleads guilty to a felony of the fourth or fifth 17497  
degree that is not an offense of violence or that is a qualifying 17498  
assault offense believes that no community control sanctions are 17499  
available for its use that, if imposed on the offender, will 17500  
adequately fulfill the overriding principles and purposes of 17501  
sentencing, the court shall contact the department of 17502  
rehabilitation and correction and ask the department to provide 17503  
the court with the names of, contact information for, and program 17504  
details of one or more community control sanctions of at least one 17505  
year's duration that are available for persons sentenced by the 17506  
court. Not later than forty-five days after receipt of a request 17507  
from a court under this division, the department shall provide the 17508  
court with the names of, contact information for, and program 17509  
details of one or more community control sanctions of at least one 17510  
year's duration that are available for persons sentenced by the 17511  
court, if any. Upon making a request under this division that 17512  
relates to a particular offender, a court shall defer sentencing 17513  
of that offender until it receives from the department the names 17514  
of, contact information for, and program details of one or more 17515  
community control sanctions of at least one year's duration that 17516  
are available for persons sentenced by the court or for forty-five 17517  
days, whichever is the earlier. 17518

If the department provides the court with the names of, 17519  
contact information for, and program details of one or more 17520  
community control sanctions of at least one year's duration that 17521  
are available for persons sentenced by the court within the 17522

forty-five-day period specified in this division, the court shall 17523  
impose upon the offender a community control sanction under 17524  
division (B)(1)(a) of this section, except that the court may 17525  
impose a prison term under division (B)(1)(b) of this section if a 17526  
factor described in division (B)(1)(b)(i) or (ii) of this section 17527  
applies. If the department does not provide the court with the 17528  
names of, contact information for, and program details of one or 17529  
more community control sanctions of at least one year's duration 17530  
that are available for persons sentenced by the court within the 17531  
forty-five-day period specified in this division, the court may 17532  
impose upon the offender a prison term under division 17533  
(B)(1)(b)(iv) of this section. 17534

(d) A sentencing court may impose an additional penalty under 17535  
division (B) of section 2929.15 of the Revised Code upon an 17536  
offender sentenced to a community control sanction under division 17537  
(B)(1)(a) of this section if the offender violates the conditions 17538  
of the community control sanction, violates a law, or leaves the 17539  
state without the permission of the court or the offender's 17540  
probation officer. 17541

(2) If division (B)(1) of this section does not apply, except 17542  
as provided in division (E), (F), or (G) of this section, in 17543  
determining whether to impose a prison term as a sanction for a 17544  
felony of the fourth or fifth degree, the sentencing court shall 17545  
comply with the purposes and principles of sentencing under 17546  
section 2929.11 of the Revised Code and with section 2929.12 of 17547  
the Revised Code. 17548

(C) Except as provided in division (D), (E), (F), or (G) of 17549  
this section, in determining whether to impose a prison term as a 17550  
sanction for a felony of the third degree or a felony drug offense 17551  
that is a violation of a provision of Chapter 2925. of the Revised 17552  
Code and that is specified as being subject to this division for 17553  
purposes of sentencing, the sentencing court shall comply with the 17554

purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

(D)(1) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree, for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, and for a violation of division (A)(4) or (B) of section 2907.05 of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Division (D)(2) of this section does not apply to a presumption established under this division for a violation of division (A)(4) of section 2907.05 of the Revised Code.

(2) Notwithstanding the presumption established under division (D)(1) of this section for the offenses listed in that division other than a violation of division (A)(4) or (B) of section 2907.05 of the Revised Code, the sentencing court may impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable if it makes both of the following findings:

(a) A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.

(b) A community control sanction or a combination of 17587  
community control sanctions would not demean the seriousness of 17588  
the offense, because one or more factors under section 2929.12 of 17589  
the Revised Code that indicate that the offender's conduct was 17590  
less serious than conduct normally constituting the offense are 17591  
applicable, and they outweigh the applicable factors under that 17592  
section that indicate that the offender's conduct was more serious 17593  
than conduct normally constituting the offense. 17594

(E)(1) Except as provided in division (F) of this section, 17595  
for any drug offense that is a violation of any provision of 17596  
Chapter 2925. of the Revised Code and that is a felony of the 17597  
third, fourth, or fifth degree, the applicability of a presumption 17598  
under division (D) of this section in favor of a prison term or of 17599  
division (B) or (C) of this section in determining whether to 17600  
impose a prison term for the offense shall be determined as 17601  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 17602  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 17603  
Revised Code, whichever is applicable regarding the violation. 17604

(2) If an offender who was convicted of or pleaded guilty to 17605  
a felony violates the conditions of a community control sanction 17606  
imposed for the offense solely by reason of producing positive 17607  
results on a drug test, the court, as punishment for the violation 17608  
of the sanction, shall not order that the offender be imprisoned 17609  
unless the court determines on the record either of the following: 17610

(a) The offender had been ordered as a sanction for the 17611  
felony to participate in a drug treatment program, in a drug 17612  
education program, or in narcotics anonymous or a similar program, 17613  
and the offender continued to use illegal drugs after a reasonable 17614  
period of participation in the program. 17615

(b) The imprisonment of the offender for the violation is 17616  
consistent with the purposes and principles of sentencing set 17617  
forth in section 2929.11 of the Revised Code. 17618

(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes addiction and mental health treatment services and recovery ~~support services~~ supports authorized by division (A)(11) of section ~~3793.02~~ 340.03 of the Revised Code. If the court imposes treatment services and recovery ~~support services~~ supports as a community control sanction, the court shall direct the level and type of treatment service and recovery ~~support services~~ support after considering the assessment and recommendation of ~~treatment and recovery support services~~ community addiction services providers.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the

offender would have been guilty of a violation of division 17651  
(A)(1)(b) of section 2907.02 of the Revised Code and would be 17652  
sentenced under section 2971.03 of the Revised Code; 17653

(3) Gross sexual imposition or sexual battery, if the victim 17654  
is less than thirteen years of age and if any of the following 17655  
applies: 17656

(a) Regarding gross sexual imposition, the offender 17657  
previously was convicted of or pleaded guilty to rape, the former 17658  
offense of felonious sexual penetration, gross sexual imposition, 17659  
or sexual battery, and the victim of the previous offense was less 17660  
than thirteen years of age; 17661

(b) Regarding gross sexual imposition, the offense was 17662  
committed on or after August 3, 2006, and evidence other than the 17663  
testimony of the victim was admitted in the case corroborating the 17664  
violation. 17665

(c) Regarding sexual battery, either of the following 17666  
applies: 17667

(i) The offense was committed prior to August 3, 2006, the 17668  
offender previously was convicted of or pleaded guilty to rape, 17669  
the former offense of felonious sexual penetration, or sexual 17670  
battery, and the victim of the previous offense was less than 17671  
thirteen years of age. 17672

(ii) The offense was committed on or after August 3, 2006. 17673

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 17674  
2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code 17675  
if the section requires the imposition of a prison term; 17676

(5) A first, second, or third degree felony drug offense for 17677  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 17678  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 17679  
4729.99 of the Revised Code, whichever is applicable regarding the 17680

violation, requires the imposition of a mandatory prison term; 17681

(6) Any offense that is a first or second degree felony and 17682  
that is not set forth in division (F)(1), (2), (3), or (4) of this 17683  
section, if the offender previously was convicted of or pleaded 17684  
guilty to aggravated murder, murder, any first or second degree 17685  
felony, or an offense under an existing or former law of this 17686  
state, another state, or the United States that is or was 17687  
substantially equivalent to one of those offenses; 17688

(7) Any offense that is a third degree felony and either is a 17689  
violation of section 2903.04 of the Revised Code or an attempt to 17690  
commit a felony of the second degree that is an offense of 17691  
violence and involved an attempt to cause serious physical harm to 17692  
a person or that resulted in serious physical harm to a person if 17693  
the offender previously was convicted of or pleaded guilty to any 17694  
of the following offenses: 17695

(a) Aggravated murder, murder, involuntary manslaughter, 17696  
rape, felonious sexual penetration as it existed under section 17697  
2907.12 of the Revised Code prior to September 3, 1996, a felony 17698  
of the first or second degree that resulted in the death of a 17699  
person or in physical harm to a person, or complicity in or an 17700  
attempt to commit any of those offenses; 17701

(b) An offense under an existing or former law of this state, 17702  
another state, or the United States that is or was substantially 17703  
equivalent to an offense listed in division (F)(7)(a) of this 17704  
section that resulted in the death of a person or in physical harm 17705  
to a person. 17706

(8) Any offense, other than a violation of section 2923.12 of 17707  
the Revised Code, that is a felony, if the offender had a firearm 17708  
on or about the offender's person or under the offender's control 17709  
while committing the felony, with respect to a portion of the 17710  
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 17711

of the Revised Code for having the firearm; 17712

(9) Any offense of violence that is a felony, if the offender 17713  
wore or carried body armor while committing the felony offense of 17714  
violence, with respect to the portion of the sentence imposed 17715  
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 17716  
Code for wearing or carrying the body armor; 17717

(10) Corrupt activity in violation of section 2923.32 of the 17718  
Revised Code when the most serious offense in the pattern of 17719  
corrupt activity that is the basis of the offense is a felony of 17720  
the first degree; 17721

(11) Any violent sex offense or designated homicide, assault, 17722  
or kidnapping offense if, in relation to that offense, the 17723  
offender is adjudicated a sexually violent predator; 17724

(12) A violation of division (A)(1) or (2) of section 2921.36 17725  
of the Revised Code, or a violation of division (C) of that 17726  
section involving an item listed in division (A)(1) or (2) of that 17727  
section, if the offender is an officer or employee of the 17728  
department of rehabilitation and correction; 17729

(13) A violation of division (A)(1) or (2) of section 2903.06 17730  
of the Revised Code if the victim of the offense is a peace 17731  
officer, as defined in section 2935.01 of the Revised Code, or an 17732  
investigator of the bureau of criminal identification and 17733  
investigation, as defined in section 2903.11 of the Revised Code, 17734  
with respect to the portion of the sentence imposed pursuant to 17735  
division (B)(5) of section 2929.14 of the Revised Code; 17736

(14) A violation of division (A)(1) or (2) of section 2903.06 17737  
of the Revised Code if the offender has been convicted of or 17738  
pleaded guilty to three or more violations of division (A) or (B) 17739  
of section 4511.19 of the Revised Code or an equivalent offense, 17740  
as defined in section 2941.1415 of the Revised Code, or three or 17741  
more violations of any combination of those divisions and 17742

offenses, with respect to the portion of the sentence imposed 17743  
pursuant to division (B)(6) of section 2929.14 of the Revised 17744  
Code; 17745

(15) Kidnapping, in the circumstances specified in section 17746  
2971.03 of the Revised Code and when no other provision of 17747  
division (F) of this section applies; 17748

(16) Kidnapping, abduction, compelling prostitution, 17749  
promoting prostitution, engaging in a pattern of corrupt activity, 17750  
illegal use of a minor in a nudity-oriented material or 17751  
performance in violation of division (A)(1) or (2) of section 17752  
2907.323 of the Revised Code, or endangering children in violation 17753  
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 17754  
the Revised Code, if the offender is convicted of or pleads guilty 17755  
to a specification as described in section 2941.1422 of the 17756  
Revised Code that was included in the indictment, count in the 17757  
indictment, or information charging the offense; 17758

(17) A felony violation of division (A) or (B) of section 17759  
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 17760  
that section, and division (D)(6) of that section, require the 17761  
imposition of a prison term; 17762

(18) A felony violation of section 2903.11, 2903.12, or 17763  
2903.13 of the Revised Code, if the victim of the offense was a 17764  
woman that the offender knew was pregnant at the time of the 17765  
violation, with respect to a portion of the sentence imposed 17766  
pursuant to division (B)(8) of section 2929.14 of the Revised 17767  
Code. 17768

(G) Notwithstanding divisions (A) to (E) of this section, if 17769  
an offender is being sentenced for a fourth degree felony OVI 17770  
offense or for a third degree felony OVI offense, the court shall 17771  
impose upon the offender a mandatory term of local incarceration 17772  
or a mandatory prison term in accordance with the following: 17773

(1) If the offender is being sentenced for a fourth degree 17774  
felony OVI offense and if the offender has not been convicted of 17775  
and has not pleaded guilty to a specification of the type 17776  
described in section 2941.1413 of the Revised Code, the court may 17777  
impose upon the offender a mandatory term of local incarceration 17778  
of sixty days or one hundred twenty days as specified in division 17779  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 17780  
not reduce the term pursuant to section 2929.20, 2967.193, or any 17781  
other provision of the Revised Code. The court that imposes a 17782  
mandatory term of local incarceration under this division shall 17783  
specify whether the term is to be served in a jail, a 17784  
community-based correctional facility, a halfway house, or an 17785  
alternative residential facility, and the offender shall serve the 17786  
term in the type of facility specified by the court. A mandatory 17787  
term of local incarceration imposed under division (G)(1) of this 17788  
section is not subject to any other Revised Code provision that 17789  
pertains to a prison term except as provided in division (A)(1) of 17790  
this section. 17791

(2) If the offender is being sentenced for a third degree 17792  
felony OVI offense, or if the offender is being sentenced for a 17793  
fourth degree felony OVI offense and the court does not impose a 17794  
mandatory term of local incarceration under division (G)(1) of 17795  
this section, the court shall impose upon the offender a mandatory 17796  
prison term of one, two, three, four, or five years if the 17797  
offender also is convicted of or also pleads guilty to a 17798  
specification of the type described in section 2941.1413 of the 17799  
Revised Code or shall impose upon the offender a mandatory prison 17800  
term of sixty days or one hundred twenty days as specified in 17801  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 17802  
if the offender has not been convicted of and has not pleaded 17803  
guilty to a specification of that type. Subject to divisions (C) 17804  
to (I) of section 2967.19 of the Revised Code, the court shall not 17805  
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 17806

any other provision of the Revised Code. The offender shall serve 17807  
the one-, two-, three-, four-, or five-year mandatory prison term 17808  
consecutively to and prior to the prison term imposed for the 17809  
underlying offense and consecutively to any other mandatory prison 17810  
term imposed in relation to the offense. In no case shall an 17811  
offender who once has been sentenced to a mandatory term of local 17812  
incarceration pursuant to division (G)(1) of this section for a 17813  
fourth degree felony OVI offense be sentenced to another mandatory 17814  
term of local incarceration under that division for any violation 17815  
of division (A) of section 4511.19 of the Revised Code. In 17816  
addition to the mandatory prison term described in division (G)(2) 17817  
of this section, the court may sentence the offender to a 17818  
community control sanction under section 2929.16 or 2929.17 of the 17819  
Revised Code, but the offender shall serve the prison term prior 17820  
to serving the community control sanction. The department of 17821  
rehabilitation and correction may place an offender sentenced to a 17822  
mandatory prison term under this division in an intensive program 17823  
prison established pursuant to section 5120.033 of the Revised 17824  
Code if the department gave the sentencing judge prior notice of 17825  
its intent to place the offender in an intensive program prison 17826  
established under that section and if the judge did not notify the 17827  
department that the judge disapproved the placement. Upon the 17828  
establishment of the initial intensive program prison pursuant to 17829  
section 5120.033 of the Revised Code that is privately operated 17830  
and managed by a contractor pursuant to a contract entered into 17831  
under section 9.06 of the Revised Code, both of the following 17832  
apply: 17833

(a) The department of rehabilitation and correction shall 17834  
make a reasonable effort to ensure that a sufficient number of 17835  
offenders sentenced to a mandatory prison term under this division 17836  
are placed in the privately operated and managed prison so that 17837  
the privately operated and managed prison has full occupancy. 17838

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under division (A)(2) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that section, or, if required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division.

(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted.

(2) When considering sentencing factors under this section in

relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

(K) As used in this section:

(1) "Community addiction services provider" and "recovery support" have the same meanings as in section 5119.01 of the Revised Code.

(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

~~(2)~~(3) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C)(8)(b) or (C)(9)(b) of that section applies.

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a

felony the court is not required to impose a prison term, a 17901  
mandatory prison term, or a term of life imprisonment upon the 17902  
offender, the court may directly impose a sentence that consists 17903  
of one or more community control sanctions authorized pursuant to 17904  
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 17905  
court is sentencing an offender for a fourth degree felony OVI 17906  
offense under division (G)(1) of section 2929.13 of the Revised 17907  
Code, in addition to the mandatory term of local incarceration 17908  
imposed under that division and the mandatory fine required by 17909  
division (B)(3) of section 2929.18 of the Revised Code, the court 17910  
may impose upon the offender a community control sanction or 17911  
combination of community control sanctions in accordance with 17912  
sections 2929.16 and 2929.17 of the Revised Code. If the court is 17913  
sentencing an offender for a third or fourth degree felony OVI 17914  
offense under division (G)(2) of section 2929.13 of the Revised 17915  
Code, in addition to the mandatory prison term or mandatory prison 17916  
term and additional prison term imposed under that division, the 17917  
court also may impose upon the offender a community control 17918  
sanction or combination of community control sanctions under 17919  
section 2929.16 or 2929.17 of the Revised Code, but the offender 17920  
shall serve all of the prison terms so imposed prior to serving 17921  
the community control sanction. 17922

The duration of all community control sanctions imposed upon 17923  
an offender under this division shall not exceed five years. If 17924  
the offender absconds or otherwise leaves the jurisdiction of the 17925  
court in which the offender resides without obtaining permission 17926  
from the court or the offender's probation officer to leave the 17927  
jurisdiction of the court, or if the offender is confined in any 17928  
institution for the commission of any offense while under a 17929  
community control sanction, the period of the community control 17930  
sanction ceases to run until the offender is brought before the 17931  
court for its further action. If the court sentences the offender 17932  
to one or more nonresidential sanctions under section 2929.17 of 17933

the Revised Code, the court shall impose as a condition of the 17934  
nonresidential sanctions that, during the period of the sanctions, 17935  
the offender must abide by the law and must not leave the state 17936  
without the permission of the court or the offender's probation 17937  
officer. The court may impose any other conditions of release 17938  
under a community control sanction that the court considers 17939  
appropriate, including, but not limited to, requiring that the 17940  
offender not ingest or be injected with a drug of abuse and submit 17941  
to random drug testing as provided in division (D) of this section 17942  
to determine whether the offender ingested or was injected with a 17943  
drug of abuse and requiring that the results of the drug test 17944  
indicate that the offender did not ingest or was not injected with 17945  
a drug of abuse. 17946

(2)(a) If a court sentences an offender to any community 17947  
control sanction or combination of community control sanctions 17948  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 17949  
Revised Code, the court shall place the offender under the general 17950  
control and supervision of a department of probation in the county 17951  
that serves the court for purposes of reporting to the court a 17952  
violation of any condition of the sanctions, any condition of 17953  
release under a community control sanction imposed by the court, a 17954  
violation of law, or the departure of the offender from this state 17955  
without the permission of the court or the offender's probation 17956  
officer. Alternatively, if the offender resides in another county 17957  
and a county department of probation has been established in that 17958  
county or that county is served by a multicounty probation 17959  
department established under section 2301.27 of the Revised Code, 17960  
the court may request the court of common pleas of that county to 17961  
receive the offender into the general control and supervision of 17962  
that county or multicounty department of probation for purposes of 17963  
reporting to the court a violation of any condition of the 17964  
sanctions, any condition of release under a community control 17965  
sanction imposed by the court, a violation of law, or the 17966

departure of the offender from this state without the permission 17967  
of the court or the offender's probation officer, subject to the 17968  
jurisdiction of the trial judge over and with respect to the 17969  
person of the offender, and to the rules governing that department 17970  
of probation. 17971

If there is no department of probation in the county that 17972  
serves the court, the court shall place the offender, regardless 17973  
of the offender's county of residence, under the general control 17974  
and supervision of the adult parole authority for purposes of 17975  
reporting to the court a violation of any of the sanctions, any 17976  
condition of release under a community control sanction imposed by 17977  
the court, a violation of law, or the departure of the offender 17978  
from this state without the permission of the court or the 17979  
offender's probation officer. 17980

(b) If the court imposing sentence upon an offender sentences 17981  
the offender to any community control sanction or combination of 17982  
community control sanctions authorized pursuant to section 17983  
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 17984  
offender violates any condition of the sanctions, any condition of 17985  
release under a community control sanction imposed by the court, 17986  
violates any law, or departs the state without the permission of 17987  
the court or the offender's probation officer, the public or 17988  
private person or entity that operates or administers the sanction 17989  
or the program or activity that comprises the sanction shall 17990  
report the violation or departure directly to the sentencing 17991  
court, or shall report the violation or departure to the county or 17992  
multicounty department of probation with general control and 17993  
supervision over the offender under division (A)(2)(a) of this 17994  
section or the officer of that department who supervises the 17995  
offender, or, if there is no such department with general control 17996  
and supervision over the offender under that division, to the 17997  
adult parole authority. If the public or private person or entity 17998

that operates or administers the sanction or the program or 17999  
activity that comprises the sanction reports the violation or 18000  
departure to the county or multicounty department of probation or 18001  
the adult parole authority, the department's or authority's 18002  
officers may treat the offender as if the offender were on 18003  
probation and in violation of the probation, and shall report the 18004  
violation of the condition of the sanction, any condition of 18005  
release under a community control sanction imposed by the court, 18006  
the violation of law, or the departure from the state without the 18007  
required permission to the sentencing court. 18008

(3) If an offender who is eligible for community control 18009  
sanctions under this section admits to being drug addicted or the 18010  
court has reason to believe that the offender is drug addicted, 18011  
and if the offense for which the offender is being sentenced was 18012  
related to the addiction, the court may require that the offender 18013  
be assessed by a properly credentialed professional within a 18014  
specified period of time and shall require the professional to 18015  
file a written assessment of the offender with the court. If a 18016  
court imposes treatment services and recovery ~~support services~~ 18017  
supports as a community control sanction, the court shall direct 18018  
the level and type of treatment services and recovery ~~support~~ 18019  
~~services~~ supports after consideration of the written assessment, 18020  
if available at the time of sentencing, and recommendations of the 18021  
professional and ~~other treatment and recovery support~~ community 18022  
addiction services providers. 18023

(4) If an assessment completed pursuant to division (A)(3) of 18024  
this section indicates that the offender is addicted to drugs or 18025  
alcohol, the court may include in any community control sanction 18026  
imposed for a violation of section 2925.02, 2925.03, 2925.04, 18027  
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 18028  
2925.37 of the Revised Code a requirement that the offender 18029  
~~participate in a~~ receive treatment and ~~recovery support~~ services 18030

~~program~~ certified under section 5119.36 of the Revised Code or 18031  
offered by another properly credentialed community addiction 18032  
services provider or receive recovery supports specified in the 18033  
statement of addiction and mental health services and recovery 18034  
supports, described in division (G) of section 5119.22` of the 18035  
Revised Code, for the relevant board of alcohol, drug addiction, 18036  
and mental health services. 18037

(B)(1) If the conditions of a community control sanction are 18038  
violated or if the offender violates a law or leaves the state 18039  
without the permission of the court or the offender's probation 18040  
officer, the sentencing court may impose upon the violator one or 18041  
more of the following penalties: 18042

(a) A longer time under the same sanction if the total time 18043  
under the sanctions does not exceed the five-year limit specified 18044  
in division (A) of this section; 18045

(b) A more restrictive sanction under section 2929.16, 18046  
2929.17, or 2929.18 of the Revised Code; 18047

(c) A prison term on the offender pursuant to section 2929.14 18048  
of the Revised Code. 18049

(2) The prison term, if any, imposed upon a violator pursuant 18050  
to this division shall be within the range of prison terms 18051  
available for the offense for which the sanction that was violated 18052  
was imposed and shall not exceed the prison term specified in the 18053  
notice provided to the offender at the sentencing hearing pursuant 18054  
to division (B)(2) of section 2929.19 of the Revised Code. The 18055  
court may reduce the longer period of time that the offender is 18056  
required to spend under the longer sanction, the more restrictive 18057  
sanction, or a prison term imposed pursuant to this division by 18058  
the time the offender successfully spent under the sanction that 18059  
was initially imposed. 18060

(C) If an offender, for a significant period of time, 18061

fulfills the conditions of a sanction imposed pursuant to section 18062  
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 18063  
manner, the court may reduce the period of time under the sanction 18064  
or impose a less restrictive sanction, but the court shall not 18065  
permit the offender to violate any law or permit the offender to 18066  
leave the state without the permission of the court or the 18067  
offender's probation officer. 18068

(D)(1) If a court under division (A)(1) of this section 18069  
imposes a condition of release under a community control sanction 18070  
that requires the offender to submit to random drug testing, the 18071  
department of probation or the adult parole authority that has 18072  
general control and supervision of the offender under division 18073  
(A)(2)(a) of this section may cause the offender to submit to 18074  
random drug testing performed by a laboratory or entity that has 18075  
entered into a contract with any of the governmental entities or 18076  
officers authorized to enter into a contract with that laboratory 18077  
or entity under section 341.26, 753.33, or 5120.63 of the Revised 18078  
Code. 18079

(2) If no laboratory or entity described in division (D)(1) 18080  
of this section has entered into a contract as specified in that 18081  
division, the department of probation or the adult parole 18082  
authority that has general control and supervision of the offender 18083  
under division (A)(2)(a) of this section shall cause the offender 18084  
to submit to random drug testing performed by a reputable public 18085  
laboratory to determine whether the individual who is the subject 18086  
of the drug test ingested or was injected with a drug of abuse. 18087

(3) A laboratory or entity that has entered into a contract 18088  
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 18089  
shall perform the random drug tests under division (D)(1) of this 18090  
section in accordance with the applicable standards that are 18091  
included in the terms of that contract. A public laboratory shall 18092  
perform the random drug tests under division (D)(2) of this 18093

section in accordance with the standards set forth in the policies 18094  
and procedures established by the department of rehabilitation and 18095  
correction pursuant to section 5120.63 of the Revised Code. An 18096  
offender who is required under division (A)(1) of this section to 18097  
submit to random drug testing as a condition of release under a 18098  
community control sanction and whose test results indicate that 18099  
the offender ingested or was injected with a drug of abuse shall 18100  
pay the fee for the drug test if the department of probation or 18101  
the adult parole authority that has general control and 18102  
supervision of the offender requires payment of a fee. A 18103  
laboratory or entity that performs the random drug testing on an 18104  
offender under division (D)(1) or (2) of this section shall 18105  
transmit the results of the drug test to the appropriate 18106  
department of probation or the adult parole authority that has 18107  
general control and supervision of the offender under division 18108  
(A)(2)(a) of this section. 18109

**Sec. 2929.18.** (A) Except as otherwise provided in this 18110  
division and in addition to imposing court costs pursuant to 18111  
section 2947.23 of the Revised Code, the court imposing a sentence 18112  
upon an offender for a felony may sentence the offender to any 18113  
financial sanction or combination of financial sanctions 18114  
authorized under this section or, in the circumstances specified 18115  
in section 2929.32 of the Revised Code, may impose upon the 18116  
offender a fine in accordance with that section. Financial 18117  
sanctions that may be imposed pursuant to this section include, 18118  
but are not limited to, the following: 18119

(1) Restitution by the offender to the victim of the 18120  
offender's crime or any survivor of the victim, in an amount based 18121  
on the victim's economic loss. If the court imposes restitution, 18122  
the court shall order that the restitution be made to the victim 18123  
in open court, to the adult probation department that serves the 18124  
county on behalf of the victim, to the clerk of courts, or to 18125

another agency designated by the court. If the court imposes 18126  
restitution, at sentencing, the court shall determine the amount 18127  
of restitution to be made by the offender. If the court imposes 18128  
restitution, the court may base the amount of restitution it 18129  
orders on an amount recommended by the victim, the offender, a 18130  
presentence investigation report, estimates or receipts indicating 18131  
the cost of repairing or replacing property, and other 18132  
information, provided that the amount the court orders as 18133  
restitution shall not exceed the amount of the economic loss 18134  
suffered by the victim as a direct and proximate result of the 18135  
commission of the offense. If the court decides to impose 18136  
restitution, the court shall hold a hearing on restitution if the 18137  
offender, victim, or survivor disputes the amount. All restitution 18138  
payments shall be credited against any recovery of economic loss 18139  
in a civil action brought by the victim or any survivor of the 18140  
victim against the offender. 18141

If the court imposes restitution, the court may order that 18142  
the offender pay a surcharge of not more than five per cent of the 18143  
amount of the restitution otherwise ordered to the entity 18144  
responsible for collecting and processing restitution payments. 18145

The victim or survivor may request that the prosecutor in the 18146  
case file a motion, or the offender may file a motion, for 18147  
modification of the payment terms of any restitution ordered. If 18148  
the court grants the motion, it may modify the payment terms as it 18149  
determines appropriate. 18150

(2) Except as provided in division (B)(1), (3), or (4) of 18151  
this section, a fine payable by the offender to the state, to a 18152  
political subdivision, or as described in division (B)(2) of this 18153  
section to one or more law enforcement agencies, with the amount 18154  
of the fine based on a standard percentage of the offender's daily 18155  
income over a period of time determined by the court and based 18156  
upon the seriousness of the offense. A fine ordered under this 18157

division shall not exceed the maximum conventional fine amount 18158  
authorized for the level of the offense under division (A)(3) of 18159  
this section. 18160

(3) Except as provided in division (B)(1), (3), or (4) of 18161  
this section, a fine payable by the offender to the state, to a 18162  
political subdivision when appropriate for a felony, or as 18163  
described in division (B)(2) of this section to one or more law 18164  
enforcement agencies, in the following amount: 18165

(a) For a felony of the first degree, not more than twenty 18166  
thousand dollars; 18167

(b) For a felony of the second degree, not more than fifteen 18168  
thousand dollars; 18169

(c) For a felony of the third degree, not more than ten 18170  
thousand dollars; 18171

(d) For a felony of the fourth degree, not more than five 18172  
thousand dollars; 18173

(e) For a felony of the fifth degree, not more than two 18174  
thousand five hundred dollars. 18175

(4) A state fine or costs as defined in section 2949.111 of 18176  
the Revised Code. 18177

(5)(a) Reimbursement by the offender of any or all of the 18178  
costs of sanctions incurred by the government, including the 18179  
following: 18180

(i) All or part of the costs of implementing any community 18181  
control sanction, including a supervision fee under section 18182  
2951.021 of the Revised Code; 18183

(ii) All or part of the costs of confinement under a sanction 18184  
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the 18185  
Revised Code, provided that the amount of reimbursement ordered 18186  
under this division shall not exceed the total amount of 18187

reimbursement the offender is able to pay as determined at a 18188  
hearing and shall not exceed the actual cost of the confinement; 18189

(iii) All or part of the cost of purchasing and using an 18190  
immobilizing or disabling device, including a certified ignition 18191  
interlock device, or a remote alcohol monitoring device that a 18192  
court orders an offender to use under section 4510.13 of the 18193  
Revised Code. 18194

(b) If the offender is sentenced to a sanction of confinement 18195  
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 18196  
to be served in a facility operated by a board of county 18197  
commissioners, a legislative authority of a municipal corporation, 18198  
or another local governmental entity, if, pursuant to section 18199  
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 18200  
or 2947.19 of the Revised Code and section 2929.37 of the Revised 18201  
Code, the board, legislative authority, or other local 18202  
governmental entity requires prisoners to reimburse the county, 18203  
municipal corporation, or other entity for its expenses incurred 18204  
by reason of the prisoner's confinement, and if the court does not 18205  
impose a financial sanction under division (A)(5)(a)(ii) of this 18206  
section, confinement costs may be assessed pursuant to section 18207  
2929.37 of the Revised Code. In addition, the offender may be 18208  
required to pay the fees specified in section 2929.38 of the 18209  
Revised Code in accordance with that section. 18210

(c) Reimbursement by the offender for costs pursuant to 18211  
section 2929.71 of the Revised Code. 18212

(B)(1) For a first, second, or third degree felony violation 18213  
of any provision of Chapter 2925., 3719., or 4729. of the Revised 18214  
Code, the sentencing court shall impose upon the offender a 18215  
mandatory fine of at least one-half of, but not more than, the 18216  
maximum statutory fine amount authorized for the level of the 18217  
offense pursuant to division (A)(3) of this section. If an 18218  
offender alleges in an affidavit filed with the court prior to 18219

sentencing that the offender is indigent and unable to pay the 18220  
mandatory fine and if the court determines the offender is an 18221  
indigent person and is unable to pay the mandatory fine described 18222  
in this division, the court shall not impose the mandatory fine 18223  
upon the offender. 18224

(2) Any mandatory fine imposed upon an offender under 18225  
division (B)(1) of this section and any fine imposed upon an 18226  
offender under division (A)(2) or (3) of this section for any 18227  
fourth or fifth degree felony violation of any provision of 18228  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 18229  
to law enforcement agencies pursuant to division (F) of section 18230  
2925.03 of the Revised Code. 18231

(3) For a fourth degree felony OVI offense and for a third 18232  
degree felony OVI offense, the sentencing court shall impose upon 18233  
the offender a mandatory fine in the amount specified in division 18234  
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 18235  
is applicable. The mandatory fine so imposed shall be disbursed as 18236  
provided in the division pursuant to which it is imposed. 18237

(4) Notwithstanding any fine otherwise authorized or required 18238  
to be imposed under division (A)(2) or (3) or (B)(1) of this 18239  
section or section 2929.31 of the Revised Code for a violation of 18240  
section 2925.03 of the Revised Code, in addition to any penalty or 18241  
sanction imposed for that offense under section 2925.03 or 18242  
sections 2929.11 to 2929.18 of the Revised Code and in addition to 18243  
the forfeiture of property in connection with the offense as 18244  
prescribed in Chapter 2981. of the Revised Code, the court that 18245  
sentences an offender for a violation of section 2925.03 of the 18246  
Revised Code may impose upon the offender a fine in addition to 18247  
any fine imposed under division (A)(2) or (3) of this section and 18248  
in addition to any mandatory fine imposed under division (B)(1) of 18249  
this section. The fine imposed under division (B)(4) of this 18250  
section shall be used as provided in division (H) of section 18251

2925.03 of the Revised Code. A fine imposed under division (B)(4) 18252  
of this section shall not exceed whichever of the following is 18253  
applicable: 18254

(a) The total value of any personal or real property in which 18255  
the offender has an interest and that was used in the course of, 18256  
intended for use in the course of, derived from, or realized 18257  
through conduct in violation of section 2925.03 of the Revised 18258  
Code, including any property that constitutes proceeds derived 18259  
from that offense; 18260

(b) If the offender has no interest in any property of the 18261  
type described in division (B)(4)(a) of this section or if it is 18262  
not possible to ascertain whether the offender has an interest in 18263  
any property of that type in which the offender may have an 18264  
interest, the amount of the mandatory fine for the offense imposed 18265  
under division (B)(1) of this section or, if no mandatory fine is 18266  
imposed under division (B)(1) of this section, the amount of the 18267  
fine authorized for the level of the offense imposed under 18268  
division (A)(3) of this section. 18269

(5) Prior to imposing a fine under division (B)(4) of this 18270  
section, the court shall determine whether the offender has an 18271  
interest in any property of the type described in division 18272  
(B)(4)(a) of this section. Except as provided in division (B)(6) 18273  
or (7) of this section, a fine that is authorized and imposed 18274  
under division (B)(4) of this section does not limit or affect the 18275  
imposition of the penalties and sanctions for a violation of 18276  
section 2925.03 of the Revised Code prescribed under those 18277  
sections or sections 2929.11 to 2929.18 of the Revised Code and 18278  
does not limit or affect a forfeiture of property in connection 18279  
with the offense as prescribed in Chapter 2981. of the Revised 18280  
Code. 18281

(6) If the sum total of a mandatory fine amount imposed for a 18282  
first, second, or third degree felony violation of section 2925.03 18283

of the Revised Code under division (B)(1) of this section plus the 18284  
amount of any fine imposed under division (B)(4) of this section 18285  
does not exceed the maximum statutory fine amount authorized for 18286  
the level of the offense under division (A)(3) of this section or 18287  
section 2929.31 of the Revised Code, the court may impose a fine 18288  
for the offense in addition to the mandatory fine and the fine 18289  
imposed under division (B)(4) of this section. The sum total of 18290  
the amounts of the mandatory fine, the fine imposed under division 18291  
(B)(4) of this section, and the additional fine imposed under 18292  
division (B)(6) of this section shall not exceed the maximum 18293  
statutory fine amount authorized for the level of the offense 18294  
under division (A)(3) of this section or section 2929.31 of the 18295  
Revised Code. The clerk of the court shall pay any fine that is 18296  
imposed under division (B)(6) of this section to the county, 18297  
township, municipal corporation, park district as created pursuant 18298  
to section 511.18 or 1545.04 of the Revised Code, or state law 18299  
enforcement agencies in this state that primarily were responsible 18300  
for or involved in making the arrest of, and in prosecuting, the 18301  
offender pursuant to division (F) of section 2925.03 of the 18302  
Revised Code. 18303

(7) If the sum total of the amount of a mandatory fine 18304  
imposed for a first, second, or third degree felony violation of 18305  
section 2925.03 of the Revised Code plus the amount of any fine 18306  
imposed under division (B)(4) of this section exceeds the maximum 18307  
statutory fine amount authorized for the level of the offense 18308  
under division (A)(3) of this section or section 2929.31 of the 18309  
Revised Code, the court shall not impose a fine under division 18310  
(B)(6) of this section. 18311

(8)(a) If an offender who is convicted of or pleads guilty to 18312  
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 18313  
2923.32, division (A)(1) or (2) of section 2907.323, or division 18314  
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 18315

Code also is convicted of or pleads guilty to a specification of 18316  
the type described in section 2941.1422 of the Revised Code that 18317  
charges that the offender knowingly committed the offense in 18318  
furtherance of human trafficking, the sentencing court shall 18319  
sentence the offender to a financial sanction of restitution by 18320  
the offender to the victim or any survivor of the victim, with the 18321  
restitution including the costs of housing, counseling, and 18322  
medical and legal assistance incurred by the victim as a direct 18323  
result of the offense and the greater of the following: 18324

(i) The gross income or value to the offender of the victim's 18325  
labor or services; 18326

(ii) The value of the victim's labor as guaranteed under the 18327  
minimum wage and overtime provisions of the "Federal Fair Labor 18328  
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 18329  
labor laws. 18330

(b) If a court imposing sentence upon an offender for a 18331  
felony is required to impose upon the offender a financial 18332  
sanction of restitution under division (B)(8)(a) of this section, 18333  
in addition to that financial sanction of restitution, the court 18334  
may sentence the offender to any other financial sanction or 18335  
combination of financial sanctions authorized under this section, 18336  
including a restitution sanction under division (A)(1) of this 18337  
section. 18338

(9) In addition to any other fine that is or may be imposed 18339  
under this section, the court imposing sentence upon an offender 18340  
for a felony that is a sexually oriented offense or a child-victim 18341  
oriented offense, as those terms are defined in section 2950.01 of 18342  
the Revised Code, may impose a fine of not less than fifty nor 18343  
more than five hundred dollars. 18344

~~(C)(1) The offender shall pay reimbursements imposed upon the 18345  
offender pursuant to division (A)(5)(a) of this section to pay the 18346~~

~~costs incurred by the department of rehabilitation and correction 18347  
in operating a prison or other facility used to confine offenders 18348  
pursuant to sanctions imposed under section 2929.14, 2929.142, or 18349  
2929.16 of the Revised Code to the treasurer of state. The 18350  
treasurer of state shall deposit the reimbursements in the 18351  
confinement cost reimbursement fund that is hereby created in the 18352  
state treasury. The department of rehabilitation and correction 18353  
shall use the amounts deposited in the fund to fund the operation 18354  
of facilities used to confine offenders pursuant to sections 18355  
2929.14, 2929.142, and 2929.16 of the Revised Code. 18356~~

~~(2) Except as provided in section 2951.021 of the Revised 18357  
Code, the offender shall pay reimbursements imposed upon the 18358  
offender pursuant to division (A)(5)(a) of this section to pay the 18359  
costs incurred by a county pursuant to any sanction imposed under 18360  
this section or section 2929.16 or 2929.17 of the Revised Code or 18361  
in operating a facility used to confine offenders pursuant to a 18362  
sanction imposed under section 2929.16 of the Revised Code to the 18363  
county treasurer. The county treasurer shall deposit the 18364  
reimbursements in the sanction cost reimbursement fund that each 18365  
board of county commissioners shall create in its county treasury. 18366  
The county shall use the amounts deposited in the fund to pay the 18367  
costs incurred by the county pursuant to any sanction imposed 18368  
under this section or section 2929.16 or 2929.17 of the Revised 18369  
Code or in operating a facility used to confine offenders pursuant 18370  
to a sanction imposed under section 2929.16 of the Revised Code. 18371~~

~~(3)(2) Except as provided in section 2951.021 of the Revised 18372  
Code, the offender shall pay reimbursements imposed upon the 18373  
offender pursuant to division (A)(5)(a) of this section to pay the 18374  
costs incurred by a municipal corporation pursuant to any sanction 18375  
imposed under this section or section 2929.16 or 2929.17 of the 18376  
Revised Code or in operating a facility used to confine offenders 18377  
pursuant to a sanction imposed under section 2929.16 of the 18378~~

Revised Code to the treasurer of the municipal corporation. The 18379  
treasurer shall deposit the reimbursements in a special fund that 18380  
shall be established in the treasury of each municipal 18381  
corporation. The municipal corporation shall use the amounts 18382  
deposited in the fund to pay the costs incurred by the municipal 18383  
corporation pursuant to any sanction imposed under this section or 18384  
section 2929.16 or 2929.17 of the Revised Code or in operating a 18385  
facility used to confine offenders pursuant to a sanction imposed 18386  
under section 2929.16 of the Revised Code. 18387

~~(4)~~(3) Except as provided in section 2951.021 of the Revised 18388  
Code, the offender shall pay reimbursements imposed pursuant to 18389  
division (A)(5)(a) of this section for the costs incurred by a 18390  
private provider pursuant to a sanction imposed under this section 18391  
or section 2929.16 or 2929.17 of the Revised Code to the provider. 18392

(D) Except as otherwise provided in this division, a 18393  
financial sanction imposed pursuant to division (A) or (B) of this 18394  
section is a judgment in favor of the state or a political 18395  
subdivision in which the court that imposed the financial sanction 18396  
is located, and the offender subject to the financial sanction is 18397  
the judgment debtor. A financial sanction of reimbursement imposed 18398  
pursuant to division (A)(5)(a)(ii) of this section upon an 18399  
offender who is incarcerated in a state facility or a municipal 18400  
jail is a judgment in favor of the state or the municipal 18401  
corporation, and the offender subject to the financial sanction is 18402  
the judgment debtor. A financial sanction of reimbursement imposed 18403  
upon an offender pursuant to this section for costs incurred by a 18404  
private provider of sanctions is a judgment in favor of the 18405  
private provider, and the offender subject to the financial 18406  
sanction is the judgment debtor. A financial sanction of 18407  
restitution imposed pursuant to division (A)(1) or (B)(8) of this 18408  
section is an order in favor of the victim of the offender's 18409  
criminal act that can be collected through a certificate of 18410

judgment as described in division (D)(1) of this section, through 18411  
execution as described in division (D)(2) of this section, or 18412  
through an order as described in division (D)(3) of this section, 18413  
and the offender shall be considered for purposes of the 18414  
collection as the judgment debtor. Imposition of a financial 18415  
sanction and execution on the judgment does not preclude any other 18416  
power of the court to impose or enforce sanctions on the offender. 18417  
Once the financial sanction is imposed as a judgment or order 18418  
under this division, the victim, private provider, state, or 18419  
political subdivision may do any of the following: 18420

(1) Obtain from the clerk of the court in which the judgment 18421  
was entered a certificate of judgment that shall be in the same 18422  
manner and form as a certificate of judgment issued in a civil 18423  
action; 18424

(2) Obtain execution of the judgment or order through any 18425  
available procedure, including: 18426

(a) An execution against the property of the judgment debtor 18427  
under Chapter 2329. of the Revised Code; 18428

(b) An execution against the person of the judgment debtor 18429  
under Chapter 2331. of the Revised Code; 18430

(c) A proceeding in aid of execution under Chapter 2333. of 18431  
the Revised Code, including: 18432

(i) A proceeding for the examination of the judgment debtor 18433  
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 18434  
of the Revised Code; 18435

(ii) A proceeding for attachment of the person of the 18436  
judgment debtor under section 2333.28 of the Revised Code; 18437

(iii) A creditor's suit under section 2333.01 of the Revised 18438  
Code. 18439

(d) The attachment of the property of the judgment debtor 18440

under Chapter 2715. of the Revised Code; 18441

(e) The garnishment of the property of the judgment debtor 18442  
under Chapter 2716. of the Revised Code. 18443

(3) Obtain an order for the assignment of wages of the 18444  
judgment debtor under section 1321.33 of the Revised Code. 18445

(E) A court that imposes a financial sanction upon an 18446  
offender may hold a hearing if necessary to determine whether the 18447  
offender is able to pay the sanction or is likely in the future to 18448  
be able to pay it. 18449

(F) Each court imposing a financial sanction upon an offender 18450  
under this section or under section 2929.32 of the Revised Code 18451  
may designate the clerk of the court or another person to collect 18452  
the financial sanction. The clerk or other person authorized by 18453  
law or the court to collect the financial sanction may enter into 18454  
contracts with one or more public agencies or private vendors for 18455  
the collection of, amounts due under the financial sanction 18456  
imposed pursuant to this section or section 2929.32 of the Revised 18457  
Code. Before entering into a contract for the collection of 18458  
amounts due from an offender pursuant to any financial sanction 18459  
imposed pursuant to this section or section 2929.32 of the Revised 18460  
Code, a court shall comply with sections 307.86 to 307.92 of the 18461  
Revised Code. 18462

(G) If a court that imposes a financial sanction under 18463  
division (A) or (B) of this section finds that an offender 18464  
satisfactorily has completed all other sanctions imposed upon the 18465  
offender and that all restitution that has been ordered has been 18466  
paid as ordered, the court may suspend any financial sanctions 18467  
imposed pursuant to this section or section 2929.32 of the Revised 18468  
Code that have not been paid. 18469

(H) No financial sanction imposed under this section or 18470  
section 2929.32 of the Revised Code shall preclude a victim from 18471

bringing a civil action against the offender. 18472

**Sec. 2929.20.** (A) As used in this section: 18473

(1)(a) Except as provided in division (A)(1)(b) of this 18474  
section, "eligible offender" means any person who, on or after 18475  
April 7, 2009, is serving a stated prison term that includes one 18476  
or more nonmandatory prison terms. 18477

(b) "Eligible offender" does not include any person who, on 18478  
or after April 7, 2009, is serving a stated prison term for any of 18479  
the following criminal offenses that was a felony and was 18480  
committed while the person held a public office in this state: 18481

(i) A violation of section 2921.02, 2921.03, 2921.05, 18482  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 18483  
Code; 18484

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 18485  
2921.12 of the Revised Code, when the conduct constituting the 18486  
violation was related to the duties of the offender's public 18487  
office or to the offender's actions as a public official holding 18488  
that public office; 18489

(iii) A violation of an existing or former municipal 18490  
ordinance or law of this or any other state or the United States 18491  
that is substantially equivalent to any violation listed in 18492  
division (A)(1)(b)(i) of this section; 18493

(iv) A violation of an existing or former municipal ordinance 18494  
or law of this or any other state or the United States that is 18495  
substantially equivalent to any violation listed in division 18496  
(A)(1)(b)(ii) of this section, when the conduct constituting the 18497  
violation was related to the duties of the offender's public 18498  
office or to the offender's actions as a public official holding 18499  
that public office; 18500

(v) A conspiracy to commit, attempt to commit, or complicity 18501

in committing any offense listed in division (A)(1)(b)(i) or 18502  
described in division (A)(1)(b)(iii) of this section; 18503

(vi) A conspiracy to commit, attempt to commit, or complicity 18504  
in committing any offense listed in division (A)(1)(b)(ii) or 18505  
described in division (A)(1)(b)(iv) of this section, if the 18506  
conduct constituting the offense that was the subject of the 18507  
conspiracy, that would have constituted the offense attempted, or 18508  
constituting the offense in which the offender was complicit was 18509  
or would have been related to the duties of the offender's public 18510  
office or to the offender's actions as a public official holding 18511  
that public office. 18512

(2) "Nonmandatory prison term" means a prison term that is 18513  
not a mandatory prison term. 18514

(3) "Public office" means any elected federal, state, or 18515  
local government office in this state. 18516

(4) "Victim's representative" has the same meaning as in 18517  
section 2930.01 of the Revised Code. 18518

(5) "Imminent danger of death," "medically incapacitated," 18519  
and "terminal illness" have the same meanings as in section 18520  
2967.05 of the Revised Code. 18521

(B) On the motion of an eligible offender or upon its own 18522  
motion, the sentencing court may reduce the eligible offender's 18523  
aggregated nonmandatory prison term or terms through a judicial 18524  
release under this section. 18525

(C) An eligible offender may file a motion for judicial 18526  
release with the sentencing court within the following applicable 18527  
periods: 18528

(1) If the aggregated nonmandatory prison term or terms is 18529  
less than two years, the eligible offender may file the motion not 18530  
earlier than thirty days after the offender is delivered to a 18531

state correctional institution or, if the prison term includes a 18532  
mandatory prison term or terms, not earlier than thirty days after 18533  
the expiration of all mandatory prison terms. 18534

(2) If the aggregated nonmandatory prison term or terms is at 18535  
least two years but less than five years, the eligible offender 18536  
may file the motion not earlier than one hundred eighty days after 18537  
the offender is delivered to a state correctional institution or, 18538  
if the prison term includes a mandatory prison term or terms, not 18539  
earlier than one hundred eighty days after the expiration of all 18540  
mandatory prison terms. 18541

(3) If the aggregated nonmandatory prison term or terms is 18542  
five years, the eligible offender may file the motion not earlier 18543  
than four years after the eligible offender is delivered to a 18544  
state correctional institution or, if the prison term includes a 18545  
mandatory prison term or terms, not earlier than four years after 18546  
the expiration of all mandatory prison terms. 18547

(4) If the aggregated nonmandatory prison term or terms is 18548  
more than five years but not more than ten years, the eligible 18549  
offender may file the motion not earlier than five years after the 18550  
eligible offender is delivered to a state correctional institution 18551  
or, if the prison term includes a mandatory prison term or terms, 18552  
not earlier than five years after the expiration of all mandatory 18553  
prison terms. 18554

(5) If the aggregated nonmandatory prison term or terms is 18555  
more than ten years, the eligible offender may file the motion not 18556  
earlier than the later of the date on which the offender has 18557  
served one-half of the offender's stated prison term or the date 18558  
specified in division (C)(4) of this section. 18559

(D) Upon receipt of a timely motion for judicial release 18560  
filed by an eligible offender under division (C) of this section 18561  
or upon the sentencing court's own motion made within the 18562

appropriate time specified in that division, the court may deny 18563  
the motion without a hearing or schedule a hearing on the motion. 18564  
The court shall not grant the motion without a hearing. If a court 18565  
denies a motion without a hearing, the court later may consider 18566  
judicial release for that eligible offender on a subsequent motion 18567  
filed by that eligible offender unless the court denies the motion 18568  
with prejudice. If a court denies a motion with prejudice, the 18569  
court may later consider judicial release on its own motion. If a 18570  
court denies a motion after a hearing, the court shall not 18571  
consider a subsequent motion for that eligible offender. The court 18572  
shall hold only one hearing for any eligible offender. 18573

A hearing under this section shall be conducted in open court 18574  
not less than thirty or more than sixty days after the motion is 18575  
filed, provided that the court may delay the hearing for one 18576  
hundred eighty additional days. If the court holds a hearing, the 18577  
court shall enter a ruling on the motion within ten days after the 18578  
hearing. If the court denies the motion without a hearing, the 18579  
court shall enter its ruling on the motion within sixty days after 18580  
the motion is filed. 18581

(E) If a court schedules a hearing under division (D) of this 18582  
section, the court shall notify the eligible offender and the head 18583  
of the state correctional institution in which the eligible 18584  
offender is confined prior to the hearing. The head of the state 18585  
correctional institution immediately shall notify the appropriate 18586  
person at the department of rehabilitation and correction of the 18587  
hearing, and the department within twenty-four hours after receipt 18588  
of the notice, shall post on the database it maintains pursuant to 18589  
section 5120.66 of the Revised Code the offender's name and all of 18590  
the information specified in division (A)(1)(c)(i) of that 18591  
section. If the court schedules a hearing for judicial release, 18592  
the court promptly shall give notice of the hearing to the 18593  
prosecuting attorney of the county in which the eligible offender 18594

was indicted. Upon receipt of the notice from the court, the 18595  
prosecuting attorney shall do whichever of the following is 18596  
applicable: 18597

(1) Subject to division (E)(2) of this section, notify the 18598  
victim of the offense or the victim's representative pursuant to 18599  
division (B) of section 2930.16 of the Revised Code; 18600

(2) If the offense was an offense of violence that is a 18601  
felony of the first, second, or third degree, except as otherwise 18602  
provided in this division, notify the victim or the victim's 18603  
representative of the hearing regardless of whether the victim or 18604  
victim's representative has requested the notification. The notice 18605  
of the hearing shall not be given under this division to a victim 18606  
or victim's representative if the victim or victim's 18607  
representative has requested pursuant to division (B)(2) of 18608  
section 2930.03 of the Revised Code that the victim or the 18609  
victim's representative not be provided the notice. If notice is 18610  
to be provided to a victim or victim's representative under this 18611  
division, the prosecuting attorney may give the notice by any 18612  
reasonable means, including regular mail, telephone, and 18613  
electronic mail, in accordance with division (D)(1) of section 18614  
2930.16 of the Revised Code. If the notice is based on an offense 18615  
committed prior to March 22, 2013, the notice also shall include 18616  
the opt-out information described in division (D)(1) of section 18617  
2930.16 of the Revised Code. The prosecuting attorney, in 18618  
accordance with division (D)(2) of section 2930.16 of the Revised 18619  
Code, shall keep a record of all attempts to provide the notice, 18620  
and of all notices provided, under this division. Division (E)(2) 18621  
of this section, and the notice-related provisions of division (K) 18622  
of this section, division (D)(1) of section 2930.16, division (H) 18623  
of section 2967.12, division (E)(1)(b) of section 2967.19, 18624  
division (A)(3)(b) of section 2967.26, division (D)(1) of section 18625  
2967.28, and division (A)(2) of section 5149.101 of the Revised 18626

Code enacted in the act in which division (E)(2) of this section 18627  
was enacted, shall be known as "Roberta's Law." 18628

(F) Upon an offender's successful completion of 18629  
rehabilitative activities, the head of the state correctional 18630  
institution may notify the sentencing court of the successful 18631  
completion of the activities. 18632

(G) Prior to the date of the hearing on a motion for judicial 18633  
release under this section, the head of the state correctional 18634  
institution in which the eligible offender is confined shall send 18635  
to the court an institutional summary report on the eligible 18636  
offender's conduct in the institution and in any institution from 18637  
which the eligible offender may have been transferred. Upon the 18638  
request of the prosecuting attorney of the county in which the 18639  
eligible offender was indicted or of any law enforcement agency, 18640  
the head of the state correctional institution, at the same time 18641  
the person sends the institutional summary report to the court, 18642  
also shall send a copy of the report to the requesting prosecuting 18643  
attorney and law enforcement agencies. The institutional summary 18644  
report shall cover the eligible offender's participation in 18645  
school, vocational training, work, treatment, and other 18646  
rehabilitative activities and any disciplinary action taken 18647  
against the eligible offender. The report shall be made part of 18648  
the record of the hearing. A presentence investigation report is 18649  
not required for judicial release. 18650

(H) If the court grants a hearing on a motion for judicial 18651  
release under this section, the eligible offender shall attend the 18652  
hearing if ordered to do so by the court. Upon receipt of a copy 18653  
of the journal entry containing the order, the head of the state 18654  
correctional institution in which the eligible offender is 18655  
incarcerated shall deliver the eligible offender to the sheriff of 18656  
the county in which the hearing is to be held. The sheriff shall 18657  
convey the eligible offender to and from the hearing. 18658

(I) At the hearing on a motion for judicial release under 18659  
this section, the court shall afford the eligible offender and the 18660  
eligible offender's attorney an opportunity to present written 18661  
and, if present, oral information relevant to the motion. The 18662  
court shall afford a similar opportunity to the prosecuting 18663  
attorney, the victim or the victim's representative, and any other 18664  
person the court determines is likely to present additional 18665  
relevant information. The court shall consider any statement of a 18666  
victim made pursuant to section 2930.14 or 2930.17 of the Revised 18667  
Code, any victim impact statement prepared pursuant to section 18668  
2947.051 of the Revised Code, and any report made under division 18669  
(G) of this section. The court may consider any written statement 18670  
of any person submitted to the court pursuant to division (L) of 18671  
this section. After ruling on the motion, the court shall notify 18672  
the victim of the ruling in accordance with sections 2930.03 and 18673  
2930.16 of the Revised Code. 18674

(J)(1) A court shall not grant a judicial release under this 18675  
section to an eligible offender who is imprisoned for a felony of 18676  
the first or second degree, or to an eligible offender who 18677  
committed an offense under Chapter 2925. or 3719. of the Revised 18678  
Code and for whom there was a presumption under section 2929.13 of 18679  
the Revised Code in favor of a prison term, unless the court, with 18680  
reference to factors under section 2929.12 of the Revised Code, 18681  
finds both of the following: 18682

(a) That a sanction other than a prison term would adequately 18683  
punish the offender and protect the public from future criminal 18684  
violations by the eligible offender because the applicable factors 18685  
indicating a lesser likelihood of recidivism outweigh the 18686  
applicable factors indicating a greater likelihood of recidivism; 18687

(b) That a sanction other than a prison term would not demean 18688  
the seriousness of the offense because factors indicating that the 18689  
eligible offender's conduct in committing the offense was less 18690

serious than conduct normally constituting the offense outweigh 18691  
factors indicating that the eligible offender's conduct was more 18692  
serious than conduct normally constituting the offense. 18693

(2) A court that grants a judicial release to an eligible 18694  
offender under division (J)(1) of this section shall specify on 18695  
the record both findings required in that division and also shall 18696  
list all the factors described in that division that were 18697  
presented at the hearing. 18698

(K) If the court grants a motion for judicial release under 18699  
this section, the court shall order the release of the eligible 18700  
offender, shall place the eligible offender under an appropriate 18701  
community control sanction, under appropriate conditions, and 18702  
under the supervision of the department of probation serving the 18703  
court and shall reserve the right to reimpose the sentence that it 18704  
reduced if the offender violates the sanction. If the court 18705  
reimposes the reduced sentence, it may do so either concurrently 18706  
with, or consecutive to, any new sentence imposed upon the 18707  
eligible offender as a result of the violation that is a new 18708  
offense. The period of community control shall be no longer than 18709  
five years. The court, in its discretion, may reduce the period of 18710  
community control by the amount of time the eligible offender 18711  
spent in jail or prison for the offense and in prison. If the 18712  
court made any findings pursuant to division (J)(1) of this 18713  
section, the court shall serve a copy of the findings upon counsel 18714  
for the parties within fifteen days after the date on which the 18715  
court grants the motion for judicial release. 18716

If the court grants a motion for judicial release, the court 18717  
shall notify the appropriate person at the department of 18718  
rehabilitation and correction, and the department shall post 18719  
notice of the release on the database it maintains pursuant to 18720  
section 5120.66 of the Revised Code. The court also shall notify 18721  
the prosecuting attorney of the county in which the eligible 18722

offender was indicted that the motion has been granted. Unless the  
victim or the victim's representative has requested pursuant to  
division (B)(2) of section 2930.03 of the Revised Code that the  
victim or victim's representative not be provided the notice, the  
prosecuting attorney shall notify the victim or the victim's  
representative of the judicial release in any manner, and in  
accordance with the same procedures, pursuant to which the  
prosecuting attorney is authorized to provide notice of the  
hearing pursuant to division (E)(2) of this section. If the notice  
is based on an offense committed prior to March 22, 2013, the  
notice to the victim or victim's representative also shall include  
the opt-out information described in division (D)(1) of section  
2930.16 of the Revised Code.

(L) In addition to and independent of the right of a victim  
to make a statement pursuant to section 2930.14, 2930.17, or  
2946.051 of the Revised Code and any right of a person to present  
written information or make a statement pursuant to division (I)  
of this section, any person may submit to the court, at any time  
prior to the hearing on the offender's motion for judicial  
release, a written statement concerning the effects of the  
offender's crime or crimes, the circumstances surrounding the  
crime or crimes, the manner in which the crime or crimes were  
perpetrated, and the person's opinion as to whether the offender  
should be released.

(M) The changes to this section that are made on September  
30, 2011, apply to any judicial release decision made on or after  
September 30, 2011, for any eligible offender.

(N) Notwithstanding the eligibility requirements specified in  
division (A) of this section and the filing time frames specified  
in division (C) of this section and notwithstanding the findings  
required under division (J) of this section, the sentencing court,  
upon the court's own motion and after considering whether the

release of the offender into society would create undue risk to public safety, may grant a judicial release to an offender who is not serving a life sentence at any time during the offender's imposed sentence when the director of rehabilitation and correction certifies to the sentencing court through the chief medical officer for the department of rehabilitation and correction one of the following: 18755  
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(1) That the offender is in imminent danger of death, is medically incapacitated, or is suffering from a terminal illness; 18762  
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(2) That the offender has a permanent deterioration in mental or cognitive ability such that institutional confinement does not offer additional protections for public safety or against the offender's risk to reoffend; 18764  
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(3) That other exigent circumstances exist such that institutional confinement does not offer additional protections for public safety or against the offender's risk to reoffend. 18768  
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(O) The director of rehabilitation and correction shall not certify any offender under division (N) of this section who is serving a death sentence. 18771  
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(P) A motion made by the court under division (N) of this section is subject to the notice, hearing, and other procedural requirements specified in divisions (D), (E), (G), (H), (I), (K), and (L) of this section, except for the following: 18774  
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(1) The court may waive the offender's appearance at any hearing scheduled by the court if the offender's condition makes it impossible for the offender to participate meaningfully in the proceeding. 18778  
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(2) The court may grant the motion without a hearing, provided that the prosecuting attorney and victim or victim's representative to whom notice of the hearing was provided under division (E) of this section indicate that they do not wish to 18782  
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participate in the hearing or present information relevant to the 18786  
motion. 18787

(O) After granting a judicial release under division (N) of 18788  
this section, the court shall determine the health status of the 18789  
released offender annually. If the offender's health improves so 18790  
that the offender is no longer terminally ill, medically 18791  
incapacitated, or in imminent danger of death, or that the exigent 18792  
circumstances under division (N)(3) no longer exist, the court 18793  
may, upon the court's own motion, reimpose the reduced sentence. 18794  
The court shall not grant the motion without a hearing unless the 18795  
offender waives a hearing. If a hearing is held, the court shall 18796  
afford the offender and the offender's attorney an opportunity to 18797  
present written and, if the offender or offender's attorney is 18798  
present, oral information relevant to the motion. The court shall 18799  
afford a similar opportunity to the prosecuting attorney, the 18800  
victim or the victim's representative, and any other person the 18801  
court determines is likely to present additional relevant 18802  
information. A court that grants a motion under this division 18803  
shall specify its findings on the record. 18804

(R) The court may request health care records from the 18805  
department of rehabilitation and correction to verify the 18806  
certification made under division (N) of this section. 18807

**Sec. 2935.33.** (A) If a person charged with a misdemeanor is 18808  
taken before a judge of a court of record and if it appears to the 18809  
judge that the person is an alcoholic or is suffering from acute 18810  
alcohol intoxication and that the person would benefit from 18811  
services provided by a community addiction services provider 18812  
~~certified under Chapter 5119. of the Revised Code~~, the judge may 18813  
place the person temporarily ~~in~~ with a community addiction 18814  
services provider ~~certified under that chapter~~ in the area in 18815  
which the court has jurisdiction for inpatient care and treatment 18816

for an indefinite period not exceeding five days. The commitment 18817  
does not limit the right to release on bail. The judge may dismiss 18818  
a charge of a violation of division (B) of section 2917.11 of the 18819  
Revised Code or of a municipal ordinance substantially equivalent 18820  
to that division if the defendant complies with all the conditions 18821  
of treatment ordered by the court. 18822

The court may order that any fines or court costs collected 18823  
by the court from defendants who have received inpatient care from 18824  
a community addiction services provider be paid, for the benefit 18825  
of the program, to the board of alcohol, drug addiction, and 18826  
mental health services of the alcohol, drug addiction, and mental 18827  
health service district in which the community addiction services 18828  
provider is located or to the director of mental health and 18829  
addiction services. 18830

(B) If a person is being sentenced for a violation of 18831  
division (B) of section 2917.11 or section 4511.19 of the Revised 18832  
Code, a misdemeanor violation of section 2919.25 of the Revised 18833  
Code, a misdemeanor violation of section 2919.27 of the Revised 18834  
Code involving a protection order issued or consent agreement 18835  
approved pursuant to section 2919.26 or 3113.31 of the Revised 18836  
Code, or a violation of a municipal ordinance substantially 18837  
equivalent to that division or any of those sections and if it 18838  
appears to the judge at the time of sentencing that the person is 18839  
an alcoholic or is suffering from acute alcohol intoxication and 18840  
that, in lieu of imprisonment, the person would benefit from 18841  
services provided by a community addiction services provider 18842  
~~certified under Chapter 5119. of the Revised Code,~~ the court may 18843  
commit the person to close supervision in any facility in the area 18844  
in which the court has jurisdiction that is, or is operated by, 18845  
such a services provider. Such close supervision may include 18846  
outpatient services and part-time release, except that a person 18847  
convicted of a violation of division (A) of section 4511.19 of the 18848

Revised Code shall be confined to the facility for at least three 18849  
days and except that a person convicted of a misdemeanor violation 18850  
of section 2919.25 of the Revised Code, a misdemeanor violation of 18851  
section 2919.27 of the Revised Code involving a protection order 18852  
issued or consent agreement approved pursuant to section 2919.26 18853  
or 3113.31 of the Revised Code, or a violation of a substantially 18854  
equivalent municipal ordinance shall be confined to the facility 18855  
in accordance with the order of commitment. A commitment of a 18856  
person to a facility for purposes of close supervision shall not 18857  
exceed the maximum term for which the person could be imprisoned. 18858

(C) A law enforcement officer who finds a person subject to 18859  
prosecution for violation of division (B) of section 2917.11 of 18860  
the Revised Code or a municipal ordinance substantially equivalent 18861  
to that division and who has reasonable cause to believe that the 18862  
person is an alcoholic or is suffering from acute alcohol 18863  
intoxication and would benefit from immediate treatment 18864  
immediately may place the person ~~in~~ with a community addiction 18865  
services provider ~~certified under Chapter 5119. of the Revised~~ 18866  
~~Code~~ in the area in which the person is found, for emergency 18867  
treatment, in lieu of other arrest procedures, for a maximum 18868  
period of forty-eight hours. During that time, if the person 18869  
desires to leave such custody, the person shall be released 18870  
forthwith. 18871

(D) As used in this section: 18872

(1) "Alcoholic" ~~has~~ and "community addiction services 18873  
provider" have the same ~~meaning~~ meanings as in section 5119.01 of 18874  
the Revised Code; 18875

(2) "Acute alcohol intoxication" means a heavy consumption of 18876  
alcohol over a relatively short period of time, resulting in 18877  
dysfunction of the brain centers controlling behavior, speech, and 18878  
memory and causing characteristic withdrawal symptoms. 18879

**Sec. 2951.041.** (A)(1) If an offender is charged with a 18880  
criminal offense, including but not limited to a violation of 18881  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 18882  
the Revised Code, and the court has reason to believe that drug or 18883  
alcohol usage by the offender was a factor leading to the criminal 18884  
offense with which the offender is charged or that, at the time of 18885  
committing that offense, the offender had a mental illness, was a 18886  
person with intellectual disability, or was a victim of a 18887  
violation of section 2905.32 of the Revised Code and that the 18888  
mental illness, status as a person with intellectual disability, 18889  
or fact that the offender was a victim of a violation of section 18890  
2905.32 of the Revised Code was a factor leading to the offender's 18891  
criminal behavior, the court may accept, prior to the entry of a 18892  
guilty plea, the offender's request for intervention in lieu of 18893  
conviction. The request shall include a statement from the 18894  
offender as to whether the offender is alleging that drug or 18895  
alcohol usage by the offender was a factor leading to the criminal 18896  
offense with which the offender is charged or is alleging that, at 18897  
the time of committing that offense, the offender had a mental 18898  
illness, was a person with intellectual disability, or was a 18899  
victim of a violation of section 2905.32 of the Revised Code and 18900  
that the mental illness, status as a person with intellectual 18901  
disability, or fact that the offender was a victim of a violation 18902  
of section 2905.32 of the Revised Code was a factor leading to the 18903  
criminal offense with which the offender is charged. The request 18904  
also shall include a waiver of the defendant's right to a speedy 18905  
trial, the preliminary hearing, the time period within which the 18906  
grand jury may consider an indictment against the offender, and 18907  
arraignment, unless the hearing, indictment, or arraignment has 18908  
already occurred. The court may reject an offender's request 18909  
without a hearing. If the court elects to consider an offender's 18910  
request, the court shall conduct a hearing to determine whether 18911

the offender is eligible under this section for intervention in lieu of conviction and shall stay all criminal proceedings pending the outcome of the hearing. If the court schedules a hearing, the court shall order an assessment of the offender for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan.

If the offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court may order that the offender be assessed by ~~an a~~ a community addiction services provider ~~certified pursuant to section 5119.36 of the Revised Code~~ or a properly credentialed professional for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan. The community addiction services provider or the properly credentialed professional shall provide a written assessment of the offender to the court.

(2) The victim notification provisions of division (C) of section 2930.08 of the Revised Code apply in relation to any hearing held under division (A)(1) of this section.

(B) An offender is eligible for intervention in lieu of conviction if the court finds all of the following:

(1) The offender previously has not been convicted of or pleaded guilty to a felony offense of violence or previously has been convicted of or pleaded guilty to any felony that is not an offense of violence and the prosecuting attorney recommends that the offender be found eligible for participation in intervention in lieu of treatment under this section, previously has not been through intervention in lieu of conviction under this section or any similar regimen, and is charged with a felony for which the court, upon conviction, would impose a community control sanction on the offender under division (B)(2) of section 2929.13 of the

Revised Code or with a misdemeanor. 18944

(2) The offense is not a felony of the first, second, or 18945  
third degree, is not an offense of violence, is not a violation of 18946  
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 18947  
not a violation of division (A)(1) of section 2903.08 of the 18948  
Revised Code, is not a violation of division (A) of section 18949  
4511.19 of the Revised Code or a municipal ordinance that is 18950  
substantially similar to that division, and is not an offense for 18951  
which a sentencing court is required to impose a mandatory prison 18952  
term, a mandatory term of local incarceration, or a mandatory term 18953  
of imprisonment in a jail. 18954

(3) The offender is not charged with a violation of section 18955  
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 18956  
with a violation of section 2925.03 of the Revised Code that is a 18957  
felony of the first, second, third, or fourth degree, and is not 18958  
charged with a violation of section 2925.11 of the Revised Code 18959  
that is a felony of the first, second, or third degree. 18960

(4) If an offender alleges that drug or alcohol usage by the 18961  
offender was a factor leading to the criminal offense with which 18962  
the offender is charged, the court has ordered that the offender 18963  
be assessed by ~~an~~ a community addiction services provider 18964  
~~certified pursuant to section 5119.36 of the Revised Code~~ or a 18965  
properly credentialed professional for the purpose of determining 18966  
the offender's eligibility for intervention in lieu of conviction 18967  
and recommending an appropriate intervention plan, the offender 18968  
has been assessed by ~~an~~ a community addiction services provider of 18969  
that nature or a properly credentialed professional in accordance 18970  
with the court's order, and the community addiction services 18971  
provider or properly credentialed professional has filed the 18972  
written assessment of the offender with the court. 18973

(5) If an offender alleges that, at the time of committing 18974  
the criminal offense with which the offender is charged, the 18975

offender had a mental illness, was a person with intellectual 18976  
disability, or was a victim of a violation of section 2905.32 of 18977  
the Revised Code and that the mental illness, status as a person 18978  
with intellectual disability, or fact that the offender was a 18979  
victim of a violation of section 2905.32 of the Revised Code was a 18980  
factor leading to that offense, the offender has been assessed by 18981  
a psychiatrist, psychologist, independent social worker, licensed 18982  
professional clinical counselor, or independent marriage and 18983  
family therapist for the purpose of determining the offender's 18984  
eligibility for intervention in lieu of conviction and 18985  
recommending an appropriate intervention plan. 18986

(6) The offender's drug usage, alcohol usage, mental illness, 18987  
or intellectual disability, or the fact that the offender was a 18988  
victim of a violation of section 2905.32 of the Revised Code, 18989  
whichever is applicable, was a factor leading to the criminal 18990  
offense with which the offender is charged, intervention in lieu 18991  
of conviction would not demean the seriousness of the offense, and 18992  
intervention would substantially reduce the likelihood of any 18993  
future criminal activity. 18994

(7) The alleged victim of the offense was not sixty-five 18995  
years of age or older, permanently and totally disabled, under 18996  
thirteen years of age, or a peace officer engaged in the officer's 18997  
official duties at the time of the alleged offense. 18998

(8) If the offender is charged with a violation of section 18999  
2925.24 of the Revised Code, the alleged violation did not result 19000  
in physical harm to any person, and the offender previously has 19001  
not been treated for drug abuse. 19002

(9) The offender is willing to comply with all terms and 19003  
conditions imposed by the court pursuant to division (D) of this 19004  
section. 19005

(10) The offender is not charged with an offense that would 19006

result in the offender being disqualified under Chapter 4506. of 19007  
the Revised Code from operating a commercial motor vehicle or 19008  
would subject the offender to any other sanction under that 19009  
chapter. 19010

(C) At the conclusion of a hearing held pursuant to division 19011  
(A) of this section, the court shall enter its determination as to 19012  
whether the offender is eligible for intervention in lieu of 19013  
conviction and as to whether to grant the offender's request. If 19014  
the court finds under division (B) of this section that the 19015  
offender is eligible for intervention in lieu of conviction and 19016  
grants the offender's request, the court shall accept the 19017  
offender's plea of guilty and waiver of the defendant's right to a 19018  
speedy trial, the preliminary hearing, the time period within 19019  
which the grand jury may consider an indictment against the 19020  
offender, and arraignment, unless the hearing, indictment, or 19021  
arraignment has already occurred. In addition, the court then may 19022  
stay all criminal proceedings and order the offender to comply 19023  
with all terms and conditions imposed by the court pursuant to 19024  
division (D) of this section. If the court finds that the offender 19025  
is not eligible or does not grant the offender's request, the 19026  
criminal proceedings against the offender shall proceed as if the 19027  
offender's request for intervention in lieu of conviction had not 19028  
been made. 19029

(D) If the court grants an offender's request for 19030  
intervention in lieu of conviction, the court shall place the 19031  
offender under the general control and supervision of the county 19032  
probation department, the adult parole authority, or another 19033  
appropriate local probation or court services agency, if one 19034  
exists, as if the offender was subject to a community control 19035  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 19036  
Revised Code. The court shall establish an intervention plan for 19037  
the offender. The terms and conditions of the intervention plan 19038

shall require the offender, for at least one year from the date on 19039  
which the court grants the order of intervention in lieu of 19040  
conviction, to abstain from the use of illegal drugs and alcohol, 19041  
to participate in treatment services and recovery ~~support services~~ 19042  
supports, and to submit to regular random testing for drug and 19043  
alcohol use and may include any other treatment terms and 19044  
conditions, or terms and conditions similar to community control 19045  
sanctions, which may include community service or restitution, 19046  
that are ordered by the court. 19047

(E) If the court grants an offender's request for 19048  
intervention in lieu of conviction and the court finds that the 19049  
offender has successfully completed the intervention plan for the 19050  
offender, including the requirement that the offender abstain from 19051  
using illegal drugs and alcohol for a period of at least one year 19052  
from the date on which the court granted the order of intervention 19053  
in lieu of conviction, the requirement that the offender 19054  
participate in treatment services and recovery ~~support services~~ 19055  
supports, and all other terms and conditions ordered by the court, 19056  
the court shall dismiss the proceedings against the offender. 19057  
Successful completion of the intervention plan and period of 19058  
abstinence under this section shall be without adjudication of 19059  
guilt and is not a criminal conviction for purposes of any 19060  
disqualification or disability imposed by law and upon conviction 19061  
of a crime, and the court may order the sealing of records related 19062  
to the offense in question in the manner provided in sections 19063  
2953.31 to 2953.36 of the Revised Code. 19064

(F) If the court grants an offender's request for 19065  
intervention in lieu of conviction and the offender fails to 19066  
comply with any term or condition imposed as part of the 19067  
intervention plan for the offender, the supervising authority for 19068  
the offender promptly shall advise the court of this failure, and 19069  
the court shall hold a hearing to determine whether the offender 19070

failed to comply with any term or condition imposed as part of the 19071  
plan. If the court determines that the offender has failed to 19072  
comply with any of those terms and conditions, it shall enter a 19073  
finding of guilty and shall impose an appropriate sanction under 19074  
Chapter 2929. of the Revised Code. If the court sentences the 19075  
offender to a prison term, the court, after consulting with the 19076  
department of rehabilitation and correction regarding the 19077  
availability of services, may order continued court-supervised 19078  
activity and treatment of the offender during the prison term and, 19079  
upon consideration of reports received from the department 19080  
concerning the offender's progress in the program of activity and 19081  
treatment, may consider judicial release under section 2929.20 of 19082  
the Revised Code. 19083

(G) As used in this section: 19084

(1) "Community addiction services provider" and "recovery 19085  
support" have the same meanings as in section 5119.01 of the 19086  
Revised Code. 19087

(2) "Community control sanction" has the same meaning as in 19088  
section 2929.01 of the Revised Code. 19089

~~(2)~~(3) "Intervention in lieu of conviction" means any 19090  
court-supervised activity that complies with this section. 19091

~~(3)~~(4) "Peace officer" has the same meaning as in section 19092  
2935.01 of the Revised Code. 19093

~~(4)~~(5) "Mental illness" and "psychiatrist" have the same 19094  
meanings as in section 5122.01 of the Revised Code. 19095

~~(5)~~(6) "Person with intellectual disability" means a person 19096  
having significantly subaverage general intellectual functioning 19097  
existing concurrently with deficiencies in adaptive behavior, 19098  
manifested during the developmental period. 19099

~~(6)~~(7) "Psychologist" has the same meaning as in section 19100

4732.01 of the Revised Code. 19101

(H) Whenever the term "mentally retarded person" is used in 19102  
any statute, rule, contract, grant, or other document, the 19103  
reference shall be deemed to include a "person with intellectual 19104  
disability," as defined in this section. 19105

**Sec. 2967.14.** (A) The department of rehabilitation and 19106  
correction or the adult parole authority may require or allow a 19107  
parolee, a releasee, or a prisoner otherwise released from a state 19108  
correctional institution to reside in a halfway house or other 19109  
suitable community residential center that has been licensed by 19110  
the division of parole and community services pursuant to division 19111  
(C) of this section during a part or for the entire period of the 19112  
offender's or parolee's conditional release or of the releasee's 19113  
term of post-release control. The court of common pleas that 19114  
placed an offender under a sanction consisting of a term in a 19115  
halfway house or in an alternative residential sanction may 19116  
require the offender to reside in a halfway house or other 19117  
suitable community residential center that is designated by the 19118  
court and that has been licensed by the division pursuant to 19119  
division (C) of this section during a part or for the entire 19120  
period of the offender's residential sanction. 19121

(B) The division of parole and community services may 19122  
negotiate and enter into agreements with any public or private 19123  
agency or a department or political subdivision of the state that 19124  
operates a halfway house, reentry center, or community residential 19125  
center that has been licensed by the division pursuant to division 19126  
(C) of this section. An agreement under this division shall 19127  
provide for the purchase of beds, shall set limits of supervision 19128  
and levels of occupancy, and shall determine the scope of services 19129  
for all eligible offenders, including those subject to a 19130  
residential sanction, as defined in rules adopted by the director 19131

of rehabilitation and correction in accordance with Chapter 119. 19132  
of the Revised Code, or those released from prison without 19133  
supervision. The payments for beds and services shall not exceed 19134  
the total operating costs of the halfway house, reentry center, or 19135  
community residential center during the term of an agreement. The 19136  
director of rehabilitation and correction shall adopt rules in 19137  
accordance with Chapter 119. of the Revised Code for determining 19138  
includable and excludable costs and income to be used in computing 19139  
the agency's average daily per capita costs with its facility at 19140  
full occupancy. 19141

The director of rehabilitation and correction shall adopt 19142  
rules providing for the use of no more than fifteen per cent of 19143  
the amount appropriated to the department each fiscal year for the 19144  
halfway house, reentry center, and community residential center 19145  
program to pay for contracts with licensed halfway houses for 19146  
nonresidential services for offenders under the supervision of the 19147  
adult parole authority, including but not limited to, offenders 19148  
supervised pursuant to an agreement entered into by the adult 19149  
parole authority and a court of common pleas under section 2301.32 19150  
of the Revised Code. The nonresidential services may include, but 19151  
are not limited to, treatment for substance abuse, mental health 19152  
counseling, counseling for sex offenders, electronic monitoring 19153  
services, aftercare, and other nonresidential services that the 19154  
director identifies by rule. 19155

(C) The division of parole and community services may license 19156  
a halfway house, reentry center, or community residential center 19157  
as a suitable facility for the care and treatment of adult 19158  
offenders, including offenders sentenced under section 2929.16 or 19159  
2929.26 of the Revised Code, only if the halfway house, reentry 19160  
center, or community residential center complies with the 19161  
standards that the division adopts in accordance with Chapter 119. 19162  
of the Revised Code for the licensure of halfway houses, reentry 19163

centers, and community residential centers. The division shall 19164  
annually inspect each licensed halfway house, licensed reentry 19165  
center, and licensed community residential center to determine if 19166  
it is in compliance with the licensure standards. 19167

(D) The division of parole and community services may expend 19168  
up to one-half per cent of the annual appropriation made for 19169  
halfway house programs, for goods or services that benefit those 19170  
programs. 19171

**Sec. 2969.14.** (A) If a separate account has been maintained 19172  
in the name of an offender in the crime victims recovery fund and 19173  
if there is no further requirement to pay into the fund money, or 19174  
the monetary value of property, pursuant to section 2929.32 of the 19175  
Revised Code, unless otherwise ordered by a court of record in 19176  
which a judgment has been rendered against the offender or the 19177  
representatives of the offender, the clerk of the court of claims 19178  
shall pay the money remaining in the separate account in 19179  
accordance with division (B) of this section, if all of the 19180  
following apply: 19181

(1) The applicable period of time that governs the making of 19182  
payments from the separate account, as set forth in division 19183  
(C)(1) of section 2969.12 of the Revised Code, has elapsed. 19184

(2) None of the civil actions against the offender or the 19185  
representatives of the offender of which the clerk of the court of 19186  
claims has been notified pursuant to division (B)(1) of section 19187  
2969.12 of the Revised Code is pending. 19188

(3) All judgments for which payment was requested pursuant to 19189  
division (B)(3) of section 2969.12 of the Revised Code have been 19190  
paid. 19191

(B) If the clerk of the court of claims is required by 19192  
division (A) of this section to pay the money remaining in the 19193

separate account established in the name of an offender in 19194  
accordance with this division, the clerk shall pay the money as 19195  
follows: 19196

~~(1) If the offender was confined for a felony in a prison or 19197  
other facility operated by the department of rehabilitation and 19198  
correction under a sanction imposed pursuant to section 2929.14 or 19199  
2929.16 of the Revised Code, the clerk shall pay the money to the 19200  
treasurer of state, in accordance with division (C)(1) of section 19201  
2929.18 of the Revised Code, to cover the costs of the 19202  
confinement. If any money remains in the separate account after 19203  
the payment of the costs of the confinement pursuant to this 19204  
division, the clerk shall pay the remaining money in accordance 19205  
with divisions (B)(2), (3), and (5) of this section. 19206~~

~~(2) If the offender was confined for a felony in a facility 19207  
operated by a county or a municipal corporation, after payment of 19208  
any costs required to be paid under division (B)(1) of this 19209  
section, the clerk shall pay the money to the treasurer of the 19210  
county or of the municipal corporation that operated the facility, 19211  
in accordance with division (C)(2)(1) or (3)(2) of section 2929.18 19212  
of the Revised Code, to cover the costs of the confinement. If 19213  
more than one county or municipal corporation operated a facility 19214  
in which the offender was confined, the clerk shall equitably 19215  
apportion the money among each of those counties and municipal 19216  
corporations. If any money remains in the separate account after 19217  
the payment of the costs of the confinement pursuant to this 19218  
division, the clerk shall pay the remaining money in accordance 19219  
with divisions (B)(3)(2) and (5)(4) of this section. 19220~~

~~(3)(2) If the offender was sentenced for a felony to any 19221  
community control sanction other than a sanction described in 19222  
division (B)(2)(1) of this section, after payment of any costs 19223  
required to be paid under division (B)(1) or (2) of this section, 19224  
the clerk shall pay the money to the treasurer of the county or of 19225~~

the municipal corporation that incurred costs pursuant to the 19226  
sanction, in accordance with division (C)~~(2)~~(1) or ~~(3)~~(2) of 19227  
section 2929.18 of the Revised Code, to cover the costs so 19228  
incurred. If more than one county or municipal corporation 19229  
incurred costs pursuant to the sanction, the clerk shall equitably 19230  
apportion the money among each of those counties and municipal 19231  
corporations. If any money remains in the separate account after 19232  
the payment of the costs of the sanction pursuant to this 19233  
division, the clerk shall pay the remaining money in accordance 19234  
with division (B)~~(5)~~(4) of this section. 19235

~~(4)~~(3) If the offender was imprisoned or incarcerated for a 19236  
misdemeanor, to the treasurer of the political subdivision that 19237  
operates the facility in which the offender was imprisoned or 19238  
incarcerated, to cover the costs of the imprisonment or 19239  
incarceration. If more than one political subdivision operated a 19240  
facility in which the offender was confined, the clerk shall 19241  
equitably apportion the money among each of those political 19242  
subdivisions. If any money remains in the separate account after 19243  
the payment of the costs of the imprisonment or incarceration 19244  
under this division, the clerk shall pay the remaining money in 19245  
accordance with division (B)~~(5)~~(4) of this section. 19246

~~(5)~~(4) If any money remains in the separate account after 19247  
payment of any costs required to be paid under division (B)(1), 19248  
(2), or (3), ~~or~~ ~~(4)~~ of this section, or if no provision of 19249  
division (B)(1), (2), or (3), ~~or~~ ~~(4)~~ of this section applies, the 19250  
clerk shall distribute the amount of the money remaining in the 19251  
separate account as otherwise provided by law for the distribution 19252  
of money paid in satisfaction of a fine, as if that amount was a 19253  
fine paid by the offender. 19254

**Sec. 2981.12.** (A) Unclaimed or forfeited property in the 19255  
custody of a law enforcement agency, other than property described 19256

in division (A)(2) of section 2981.11 of the Revised Code, shall 19257  
be disposed of by order of any court of record that has 19258  
territorial jurisdiction over the political subdivision that 19259  
employs the law enforcement agency, as follows: 19260

(1) Drugs shall be disposed of pursuant to section 3719.11 of 19261  
the Revised Code or placed in the custody of the secretary of the 19262  
treasury of the United States for disposal or use for medical or 19263  
scientific purposes under applicable federal law. 19264

(2) Firearms and dangerous ordnance suitable for police work 19265  
may be given to a law enforcement agency for that purpose. 19266  
Firearms suitable for sporting use or as museum pieces or 19267  
collectors' items may be sold at public auction pursuant to 19268  
division (B) of this section. The agency may sell other firearms 19269  
and dangerous ordnance to a federally licensed firearms dealer in 19270  
a manner that the court considers proper. The agency shall destroy 19271  
any firearms or dangerous ordnance not given to a law enforcement 19272  
agency or sold or shall send them to the bureau of criminal 19273  
identification and investigation for destruction by the bureau. 19274

(3) Obscene materials shall be destroyed. 19275

(4) Beer, intoxicating liquor, or alcohol seized from a 19276  
person who does not hold a permit issued under Chapters 4301. and 19277  
4303. of the Revised Code or otherwise forfeited to the state for 19278  
an offense under section 4301.45 or 4301.53 of the Revised Code 19279  
shall be sold by the division of liquor control if the division 19280  
determines that it is fit for sale or shall be placed in the 19281  
custody of the investigations unit in the department of public 19282  
safety and be used for training relating to law enforcement 19283  
activities. The department, with the assistance of the division of 19284  
liquor control, shall adopt rules in accordance with Chapter 119. 19285  
of the Revised Code to provide for the distribution to state or 19286  
local law enforcement agencies upon their request. If any tax 19287  
imposed under Title XLIII of the Revised Code has not been paid in 19288

relation to the beer, intoxicating liquor, or alcohol, any moneys 19289  
acquired from the sale shall first be used to pay the tax. All 19290  
other money collected under this division shall be paid into the 19291  
state treasury. Any beer, intoxicating liquor, or alcohol that the 19292  
division determines to be unfit for sale shall be destroyed. 19293

(5) Money received by an inmate of a correctional institution 19294  
from an unauthorized source or in an unauthorized manner shall be 19295  
returned to the sender, if known, or deposited in the inmates' 19296  
industrial and entertainment fund of the institution if the sender 19297  
is not known. 19298

(6)(a) Any mobile instrumentality forfeited under this 19299  
chapter may be given to the law enforcement agency that initially 19300  
seized the mobile instrumentality for use in performing its 19301  
duties, if the agency wants the mobile instrumentality. The agency 19302  
shall take the mobile instrumentality subject to any security 19303  
interest or lien on the mobile instrumentality. 19304

(b) Vehicles and vehicle parts forfeited under sections 19305  
4549.61 to 4549.63 of the Revised Code may be given to a law 19306  
enforcement agency for use in performing its duties. Those parts 19307  
may be incorporated into any other official vehicle. Parts that do 19308  
not bear vehicle identification numbers or derivatives of them may 19309  
be sold or disposed of as provided by rules of the director of 19310  
public safety. Parts from which a vehicle identification number or 19311  
derivative of it has been removed, defaced, covered, altered, or 19312  
destroyed and that are not suitable for police work or 19313  
incorporation into an official vehicle shall be destroyed and sold 19314  
as junk or scrap. 19315

(7) Computers, computer networks, computer systems, and 19316  
computer software suitable for police work may be given to a law 19317  
enforcement agency for that purpose or disposed of under division 19318  
(B) of this section. 19319

(8) Money seized in connection with a violation of section 19320  
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 19321  
deposited in the victims of human trafficking fund created by 19322  
section 5101.87 of the Revised Code. 19323

(B) Unclaimed or forfeited property that is not described in 19324  
division (A) of this section or division (A)(2) of section 2981.11 19325  
of the Revised Code, with court approval, may be used by the law 19326  
enforcement agency in possession of it. If it is not used by the 19327  
agency, it may be sold without appraisal at a public auction to 19328  
the highest bidder for cash or disposed of in another manner that 19329  
the court considers proper. 19330

(C) Except as provided in divisions (A) and (F) of this 19331  
section and after compliance with division (D) of this section 19332  
when applicable, any moneys acquired from the sale of property 19333  
disposed of pursuant to this section shall be placed in the 19334  
general revenue fund of the state, or the general fund of the 19335  
county, the township, or the municipal corporation of which the 19336  
law enforcement agency involved is an agency. 19337

(D) If the property was in the possession of the law 19338  
enforcement agency in relation to a delinquent child proceeding in 19339  
a juvenile court, ten per cent of any moneys acquired from the 19340  
sale of property disposed of under this section shall be applied 19341  
to one or more community addiction ~~treatment~~ services providers 19342  
~~that are certified by the department of mental health and~~ 19343  
~~addiction services under section 5119.36, as defined in section~~ 19344  
5119.01 of the Revised Code. A juvenile court shall not specify a 19345  
services provider, except as provided in this division, unless the 19346  
services provider is in the same county as the court or in a 19347  
contiguous county. If no ~~certified~~ services provider is located in 19348  
any of those counties, the juvenile court may specify a ~~certified~~ 19349  
services provider anywhere in Ohio. The remaining ninety per cent 19350  
of the proceeds or cash shall be applied as provided in division 19351

(C) of this section. 19352

Each services provider that receives in any calendar year 19353  
forfeited money under this division shall file an annual report 19354  
for that year with the attorney general and with the court of 19355  
common pleas and board of county commissioners of the county in 19356  
which the services provider is located and of any other county 19357  
from which the services provider received forfeited money. The 19358  
services provider shall file the report on or before the first day 19359  
of March in the calendar year following the calendar year in which 19360  
the services provider received the money. The report shall include 19361  
statistics on the number of persons the services provider served, 19362  
identify the types of treatment services it provided to them, and 19363  
include a specific accounting of the purposes for which it used 19364  
the money so received. No information contained in the report 19365  
shall identify, or enable a person to determine the identity of, 19366  
any person served by the services provider. 19367

(E) Each ~~certified~~ community addiction services provider that 19368  
receives in any calendar year money under this section or under 19369  
section 2981.13 of the Revised Code as the result of a juvenile 19370  
forfeiture order shall file an annual report for that calendar 19371  
year with the attorney general and with the court of common pleas 19372  
and board of county commissioners of the county in which the 19373  
services provider is located and of any other county from which 19374  
the services provider received the money. The services provider 19375  
shall file the report on or before the first day of March in the 19376  
calendar year following the year in which the services provider 19377  
received the money. The report shall include statistics on the 19378  
number of persons served with the money, identify the types of 19379  
treatment services provided, and specifically account for how the 19380  
money was used. No information in the report shall identify or 19381  
enable a person to determine the identity of anyone served by the 19382  
services provider. 19383

As used in this division, "juvenile-related forfeiture order" 19384  
means any forfeiture order issued by a juvenile court under 19385  
section 2981.04 or 2981.05 of the Revised Code and any disposal of 19386  
property ordered by a court under section 2981.11 of the Revised 19387  
Code regarding property that was in the possession of a law 19388  
enforcement agency in relation to a delinquent child proceeding in 19389  
a juvenile court. 19390

(F) Each board of county commissioners that recognizes a 19391  
citizens' reward program under section 9.92 of the Revised Code 19392  
shall notify each law enforcement agency of that county and of a 19393  
township or municipal corporation wholly located in that county of 19394  
the recognition by filing a copy of its resolution conferring that 19395  
recognition with each of those agencies. When the board recognizes 19396  
a citizens' reward program and the county includes a part, but not 19397  
all, of the territory of a municipal corporation, the board shall 19398  
so notify the law enforcement agency of that municipal corporation 19399  
of the recognition of the citizens' reward program only if the 19400  
county contains the highest percentage of the municipal 19401  
corporation's population. 19402

Upon being so notified, each law enforcement agency shall pay 19403  
twenty-five per cent of any forfeited proceeds or cash derived 19404  
from each sale of property disposed of pursuant to this section to 19405  
the citizens' reward program for use exclusively to pay rewards. 19406  
No part of the funds may be used to pay expenses associated with 19407  
the program. If a citizens' reward program that operates in more 19408  
than one county or in another state in addition to this state 19409  
receives funds under this section, the funds shall be used to pay 19410  
rewards only for tips and information to law enforcement agencies 19411  
concerning offenses committed in the county from which the funds 19412  
were received. 19413

Receiving funds under this section or section 2981.11 of the 19414  
Revised Code does not make the citizens' reward program a 19415

governmental unit or public office for purposes of section 149.43 19416  
of the Revised Code. 19417

(G) Any property forfeited under this chapter shall not be 19418  
used to pay any fine imposed upon a person who is convicted of or 19419  
pleads guilty to an underlying criminal offense or a different 19420  
offense arising out of the same facts and circumstances. 19421

(H) Any moneys acquired from the sale of personal effects, 19422  
tools, or other property seized because the personal effects, 19423  
tools, or other property were used in the commission of a 19424  
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 19425  
Code or derived from the proceeds of the commission of a violation 19426  
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 19427  
disposed of pursuant to this section shall be placed in the 19428  
victims of human trafficking fund created by section 5101.87 of 19429  
the Revised Code. 19430

**Sec. 2981.13.** (A) Except as otherwise provided in this 19431  
section, property ordered forfeited as contraband, proceeds, or an 19432  
instrumentality pursuant to this chapter shall be disposed of, 19433  
used, or sold pursuant to section 2981.12 of the Revised Code. If 19434  
the property is to be sold under that section, the prosecutor 19435  
shall cause notice of the proposed sale to be given in accordance 19436  
with law. 19437

(B) If the contraband or instrumentality forfeited under this 19438  
chapter is sold, any moneys acquired from a sale and any proceeds 19439  
forfeited under this chapter shall be applied in the following 19440  
order: 19441

(1) First, to pay costs incurred in the seizure, storage, 19442  
maintenance, security, and sale of the property and in the 19443  
forfeiture proceeding; 19444

(2) Second, in a criminal forfeiture case, to satisfy any 19445

restitution ordered to the victim of the offense or, in a civil 19446  
forfeiture case, to satisfy any recovery ordered for the person 19447  
harmed, unless paid from other assets; 19448

(3) Third, to pay the balance due on any security interest 19449  
preserved under this chapter; 19450

(4) Fourth, apply the remaining amounts as follows: 19451

(a) If the forfeiture was ordered by a juvenile court, ten 19452  
per cent to one or more ~~certified alcohol and drug~~ community 19453  
addiction ~~treatment programs~~ services providers as ~~provided~~ 19454  
specified in division (D) of section 2981.12 of the Revised Code; 19455

(b) If the forfeiture was ordered in a juvenile court, ninety 19456  
per cent, and if the forfeiture was ordered in a court other than 19457  
a juvenile court, one hundred per cent to the law enforcement 19458  
trust fund of the prosecutor and to the following fund supporting 19459  
the law enforcement agency that substantially conducted the 19460  
investigation: the law enforcement trust fund of the county 19461  
sheriff, municipal corporation, township, or park district created 19462  
under section 511.18 or 1545.01 of the Revised Code; the state 19463  
highway patrol contraband, forfeiture, and other fund; the 19464  
department of public safety investigative unit contraband, 19465  
forfeiture, and other fund; the department of taxation enforcement 19466  
fund; the board of pharmacy drug law enforcement fund created by 19467  
division (B)(1) of section 4729.65 of the Revised Code; the 19468  
medicaid fraud investigation and prosecution fund; the casino 19469  
control commission enforcement fund created by section 3772.36 of 19470  
the Revised Code; or the treasurer of state for deposit into the 19471  
peace officer training commission fund if any other state law 19472  
enforcement agency substantially conducted the investigation. In 19473  
the case of property forfeited for medicaid fraud, any remaining 19474  
amount shall be used by the attorney general to investigate and 19475  
prosecute medicaid fraud offenses. 19476

If the prosecutor declines to accept any of the remaining 19477  
amounts, the amounts shall be applied to the fund of the agency 19478  
that substantially conducted the investigation. 19479

(c) If more than one law enforcement agency is substantially 19480  
involved in the seizure of property forfeited under this chapter, 19481  
the court ordering the forfeiture shall equitably divide the 19482  
amounts, after calculating any distribution to the law enforcement 19483  
trust fund of the prosecutor pursuant to division (B)(4) of this 19484  
section, among the entities that the court determines were 19485  
substantially involved in the seizure. 19486

(C)(1) A law enforcement trust fund shall be established by 19487  
the prosecutor of each county who intends to receive any remaining 19488  
amounts pursuant to this section, by the sheriff of each county, 19489  
by the legislative authority of each municipal corporation, by the 19490  
board of township trustees of each township that has a township 19491  
police department, township or joint police district police force, 19492  
or office of the constable, and by the board of park commissioners 19493  
of each park district created pursuant to section 511.18 or 19494  
1545.01 of the Revised Code that has a park district police force 19495  
or law enforcement department, for the purposes of this section. 19496

There is hereby created in the state treasury the state 19497  
highway patrol contraband, forfeiture, and other fund, the 19498  
department of public safety investigative unit contraband, 19499  
forfeiture, and other fund, the medicaid fraud investigation and 19500  
prosecution fund, the department of taxation enforcement fund, and 19501  
the peace officer training commission fund, for the purposes of 19502  
this section. 19503

Amounts distributed to any municipal corporation, township, 19504  
or park district law enforcement trust fund shall be allocated 19505  
from the fund by the legislative authority only to the police 19506  
department of the municipal corporation, by the board of township 19507  
trustees only to the township police department, township police 19508

district police force, or office of the constable, by the joint 19509  
police district board only to the joint police district, and by 19510  
the board of park commissioners only to the park district police 19511  
force or law enforcement department. 19512

(2)(a) No amounts shall be allocated to a fund created under 19513  
this section or used by an agency unless the agency has adopted a 19514  
written internal control policy that addresses the use of moneys 19515  
received from the appropriate fund. The appropriate fund shall be 19516  
expended only in accordance with that policy and, subject to the 19517  
requirements specified in this section, only for the following 19518  
purposes: 19519

(i) To pay the costs of protracted or complex investigations 19520  
or prosecutions; 19521

(ii) To provide reasonable technical training or expertise; 19522

(iii) To provide matching funds to obtain federal grants to 19523  
aid law enforcement, in the support of DARE programs or other 19524  
programs designed to educate adults or children with respect to 19525  
the dangers associated with the use of drugs of abuse; 19526

(iv) To pay the costs of emergency action taken under section 19527  
3745.13 of the Revised Code relative to the operation of an 19528  
illegal methamphetamine laboratory if the forfeited property or 19529  
money involved was that of a person responsible for the operation 19530  
of the laboratory; 19531

(v) For other law enforcement purposes that the 19532  
superintendent of the state highway patrol, department of public 19533  
safety, prosecutor, county sheriff, legislative authority, 19534  
department of taxation, Ohio casino control commission, board of 19535  
township trustees, or board of park commissioners determines to be 19536  
appropriate. 19537

(b) The board of pharmacy drug law enforcement fund shall be 19538  
expended only in accordance with the written internal control 19539

policy so adopted by the board and only in accordance with section 19540  
4729.65 of the Revised Code, except that it also may be expended 19541  
to pay the costs of emergency action taken under section 3745.13 19542  
of the Revised Code relative to the operation of an illegal 19543  
methamphetamine laboratory if the forfeited property or money 19544  
involved was that of a person responsible for the operation of the 19545  
laboratory. 19546

(c) The state highway patrol contraband, forfeiture, and 19547  
other fund, the department of public safety investigative unit 19548  
contraband, forfeiture, and other fund, the department of taxation 19549  
enforcement fund, the board of pharmacy drug law enforcement fund, 19550  
the casino control commission enforcement fund, and a law 19551  
enforcement trust fund shall not be used to meet the operating 19552  
costs of the state highway patrol, of the investigative unit of 19553  
the department of public safety, of the state board of pharmacy, 19554  
of any political subdivision, of the Ohio casino control 19555  
commission, or of any office of a prosecutor or county sheriff 19556  
that are unrelated to law enforcement. 19557

(d) Forfeited moneys that are paid into the state treasury to 19558  
be deposited into the peace officer training commission fund shall 19559  
be used by the commission only to pay the costs of peace officer 19560  
training. 19561

(3) Any of the following offices or agencies that receive 19562  
amounts under this section during any calendar year shall file a 19563  
report with the specified entity, not later than the thirty-first 19564  
day of January of the next calendar year, verifying that the 19565  
moneys were expended only for the purposes authorized by this 19566  
section or other relevant statute and specifying the amounts 19567  
expended for each authorized purpose: 19568

(a) Any sheriff or prosecutor shall file the report with the 19569  
county auditor. 19570

(b) Any municipal corporation police department shall file the report with the legislative authority of the municipal corporation. 19571  
19572  
19573

(c) Any township police department, township or joint police district police force, or office of the constable shall file the report with the board of township trustees of the township. 19574  
19575  
19576

(d) Any park district police force or law enforcement department shall file the report with the board of park commissioners of the park district. 19577  
19578  
19579

(e) The superintendent of the state highway patrol and the tax commissioner shall file the report with the attorney general. 19580  
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(f) The executive director of the state board of pharmacy shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the board of pharmacy drug law enforcement fund were used only in accordance with section 4729.65 of the Revised Code. 19582  
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(g) The peace officer training commission shall file a report with the attorney general, verifying that cash and forfeited proceeds paid into the peace officer training commission fund pursuant to this section during the prior calendar year were used by the commission during the prior calendar year only to pay the costs of peace officer training. 19587  
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(h) The executive director of the Ohio casino control commission shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the casino control commission enforcement fund were used only in accordance with section 3772.36 of the Revised Code. 19593  
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(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township or joint police district police force, office of the constable, or park district police force or law 19598  
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enforcement department shall provide that at least ten per cent of 19602  
the first one hundred thousand dollars of amounts deposited during 19603  
each calendar year in the agency's law enforcement trust fund 19604  
under this section, and at least twenty per cent of the amounts 19605  
exceeding one hundred thousand dollars that are so deposited, 19606  
shall be used in connection with community preventive education 19607  
programs. The manner of use shall be determined by the sheriff, 19608  
prosecutor, department, police force, or office of the constable 19609  
after receiving and considering advice on appropriate community 19610  
preventive education programs from the county's board of alcohol, 19611  
drug addiction, and mental health services, from the county's 19612  
alcohol and drug addiction services board, or through appropriate 19613  
community dialogue. 19614

The financial records kept under the internal control policy 19615  
shall specify the amount deposited during each calendar year in 19616  
the portion of that amount that was used pursuant to this 19617  
division, and the programs in connection with which the portion of 19618  
that amount was so used. 19619

As used in this division, "community preventive education 19620  
programs" include, but are not limited to, DARE programs and other 19621  
programs designed to educate adults or children with respect to 19622  
the dangers associated with using drugs of abuse. 19623

(E) Upon the sale, under this section or section 2981.12 of 19624  
the Revised Code, of any property that is required by law to be 19625  
titled or registered, the state shall issue an appropriate 19626  
certificate of title or registration to the purchaser. If the 19627  
state is vested with title and elects to retain property that is 19628  
required to be titled or registered under law, the state shall 19629  
issue an appropriate certificate of title or registration. 19630

(F) Any failure of a law enforcement officer or agency, 19631  
prosecutor, court, or the attorney general to comply with this 19632  
section in relation to any property seized does not affect the 19633

validity of the seizure and shall not be considered to be the 19634  
basis for suppressing any evidence resulting from the seizure, 19635  
provided the seizure itself was lawful. 19636

**Sec. 3119.27.** (A) A court that issues or modifies a court 19637  
support order, or an administrative agency that issues or modifies 19638  
an administrative child support order, shall impose on the obligor 19639  
under the support order a processing charge ~~that is the greater in~~ 19640  
the amount of two per cent of the support payment to be collected 19641  
under a support order ~~or one dollar per month~~. No court or agency 19642  
may call the charge a poundage fee. 19643

(B) In each child support case that is a Title IV-D case, the 19644  
department of job and family services shall annually claim 19645  
twenty-five dollars from the processing charge described in 19646  
division (A) of this section for federal reporting purposes if the 19647  
obligee has never received assistance under Title IV-A and the 19648  
department has collected at least five hundred dollars of child 19649  
support for the obligee. The director of job and family services 19650  
shall adopt rules under Chapter 119. of the Revised Code to 19651  
implement this division, and the department shall implement this 19652  
division not later than March 31, 2008. 19653

(C) As used in this section: 19654

(1) "Annual" means the period as defined in regulations 19655  
issued by the United States secretary of health and human services 19656  
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 19657

(2) "Title IV-A" has the same meaning as in section 5107.02 19658  
of the Revised Code. 19659

(3) "Title IV-D case" has the same meaning as in section 19660  
3125.01 of the Revised Code. 19661

**Sec. 3121.03.** If a court or child support enforcement agency 19662  
that issued or modified a support order, or the agency 19663

administering the support order, is required by the Revised Code 19664  
to issue one or more withholding or deduction notices described in 19665  
this section or other orders described in this section, the court 19666  
or agency shall issue one or more of the following types of 19667  
notices or orders, as appropriate, for payment of the support and 19668  
also, if required by the Revised Code or the court, to pay any 19669  
arrearages: 19670

(A)(1) If the court or the child support enforcement agency 19671  
determines that the obligor is receiving income from a payor, the 19672  
court or agency shall require the payor to do all of the 19673  
following: 19674

(a) Withhold from the obligor's income a specified amount for 19675  
support in satisfaction of the support order and begin the 19676  
withholding no later than fourteen business days following the 19677  
date the notice is mailed or transmitted to the payor under 19678  
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 19679  
division (A)(2) of this section or, if the payor is an employer, 19680  
no later than the first pay period that occurs after fourteen 19681  
business days following the date the notice is mailed or 19682  
transmitted; 19683

(b) Send the amount withheld to the office of child support 19684  
in the department of job and family services pursuant to section 19685  
3121.43 of the Revised Code immediately but not later than seven 19686  
business days after the date the obligor is paid; 19687

(c) Continue the withholding at intervals specified in the 19688  
notice until further notice from the court or child support 19689  
enforcement agency. 19690

To the extent possible, the amount specified to be withheld 19691  
shall satisfy the amount ordered for support in the support order 19692  
plus any arrearages owed by the obligor under any prior support 19693  
order that pertained to the same child or spouse, notwithstanding 19694

any applicable limitations of sections 2329.66, 2329.70, 2716.02, 19695  
2716.041, and 2716.05 of the Revised Code. However, in no case 19696  
shall the sum of the amount to be withheld and any fee withheld by 19697  
the payor as a charge for its services exceed the maximum amount 19698  
permitted under section 303(b) of the "Consumer Credit Protection 19699  
Act," 15 U.S.C. 1673(b). 19700

(2) A court or agency that imposes an income withholding 19701  
requirement shall, within the applicable time specified in section 19702  
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 19703  
Code, send to the obligor's payor by regular mail or via secure 19704  
federally managed data transmission interface a notice that 19705  
contains all of the information applicable to withholding notices 19706  
set forth in section 3121.037 of the Revised Code. The notice is 19707  
final and is enforceable by the court. 19708

(B)(1) If the court or child support enforcement agency 19709  
determines that the obligor has funds that are not exempt under 19710  
the laws of this state or the United States from execution, 19711  
attachment, or other legal process and are on deposit in an 19712  
account in a financial institution under the jurisdiction of the 19713  
court that issued the court support order, or in the case of an 19714  
administrative child support order, under the jurisdiction of the 19715  
common pleas court of the county in which the agency that issued 19716  
or is administering the order is located, the court or agency may 19717  
require any financial institution in which the obligor's funds are 19718  
on deposit to do all of the following: 19719

(a) Deduct from the obligor's account a specified amount for 19720  
support in satisfaction of the support order and begin the 19721  
deduction no later than fourteen business days following the date 19722  
the notice was mailed or transmitted to the financial institution 19723  
under section 3121.035 or 3123.06 of the Revised Code and division 19724  
(B)(2) of this section; 19725

(b) Send the amount deducted to the office of child support 19726

in the department of job and family services pursuant to section 19727  
3121.43 of the Revised Code immediately but not later than seven 19728  
business days after the date the latest deduction was made; 19729

(c) Provide the date on which the amount was deducted; 19730

(d) Continue the deduction at intervals specified in the 19731  
notice until further notice from the court or child support 19732  
enforcement agency. 19733

To the extent possible, the amount to be deducted shall 19734  
satisfy the amount ordered for support in the support order plus 19735  
any arrearages that may be owed by the obligor under any prior 19736  
support order that pertained to the same child or spouse, 19737  
notwithstanding the limitations of sections 2329.66, 2329.70, and 19738  
2716.13 of the Revised Code. 19739

(2) A court or agency that imposes a deduction requirement 19740  
shall, within the applicable period of time specified in section 19741  
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 19742  
to the financial institution by regular mail or via secure 19743  
federally managed data transmission interface a notice that 19744  
contains all of the information applicable to deduction notices 19745  
set forth in section 3121.037 of the Revised Code. The notice is 19746  
final and is enforceable by the court. 19747

(C) With respect to any court support order it issues, a 19748  
court may issue an order requiring the obligor to enter into a 19749  
cash bond with the court. The court shall issue the order as part 19750  
of the court support order or, if the court support order has 19751  
previously been issued, as a separate order. The cash bond shall 19752  
be in a sum fixed by the court at not less than five hundred nor 19753  
more than ten thousand dollars, conditioned that the obligor will 19754  
make payment as previously ordered and will pay any arrearages 19755  
under any prior court support order that pertained to the same 19756  
child or spouse. 19757

The order, along with an additional order requiring the 19758  
obligor to immediately notify the child support enforcement 19759  
agency, in writing, if the obligor begins to receive income from a 19760  
payor, shall be attached to and served on the obligor at the same 19761  
time as service of the court support order or, if the court 19762  
support order has previously been issued, as soon as possible 19763  
after the issuance of the order under this section. The additional 19764  
order requiring notice by the obligor shall state all of the 19765  
following: 19766

(1) That when the obligor begins to receive income from a 19767  
payor the obligor may request that the court cancel its bond order 19768  
and instead issue a notice requiring the withholding of an amount 19769  
from income for support in accordance with this section; 19770

(2) That when the obligor begins to receive income from a 19771  
payor the court will proceed to collect on the bond if the court 19772  
determines that payments due under the court support order have 19773  
not been made and that the amount that has not been paid is at 19774  
least equal to the support owed for one month under the court 19775  
support order and will issue a notice requiring the withholding of 19776  
an amount from income for support in accordance with this section. 19777  
The notice required of the obligor shall include a description of 19778  
the nature of any new employment, the name and business address of 19779  
any new employer, and any other information reasonably required by 19780  
the court. 19781

The court shall not order an obligor to post a cash bond 19782  
under this section unless the court determines that the obligor 19783  
has the ability to do so. 19784

A child support enforcement agency may not issue a cash bond 19785  
order. If a child support enforcement agency is required to issue 19786  
a withholding or deduction notice under this section with respect 19787  
to a court support order but the agency determines that no 19788  
withholding or deduction notice would be appropriate, the agency 19789

may request that the court issue a cash bond order under this 19790  
section, and upon the request, the court may issue the order. 19791

(D)(1) If the obligor under a court support order is 19792  
unemployed, has no income, and does not have an account at any 19793  
financial institution, or on request of a child support 19794  
enforcement agency under division (D)(1) or (2) of this section, 19795  
the court shall issue an order requiring the obligor, if able to 19796  
engage in employment, to seek employment or participate in a work 19797  
activity to which a recipient of assistance under Title IV-A of 19798  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 19799  
as amended, may be assigned as specified in section 407(d) of the 19800  
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 19801  
shall include in the order ~~a requirement~~ requirements that the 19802  
obligor register with OhioMeansJobs and to notify the child 19803  
support enforcement agency on obtaining employment, obtaining any 19804  
income, or obtaining ownership of any asset with a value of five 19805  
hundred dollars or more. The court may issue the order regardless 19806  
of whether the obligee to whom the obligor owes support is a 19807  
recipient of assistance under Title IV-A of the "Social Security 19808  
Act." The court shall issue the order as part of a court support 19809  
order or, if a court support order has previously been issued, as 19810  
a separate order. If a child support enforcement agency is 19811  
required to issue a withholding or deduction notice under this 19812  
section with respect to a court support order but determines that 19813  
no withholding or deduction notice would be appropriate, the 19814  
agency may request that the court issue a court order under 19815  
division (D)(1) of this section, and, on the request, the court 19816  
may issue the order. 19817

(2) If the obligor under an administrative child support 19818  
order is unemployed, has no income, and does not have an account 19819  
at any financial institution, the agency shall issue an 19820  
administrative order requiring the obligor, if able to engage in 19821

employment, to seek employment or participate in a work activity 19822  
to which a recipient of assistance under Title IV-A of the "Social 19823  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 19824  
may be assigned as specified in section 407(d) of the "Social 19825  
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 19826  
include in the order ~~a requirement~~ requirements that the obligor 19827  
register with OhioMeansJobs and to notify the agency on obtaining 19828  
employment or income, or ownership of any asset with a value of 19829  
five hundred dollars or more. The agency may issue the order 19830  
regardless of whether the obligee to whom the obligor owes support 19831  
is a recipient of assistance under Title IV-A of the "Social 19832  
Security Act." If an obligor fails to comply with an 19833  
administrative order issued pursuant to division (D)(2) of this 19834  
section, the agency shall submit a request to a court for the 19835  
court to issue an order under division (D)(1) of this section. 19836

**Sec. 3301.079.** (A)(1) The state board of education 19837  
periodically shall adopt statewide academic standards with 19838  
emphasis on coherence, focus, and essential knowledge and that are 19839  
more challenging and demanding when compared to international 19840  
standards for each of grades kindergarten through twelve in 19841  
English language arts, mathematics, science, and social studies. 19842

(a) The state board shall ensure that the standards do all of 19843  
the following: 19844

(i) Include the essential academic content and skills that 19845  
students are expected to know and be able to do at each grade 19846  
level that will allow each student to be prepared for 19847  
postsecondary instruction and the workplace for success in the 19848  
twenty-first century; 19849

(ii) Include the development of skill sets that promote 19850  
information, media, and technological literacy; 19851

(iii) Include interdisciplinary, project-based, real-world 19852

learning opportunities; 19853

(iv) Instill life-long learning by providing essential 19854  
knowledge and skills based in the liberal arts tradition, as well 19855  
as science, technology, engineering, mathematics, and 19856  
career-technical education; 19857

(v) Be clearly written, transparent, and understandable by 19858  
parents, educators, and the general public. 19859

(b) Not later than July 1, 2012, the state board shall 19860  
incorporate into the social studies standards for grades four to 19861  
twelve academic content regarding the original texts of the 19862  
Declaration of Independence, the Northwest Ordinance, the 19863  
Constitution of the United States and its amendments, with 19864  
emphasis on the Bill of Rights, and the Ohio Constitution, and 19865  
their original context. The state board shall revise the model 19866  
curricula and achievement assessments adopted under divisions (B) 19867  
and (C) of this section as necessary to reflect the additional 19868  
American history and American government content. The state board 19869  
shall make available a list of suggested grade-appropriate 19870  
supplemental readings that place the documents prescribed by this 19871  
division in their historical context, which teachers may use as a 19872  
resource to assist students in reading the documents within that 19873  
context. 19874

(c) When the state board adopts or revises academic content 19875  
standards in social studies, American history, American 19876  
government, or science under division (A)(1) of this section, the 19877  
state board shall develop such standards independently and not as 19878  
part of a multistate consortium. 19879

(2) After completing the standards required by division 19880  
(A)(1) of this section, the state board shall adopt standards and 19881  
model curricula for instruction in technology, financial literacy 19882  
and entrepreneurship, fine arts, and foreign language for grades 19883

kindergarten through twelve. The standards shall meet the same 19884  
requirements prescribed in division (A)(1)(a) of this section. 19885

(3) The state board shall adopt the most recent standards 19886  
developed by the national association for sport and physical 19887  
education for physical education in grades kindergarten through 19888  
twelve or shall adopt its own standards for physical education in 19889  
those grades and revise and update them periodically. 19890

The department of education shall employ a full-time physical 19891  
education coordinator to provide guidance and technical assistance 19892  
to districts, community schools, and STEM schools in implementing 19893  
the physical education standards adopted under this division. The 19894  
superintendent of public instruction shall determine that the 19895  
person employed as coordinator is qualified for the position, as 19896  
demonstrated by possessing an adequate combination of education, 19897  
license, and experience. 19898

(4) When academic standards have been completed for any 19899  
subject area required by this section, the state board shall 19900  
inform all school districts, all community schools established 19901  
under Chapter 3314. of the Revised Code, all STEM schools 19902  
established under Chapter 3326. of the Revised Code, and all 19903  
nonpublic schools required to administer the assessments 19904  
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 19905  
of the content of those standards. Additionally, upon completion 19906  
of any academic standards under this section, the department shall 19907  
post those standards on the department's web site. 19908

(B)(1) The state board shall adopt a model curriculum for 19909  
instruction in each subject area for which updated academic 19910  
standards are required by division (A)(1) of this section and for 19911  
each of grades kindergarten through twelve that is sufficient to 19912  
meet the needs of students in every community. The model 19913  
curriculum shall be aligned with the standards, to ensure that the 19914  
academic content and skills specified for each grade level are 19915

taught to students, and shall demonstrate vertical articulation 19916  
and emphasize coherence, focus, and rigor. When any model 19917  
curriculum has been completed, the state board shall inform all 19918  
school districts, community schools, and STEM schools of the 19919  
content of that model curriculum. 19920

(2) Not later than June 30, 2013, the state board, in 19921  
consultation with any office housed in the governor's office that 19922  
deals with workforce development, shall adopt model curricula for 19923  
grades kindergarten through twelve that embed career connection 19924  
learning strategies into regular classroom instruction. 19925

(3) All school districts, community schools, and STEM schools 19926  
may utilize the state standards and the model curriculum 19927  
established by the state board, together with other relevant 19928  
resources, examples, or models to ensure that students have the 19929  
opportunity to attain the academic standards. Upon request, the 19930  
department shall provide technical assistance to any district, 19931  
community school, or STEM school in implementing the model 19932  
curriculum. 19933

Nothing in this section requires any school district to 19934  
utilize all or any part of a model curriculum developed under this 19935  
section. 19936

(C) The state board shall develop achievement assessments 19937  
aligned with the academic standards and model curriculum for each 19938  
of the subject areas and grade levels required by divisions (A)(1) 19939  
and (B)(1) of section 3301.0710 of the Revised Code. 19940

When any achievement assessment has been completed, the state 19941  
board shall inform all school districts, community schools, STEM 19942  
schools, and nonpublic schools required to administer the 19943  
assessment of its completion, and the department shall make the 19944  
achievement assessment available to the districts and schools. 19945

(D)(1) The state board shall adopt a diagnostic assessment 19946

aligned with the academic standards and model curriculum for each 19947  
of grades kindergarten through two in reading, writing, and 19948  
mathematics and for grade three in reading and writing. The 19949  
diagnostic assessment shall be designed to measure student 19950  
comprehension of academic content and mastery of related skills 19951  
for the relevant subject area and grade level. Any diagnostic 19952  
assessment shall not include components to identify gifted 19953  
students. Blank copies of diagnostic assessments shall be public 19954  
records. 19955

(2) When each diagnostic assessment has been completed, the 19956  
state board shall inform all school districts of its completion 19957  
and the department shall make the diagnostic assessment available 19958  
to the districts at no cost to the district. ~~School districts~~ 19959  
~~shall administer the diagnostic assessment pursuant to section~~ 19960  
~~3301.0715 of the Revised Code beginning the first school year~~ 19961  
~~following the development of the assessment.~~ 19962

(E) The state board shall not adopt a diagnostic or 19963  
achievement assessment for any grade level or subject area other 19964  
than those specified in this section. 19965

(F) Whenever the state board or the department consults with 19966  
persons for the purpose of drafting or reviewing any standards, 19967  
diagnostic assessments, achievement assessments, or model 19968  
curriculum required under this section, the state board or the 19969  
department shall first consult with parents of students in 19970  
kindergarten through twelfth grade and with active Ohio classroom 19971  
teachers, other school personnel, and administrators with 19972  
expertise in the appropriate subject area. Whenever practicable, 19973  
the state board and department shall consult with teachers 19974  
recognized as outstanding in their fields. 19975

If the department contracts with more than one outside entity 19976  
for the development of the achievement assessments required by 19977  
this section, the department shall ensure the interchangeability 19978

of those assessments. 19979

(G) Whenever the state board adopts standards or model 19980  
curricula under this section, the department also shall provide 19981  
information on the use of blended or digital learning in the 19982  
delivery of the standards or curricula to students in accordance 19983  
with division (A)(4) of this section. 19984

(H) The fairness sensitivity review committee, established by 19985  
rule of the state board of education, shall not allow any question 19986  
on any achievement or diagnostic assessment developed under this 19987  
section or any proficiency test prescribed by former section 19988  
3301.0710 of the Revised Code, as it existed prior to September 19989  
11, 2001, to include, be written to promote, or inquire as to 19990  
individual moral or social values or beliefs. The decision of the 19991  
committee shall be final. This section does not create a private 19992  
cause of action. 19993

(I)(1)(a) The English language arts academic standards review 19994  
committee is hereby created to review academic content standards 19995  
in the subject of English language arts. The committee shall 19996  
consist of the following members: 19997

(i) Three experts who are residents of this state and who 19998  
primarily conduct research, provide instruction, currently work 19999  
in, or possess an advanced degree in the subject area. One expert 20000  
shall be appointed by each of the president of the senate, the 20001  
speaker of the house of representatives, and the governor; 20002

(ii) One parent or guardian appointed by the president of the 20003  
senate; 20004

(iii) One educator who is currently teaching in a classroom, 20005  
appointed by the speaker of the house of representatives; 20006

(iv) The ~~chancellor of the Ohio board of regents~~ director of 20007  
higher education, or the ~~chancellor's~~ director's designee; 20008

(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee. 20009  
20010

(b) The mathematics academic standards review committee is hereby created to review academic content standards in the subject of mathematics. The committee shall consist of the following members: 20011  
20012  
20013  
20014

(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor; 20015  
20016  
20017  
20018  
20019

(ii) One parent or guardian appointed by the speaker of the house of representatives; 20020  
20021

(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate; 20022  
20023

(iv) The ~~chancellor~~ director of higher education, or the ~~chancellor's~~ director's designee; 20024  
20025

(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee. 20026  
20027

(c) The science academic standards review committee is hereby created to review academic content standards in the subject of science. The committee shall consist of the following members: 20028  
20029  
20030

(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor; 20031  
20032  
20033  
20034  
20035

(ii) One parent or guardian appointed by the president of the senate; 20036  
20037

(iii) One educator who is currently teaching in a classroom, 20038

appointed by the speaker of the house of representatives; 20039

(iv) The ~~chancellor~~ director of higher education, or the 20040  
~~chancellor's~~ director's designee; 20041

(v) The state superintendent, or the superintendent's 20042  
designee, who shall serve as the chairperson of the committee. 20043

(d) The social studies academic standards review committee is 20044  
hereby created to review academic content standards in the subject 20045  
of social studies. The committee shall consist of the following 20046  
members: 20047

(i) Three experts who are residents of this state and who 20048  
primarily conduct research, provide instruction, currently work 20049  
in, or possess an advanced degree in the subject area. One expert 20050  
shall be appointed by each of the president of the senate, the 20051  
speaker of the house of representatives, and the governor; 20052

(ii) One parent or guardian appointed by the speaker of the 20053  
house of representatives; 20054

(iii) One educator who is currently teaching in a classroom, 20055  
appointed by the president of the senate; 20056

(iv) The ~~chancellor~~ director of higher education, or the 20057  
~~chancellor's~~ director's designee; 20058

(v) The state superintendent, or the superintendent's 20059  
designee, who shall serve as the chairperson of the committee. 20060

(2)(a) Each committee created in division (I)(1) of this 20061  
section shall review the academic content standards for its 20062  
respective subject area to ensure that such standards are clear, 20063  
concise, and appropriate for each grade level and promote higher 20064  
student performance, learning, subject matter comprehension, and 20065  
improved student achievement. Each committee also shall review 20066  
whether the standards for its respective subject area promote 20067  
essential knowledge in the subject, lifelong learning, the liberal 20068

arts tradition, and college and career readiness and whether the standards reduce remediation.

(b) Each committee shall determine whether the assessments submitted to that committee under division (I)(4) of this section are appropriate for the committee's respective subject area and meet the academic content standards adopted under this section and community expectations.

(3) The department of education shall provide administrative support for each committee created in division (I)(1) of this section. Members of each committee shall be reimbursed for reasonable and necessary expenses related to the operations of the committee. Members of each committee shall serve at the pleasure of the appointing authority.

(4) Notwithstanding anything to the contrary in division (N) of section 3301.0711 of the Revised Code, the department shall submit to the appropriate committee created under division (I)(1) of this section copies of the questions and corresponding answers on the relevant assessments required by section 3301.0710 of the Revised Code on the first day of July following the school year that the assessments were administered. The department shall provide each committee with the entire content of each relevant assessment, including corresponding answers.

The assessments received by the committees are not public records of the committees and are not subject to release by the committees to any other person or entity under section 149.43 of the Revised Code. However, the assessments shall become public records in accordance with division (N) of section 3301.0711 of the Revised Code.

(J) Not later than forty-five days prior to the adoption by the state board of updated academic standards under division (A)(1) of this section or updated model curricula under division

(B)(1) of this section, the superintendent of public instruction shall present the academic standards or model curricula, as applicable, to the respective committees of the house of representatives and senate that consider education legislation.

(K) As used in this section:

(1) "Blended learning" means the delivery of instruction in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.

(2) "Coherence" means a reflection of the structure of the discipline being taught.

(3) "Digital learning" means learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning.

(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.

(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.

**Sec. 3301.0711.** (A) The department of education shall:

(1) Annually furnish to, grade, and score all assessments required by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each district shall score any assessment administered pursuant to division (B)(10) of this section. Each assessment so furnished shall include the data verification code of the student to whom

the assessment will be administered, as assigned pursuant to 20130  
division (D)(2) of section 3301.0714 of the Revised Code. In 20131  
furnishing the practice versions of Ohio graduation tests 20132  
prescribed by division (D) of section 3301.0710 of the Revised 20133  
Code, the department shall make the tests available on its web 20134  
site for reproduction by districts. In awarding contracts for 20135  
grading assessments, the department shall give preference to 20136  
Ohio-based entities employing Ohio residents. 20137

(2) Adopt rules for the ethical use of assessments and 20138  
prescribing the manner in which the assessments prescribed by 20139  
section 3301.0710 of the Revised Code shall be administered to 20140  
students. 20141

(B) Except as provided in divisions (C) and (J) of this 20142  
section, the board of education of each city, local, and exempted 20143  
village school district shall, in accordance with rules adopted 20144  
under division (A) of this section: 20145

(1) Administer the English language arts ~~assessments~~ 20146  
assessment prescribed under division (A)(1)(a) of section 20147  
3301.0710 of the Revised Code ~~twice~~ at least once annually to all 20148  
students in the third grade. A district also may administer that 20149  
assessment in the summer to students who have not attained the 20150  
score designated for that assessment under division (A)~~(2)(e)~~(3) 20151  
of section 3301.0710 of the Revised Code. Student scores from the 20152  
optional summer administration of the English language arts 20153  
assessment shall not be included in the state report cards issued 20154  
under section 3302.03 of the Revised Code. 20155

(2) Administer the mathematics assessment prescribed under 20156  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 20157  
least once annually to all students in the third grade. 20158

(3) Administer the assessments prescribed under division 20159  
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 20160

annually to all students in the fourth grade.	20161
(4) Administer the assessments prescribed under division	20162
(A)(1)(c) of section 3301.0710 of the Revised Code at least once	20163
annually to all students in the fifth grade.	20164
(5) Administer the assessments prescribed under division	20165
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	20166
annually to all students in the sixth grade.	20167
(6) Administer the assessments prescribed under division	20168
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	20169
annually to all students in the seventh grade.	20170
(7) Administer the assessments prescribed under division	20171
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	20172
annually to all students in the eighth grade.	20173
(8) Except as provided in division (B)(9) of this section,	20174
administer any assessment prescribed under division (B)(1) of	20175
section 3301.0710 of the Revised Code as follows:	20176
(a) At least once annually to all tenth grade students and at	20177
least twice annually to all students in eleventh or twelfth grade	20178
who have not yet attained the score on that assessment designated	20179
under that division;	20180
(b) To any person who has successfully completed the	20181
curriculum in any high school or the individualized education	20182
program developed for the person by any high school pursuant to	20183
section 3323.08 of the Revised Code but has not received a high	20184
school diploma and who requests to take such assessment, at any	20185
time such assessment is administered in the district.	20186
(9) In lieu of the board of education of any city, local, or	20187
exempted village school district in which the student is also	20188
enrolled, the board of a joint vocational school district shall	20189
administer any assessment prescribed under division (B)(1) of	20190

section 3301.0710 of the Revised Code at least twice annually to 20191  
any student enrolled in the joint vocational school district who 20192  
has not yet attained the score on that assessment designated under 20193  
that division. A board of a joint vocational school district may 20194  
also administer such an assessment to any student described in 20195  
division (B)(8)(b) of this section. 20196

(10) If the district has a three-year average graduation rate 20197  
of not more than seventy-five per cent, administer each assessment 20198  
prescribed by division (D) of section 3301.0710 of the Revised 20199  
Code in September to all ninth grade students who entered ninth 20200  
grade prior to July 1, 2014. 20201

Except as provided in section 3313.614 of the Revised Code 20202  
for administration of an assessment to a person who has fulfilled 20203  
the curriculum requirement for a high school diploma but has not 20204  
passed one or more of the required assessments, the assessments 20205  
prescribed under division (B)(1) of section 3301.0710 of the 20206  
Revised Code shall not be administered after the date specified in 20207  
the rules adopted by the state board of education under division 20208  
(D)(1) of section 3301.0712 of the Revised Code. 20209

(11) Administer the assessments prescribed by division (B)(2) 20210  
of section 3301.0710 and section 3301.0712 of the Revised Code in 20211  
accordance with the timeline and plan for implementation of those 20212  
assessments prescribed by rule of the state board adopted under 20213  
division (D)(1) of section 3301.0712 of the Revised Code. 20214

(C)(1)(a) In the case of a student receiving special 20215  
education services under Chapter 3323. of the Revised Code, the 20216  
individualized education program developed for the student under 20217  
that chapter shall specify the manner in which the student will 20218  
participate in the assessments administered under this section. 20219  
The individualized education program may excuse the student from 20220  
taking any particular assessment required to be administered under 20221  
this section if it instead specifies an alternate assessment 20222

method approved by the department of education as conforming to 20223  
requirements of federal law for receipt of federal funds for 20224  
disadvantaged pupils. To the extent possible, the individualized 20225  
education program shall not excuse the student from taking an 20226  
assessment unless no reasonable accommodation can be made to 20227  
enable the student to take the assessment. 20228

(b) Any alternate assessment approved by the department for a 20229  
student under this division shall produce measurable results 20230  
comparable to those produced by the assessment it replaces in 20231  
order to allow for the student's results to be included in the 20232  
data compiled for a school district or building under section 20233  
3302.03 of the Revised Code. 20234

(c) Any student enrolled in a chartered nonpublic school who 20235  
has been identified, based on an evaluation conducted in 20236  
accordance with section 3323.03 of the Revised Code or section 504 20237  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 20238  
794, as amended, as a child with a disability shall be excused 20239  
from taking any particular assessment required to be administered 20240  
under this section if a plan developed for the student pursuant to 20241  
rules adopted by the state board excuses the student from taking 20242  
that assessment. In the case of any student so excused from taking 20243  
an assessment, the chartered nonpublic school shall not prohibit 20244  
the student from taking the assessment. 20245

(2) A district board may, for medical reasons or other good 20246  
cause, excuse a student from taking an assessment administered 20247  
under this section on the date scheduled, but that assessment 20248  
shall be administered to the excused student not later than nine 20249  
days following the scheduled date. The district board shall 20250  
annually report the number of students who have not taken one or 20251  
more of the assessments required by this section to the state 20252  
board not later than the thirtieth day of June. 20253

(3) As used in this division, "limited English proficient 20254

student" has the same meaning as in 20 U.S.C. 7801. 20255

No school district board shall excuse any limited English 20256  
proficient student from taking any particular assessment required 20257  
to be administered under this section, except that any limited 20258  
English proficient student who has been enrolled in United States 20259  
schools for less than one full school year shall not be required 20260  
to take any reading, writing, or English language arts assessment. 20261  
However, no board shall prohibit a limited English proficient 20262  
student who is not required to take an assessment under this 20263  
division from taking the assessment. A board may permit any 20264  
limited English proficient student to take an assessment required 20265  
to be administered under this section with appropriate 20266  
accommodations, as determined by the department. For each limited 20267  
English proficient student, each school district shall annually 20268  
assess that student's progress in learning English, in accordance 20269  
with procedures approved by the department. 20270

The governing authority of a chartered nonpublic school may 20271  
excuse a limited English proficient student from taking any 20272  
assessment administered under this section. However, no governing 20273  
authority shall prohibit a limited English proficient student from 20274  
taking the assessment. 20275

(D)(1) In the school year next succeeding the school year in 20276  
which the assessments prescribed by division (A)(1) or (B)(1) of 20277  
section 3301.0710 of the Revised Code or former division (A)(1), 20278  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 20279  
existed prior to September 11, 2001, are administered to any 20280  
student, the board of education of any school district in which 20281  
the student is enrolled in that year shall provide to the student 20282  
intervention services commensurate with the student's performance, 20283  
including any intensive intervention required under section 20284  
3313.608 of the Revised Code, in any skill in which the student 20285  
failed to demonstrate at least a score at the proficient level on 20286

the assessment. 20287

(2) Following any administration of the assessments 20288  
prescribed by division (D) of section 3301.0710 of the Revised 20289  
Code to ninth grade students, each school district that has a 20290  
three-year average graduation rate of not more than seventy-five 20291  
per cent shall determine for each high school in the district 20292  
whether the school shall be required to provide intervention 20293  
services to any students who took the assessments. In determining 20294  
which high schools shall provide intervention services based on 20295  
the resources available, the district shall consider each school's 20296  
graduation rate and scores on the practice assessments. The 20297  
district also shall consider the scores received by ninth grade 20298  
students on the English language arts and mathematics assessments 20299  
prescribed under division (A)(1)(f) of section 3301.0710 of the 20300  
Revised Code in the eighth grade in determining which high schools 20301  
shall provide intervention services. 20302

Each high school selected to provide intervention services 20303  
under this division shall provide intervention services to any 20304  
student whose results indicate that the student is failing to make 20305  
satisfactory progress toward being able to attain scores at the 20306  
proficient level on the Ohio graduation tests. Intervention 20307  
services shall be provided in any skill in which a student 20308  
demonstrates unsatisfactory progress and shall be commensurate 20309  
with the student's performance. Schools shall provide the 20310  
intervention services prior to the end of the school year, during 20311  
the summer following the ninth grade, in the next succeeding 20312  
school year, or at any combination of those times. 20313

(E) Except as provided in section 3313.608 of the Revised 20314  
Code and division (M) of this section, no school district board of 20315  
education shall utilize any student's failure to attain a 20316  
specified score on an assessment administered under this section 20317  
as a factor in any decision to deny the student promotion to a 20318

higher grade level. However, a district board may choose not to 20319  
promote to the next grade level any student who does not take an 20320  
assessment administered under this section or make up an 20321  
assessment as provided by division (C)(2) of this section and who 20322  
is not exempt from the requirement to take the assessment under 20323  
division (C)(3) of this section. 20324

(F) No person shall be charged a fee for taking any 20325  
assessment administered under this section. 20326

(G)(1) Each school district board shall designate one 20327  
location for the collection of assessments administered in the 20328  
spring under division (B)(1) of this section and those 20329  
administered under divisions (B)(2) to (7) of this section. Each 20330  
district board shall submit the assessments to the entity with 20331  
which the department contracts for the scoring of the assessments 20332  
as follows: 20333

(a) If the district's total enrollment in grades kindergarten 20334  
through twelve during the first full school week of October was 20335  
less than two thousand five hundred, not later than the Friday 20336  
after all of the assessments have been administered; 20337

(b) If the district's total enrollment in grades kindergarten 20338  
through twelve during the first full school week of October was 20339  
two thousand five hundred or more, but less than seven thousand, 20340  
not later than the Monday after all of the assessments have been 20341  
administered; 20342

(c) If the district's total enrollment in grades kindergarten 20343  
through twelve during the first full school week of October was 20344  
seven thousand or more, not later than the Tuesday after all of 20345  
the assessments have been administered. 20346

However, any assessment that a student takes during the 20347  
make-up period described in division (C)(2) of this section shall 20348  
be submitted not later than the Friday following the day the 20349

student takes the assessment. 20350

(2) The department or an entity with which the department 20351  
contracts for the scoring of the assessment shall send to each 20352  
school district board a list of the individual scores of all 20353  
persons taking an assessment prescribed by division (A)(1) or 20354  
(B)(1) of section 3301.0710 of the Revised Code within sixty days 20355  
after its administration, but in no case shall the scores be 20356  
returned later than the fifteenth day of June following the 20357  
administration. For assessments administered under this section by 20358  
a joint vocational school district, the department or entity shall 20359  
also send to each city, local, or exempted village school district 20360  
a list of the individual scores of any students of such city, 20361  
local, or exempted village school district who are attending 20362  
school in the joint vocational school district. 20363

(H) Individual scores on any assessments administered under 20364  
this section shall be released by a district board only in 20365  
accordance with section 3319.321 of the Revised Code and the rules 20366  
adopted under division (A) of this section. No district board or 20367  
its employees shall utilize individual or aggregate results in any 20368  
manner that conflicts with rules for the ethical use of 20369  
assessments adopted pursuant to division (A) of this section. 20370

(I) Except as provided in division (G) of this section, the 20371  
department or an entity with which the department contracts for 20372  
the scoring of the assessment shall not release any individual 20373  
scores on any assessment administered under this section. The 20374  
state board shall adopt rules to ensure the protection of student 20375  
confidentiality at all times. The rules may require the use of the 20376  
data verification codes assigned to students pursuant to division 20377  
(D)(2) of section 3301.0714 of the Revised Code to protect the 20378  
confidentiality of student scores. 20379

(J) Notwithstanding division (D) of section 3311.52 of the 20380  
Revised Code, this section does not apply to the board of 20381

education of any cooperative education school district except as 20382  
provided under rules adopted pursuant to this division. 20383

(1) In accordance with rules that the state board shall 20384  
adopt, the board of education of any city, exempted village, or 20385  
local school district with territory in a cooperative education 20386  
school district established pursuant to divisions (A) to (C) of 20387  
section 3311.52 of the Revised Code may enter into an agreement 20388  
with the board of education of the cooperative education school 20389  
district for administering any assessment prescribed under this 20390  
section to students of the city, exempted village, or local school 20391  
district who are attending school in the cooperative education 20392  
school district. 20393

(2) In accordance with rules that the state board shall 20394  
adopt, the board of education of any city, exempted village, or 20395  
local school district with territory in a cooperative education 20396  
school district established pursuant to section 3311.521 of the 20397  
Revised Code shall enter into an agreement with the cooperative 20398  
district that provides for the administration of any assessment 20399  
prescribed under this section to both of the following: 20400

(a) Students who are attending school in the cooperative 20401  
district and who, if the cooperative district were not 20402  
established, would be entitled to attend school in the city, 20403  
local, or exempted village school district pursuant to section 20404  
3313.64 or 3313.65 of the Revised Code; 20405

(b) Persons described in division (B)(8)(b) of this section. 20406

Any assessment of students pursuant to such an agreement 20407  
shall be in lieu of any assessment of such students or persons 20408  
pursuant to this section. 20409

(K)(1)(a) Except as otherwise provided in division (K)(1)(a) 20410  
or (K)(1)(c) of this section, each chartered nonpublic school for 20411  
which at least sixty-five per cent of its total enrollment is made 20412

up of students who are participating in state scholarship programs 20413  
shall administer the elementary assessments prescribed by section 20414  
3301.0710 of the Revised Code. In accordance with procedures and 20415  
deadlines prescribed by the department, the parent or guardian of 20416  
a student enrolled in the school who is not participating in a 20417  
state scholarship program may submit notice to the chief 20418  
administrative officer of the school that the parent or guardian 20419  
does not wish to have the student take the elementary assessments 20420  
prescribed for the student's grade level under division (A) of 20421  
section 3301.0710 of the Revised Code. If a parent or guardian 20422  
submits an opt-out notice, the school shall not administer the 20423  
assessments to that student. This option does not apply to any 20424  
assessment required for a high school diploma under section 20425  
3313.612 of the Revised Code. 20426

(b) If a chartered nonpublic school is educating students in 20427  
grades nine through twelve, it shall administer the assessments 20428  
prescribed by divisions (B)(1) and (2) of section 3301.0710 of the 20429  
Revised Code as a condition of compliance with section 3313.612 of 20430  
the Revised Code. 20431

(c) A chartered nonpublic school may submit to the 20432  
superintendent of public instruction a request for a waiver from 20433  
administering the elementary assessments prescribed by division 20434  
(A) of section 3301.0710 of the Revised Code. The state 20435  
superintendent shall approve or disapprove a request for a waiver 20436  
submitted under division (K)(1)(c) of this section. No waiver 20437  
shall be approved for any school year prior to the 2015-2016 20438  
school year. 20439

To be eligible to submit a request for a waiver, a chartered 20440  
nonpublic school shall meet the following conditions: 20441

(i) At least ninety-five per cent of the students enrolled in 20442  
the school are children with disabilities, as defined under 20443  
section 3323.01 of the Revised Code, or have received a diagnosis 20444

by a school district or from a physician, including a 20445  
neuropsychiatrist or psychiatrist, or a psychologist who is 20446  
authorized to practice in this or another state as having a 20447  
condition that impairs academic performance, such as dyslexia, 20448  
dyscalculia, attention deficit hyperactivity disorder, or 20449  
Asperger's syndrome. 20450

(ii) The school has solely served a student population 20451  
described in division (K)(1)(c)(i) of this section for at least 20452  
ten years. 20453

(iii) The school provides to the department at least five 20454  
years of records of internal testing conducted by the school that 20455  
affords the department data required for accountability purposes, 20456  
including diagnostic assessments and nationally standardized 20457  
norm-referenced achievement assessments that measure reading and 20458  
math skills. 20459

(d) Any chartered nonpublic school that is not subject to 20460  
division (K)(1)(a) of this section may participate in the 20461  
assessment program by administering any of the assessments 20462  
prescribed by division (A) of section 3301.0710 of the Revised 20463  
Code. The chief administrator of the school shall specify which 20464  
assessments the school will administer. Such specification shall 20465  
be made in writing to the superintendent of public instruction 20466  
prior to the first day of August of any school year in which 20467  
assessments are administered and shall include a pledge that the 20468  
nonpublic school will administer the specified assessments in the 20469  
same manner as public schools are required to do under this 20470  
section and rules adopted by the department. 20471

(2) The department of education shall furnish the assessments 20472  
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 20473  
to each chartered nonpublic school that is subject to division 20474  
(K)(1)(a) of this section or participates under division (K)(1)(b) 20475  
of this section. 20476

(L)(1) The superintendent of the state school for the blind 20477  
and the superintendent of the state school for the deaf shall 20478  
administer the assessments described by sections 3301.0710 and 20479  
3301.0712 of the Revised Code. Each superintendent shall 20480  
administer the assessments in the same manner as district boards 20481  
are required to do under this section and rules adopted by the 20482  
department of education and in conformity with division (C)(1)(a) 20483  
of this section. 20484

(2) The department of education shall furnish the assessments 20485  
described by sections 3301.0710 and 3301.0712 of the Revised Code 20486  
to each superintendent. 20487

(M) Notwithstanding division (E) of this section, a school 20488  
district may use a student's failure to attain a score in at least 20489  
the proficient range on the mathematics assessment described by 20490  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 20491  
an assessment described by division (A)(1)(b), (c), (d), (e), or 20492  
(f) of section 3301.0710 of the Revised Code as a factor in 20493  
retaining that student in the current grade level. 20494

(N)(1) In the manner specified in divisions (N)(3), (4), and 20495  
(6) of this section, the assessments required by division (A)(1) 20496  
of section 3301.0710 of the Revised Code shall become public 20497  
records pursuant to section 149.43 of the Revised Code on the 20498  
thirty-first day of July following the school year that the 20499  
assessments were administered. 20500

(2) The department may field test proposed questions with 20501  
samples of students to determine the validity, reliability, or 20502  
appropriateness of questions for possible inclusion in a future 20503  
year's assessment. The department also may use anchor questions on 20504  
assessments to ensure that different versions of the same 20505  
assessment are of comparable difficulty. 20506

Field test questions and anchor questions shall not be 20507

considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

(3) Any field test question or anchor question administered under division (N)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (N)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (N)(3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public

record. 20539

(5) Each assessment prescribed by division (B)(1) of section 20540  
3301.0710 of the Revised Code shall not be a public record. 20541

(6) Beginning with the spring administration for the 20542  
2014-2015 school year, questions on the assessments prescribed 20543  
under division (A) of section 3301.0710 and division (B)(2) of 20544  
section 3301.0712 of the Revised Code and the corresponding 20545  
preferred answers that are used to compute a student's score shall 20546  
become a public record as follows: 20547

(a) Forty per cent of the questions and preferred answers on 20548  
the assessments on the thirty-first day of July following the 20549  
administration of the assessment; 20550

(b) Twenty per cent of the questions and preferred answers on 20551  
the assessment on the thirty-first day of July one year after the 20552  
administration of the assessment; 20553

(c) The remaining forty per cent of the questions and 20554  
preferred answers on the assessment on the thirty-first day of 20555  
July two years after the administration of the assessment. 20556

The entire content of an assessment shall become a public 20557  
record within three years of its administration. 20558

The department shall make the questions that become a public 20559  
record under this division readily accessible to the public on the 20560  
department's web site. Questions on the spring administration of 20561  
each assessment shall be released on an annual basis, in 20562  
accordance with this division. 20563

(0) As used in this section: 20564

(1) "Three-year average" means the average of the most recent 20565  
consecutive three school years of data. 20566

(2) "Dropout" means a student who withdraws from school 20567  
before completing course requirements for graduation and who is 20568

not enrolled in an education program approved by the state board 20569  
of education or an education program outside the state. "Dropout" 20570  
does not include a student who has departed the country. 20571

(3) "Graduation rate" means the ratio of students receiving a 20572  
diploma to the number of students who entered ninth grade four 20573  
years earlier. Students who transfer into the district are added 20574  
to the calculation. Students who transfer out of the district for 20575  
reasons other than dropout are subtracted from the calculation. If 20576  
a student who was a dropout in any previous year returns to the 20577  
same school district, that student shall be entered into the 20578  
calculation as if the student had entered ninth grade four years 20579  
before the graduation year of the graduating class that the 20580  
student joins. 20581

(4) "State scholarship programs" means the educational choice 20582  
scholarship pilot program established under sections 3310.01 to 20583  
3310.17 of the Revised Code, the autism scholarship program 20584  
established under section 3310.41 of the Revised Code, the Jon 20585  
Peterson special needs scholarship program established under 20586  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 20587  
project scholarship program established under sections 3313.974 to 20588  
3313.979 of the Revised Code. 20589

**Sec. 3301.0714.** (A) The state board of education shall adopt 20590  
rules for a statewide education management information system. The 20591  
rules shall require the state board to establish guidelines for 20592  
the establishment and maintenance of the system in accordance with 20593  
this section and the rules adopted under this section. The 20594  
guidelines shall include: 20595

(1) Standards identifying and defining the types of data in 20596  
the system in accordance with divisions (B) and (C) of this 20597  
section; 20598

(2) Procedures for annually collecting and reporting the data 20599

to the state board in accordance with division (D) of this section; 20600  
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(3) Procedures for annually compiling the data in accordance with division (G) of this section; 20602  
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(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section; 20604  
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(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data. 20606  
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(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 20608  
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(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes: 20611  
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(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division 20614  
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(C)(3) of this section.	20631
(b) The numbers of students receiving support or	20632
extracurricular services for each of the support services or	20633
extracurricular programs offered by the school district, such as	20634
counseling services, health services, and extracurricular sports	20635
and fine arts programs. The categories of services required by the	20636
guidelines under this division shall be the same as the categories	20637
of services used in determining cost units pursuant to division	20638
(C)(4)(a) of this section.	20639
(c) Average student grades in each subject in grades nine	20640
through twelve;	20641
(d) Academic achievement levels as assessed under sections	20642
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	20643
(e) The number of students designated as having a disabling	20644
condition pursuant to division (C)(1) of section 3301.0711 of the	20645
Revised Code;	20646
(f) The numbers of students reported to the state board	20647
pursuant to division (C)(2) of section 3301.0711 of the Revised	20648
Code;	20649
(g) Attendance rates and the average daily attendance for the	20650
year. For purposes of this division, a student shall be counted as	20651
present for any field trip that is approved by the school	20652
administration.	20653
(h) Expulsion rates;	20654
(i) Suspension rates;	20655
(j) Dropout rates;	20656
(k) Rates of retention in grade;	20657
(l) For pupils in grades nine through twelve, the average	20658
number of carnegie units, as calculated in accordance with state	20659
board of education rules;	20660

(m) Graduation rates, to be calculated in a manner specified 20661  
by the department of education that reflects the rate at which 20662  
students who were in the ninth grade three years prior to the 20663  
current year complete school and that is consistent with 20664  
nationally accepted reporting requirements; 20665

(n) Results of ~~diagnostic~~ the readiness assessments 20666  
administered to kindergarten students as required under section 20667  
3301.0715 of the Revised Code to permit a comparison of the 20668  
academic readiness of kindergarten students. ~~However~~ Except as 20669  
otherwise required by division (D) of section 3301.0715 of the 20670  
Revised Code, no district shall be required to report to the 20671  
department the results of any ~~diagnostic~~ assessment administered 20672  
to a kindergarten student, except for the language and reading 20673  
portion of the assessment described required in division (A)~~(2)~~ of 20674  
section 3301.0715 of the Revised Code, if the parent of that 20675  
student requests the district not to report those results. 20676

(2) Personnel and classroom enrollment data for each school 20677  
district, including: 20678

(a) The total numbers of licensed employees and nonlicensed 20679  
employees and the numbers of full-time equivalent licensed 20680  
employees and nonlicensed employees providing each category of 20681  
instructional service, instructional support service, and 20682  
administrative support service used pursuant to division (C)(3) of 20683  
this section. The guidelines adopted under this section shall 20684  
require these categories of data to be maintained for the school 20685  
district as a whole and, wherever applicable, for each grade in 20686  
the school district as a whole, for each school building as a 20687  
whole, and for each grade in each school building. 20688

(b) The total number of employees and the number of full-time 20689  
equivalent employees providing each category of service used 20690  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 20691  
total numbers of licensed employees and nonlicensed employees and 20692

the numbers of full-time equivalent licensed employees and 20693  
nonlicensed employees providing each category used pursuant to 20694  
division (C)(4)(c) of this section. The guidelines adopted under 20695  
this section shall require these categories of data to be 20696  
maintained for the school district as a whole and, wherever 20697  
applicable, for each grade in the school district as a whole, for 20698  
each school building as a whole, and for each grade in each school 20699  
building. 20700

(c) The total number of regular classroom teachers teaching 20701  
classes of regular education and the average number of pupils 20702  
enrolled in each such class, in each of grades kindergarten 20703  
through five in the district as a whole and in each school 20704  
building in the school district. 20705

(d) The number of lead teachers employed by each school 20706  
district and each school building. 20707

(3)(a) Student demographic data for each school district, 20708  
including information regarding the gender ratio of the school 20709  
district's pupils, the racial make-up of the school district's 20710  
pupils, the number of limited English proficient students in the 20711  
district, and an appropriate measure of the number of the school 20712  
district's pupils who reside in economically disadvantaged 20713  
households. The demographic data shall be collected in a manner to 20714  
allow correlation with data collected under division (B)(1) of 20715  
this section. Categories for data collected pursuant to division 20716  
(B)(3) of this section shall conform, where appropriate, to 20717  
standard practices of agencies of the federal government. 20718

(b) With respect to each student entering kindergarten, 20719  
whether the student previously participated in a public preschool 20720  
program, a private preschool program, or a head start program, and 20721  
the number of years the student participated in each of these 20722  
programs. 20723

(4) Any data required to be collected pursuant to federal law. 20724  
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(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following: 20726  
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(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code. 20735  
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(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building. 20741  
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(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for 20747  
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each category of service and, as a breakdown of the total cost, a 20756  
cost for each of the following components: 20757

(a) The cost of each instructional services category required 20758  
by guidelines adopted under division (B)(1)(a) of this section 20759  
that is provided directly to students by a classroom teacher; 20760

(b) The cost of the instructional support services, such as 20761  
services provided by a speech-language pathologist, classroom 20762  
aide, multimedia aide, or librarian, provided directly to students 20763  
in conjunction with each instructional services category; 20764

(c) The cost of the administrative support services related 20765  
to each instructional services category, such as the cost of 20766  
personnel that develop the curriculum for the instructional 20767  
services category and the cost of personnel supervising or 20768  
coordinating the delivery of the instructional services category. 20769

(4) Support or extracurricular services costs for each 20770  
category of service directly provided to students and required by 20771  
guidelines adopted pursuant to division (B)(1)(b) of this section. 20772  
The guidelines shall require the cost units under division (C)(4) 20773  
of this section to be designed so that each of them may be 20774  
compiled and reported in terms of average expenditure per pupil 20775  
receiving the service in the school district as a whole and 20776  
average expenditure per pupil receiving the service in each 20777  
building in the school district and in terms of a total cost for 20778  
each category of service and, as a breakdown of the total cost, a 20779  
cost for each of the following components: 20780

(a) The cost of each support or extracurricular services 20781  
category required by guidelines adopted under division (B)(1)(b) 20782  
of this section that is provided directly to students by a 20783  
licensed employee, such as services provided by a guidance 20784  
counselor or any services provided by a licensed employee under a 20785  
supplemental contract; 20786

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social

security numbers of individual staff members and the county of 20819  
residence for a student. Nothing in this section prohibits the 20820  
state board of education or department of education from providing 20821  
a student's county of residence to the department of taxation to 20822  
facilitate the distribution of tax revenue. 20823

(2)(a) The guidelines shall provide for each school district 20824  
or community school to assign a data verification code that is 20825  
unique on a statewide basis over time to each student whose 20826  
initial Ohio enrollment is in that district or school and to 20827  
report all required individual student data for that student 20828  
utilizing such code. The guidelines shall also provide for 20829  
assigning data verification codes to all students enrolled in 20830  
districts or community schools on the effective date of the 20831  
guidelines established under this section. The assignment of data 20832  
verification codes for other entities, as described in division 20833  
(D)(2)(c) of this section, the use of those codes, and the 20834  
reporting and use of associated individual student data shall be 20835  
coordinated by the department in accordance with state and federal 20836  
law. 20837

School districts shall report individual student data to the 20838  
department through the information technology centers utilizing 20839  
the code. The entities described in division (D)(2)(c) of this 20840  
section shall report individual student data to the department in 20841  
the manner prescribed by the department. 20842

Except as provided in sections 3301.941, 3310.11, 3310.42, 20843  
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 20844  
shall the state board or the department have access to information 20845  
that would enable any data verification code to be matched to 20846  
personally identifiable student data. 20847

(b) Each school district and community school shall ensure 20848  
that the data verification code is included in the student's 20849  
records reported to any subsequent school district, community 20850

school, or state institution of higher education, as defined in 20851  
section 3345.011 of the Revised Code, in which the student 20852  
enrolls. Any such subsequent district or school shall utilize the 20853  
same identifier in its reporting of data under this section. 20854

(c) The director of any state agency that administers a 20855  
publicly funded program providing services to children who are 20856  
younger than compulsory school age, as defined in section 3321.01 20857  
of the Revised Code, including the directors of health, job and 20858  
family services, mental health and addiction services, and 20859  
developmental disabilities, shall request and receive, pursuant to 20860  
sections 3301.0723 and 3701.62 of the Revised Code, a data 20861  
verification code for a child who is receiving those services. 20862

(E) The guidelines adopted under this section may require 20863  
school districts to collect and report data, information, or 20864  
reports other than that described in divisions (A), (B), and (C) 20865  
of this section for the purpose of complying with other reporting 20866  
requirements established in the Revised Code. The other data, 20867  
information, or reports may be maintained in the education 20868  
management information system but are not required to be compiled 20869  
as part of the profile formats required under division (G) of this 20870  
section or the annual statewide report required under division (H) 20871  
of this section. 20872

(F) Beginning with the school year that begins July 1, 1991, 20873  
the board of education of each school district shall annually 20874  
collect and report to the state board, in accordance with the 20875  
guidelines established by the board, the data required pursuant to 20876  
this section. A school district may collect and report these data 20877  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 20878

(G) The state board shall, in accordance with the procedures 20879  
it adopts, annually compile the data reported by each school 20880  
district pursuant to division (D) of this section. The state board 20881  
shall design formats for profiling each school district as a whole 20882

and each school building within each district and shall compile 20883  
the data in accordance with these formats. These profile formats 20884  
shall: 20885

(1) Include all of the data gathered under this section in a 20886  
manner that facilitates comparison among school districts and 20887  
among school buildings within each school district; 20888

(2) Present the data on academic achievement levels as 20889  
assessed by the testing of student achievement maintained pursuant 20890  
to division (B)(1)(d) of this section. 20891

(H)(1) The state board shall, in accordance with the 20892  
procedures it adopts, annually prepare a statewide report for all 20893  
school districts and the general public that includes the profile 20894  
of each of the school districts developed pursuant to division (G) 20895  
of this section. Copies of the report shall be sent to each school 20896  
district. 20897

(2) The state board shall, in accordance with the procedures 20898  
it adopts, annually prepare an individual report for each school 20899  
district and the general public that includes the profiles of each 20900  
of the school buildings in that school district developed pursuant 20901  
to division (G) of this section. Copies of the report shall be 20902  
sent to the superintendent of the district and to each member of 20903  
the district board of education. 20904

(3) Copies of the reports received from the state board under 20905  
divisions (H)(1) and (2) of this section shall be made available 20906  
to the general public at each school district's offices. Each 20907  
district board of education shall make copies of each report 20908  
available to any person upon request and payment of a reasonable 20909  
fee for the cost of reproducing the report. The board shall 20910  
annually publish in a newspaper of general circulation in the 20911  
school district, at least twice during the two weeks prior to the 20912  
week in which the reports will first be available, a notice 20913

containing the address where the reports are available and the 20914  
date on which the reports will be available. 20915

(I) Any data that is collected or maintained pursuant to this 20916  
section and that identifies an individual pupil is not a public 20917  
record for the purposes of section 149.43 of the Revised Code. 20918

(J) As used in this section: 20919

(1) "School district" means any city, local, exempted 20920  
village, or joint vocational school district and, in accordance 20921  
with section 3314.17 of the Revised Code, any community school. As 20922  
used in division (L) of this section, "school district" also 20923  
includes any educational service center or other educational 20924  
entity required to submit data using the system established under 20925  
this section. 20926

(2) "Cost" means any expenditure for operating expenses made 20927  
by a school district excluding any expenditures for debt 20928  
retirement except for payments made to any commercial lending 20929  
institution for any loan approved pursuant to section 3313.483 of 20930  
the Revised Code. 20931

(K) Any person who removes data from the information system 20932  
established under this section for the purpose of releasing it to 20933  
any person not entitled under law to have access to such 20934  
information is subject to section 2913.42 of the Revised Code 20935  
prohibiting tampering with data. 20936

(L)(1) In accordance with division (L)(2) of this section and 20937  
the rules adopted under division (L)(10) of this section, the 20938  
department of education may sanction any school district that 20939  
reports incomplete or inaccurate data, reports data that does not 20940  
conform to data requirements and descriptions published by the 20941  
department, fails to report data in a timely manner, or otherwise 20942  
does not make a good faith effort to report data as required by 20943  
this section. 20944

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system; 20975  
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(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section; 20977  
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(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section; 20980  
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(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 20984  
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(ix) Any other action designed to correct the district's data reporting problems. 20989  
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(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files. 20991  
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(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld 20997  
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funding under division (L)(2)(d) of this section, the department 21006  
shall not release the funds withheld under division (L)(2)(b) or 21007  
(c) of this section. 21008

(5) Notwithstanding anything in this section to the contrary, 21009  
the department may use its own staff or an outside entity to 21010  
conduct an audit of a school district's data reporting practices 21011  
any time the department has reason to believe the district has not 21012  
made a good faith effort to report data as required by this 21013  
section. If any audit conducted by an outside entity under 21014  
division (L)(2)(d)(i) or (5) of this section confirms that a 21015  
district has not made a good faith effort to report data as 21016  
required by this section, the district shall reimburse the 21017  
department for the full cost of the audit. The department may 21018  
withhold state funds due to the district for this purpose. 21019

(6) Prior to issuing a revised report card for a school 21020  
district under division (L)(2)(d)(viii) of this section, the 21021  
department may hold a hearing to provide the district with an 21022  
opportunity to demonstrate that it made a good faith effort to 21023  
report data as required by this section. The hearing shall be 21024  
conducted by a referee appointed by the department. Based on the 21025  
information provided in the hearing, the referee shall recommend 21026  
whether the department should issue a revised report card for the 21027  
district. If the referee affirms the department's contention that 21028  
the district did not make a good faith effort to report data as 21029  
required by this section, the district shall bear the full cost of 21030  
conducting the hearing and of issuing any revised report card. 21031

(7) If the department determines that any inaccurate data 21032  
reported under this section caused a school district to receive 21033  
excess state funds in any fiscal year, the district shall 21034  
reimburse the department an amount equal to the excess funds, in 21035  
accordance with a payment schedule determined by the department. 21036  
The department may withhold state funds due to the district for 21037

this purpose. 21038

(8) Any school district that has funds withheld under 21039  
division (L)(2) of this section may appeal the withholding in 21040  
accordance with Chapter 119. of the Revised Code. 21041

(9) In all cases of a disagreement between the department and 21042  
a school district regarding the appropriateness of an action taken 21043  
under division (L)(2) of this section, the burden of proof shall 21044  
be on the district to demonstrate that it made a good faith effort 21045  
to report data as required by this section. 21046

(10) The state board of education shall adopt rules under 21047  
Chapter 119. of the Revised Code to implement division (L) of this 21048  
section. 21049

(M) No information technology center or school district shall 21050  
acquire, change, or update its student administration software 21051  
package to manage and report data required to be reported to the 21052  
department unless it converts to a student software package that 21053  
is certified by the department. 21054

(N) The state board of education, in accordance with sections 21055  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 21056  
license as defined under division (A) of section 3319.31 of the 21057  
Revised Code that has been issued to any school district employee 21058  
found to have willfully reported erroneous, inaccurate, or 21059  
incomplete data to the education management information system. 21060

(O) No person shall release or maintain any information about 21061  
any student in violation of this section. Whoever violates this 21062  
division is guilty of a misdemeanor of the fourth degree. 21063

(P) The department shall disaggregate the data collected 21064  
under division (B)(1)(n) of this section according to the race and 21065  
socioeconomic status of the students assessed. 21066

(Q) If the department cannot compile any of the information 21067

required by division (H) of section 3302.03 of the Revised Code 21068  
based upon the data collected under this section, the department 21069  
shall develop a plan and a reasonable timeline for the collection 21070  
of any data necessary to comply with that division. 21071

**Sec. 3301.0715.** (A) ~~Except as otherwise required under~~ 21072  
~~division (B)(1) of section 3313.608 of the Revised Code, the~~ The 21073  
board of education of each city, local, and exempted village 21074  
school district shall administer ~~each applicable diagnostic~~ 21075  
~~assessment developed and provided to the district in accordance~~ 21076  
~~with section 3301.079 of the Revised Code to the following:~~ 21077

~~(1) Any student who transfers into the district or to a~~ 21078  
~~different school within the district if each applicable diagnostic~~ 21079  
~~assessment was not administered by the district or school the~~ 21080  
~~student previously attended in the current school year, within~~ 21081  
~~thirty days after the date of transfer. If the district or school~~ 21082  
~~into which the student transfers cannot determine whether the~~ 21083  
~~student has taken any applicable diagnostic assessment in the~~ 21084  
~~current school year, the district or school may administer the~~ 21085  
~~diagnostic assessment to the student. However, if a student~~ 21086  
~~transfers into the district prior to the administration of the~~ 21087  
~~diagnostic assessments to all students under division (B) of this~~ 21088  
~~section, the district may administer the diagnostic assessments to~~ 21089  
~~that student on the date or dates determined under that division.~~ 21090

~~(2) Each to each kindergarten student, not earlier than the~~ 21091  
~~first day of the school year and not later than the first day of~~ 21092  
~~November.~~ 21093

~~For the purpose of division (A)(2) of this section, the~~ 21094  
~~district shall administer,~~ the kindergarten readiness assessment 21095  
provided by the department of education. In no case shall the 21096  
results of the readiness assessment be used to prohibit a student 21097  
from enrolling in kindergarten. 21098

~~(3) Each student enrolled in first, second, or third grade.~~ 21099

Division (A) of this section does not apply to students with 21100  
significant cognitive disabilities, as defined by the department 21101  
of education. 21102

(B) Each district board ~~shall~~ may administer ~~each~~ any 21103  
diagnostic assessment if and when the board deems appropriate, 21104  
provided the administration complies with this section ~~3313.608~~ of 21105  
~~the Revised Code. However, the board shall administer any~~ 21106  
~~diagnostic assessment at least once annually to all students in~~ 21107  
~~the appropriate grade level. A district board may administer any~~ 21108  
~~diagnostic assessment in the fall and spring of a school year to~~ 21109  
~~measure the amount of academic growth attributable to the~~ 21110  
~~instruction received by students during that school year.~~ 21111

(C) ~~Any district that received a grade of "A" or "B" for the~~ 21112  
~~performance index score under division (A)(1)(b), (B)(1)(b), or~~ 21113  
~~(C)(1)(b) of section 3302.03 of the Revised Code or for the~~ 21114  
~~value added progress dimension under division (A)(1)(e),~~ 21115  
~~(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for~~ 21116  
~~the immediately preceding school year may use different diagnostic~~ 21117  
~~assessments from those adopted under division (D) of section~~ 21118  
~~3301.079 of the Revised Code in order to satisfy the requirements~~ 21119  
~~of division (A)(3) of this section.~~ 21120

~~(D) Each district board shall utilize and score any~~ 21121  
~~diagnostic assessment administered under division (A) of this~~ 21122  
~~section in accordance with rules established by the department.~~ 21123  
After the administration of any diagnostic assessment, each 21124  
district shall provide a student's completed diagnostic 21125  
assessment, the results of such assessment, and any other 21126  
accompanying documents used during the administration of the 21127  
assessment to the parent of that student, and shall include all 21128  
such documents and information in any plan developed for the 21129  
student under division (C) of section 3313.608 of the Revised 21130

Code, as appropriate. Each	21131
<u>(D) Subject to division (B)(1)(n) of section 3301.0714 of the Revised Code, each</u> district shall submit to the department, in the manner the department prescribes, the results of the diagnostic assessments administered under this section, regardless of the type of assessment used under section 3313.608 of the Revised Code. The department may issue reports with respect to the data collected. The department may report school and district level kindergarten diagnostic assessment <u>and kindergarten readiness assessment</u> data and use diagnostic assessment data to calculate the measure prescribed by divisions (B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code.	21132 21133 21134 21135 21136 21137 21138 21139 21140 21141 21142
(E) Each district board shall provide intervention services to students whose diagnostic assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level.	21143 21144 21145 21146
<b><u>Sec. 3301.0728.</u></b> (A) <u>Beginning with the 2015-2016 school year, the board of education of each city, local, and exempted village school district shall ensure that the cumulative duration of the administration for the assessments listed in division (B) of this section shall not exceed two per cent of the school year.</u>	21147 21148 21149 21150 21151
<u>(B) Assessments for which division (A) of this section applies are:</u>	21152 21153
<u>(1) The state achievement assessments prescribed by division (A) of section 3301.0710 of the Revised Code;</u>	21154 21155
<u>(2) The assessments prescribed by division (B) of section 3301.0712 of the Revised Code;</u>	21156 21157
<u>(3) The kindergarten readiness assessment prescribed by section 3301.0715 of the Revised Code;</u>	21158 21159
<u>(4) Assessments selected by the district board and</u>	21160

administered district-wide to the majority of students in a 21161  
specified subject area or grade level. 21162

(C) Time spent on the following factors shall not be included 21163  
in the limitations required by this section: 21164

(1) Assessments created by teachers for regular classroom 21165  
instruction; 21166

(2) Assessments for children with disabilities under Chapter 21167  
3323. of the Revised Code; 21168

(3) Assessments for limited English proficient students, as 21169  
defined in division (C)(3) of section 3301.0711 of the Revised 21170  
Code; 21171

(4) End-of-course examinations prescribed in division (B)(2) 21172  
of section 3301.0712 of the Revised Code that exceed the amount of 21173  
examinations typically taken in one year by a student in a 21174  
particular grade; 21175

(5) Assessments administered to less than fifty per cent of 21176  
students in a grade in a school year or to less than fifty per 21177  
cent of students in a cohort of students within three years; 21178

(6) Assessments administered to a student at the request of 21179  
the student, parent, or guardian, including multiple 21180  
administrations of end-of-course examinations and assessments 21181  
taken to earn postsecondary credit. 21182

(D) Beginning with the 2015-2016 school year, the cumulative 21183  
duration for preparation for the assessments listed in division 21184  
(B) of this section shall not exceed one per cent of the total 21185  
school year, unless otherwise required by the Revised Code, by an 21186  
agreement with the department of education, or by an agreement 21187  
with the federal government. 21188

For purposes of this section, "preparation for assessments" 21189  
includes formal practice assessments, lessons on test-taking 21190

skills, and content reviews immediately preceding and specifically 21191  
for an assessment described in division (B) of this section. 21192

(E) The department shall publish guidelines for divisions 21193  
(B), (C), and (D) of this section. 21194

(F) Not later than October 1, 2015, and not later than the 21195  
fifteenth day of September of each year thereafter, each district 21196  
board shall include on its web site information on assessments 21197  
administered by the district, including the duration of each 21198  
assessment and the district's compliance with the limits on 21199  
duration required by divisions (A) and (D) of this section. 21200

(G) As used in this section, "school year" means the number 21201  
of hours that the school is open for instruction with students in 21202  
attendance according to the school calendar, adopted by the 21203  
district board pursuant to section 3313.48 of the Revised Code. If 21204  
more than one school within the district serves a particular grade 21205  
level, the school year for that grade level shall be determined by 21206  
averaging the number of hours prescribed by each applicable school 21207  
calendar. 21208

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 21209  
Revised Code: 21210

(A) "Preschool program" means either of the following: 21211

(1) A child care program for preschool children that is 21212  
operated by a school district board of education or an eligible 21213  
nonpublic school. 21214

(2) A child care program for preschool children age three or 21215  
older that is operated by a county DD board or a community school. 21216

(B) "Preschool child" or "child" means a child who has not 21217  
entered kindergarten and is not of compulsory school age. 21218

(C) "Parent, guardian, or custodian" means the person or 21219  
government agency that is or will be responsible for a child's 21220

school attendance under section 3321.01 of the Revised Code. 21221

(D) "Superintendent" means the superintendent of a school 21222  
district or the chief administrative officer of a community school 21223  
or an eligible nonpublic school. 21224

(E) "Director" means the director, head teacher, elementary 21225  
principal, or site administrator who is the individual on site and 21226  
responsible for supervision of a preschool program. 21227

(F) "Preschool staff member" means a preschool employee whose 21228  
primary responsibility is care, teaching, or supervision of 21229  
preschool children. 21230

(G) "Nonteaching employee" means a preschool program or 21231  
school child program employee whose primary responsibilities are 21232  
duties other than care, teaching, and supervision of preschool 21233  
children or school children. 21234

(H) "Eligible nonpublic school" means a nonpublic school 21235  
chartered as described in division (B)(8) of section 5104.02 of 21236  
the Revised Code or chartered by the state board of education for 21237  
any combination of grades one through twelve, regardless of 21238  
whether it also offers kindergarten. 21239

(I) "County DD board" means a county board of developmental 21240  
disabilities. 21241

(J) "School child program" means a child care program for 21242  
only school children that is operated by a school district board 21243  
of education, county DD board, community school, or eligible 21244  
nonpublic school. 21245

(K) "School child" means a child who is enrolled in or is 21246  
eligible to be enrolled in a grade of kindergarten or above but is 21247  
less than fifteen years old. 21248

(L) "School child program staff member" means an employee 21249  
whose primary responsibility is the care, teaching, or supervision 21250

of children in a school child program. 21251

(M) "Child care" means administering to the needs of infants, 21252  
toddlers, preschool children, and school children outside of 21253  
school hours by persons other than their parents or guardians, 21254  
custodians, or relatives by blood, marriage, or adoption for any 21255  
part of the twenty-four-hour day in a place or residence other 21256  
than a child's own home. 21257

(N) "Child day-care center," "publicly funded child care," 21258  
and "school-age child care center" have the same meanings as in 21259  
section 5104.01 of the Revised Code. 21260

(O) "Community school" means a community school established 21261  
under Chapter 3314. of the Revised Code that is sponsored by an 21262  
entity that is rated "exemplary" under section 3314.016 of the 21263  
Revised Code. 21264

**Sec. 3301.53.** (A) The state board of education, in 21265  
consultation with the director of job and family services, shall 21266  
formulate and prescribe by rule adopted under Chapter 119. of the 21267  
Revised Code minimum standards to be applied to preschool programs 21268  
operated by school district boards of education, county DD boards, 21269  
community schools, or eligible nonpublic schools. The rules shall 21270  
include the following: 21271

(1) Standards ensuring that the preschool program is located 21272  
in a safe and convenient facility that accommodates the enrollment 21273  
of the program, is of the quality to support the growth and 21274  
development of the children according to the program objectives, 21275  
and meets the requirements of section 3301.55 of the Revised Code; 21276

(2) Standards ensuring that supervision, discipline, and 21277  
programs will be administered according to established objectives 21278  
and procedures; 21279

(3) Standards ensuring that preschool staff members and 21280

nonteaching employees are recruited, employed, assigned, 21281  
evaluated, and provided inservice education without discrimination 21282  
on the basis of age, color, national origin, race, or sex; and 21283  
that preschool staff members and nonteaching employees are 21284  
assigned responsibilities in accordance with written position 21285  
descriptions commensurate with their training and experience; 21286

(4) A requirement that boards of education intending to 21287  
establish a preschool program demonstrate a need for a preschool 21288  
program prior to establishing the program; 21289

(5) Requirements that children participating in preschool 21290  
programs have been immunized to the extent considered appropriate 21291  
by the state board to prevent the spread of communicable disease; 21292

(6) Requirements that the parents of preschool children 21293  
complete the emergency medical authorization form specified in 21294  
section 3313.712 of the Revised Code. 21295

(B) The state board of education in consultation with the 21296  
director of job and family services shall ensure that the rules 21297  
adopted by the state board under sections 3301.52 to 3301.58 of 21298  
the Revised Code are consistent with and meet or exceed the 21299  
requirements of Chapter 5104. of the Revised Code with regard to 21300  
child day-care centers. The state board and the director of job 21301  
and family services shall review all such rules at least once 21302  
every five years. 21303

(C) The state board of education, in consultation with the 21304  
director of job and family services, shall adopt rules for school 21305  
child programs that are consistent with and meet or exceed the 21306  
requirements of the rules adopted for school-age child care 21307  
centers under Chapter 5104. of the Revised Code. 21308

**Sec. 3301.541.** (A)(1) The director, head teacher, elementary 21309  
principal, or site administrator of a preschool program shall 21310

request the superintendent of the bureau of criminal 21311  
identification and investigation to conduct a criminal records 21312  
check with respect to any applicant who has applied to the 21313  
preschool program for employment as a person responsible for the 21314  
care, custody, or control of a child. If the applicant does not 21315  
present proof that the applicant has been a resident of this state 21316  
for the five-year period immediately prior to the date upon which 21317  
the criminal records check is requested or does not provide 21318  
evidence that within that five-year period the superintendent has 21319  
requested information about the applicant from the federal bureau 21320  
of investigation in a criminal records check, the director, head 21321  
teacher, or elementary principal shall request that the 21322  
superintendent obtain information from the federal bureau of 21323  
investigation as a part of the criminal records check for the 21324  
applicant. If the applicant presents proof that the applicant has 21325  
been a resident of this state for that five-year period, the 21326  
director, head teacher, or elementary principal may request that 21327  
the superintendent include information from the federal bureau of 21328  
investigation in the criminal records check. 21329

(2) Any director, head teacher, elementary principal, or site 21330  
administrator required by division (A)(1) of this section to 21331  
request a criminal records check shall provide to each applicant a 21332  
copy of the form prescribed pursuant to division (C)(1) of section 21333  
109.572 of the Revised Code, provide to each applicant a standard 21334  
impression sheet to obtain fingerprint impressions prescribed 21335  
pursuant to division (C)(2) of section 109.572 of the Revised 21336  
Code, obtain the completed form and impression sheet from each 21337  
applicant, and forward the completed form and impression sheet to 21338  
the superintendent of the bureau of criminal identification and 21339  
investigation at the time the person requests a criminal records 21340  
check pursuant to division (A)(1) of this section. 21341

(3) Any applicant who receives pursuant to division (A)(2) of 21342

this section a copy of the form prescribed pursuant to division 21343  
(C)(1) of section 109.572 of the Revised Code and a copy of an 21344  
impression sheet prescribed pursuant to division (C)(2) of that 21345  
section and who is requested to complete the form and provide a 21346  
set of fingerprint impressions shall complete the form or provide 21347  
all the information necessary to complete the form and provide the 21348  
impression sheet with the impressions of the applicant's 21349  
fingerprints. If an applicant, upon request, fails to provide the 21350  
information necessary to complete the form or fails to provide 21351  
impressions of the applicant's fingerprints, the preschool program 21352  
shall not employ that applicant for any position for which a 21353  
criminal records check is required by division (A)(1) of this 21354  
section. 21355

(B)(1) Except as provided in rules adopted by the department 21356  
of education in accordance with division (E) of this section, no 21357  
preschool program shall employ a person as a person responsible 21358  
for the care, custody, or control of a child if the person 21359  
previously has been convicted of or pleaded guilty to any of the 21360  
following: 21361

(a) A violation of section 2903.01, 2903.02, 2903.03, 21362  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 21363  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 21364  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 21365  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 21366  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 21367  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 21368  
2925.06, or 3716.11 of the Revised Code, a violation of section 21369  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 21370  
violation of section 2919.23 of the Revised Code that would have 21371  
been a violation of section 2905.04 of the Revised Code as it 21372  
existed prior to July 1, 1996, had the violation occurred prior to 21373  
that date, a violation of section 2925.11 of the Revised Code that 21374

is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

(2) A preschool program may employ an applicant conditionally until the criminal records check required by this section is completed and the preschool program receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the preschool program shall release the applicant from employment.

(C)(1) Each preschool program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A)(1) of this section of the director, head teacher, elementary principal, or site administrator of the preschool program.

(2) A preschool program may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the preschool program pays under division (C)(1) of this section. If a fee is charged under this division, the preschool program shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(D) The report of any criminal records check conducted by the

bureau of criminal identification and investigation in accordance 21406  
with section 109.572 of the Revised Code and pursuant to a request 21407  
under division (A)(1) of this section is not a public record for 21408  
the purposes of section 149.43 of the Revised Code and shall not 21409  
be made available to any person other than the applicant who is 21410  
the subject of the criminal records check or the applicant's 21411  
representative, the preschool program requesting the criminal 21412  
records check or its representative, and any court, hearing 21413  
officer, or other necessary individual in a case dealing with the 21414  
denial of employment to the applicant. 21415

(E) The department of education shall adopt rules pursuant to 21416  
Chapter 119. of the Revised Code to implement this section, 21417  
including rules specifying circumstances under which a preschool 21418  
program may hire a person who has been convicted of an offense 21419  
listed in division (B)(1) of this section but who meets standards 21420  
in regard to rehabilitation set by the department. 21421

(F) Any person required by division (A)(1) of this section to 21422  
request a criminal records check shall inform each person, at the 21423  
time of the person's initial application for employment, that the 21424  
person is required to provide a set of impressions of the person's 21425  
fingerprints and that a criminal records check is required to be 21426  
conducted and satisfactorily completed in accordance with section 21427  
109.572 of the Revised Code if the person comes under final 21428  
consideration for appointment or employment as a precondition to 21429  
employment for that position. 21430

(G) As used in this section: 21431

(1) "Applicant" means a person who is under final 21432  
consideration for appointment or employment in a position with a 21433  
preschool program as a person responsible for the care, custody, 21434  
or control of a child, except that "applicant" does not include a 21435  
person already employed by a board of education, community school, 21436  
or chartered nonpublic school in a position of care, custody, or 21437

control of a child who is under consideration for a different 21438  
position with such board or school. 21439

(2) "Criminal records check" has the same meaning as in 21440  
section 109.572 of the Revised Code. 21441

(3) "Minor drug possession offense" has the same meaning as 21442  
in section 2925.01 of the Revised Code. 21443

(H) If the board of education of a local school district 21444  
adopts a resolution requesting the assistance of the educational 21445  
service center in which the local district has territory in 21446  
conducting criminal records checks of substitute teachers under 21447  
this section, the appointing or hiring officer of such educational 21448  
service center governing board shall serve for purposes of this 21449  
section as the appointing or hiring officer of the local board in 21450  
the case of hiring substitute teachers for employment in the local 21451  
district. 21452

**Sec. 3301.55.** (A) A school district, county DD board, 21453  
community school, or eligible nonpublic school operating a 21454  
preschool program shall house the program in buildings that meet 21455  
the following requirements: 21456

(1) The building is operated by the district, county DD 21457  
board, community school, or eligible nonpublic school and has been 21458  
approved by the division of industrial compliance in the 21459  
department of commerce or a certified municipal, township, or 21460  
county building department for the purpose of operating a program 21461  
for preschool children. Any such structure shall be constructed, 21462  
equipped, repaired, altered, and maintained in accordance with 21463  
applicable provisions of Chapters 3781. and 3791. and with rules 21464  
adopted by the board of building standards under Chapter 3781. of 21465  
the Revised Code for the safety and sanitation of structures 21466  
erected for this purpose. 21467

(2) The building is in compliance with fire and safety laws 21468  
and regulations as evidenced by reports of annual school fire and 21469  
safety inspections as conducted by appropriate local authorities. 21470

(3) The school is in compliance with rules established by the 21471  
state board of education regarding school food services. 21472

(4) The facility includes not less than thirty-five square 21473  
feet of indoor space for each child in the program. Safe play 21474  
space, including both indoor and outdoor play space, totaling not 21475  
less than sixty square feet for each child using the space at any 21476  
one time, shall be regularly available and scheduled for use. 21477

(5) First aid facilities and space for temporary placement or 21478  
isolation of injured or ill children are provided. 21479

(B) Each school district, county DD board, community school, 21480  
or eligible nonpublic school that operates, or proposes to 21481  
operate, a preschool program shall submit a building plan 21482  
including all information specified by the state board of 21483  
education to the board not later than the first day of September 21484  
of the school year in which the program is to be initiated. The 21485  
board shall determine whether the buildings meet the requirements 21486  
of this section and section 3301.53 of the Revised Code, and 21487  
notify the superintendent of its determination. If the board 21488  
determines, on the basis of the building plan or any other 21489  
information, that the buildings do not meet those requirements, it 21490  
shall cause the buildings to be inspected by the department of 21491  
education. The department shall make a report to the 21492  
superintendent specifying any aspects of the building that are not 21493  
in compliance with the requirements of this section and section 21494  
3301.53 of the Revised Code and the time period that will be 21495  
allowed the district, county DD board, or school to meet the 21496  
requirements. 21497

**Sec. 3301.56.** (A) The director, head teacher, elementary 21498

principal, or site administrator who is on site and responsible 21499  
for supervision of each preschool program shall be responsible for 21500  
the following: 21501

(1) Ensuring that the health and safety of the children are 21502  
safeguarded by an organized program of school health services 21503  
designed to identify child health problems and to coordinate 21504  
school and community health resources for children, as evidenced 21505  
by but not limited to: 21506

(a) Requiring immunization and compliance with emergency 21507  
medical authorization requirements in accordance with rules 21508  
adopted by the state board of education under section 3301.53 of 21509  
the Revised Code; 21510

(b) Providing procedures for emergency situations, including 21511  
fire drills, rapid dismissals, tornado drills, and school safety 21512  
drills in accordance with section 3737.73 of the Revised Code, and 21513  
keeping records of such drills or dismissals; 21514

(c) Posting emergency procedures in preschool rooms and 21515  
making them available to school personnel, children, and parents; 21516

(d) Posting emergency numbers by each telephone; 21517

(e) Supervising grounds, play areas, and other facilities 21518  
when scheduled for use by children; 21519

(f) Providing first-aid facilities and materials. 21520

(2) Maintaining cumulative records for each child; 21521

(3) Supervising each child's admission, placement, and 21522  
withdrawal according to established procedures; 21523

(4) Preparing at least once annually for each group of 21524  
children in the program a roster of names and telephone numbers of 21525  
parents, guardians, and custodians of children in the group and, 21526  
on request, furnishing the roster for each group to the parents, 21527  
guardians, and custodians of children in that group. The director 21528

may prepare a similar roster of all children in the program and, 21529  
on request, make it available to the parents, guardians, and 21530  
custodians, of children in the program. The director shall not 21531  
include in either roster the name or telephone number of any 21532  
parent, guardian, or custodian who requests that the parent's, 21533  
guardian's, or custodian's name or number not be included, and 21534  
shall not furnish any roster to any person other than a parent, 21535  
guardian, or custodian of a child in the program. 21536

(5) Ensuring that clerical and custodial services are 21537  
provided for the program; 21538

(6) Supervising the instructional program and the daily 21539  
operation of the program; 21540

(7) Supervising and evaluating preschool staff members 21541  
according to a planned sequence of observations and evaluation 21542  
conferences, and supervising nonteaching employees. 21543

(B)(1) In each program the maximum number of children per 21544  
preschool staff member and the maximum group size by age category 21545  
of children shall be as follows: 21546

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	21547 21548 21549 21550 21551 21552 21553
12 months to less than 18 months	12	1:6	21554
18 months to less than 30 months	14	1:7	21555
30 months to less than 3 years	16	1:8	21556
3-year-olds	24	1:12	21557
4- and 5-year-olds not in school	28	1:14	21558

(2) When age groups are combined, the maximum number of 21559

children per preschool staff member shall be determined by the age 21560  
of the youngest child in the group, except that when no more than 21561  
one child thirty months of age or older receives child care in a 21562  
group in which all the other children are in the next older age 21563  
group, the maximum number of children per child-care staff member 21564  
and maximum group size requirements of the older age group 21565  
established under division (B)(1) of this section shall apply. 21566

(3) In a room where children are napping, if all the children 21567  
are at least eighteen months of age, the maximum number of 21568  
children per preschool staff member shall, for a period not to 21569  
exceed one and one-half hours in any twenty-four hour day, be 21570  
twice the maximum number of children per preschool staff member 21571  
established under division (B)(1) of this section if all the 21572  
following criteria are met: 21573

(a) At least one preschool staff member is present in the 21574  
room; 21575

(b) Sufficient preschool staff members are present on the 21576  
preschool program premises to comply with division (B)(1) of this 21577  
section; 21578

(c) Naptime preparations have been completed and the children 21579  
are resting or napping. 21580

(4) Any accredited program that uses the Montessori method 21581  
endorsed by the American Montessori society or the association 21582  
Montessori internationale as its primary method of instruction and 21583  
is licensed as a preschool program under section 3301.58 of the 21584  
Revised Code may combine preschool children of ages three to five 21585  
years old with children enrolled in kindergarten. Notwithstanding 21586  
anything to the contrary in division (B)(2) of this section, when 21587  
such age groups are combined, the maximum number of children per 21588  
preschool staff member shall be twelve and the maximum group size 21589  
shall be twenty-four children. 21590

(C) In each building in which a preschool program is operated 21591  
there shall be on the premises, and readily available at all 21592  
times, at least one employee who has completed a course in first 21593  
aid and in the prevention, recognition, and management of 21594  
communicable diseases which is approved by the state department of 21595  
health, and an employee who has completed a course in child abuse 21596  
recognition and prevention. 21597

(D) Any parent, guardian, or custodian of a child enrolled in 21598  
a preschool program shall be permitted unlimited access to the 21599  
school during its hours of operation to contact the parent's, 21600  
guardian's, or custodian's child, evaluate the care provided by 21601  
the program, or evaluate the premises, or for other purposes 21602  
approved by the director. Upon entering the premises, the parent, 21603  
guardian, or custodian shall report to the school office. 21604

**Sec. 3301.57.** (A) For the purpose of improving programs, 21605  
facilities, and implementation of the standards promulgated by the 21606  
state board of education under section 3301.53 of the Revised 21607  
Code, the state department of education shall provide consultation 21608  
and technical assistance to school districts, county DD boards, 21609  
community schools, and eligible nonpublic schools operating 21610  
preschool programs or school child programs, and inservice 21611  
training to preschool staff members, school child program staff 21612  
members, and nonteaching employees. 21613

(B) The department and the school district board of 21614  
education, county DD board, community school, or eligible 21615  
nonpublic school shall jointly monitor each preschool program and 21616  
each school child program. 21617

If the program receives any grant or other funding from the 21618  
state or federal government, the department annually shall monitor 21619  
all reports on attendance, financial support, and expenditures 21620  
according to provisions for use of the funds. 21621

(C) The department of education, at least once during every 21622  
twelve-month period of operation of a preschool program or a 21623  
licensed school child program, shall inspect the program and 21624  
provide a written inspection report to the superintendent of the 21625  
school district, county DD board, community school, or eligible 21626  
nonpublic school. The department may inspect any program more than 21627  
once, as considered necessary by the department, during any 21628  
twelve-month period of operation. All inspections may be 21629  
unannounced. No person shall interfere with any inspection 21630  
conducted pursuant to this division or to the rules adopted 21631  
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 21632

Upon receipt of any complaint that a preschool program or a 21633  
licensed school child program is out of compliance with the 21634  
requirements in sections 3301.52 to 3301.59 of the Revised Code or 21635  
the rules adopted under those sections, the department shall 21636  
investigate and may inspect the program. 21637

(D) If a preschool program or a licensed school child program 21638  
is determined to be out of compliance with the requirements of 21639  
sections 3301.52 to 3301.59 of the Revised Code or the rules 21640  
adopted under those sections, the department of education shall 21641  
notify the appropriate superintendent, county DD board, community 21642  
school, or eligible nonpublic school in writing regarding the 21643  
nature of the violation, what must be done to correct the 21644  
violation, and by what date the correction must be made. If the 21645  
correction is not made by the date established by the department, 21646  
it may commence action under Chapter 119. of the Revised Code to 21647  
close the program or to revoke the license of the program. If a 21648  
program does not comply with an order to cease operation issued in 21649  
accordance with Chapter 119. of the Revised Code, the department 21650  
shall notify the attorney general, the prosecuting attorney of the 21651  
county in which the program is located, or the city attorney, 21652  
village solicitor, or other chief legal officer of the municipal 21653

corporation in which the program is located that the program is 21654  
operating in violation of sections 3301.52 to 3301.59 of the 21655  
Revised Code or the rules adopted under those sections and in 21656  
violation of an order to cease operation issued in accordance with 21657  
Chapter 119. of the Revised Code. Upon receipt of the 21658  
notification, the attorney general, prosecuting attorney, city 21659  
attorney, village solicitor, or other chief legal officer shall 21660  
file a complaint in the court of common pleas of the county in 21661  
which the program is located requesting the court to issue an 21662  
order enjoining the program from operating. The court shall grant 21663  
the requested injunctive relief upon a showing that the program 21664  
named in the complaint is operating in violation of sections 21665  
3301.52 to 3301.59 of the Revised Code or the rules adopted under 21666  
those sections and in violation of an order to cease operation 21667  
issued in accordance with Chapter 119. of the Revised Code. 21668

(E) The department of education shall prepare an annual 21669  
report on inspections conducted under this section. The report 21670  
shall include the number of inspections conducted, the number and 21671  
types of violations found, and the steps taken to address the 21672  
violations. The department shall file the report with the 21673  
governor, the president and minority leader of the senate, and the 21674  
speaker and minority leader of the house of representatives on or 21675  
before the first day of January of each year, beginning in 1999. 21676

**Sec. 3301.58.** (A) The department of education is responsible 21677  
for the licensing of preschool programs and school child programs 21678  
and for the enforcement of sections 3301.52 to 3301.59 of the 21679  
Revised Code and of any rules adopted under those sections. No 21680  
school district board of education, county DD board, community 21681  
school, or eligible nonpublic school shall operate, establish, 21682  
manage, conduct, or maintain a preschool program without a license 21683  
issued under this section. A school district board of education, 21684  
county DD board, community school, or eligible nonpublic school 21685

may obtain a license under this section for a school child 21686  
program. The school district board of education, county DD board, 21687  
community school, or eligible nonpublic school shall post the 21688  
license for each preschool program and licensed school child 21689  
program it operates, establishes, manages, conducts, or maintains 21690  
in a conspicuous place in the preschool program or licensed school 21691  
child program that is accessible to parents, custodians, or 21692  
guardians and employees and staff members of the program at all 21693  
times when the program is in operation. 21694

(B) Any school district board of education, county DD board, 21695  
community school, or eligible nonpublic school that desires to 21696  
operate, establish, manage, conduct, or maintain a preschool 21697  
program shall apply to the department of education for a license 21698  
on a form that the department shall prescribe by rule. Any school 21699  
district board of education, county DD board, community school, or 21700  
eligible nonpublic school that desires to obtain a license for a 21701  
school child program shall apply to the department for a license 21702  
on a form that the department shall prescribe by rule. The 21703  
department shall provide at no charge to each applicant for a 21704  
license under this section a copy of the requirements under 21705  
sections 3301.52 to 3301.59 of the Revised Code and any rules 21706  
adopted under those sections. The department may establish 21707  
application fees by rule adopted under Chapter 119. of the Revised 21708  
Code, and all applicants for a license shall pay any fee 21709  
established by the department at the time of making an application 21710  
for a license. All fees collected pursuant to this section shall 21711  
be paid into the state treasury to the credit of the general 21712  
revenue fund. 21713

(C) Upon the filing of an application for a license, the 21714  
department of education shall investigate and inspect the 21715  
preschool program or school child program to determine the license 21716  
capacity for each age category of children of the program and to 21717

determine whether the program complies with sections 3301.52 to 21718  
3301.59 of the Revised Code and any rules adopted under those 21719  
sections. When, after investigation and inspection, the department 21720  
of education is satisfied that sections 3301.52 to 3301.59 of the 21721  
Revised Code and any rules adopted under those sections are 21722  
complied with by the applicant, the department of education shall 21723  
issue the program a provisional license as soon as practicable in 21724  
the form and manner prescribed by the rules of the department. The 21725  
provisional license shall be valid for one year from the date of 21726  
issuance unless revoked. 21727

(D) The department of education shall investigate and inspect 21728  
a preschool program or school child program that has been issued a 21729  
provisional license at least once during operation under the 21730  
provisional license. If, after the investigation and inspection, 21731  
the department of education determines that the requirements of 21732  
sections 3301.52 to 3301.59 of the Revised Code and any rules 21733  
adopted under those sections are met by the provisional licensee, 21734  
the department of education shall issue the program a license. The 21735  
license shall remain valid unless revoked or the program ceases 21736  
operations. 21737

(E) The department of education annually shall investigate 21738  
and inspect each preschool program or school child program 21739  
licensed under division (D) of this section to determine if the 21740  
requirements of sections 3301.52 to 3301.59 of the Revised Code 21741  
and any rules adopted under those sections are met by the program, 21742  
and shall notify the program of the results. 21743

(F) The license or provisional license shall state the name 21744  
of the school district board of education, county DD board, 21745  
community school, or eligible nonpublic school that operates the 21746  
preschool program or school child program and the license capacity 21747  
of the program. 21748

(G) The department of education may revoke the license of any 21749

preschool program or school child program that is not in 21750  
compliance with the requirements of sections 3301.52 to 3301.59 of 21751  
the Revised Code and any rules adopted under those sections. 21752

(H) If the department of education revokes a license, the 21753  
department shall not issue a license to the program within two 21754  
years from the date of the revocation. All actions of the 21755  
department with respect to licensing preschool programs and school 21756  
child programs shall be in accordance with Chapter 119. of the 21757  
Revised Code. 21758

**Sec. 3302.02.** Not later than one year after the adoption of 21759  
rules under division (D) of section 3301.0712 of the Revised Code 21760  
and at least every sixth year thereafter, upon recommendations of 21761  
the superintendent of public instruction, the state board of 21762  
education shall establish a set of performance indicators that 21763  
considered as a unit will be used as one of the performance 21764  
categories for the report cards required by section 3302.03 of the 21765  
Revised Code. In establishing these indicators, the superintendent 21766  
shall consider inclusion of student performance on assessments 21767  
prescribed under section 3301.0710 or 3301.0712 of the Revised 21768  
Code, rates of student improvement on such assessments, the 21769  
breadth of coursework available within the district, and other 21770  
indicators of student success. 21771

Beginning with the report card for the 2014-2015 school year, 21772  
the performance indicators shall include an indicator that 21773  
reflects the level of services provided to, and the performance 21774  
of, students identified as gifted under Chapter 3324. of the 21775  
Revised Code. The indicator shall include the performance of 21776  
students identified as gifted on state assessments and value-added 21777  
growth measure disaggregated for students identified as gifted. 21778

For the 2013-2014 school year, except as otherwise provided 21779  
in this section, for any indicator based on the percentage of 21780

students attaining a proficient score on the assessments 21781  
prescribed by divisions (A) and (B)(1) of section 3301.0710 of the 21782  
Revised Code, a school district or building shall be considered to 21783  
have met the indicator if at least eighty per cent of the tested 21784  
students attain a score of proficient or higher on the assessment. 21785  
A school district or building shall be considered to have met the 21786  
indicator for the assessments prescribed by division (B)(1) of 21787  
section 3301.0710 of the Revised Code and only as administered to 21788  
eleventh grade students, if at least eighty-five per cent of the 21789  
tested students attain a score of proficient or higher on the 21790  
assessment. ~~Not later than July 1, 2014, the~~ 21791

The state board ~~may~~ shall adopt rules, under Chapter 119. of 21792  
the Revised Code, to establish ~~different~~ proficiency percentages 21793  
to meet each indicator that is based on a state assessment, 21794  
prescribed under section 3301.0710 or 3301.0712 of the Revised 21795  
Code, for the 2014-2015 school year and thereafter by the 21796  
following dates: 21797

(A) Not later than January 15, 2016, for the 2014-2015 school 21798  
year; 21799

(B) Not later than July 1, 2016, for the 2015-2016 school 21800  
year; 21801

(C) Not later than July 1, 2017, for the 2016-2017 school 21802  
year, and for each school year thereafter. 21803

~~The superintendent shall not establish any performance~~ 21804  
~~indicator for passage of the third or fourth grade English~~ 21805  
~~language arts assessment that is solely based on the assessment~~ 21806  
~~given in the fall for the purpose of determining whether students~~ 21807  
~~have met the reading guarantee provisions of section 3313.608 of~~ 21808  
~~the Revised Code.~~ 21809

**Sec. 3302.03.** Annually, not later than the fifteenth day of 21810

September or the preceding Friday when that day falls on a 21811  
Saturday or Sunday, the department of education shall assign a 21812  
letter grade for overall academic performance and for each 21813  
separate performance measure for each school district, and each 21814  
school building in a district, in accordance with this section. 21815  
The state board shall adopt rules pursuant to Chapter 119. of the 21816  
Revised Code to establish performance criteria for each letter 21817  
grade and prescribe a method by which the department assigns each 21818  
letter grade. For a school building to which any of the 21819  
performance measures do not apply, due to grade levels served by 21820  
the building, the state board shall designate the performance 21821  
measures that are applicable to the building and that must be 21822  
calculated separately and used to calculate the building's overall 21823  
grade. The department shall issue annual report cards reflecting 21824  
the performance of each school district, each building within each 21825  
district, and for the state as a whole using the performance 21826  
measures and letter grade system described in this section. The 21827  
department shall include on the report card for each district and 21828  
each building within each district the most recent two-year trend 21829  
data in student achievement for each subject and each grade. 21830

(A)(1) For the 2012-2013 school year, the department shall 21831  
issue grades as described in division (E) of this section for each 21832  
of the following performance measures: 21833

(a) Annual measurable objectives; 21834

(b) Performance index score for a school district or 21835  
building. Grades shall be awarded as a percentage of the total 21836  
possible points on the performance index system as adopted by the 21837  
state board. In adopting benchmarks for assigning letter grades 21838  
under division (A)(1)(b) of this section, the state board of 21839  
education shall designate ninety per cent or higher for an "A," at 21840  
least seventy per cent but not more than eighty per cent for a 21841  
"C," and less than fifty per cent for an "F." 21842

(c) The extent to which the school district or building meets 21843  
each of the applicable performance indicators established by the 21844  
state board under section 3302.02 of the Revised Code and the 21845  
percentage of applicable performance indicators that have been 21846  
achieved. In adopting benchmarks for assigning letter grades under 21847  
division (A)(1)(c) of this section, the state board shall 21848  
designate ninety per cent or higher for an "A." 21849

(d) The four- and five-year adjusted cohort graduation rates. 21850  
  
In adopting benchmarks for assigning letter grades under 21851  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 21852  
department shall designate a four-year adjusted cohort graduation 21853  
rate of ninety-three per cent or higher for an "A" and a five-year 21854  
cohort graduation rate of ninety-five per cent or higher for an 21855  
"A." 21856

(e) The overall score under the value-added progress 21857  
dimension of a school district or building, for which the 21858  
department shall use up to three years of value-added data as 21859  
available. The letter grade assigned for this growth measure shall 21860  
be as follows: 21861

(i) A score that is at least two standard errors of measure 21862  
above the mean score shall be designated as an "A." 21863

(ii) A score that is at least one standard error of measure 21864  
but less than two standard errors of measure above the mean score 21865  
shall be designated as a "B." 21866

(iii) A score that is less than one standard error of measure 21867  
above the mean score but greater than or equal to one standard 21868  
error of measure below the mean score shall be designated as a 21869  
"C." 21870

(iv) A score that is not greater than one standard error of 21871  
measure below the mean score but is greater than or equal to two 21872  
standard errors of measure below the mean score shall be 21873

designated as a "D." 21874

(v) A score that is not greater than two standard errors of 21875  
measure below the mean score shall be designated as an "F." 21876

Whenever the value-added progress dimension is used as a 21877  
graded performance measure, whether as an overall measure or as a 21878  
measure of separate subgroups, the grades for the measure shall be 21879  
calculated in the same manner as prescribed in division (A)(1)(e) 21880  
of this section. 21881

(f) The value-added progress dimension score for a school 21882  
district or building disaggregated for each of the following 21883  
subgroups: students identified as gifted, students with 21884  
disabilities, and students whose performance places them in the 21885  
lowest quintile for achievement on a statewide basis. Each 21886  
subgroup shall be a separate graded measure. 21887

(2) Not later than April 30, 2013, the state board of 21888  
education shall adopt a resolution describing the performance 21889  
measures, benchmarks, and grading system for the 2012-2013 school 21890  
year and, not later than June 30, 2013, shall adopt rules in 21891  
accordance with Chapter 119. of the Revised Code that prescribe 21892  
the methods by which the performance measures under division 21893  
(A)(1) of this section shall be assessed and assigned a letter 21894  
grade, including performance benchmarks for each letter grade. 21895

At least forty-five days prior to the state board's adoption 21896  
of rules to prescribe the methods by which the performance 21897  
measures under division (A)(1) of this section shall be assessed 21898  
and assigned a letter grade, the department shall conduct a public 21899  
presentation before the standing committees of the house of 21900  
representatives and the senate that consider education legislation 21901  
describing such methods, including performance benchmarks. 21902

(3) There shall not be an overall letter grade for a school 21903  
district or building for the 2012-2013 school year. 21904

(B)(1) For the 2013-2014 school year, the department shall 21905  
issue grades as described in division (E) of this section for each 21906  
of the following performance measures: 21907

(a) Annual measurable objectives; 21908

(b) Performance index score for a school district or 21909  
building. Grades shall be awarded as a percentage of the total 21910  
possible points on the performance index system as created by the 21911  
department. In adopting benchmarks for assigning letter grades 21912  
under division (B)(1)(b) of this section, the state board shall 21913  
designate ninety per cent or higher for an "A," at least seventy 21914  
per cent but not more than eighty per cent for a "C," and less 21915  
than fifty per cent for an "F." 21916

(c) The extent to which the school district or building meets 21917  
each of the applicable performance indicators established by the 21918  
state board under section 3302.03 of the Revised Code and the 21919  
percentage of applicable performance indicators that have been 21920  
achieved. In adopting benchmarks for assigning letter grades under 21921  
division (B)(1)(c) of this section, the state board shall 21922  
designate ninety per cent or higher for an "A." 21923

(d) The four- and five-year adjusted cohort graduation rates; 21924

(e) The overall score under the value-added progress 21925  
dimension of a school district or building, for which the 21926  
department shall use up to three years of value-added data as 21927  
available. 21928

(f) The value-added progress dimension score for a school 21929  
district or building disaggregated for each of the following 21930  
subgroups: students identified as gifted in superior cognitive 21931  
ability and specific academic ability fields under Chapter 3324. 21932  
of the Revised Code, students with disabilities, and students 21933  
whose performance places them in the lowest quintile for 21934  
achievement on a statewide basis. Each subgroup shall be a 21935

separate graded measure. 21936

(g) Whether a school district or building is making progress 21937  
in improving literacy in grades kindergarten through three, as 21938  
determined using a method prescribed by the state board. The state 21939  
board shall adopt rules to prescribe benchmarks and standards for 21940  
assigning grades to districts and buildings for purposes of 21941  
division (B)(1)(g) of this section. In adopting benchmarks for 21942  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 21943  
this section, the state board shall determine progress made based 21944  
on the reduction in the total percentage of students scoring below 21945  
grade level, or below proficient, compared from year to year on 21946  
the reading and writing diagnostic assessments administered under 21947  
section 3301.0715 of the Revised Code and the third grade English 21948  
language arts assessment under section 3301.0710 of the Revised 21949  
Code, as applicable. The state board shall designate for a "C" 21950  
grade a value that is not lower than the statewide average value 21951  
for this measure. No grade shall be issued under divisions 21952  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 21953  
in which less than five per cent of students have scored below 21954  
grade level on the diagnostic assessment administered to students 21955  
in kindergarten under division (B)(1) of section 3313.608 of the 21956  
Revised Code. 21957

(h) For a high mobility school district or building, an 21958  
additional value-added progress dimension score. For this measure, 21959  
the department shall use value-added data from the most recent 21960  
school year available and shall use assessment scores for only 21961  
those students to whom the district or building has administered 21962  
the assessments prescribed by section 3301.0710 of the Revised 21963  
Code for each of the two most recent consecutive school years. 21964

As used in this division, "high mobility school district or 21965  
building" means a school district or building where at least 21966  
twenty-five per cent of its total enrollment is made up of 21967

students who have attended that school district or building for 21968  
less than one year. 21969

(2) In addition to the graded measures in division (B)(1) of 21970  
this section, the department shall include on a school district's 21971  
or building's report card all of the following without an assigned 21972  
letter grade: 21973

(a) The percentage of students enrolled in a district or 21974  
building participating in advanced placement classes and the 21975  
percentage of those students who received a score of three or 21976  
better on advanced placement examinations; 21977

(b) The number of a district's or building's students who 21978  
have earned at least three college credits through dual enrollment 21979  
or advanced standing programs, such as the post-secondary 21980  
enrollment options program under Chapter 3365. of the Revised Code 21981  
and state-approved career-technical courses offered through dual 21982  
enrollment or statewide articulation, that appear on a student's 21983  
transcript or other official document, either of which is issued 21984  
by the institution of higher education from which the student 21985  
earned the college credit. The credits earned that are reported 21986  
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 21987  
include any that are remedial or developmental and shall include 21988  
those that count toward the curriculum requirements established 21989  
for completion of a degree. 21990

(c) The percentage of students enrolled in a district or 21991  
building who have taken a national standardized test used for 21992  
college admission determinations and the percentage of those 21993  
students who are determined to be remediation-free in accordance 21994  
with standards adopted under division (F) of section 3345.061 of 21995  
the Revised Code; 21996

(d) The percentage of the district's or the building's 21997  
students who receive industry-recognized credentials. The state 21998

board shall adopt criteria for acceptable industry-recognized 21999  
credentials. 22000

(e) The percentage of students enrolled in a district or 22001  
building who are participating in an international baccalaureate 22002  
program and the percentage of those students who receive a score 22003  
of four or better on the international baccalaureate examinations. 22004

(f) The percentage of the district's or building's students 22005  
who receive an honors diploma under division (B) of section 22006  
3313.61 of the Revised Code. 22007

(3) Not later than December 31, 2013, the state board shall 22008  
adopt rules in accordance with Chapter 119. of the Revised Code 22009  
that prescribe the methods by which the performance measures under 22010  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 22011  
and assigned a letter grade, including performance benchmarks for 22012  
each grade. 22013

At least forty-five days prior to the state board's adoption 22014  
of rules to prescribe the methods by which the performance 22015  
measures under division (B)(1) of this section shall be assessed 22016  
and assigned a letter grade, the department shall conduct a public 22017  
presentation before the standing committees of the house of 22018  
representatives and the senate that consider education legislation 22019  
describing such methods, including performance benchmarks. 22020

(4) There shall not be an overall letter grade for a school 22021  
district or building for the 2013-2014 school year. 22022

(C)(1) For the 2014-2015 school year and each school year 22023  
thereafter, the department shall issue grades as described in 22024  
division (E) of this section for each of the performance measures 22025  
prescribed in division (C)(1) of this section and an overall 22026  
letter grade based on an aggregate of those measures, except for 22027  
the performance measure set forth in division (C)(1)~~(h)~~(i) of this 22028  
section. The graded measures are as follows: 22029

(a) Annual measurable objectives;	22030
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	22031 22032 22033 22034 22035 22036 22037 22038
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."	22039 22040 22041 22042 22043 22044 22045
(d) The four- and five-year adjusted cohort graduation rates;	22046
(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years of value-added data as available.	22047 22048 22049 22050 22051
In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C)(1)(e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C)(1)(f) of this section is a "B" or higher.	22052 22053 22054 22055 22056 22057 22058
<u>Beginning with the report cards issued for the 2015-2016 school year, the overall score under the value-added progress</u>	22059 22060

dimension under division (C)(1)(e) of this section shall include 22061  
the high school academic progress data prescribed under division 22062  
(D) of this section. 22063

For the metric prescribed by division (C)(1)(e) of this 22064  
section, the state board may adopt a student academic progress 22065  
measure to be used instead of the value-added progress dimension. 22066  
If the state board adopts such a measure, it also shall prescribe 22067  
a method for assigning letter grades for the new measure that is 22068  
comparable to the method prescribed in division (A)(1)(e) of this 22069  
section. 22070

(f) The value-added progress dimension score of a school 22071  
district or building disaggregated for each of the following 22072  
subgroups: students identified as gifted in superior cognitive 22073  
ability and specific academic ability fields under Chapter 3324. 22074  
of the Revised Code, students with disabilities, and students 22075  
whose performance places them in the lowest quintile for 22076  
achievement on a statewide basis, as determined by a method 22077  
prescribed by the state board. Each subgroup shall be a separate 22078  
graded measure. 22079

Beginning with the report cards issued for the 2015-2016 22080  
school year, the disaggregated value-added progress dimension 22081  
scores under division (C)(1)(f) of this section shall include the 22082  
high school academic progress data prescribed under division (D) 22083  
of this section, disaggregated by subgroup. 22084

The state board may adopt student academic progress measures 22085  
to be used instead of the value-added progress dimension. If the 22086  
state board adopts such measures, it also shall prescribe a method 22087  
for assigning letter grades for the new measures that is 22088  
comparable to the method prescribed in division (A)(1)(e) of this 22089  
section. 22090

(g) Whether a school district or building is making progress 22091

in improving literacy in grades kindergarten through three, as 22092  
determined using a method prescribed by the state board. The state 22093  
board shall adopt rules to prescribe benchmarks and standards for 22094  
assigning grades to a district or building for purposes of 22095  
division (C)(1)(g) of this section. The state board shall 22096  
designate for a "C" grade a value that is not lower than the 22097  
previous year's statewide average value for this measure. No grade 22098  
shall be issued under division (C)(1)(g) of this section for a 22099  
district or building in which less than five per cent of students 22100  
have scored below grade level on the kindergarten diagnostic 22101  
assessment under division (B)(1) of section 3313.608 of the 22102  
Revised Code, unless five per cent or more of students fail to 22103  
score proficient or above on the English language arts assessment 22104  
prescribed under division (A)(1)(a) of section 3301.0710 of the 22105  
Revised Code. 22106

(h) The percentage of students in the third grade to whom 22107  
both of the following apply: 22108

(i) The student has never been retained under section 22109  
3313.608 of the Revised Code and is promoted to the fourth grade. 22110

(ii) The student is not exempt from the retention provision 22111  
of section 3313.608 of the Revised Code, as prescribed in 22112  
divisions (A)(2)(a) to (e) of that section. 22113

In adopting benchmarks for assigning a letter grade under 22114  
division (C)(1)(h) of this section, the state board shall 22115  
designate ninety-seven per cent or higher for an "A." 22116

(i) For a high mobility school district or building, an 22117  
additional value-added progress dimension score. For this measure, 22118  
the department shall use value-added data from the most recent 22119  
school year available and shall use assessment scores for only 22120  
those students to whom the district or building has administered 22121  
the assessments prescribed by section 3301.0710 of the Revised 22122

Code for each of the two most recent consecutive school years. 22123

As used in this division, "high mobility school district or 22124  
building" means a school district or building where at least 22125  
twenty-five per cent of its total enrollment is made up of 22126  
students who have attended that school district or building for 22127  
less than one year. 22128

(2) In addition to the graded measures in division (C)(1) of 22129  
this section, the department shall include on a school district's 22130  
or building's report card all of the following without an assigned 22131  
letter grade: 22132

(a) The percentage of students enrolled in a district or 22133  
building who have taken a national standardized test used for 22134  
college admission determinations and the percentage of those 22135  
students who are determined to be remediation-free in accordance 22136  
with the standards adopted under division (F) of section 3345.061 22137  
of the Revised Code; 22138

(b) The percentage of students enrolled in a district or 22139  
building participating in advanced placement classes and the 22140  
percentage of those students who received a score of three or 22141  
better on advanced placement examinations; 22142

(c) The percentage of a district's or building's students who 22143  
have earned at least three college credits through advanced 22144  
standing programs, such as the college credit plus program under 22145  
Chapter 3365. of the Revised Code and state-approved 22146  
career-technical courses offered through dual enrollment or 22147  
statewide articulation, that appear on a student's college 22148  
transcript issued by the institution of higher education from 22149  
which the student earned the college credit. The credits earned 22150  
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 22151  
section shall not include any that are remedial or developmental 22152  
and shall include those that count toward the curriculum 22153

requirements established for completion of a degree.	22154
(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;	22155 22156 22157
(e) The percentage of the district's or building's students who receive industry-recognized credentials;	22158 22159
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	22160 22161 22162 22163
(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code.	22164 22165 22166
(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2014-2015 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:	22167 22168 22169 22170 22171 22172
(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;	22173 22174
(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;	22175 22176
(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;	22177 22178
(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;	22179 22180
(e) <del>Kindergarten through third grade</del> <u>Early</u> literacy, which shall include the performance <del>measure</del> <u>measures</u> in <del>division</del> <u>divisions</u> (C)(1)(g) <u>and (h)</u> of this section;	22181 22182 22183

(f) Prepared for success, which shall include the performance 22184  
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 22185  
this section. The state board shall develop a method to determine 22186  
a grade for the component in division (C)(3)(f) of this section 22187  
using the performance measures in divisions (C)(2)(a), (b), (c), 22188  
(d), (e), and (f) of this section. When available, the state board 22189  
may incorporate the performance measure under division (C)(2)(g) 22190  
of this section into the component under division (C)(3)(f) of 22191  
this section. When determining the overall grade for the prepared 22192  
for success component prescribed by division (C)(3)(f) of this 22193  
section, no individual student shall be counted in more than one 22194  
performance measure. However, if a student qualifies for more than 22195  
one performance measure in the component, the state board may, in 22196  
its method to determine a grade for the component, specify an 22197  
additional weight for such a student that is not greater than or 22198  
equal to 1.0. In determining the overall score under division 22199  
(C)(3)(f) of this section, the state board shall ensure that the 22200  
pool of students included in the performance measures aggregated 22201  
under that division are all of the students included in the ~~four-~~ 22202  
~~and five-year~~ four-year adjusted graduation cohort. 22203

In the rules adopted under division (C)(3) of this section, 22204  
the state board shall adopt a method for determining a grade for 22205  
each component in divisions (C)(3)(a) to (f) of this section. The 22206  
state board also shall establish a method to assign an overall 22207  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 22208  
each component. The method the state board adopts for assigning an 22209  
overall grade shall give equal weight to the components in 22210  
divisions (C)(3)(b) and (c) of this section. 22211

At least forty-five days prior to the state board's adoption 22212  
of rules to prescribe the methods for calculating the overall 22213  
grade for the report card, as required by this division, the 22214  
department shall conduct a public presentation before the standing 22215

committees of the house of representatives and the senate that 22216  
consider education legislation describing the format for the 22217  
report card, weights that will be assigned to the components of 22218  
the overall grade, and the method for calculating the overall 22219  
grade. 22220

(D) Not later than July 1, 2015, the ~~state board~~ department 22221  
shall develop a ~~measure of~~ method to determine student academic 22222  
progress for high school students using ~~only data from assessments~~ 22223  
~~in English language arts and mathematics. For the 2014-2015 school~~ 22224  
~~year, the department shall include this measure on a school~~ 22225  
~~district or building's report card, as applicable, without an~~ 22226  
~~assigned letter grade. Beginning with the report card for the~~ 22227  
~~2015-2016 school year, each school district and applicable school~~ 22228  
~~building shall be assigned a separate letter grade for this~~ 22229  
~~measure and the district's or building's grade for that measure~~ 22230  
~~shall be included in determining the district's or building's~~ 22231  
~~overall letter grade. This measure shall be included within the~~ 22232  
~~measure prescribed in division (C)(3)(c) of this section in the~~ 22233  
~~calculation for the overall letter grade~~ the results of the 22234  
end-of-course examinations in English language arts and 22235  
mathematics required under division (B)(2) of section 3301.0712 of 22236  
the Revised Code and a method to include such data in determining 22237  
the grades for the progress measures prescribed by divisions 22238  
(C)(1)(e) and (f) of this section. This high school academic 22239  
progress data shall be included in the grades for the measures 22240  
prescribed by divisions (C)(1)(e) and (f) of this section 22241  
beginning with the report card issued for the 2015-2016 school 22242  
year. 22243

(E) The letter grades assigned to a school district or 22244  
building under this section shall be as follows: 22245

(1) "A" for a district or school making excellent progress; 22246

(2) "B" for a district or school making above average 22247

progress;	22248
(3) "C" for a district or school making average progress;	22249
(4) "D" for a district or school making below average progress;	22250 22251
(5) "F" for a district or school failing to meet minimum progress.	22252 22253
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	22254 22255 22256
(1) Performance of students by grade-level;	22257
(2) Performance of students by race and ethnic group;	22258
(3) Performance of students by gender;	22259
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	22260 22261
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	22262 22263 22264
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	22265 22266
(7) Performance of students grouped by those who are economically disadvantaged;	22267 22268
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	22269 22270 22271
(9) Performance of students grouped by those who are classified as limited English proficient;	22272 22273
(10) Performance of students grouped by those who have disabilities;	22274 22275

(11) Performance of students grouped by those who are 22276  
classified as migrants; 22277

(12) Performance of students grouped by those who are 22278  
identified as gifted in superior cognitive ability and the 22279  
specific academic ability fields of reading and math pursuant to 22280  
Chapter 3324. of the Revised Code. In disaggregating specific 22281  
academic ability fields for gifted students, the department shall 22282  
use data for those students with specific academic ability in math 22283  
and reading. If any other academic field is assessed, the 22284  
department shall also include data for students with specific 22285  
academic ability in that field as well. 22286

(13) Performance of students grouped by those who perform in 22287  
the lowest quintile for achievement on a statewide basis, as 22288  
determined by a method prescribed by the state board. 22289

The department may disaggregate data on student performance 22290  
according to other categories that the department determines are 22291  
appropriate. To the extent possible, the department shall 22292  
disaggregate data on student performance according to any 22293  
combinations of two or more of the categories listed in divisions 22294  
(F)(1) to (13) of this section that it deems relevant. 22295

In reporting data pursuant to division (F) of this section, 22296  
the department shall not include in the report cards any data 22297  
statistical in nature that is statistically unreliable or that 22298  
could result in the identification of individual students. For 22299  
this purpose, the department shall not report student performance 22300  
data for any group identified in division (F) of this section that 22301  
contains less than ten students. If the department does not report 22302  
student performance data for a group because it contains less than 22303  
ten students, the department shall indicate on the report card 22304  
that is why data was not reported. 22305

(G) The department may include with the report cards any 22306

additional education and fiscal performance data it deems 22307  
valuable. 22308

(H) The department shall include on each report card a list 22309  
of additional information collected by the department that is 22310  
available regarding the district or building for which the report 22311  
card is issued. When available, such additional information shall 22312  
include student mobility data disaggregated by race and 22313  
socioeconomic status, college enrollment data, and the reports 22314  
prepared under section 3302.031 of the Revised Code. 22315

The department shall maintain a site on the world wide web. 22316  
The report card shall include the address of the site and shall 22317  
specify that such additional information is available to the 22318  
public at that site. The department shall also provide a copy of 22319  
each item on the list to the superintendent of each school 22320  
district. The district superintendent shall provide a copy of any 22321  
item on the list to anyone who requests it. 22322

(I) Division (I) of this section does not apply to conversion 22323  
community schools that primarily enroll students between sixteen 22324  
and twenty-two years of age who dropped out of high school or are 22325  
at risk of dropping out of high school due to poor attendance, 22326  
disciplinary problems, or suspensions. 22327

(1) For any district that sponsors a conversion community 22328  
school under Chapter 3314. of the Revised Code, the department 22329  
shall combine data regarding the academic performance of students 22330  
enrolled in the community school with comparable data from the 22331  
schools of the district for the purpose of determining the 22332  
performance of the district as a whole on the report card issued 22333  
for the district under this section or section 3302.033 of the 22334  
Revised Code. 22335

(2) Any district that leases a building to a community school 22336  
located in the district or that enters into an agreement with a 22337

community school located in the district whereby the district and 22338  
the school endorse each other's programs may elect to have data 22339  
regarding the academic performance of students enrolled in the 22340  
community school combined with comparable data from the schools of 22341  
the district for the purpose of determining the performance of the 22342  
district as a whole on the district report card. Any district that 22343  
so elects shall annually file a copy of the lease or agreement 22344  
with the department. 22345

(3) Any municipal school district, as defined in section 22346  
3311.71 of the Revised Code, that sponsors a community school 22347  
located within the district's territory, or that enters into an 22348  
agreement with a community school located within the district's 22349  
territory whereby the district and the community school endorse 22350  
each other's programs, may exercise either or both of the 22351  
following elections: 22352

(a) To have data regarding the academic performance of 22353  
students enrolled in that community school combined with 22354  
comparable data from the schools of the district for the purpose 22355  
of determining the performance of the district as a whole on the 22356  
district's report card; 22357

(b) To have the number of students attending that community 22358  
school noted separately on the district's report card. 22359

The election authorized under division (I)(3)(a) of this 22360  
section is subject to approval by the governing authority of the 22361  
community school. 22362

Any municipal school district that exercises an election to 22363  
combine or include data under division (I)(3) of this section, by 22364  
the first day of October of each year, shall file with the 22365  
department documentation indicating eligibility for that election, 22366  
as required by the department. 22367

(J) The department shall include on each report card the 22368

percentage of teachers in the district or building who are highly 22369  
qualified, as defined by the No Child Left Behind Act of 2001, and 22370  
a comparison of that percentage with the percentages of such 22371  
teachers in similar districts and buildings. 22372

(K)(1) In calculating English language arts, mathematics, 22373  
social studies, or science assessment passage rates used to 22374  
determine school district or building performance under this 22375  
section, the department shall include all students taking an 22376  
assessment with accommodation or to whom an alternate assessment 22377  
is administered pursuant to division (C)(1) or (3) of section 22378  
3301.0711 of the Revised Code. 22379

(2) In calculating performance index scores, rates of 22380  
achievement on the performance indicators established by the state 22381  
board under section 3302.02 of the Revised Code, and annual 22382  
measurable objectives for determining adequate yearly progress for 22383  
school districts and buildings under this section, the department 22384  
shall do all of the following: 22385

(a) Include for each district or building only those students 22386  
who are included in the ADM certified for the first full school 22387  
week of October and are continuously enrolled in the district or 22388  
building through the time of the spring administration of any 22389  
assessment prescribed by division (A)(1) or (B)(1) of section 22390  
3301.0710 or division (B) of section 3301.0712 of the Revised Code 22391  
that is administered to the student's grade level; 22392

(b) Include cumulative totals from both the fall and spring 22393  
administrations of the third grade English language arts 22394  
achievement assessment; 22395

(c) Except as required by the No Child Left Behind Act of 22396  
2001, exclude for each district or building any limited English 22397  
proficient student who has been enrolled in United States schools 22398  
for less than one full school year. 22399

(L) Beginning with the 2015-2016 school year and at least 22400  
once every three years thereafter, the state board of education 22401  
shall review and may adjust the benchmarks for assigning letter 22402  
grades to the performance measures and components prescribed under 22403  
divisions (C)(3) and (D) of this section. 22404

**Sec. 3302.034.** (A) Not later than December 31, 2013, the 22405  
state board of education shall adopt and specify measures in 22406  
addition to those included on the report card issued under section 22407  
3302.03 of the Revised Code. The measures adopted under this 22408  
section shall be reported separately, as specified under division 22409  
(B) of this section, for each school district, each building in a 22410  
district, each community school established under Chapter 3314., 22411  
each STEM school established under Chapter 3326., and each 22412  
college-preparatory boarding school established under Chapter 22413  
3328. of the Revised Code. The measures shall include at least the 22414  
following: 22415

(1) Data for students who have passed over a grade or subject 22416  
area under an acceleration policy prescribed under section 3324.10 22417  
of the Revised Code; 22418

(2) The number of students who are economically disadvantaged 22419  
as determined by the department of education; 22420

(3) The number of lead teachers employed by each district and 22421  
each building once the data is available through the education 22422  
management information system established under section 3301.0714 22423  
of the Revised Code; 22424

(4) The amount of students screened and identified as gifted 22425  
under Chapter 3324. of the Revised Code; 22426

(5) Postgraduate student outcome data as described under 22427  
division (E)(2)(d)(ii) of section 3314.017 of the Revised Code; 22428

(6) Availability of courses in fine arts; 22429

(7) Participation with other school districts to provide 22430  
career-technical education services to students+ 22431

~~(8) The amount of extracurricular services offered to 22432  
students. 22433~~

(B) The department shall report this information annually 22434  
beginning with the 2013-2014 school year and make this information 22435  
available on its web site for comparison purposes. 22436

**Sec. 3302.15.** (A) Notwithstanding anything to the contrary in 22437  
Chapter 3301. or 3302. of the Revised Code, the board of education 22438  
of a school district, governing authority of a community school 22439  
established under Chapter 3314. of the Revised Code, or governing 22440  
body of a STEM school established under Chapter 3326. of the 22441  
Revised Code may submit to the superintendent of public 22442  
instruction, during the 2015-2016 school year, a request for a 22443  
waiver for up to five school years from administering the state 22444  
achievement assessments required under sections 3301.0710 and 22445  
3301.0712 of the Revised Code and related requirements specified 22446  
under division ~~(C)~~(B)(2) of this section. A district or school 22447  
that obtains a waiver under this section shall use the alternative 22448  
assessment system, as proposed by the district or school and as 22449  
approved by the state superintendent, in place of the assessments 22450  
required under sections 3301.0710 and 3301.0712 of the Revised 22451  
Code. 22452

~~(B) To be eligible to submit a request for a waiver under 22453  
this section, a school district shall be a member of the Ohio 22454  
innovation lab network. 22455~~

~~(C)~~(1) A request for a waiver under this section shall 22456  
contain the following: 22457

(a) A timeline to develop and implement an alternative 22458  
assessment system for the ~~school~~ district or school; 22459

(b) An overview of the proposed <u>innovative</u> educational programs or strategies to be offered by the <del>school</del> district <u>or school</u> ;	22460
	22461
	22462
(c) An overview of the proposed alternative assessment system, <del>including links to state accepted and nationally accepted metrics, assessments, and evaluations;</del>	22463
	22464
	22465
(d) An overview of planning details that have been implemented or proposed and any documented support from educational networks, established educational consultants, state institutions of higher education as defined under section 3345.011 of the Revised Code, and employers or workforce development partners;	22466
	22467
	22468
	22469
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	22471
(e) An overview of the capacity to implement the alternative assessments, conduct the evaluation of teachers with alternative assessments, and the reporting of student achievement data with alternative assessments for the purpose of the report card ratings prescribed under section 3302.03 of the Revised Code, all of which shall include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices;	22472
	22473
	22474
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	22479
(f) An acknowledgement by the <del>school</del> district <u>or school</u> of federal funding that may be impacted by obtaining a waiver.	22480
	22481
(2) The request for a waiver shall indicate the extent to which exemptions from state or federal requirements regarding the administration of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code are sought. Such items from which a <del>school</del> district or school may be exempt are as follows:	22482
	22483
	22484
	22485
	22486
	22487
(a) The required administration of state assessments under sections 3301.0710 and 3301.0712 of the Revised Code;	22488
	22489
(b) The evaluation of teachers and administrators under	22490

sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 22491  
of the Revised Code; 22492

(c) The reporting of student achievement data for the purpose 22493  
of the report card ratings prescribed under section 3302.03 of the 22494  
Revised Code. 22495

~~(D)~~(C) Each request for a waiver shall include the signature 22496  
of all of the following: 22497

(1) The superintendent of the school district or the 22498  
equivalent for a community school or STEM school; 22499

(2) The president of the district board or the equivalent for 22500  
a community school or STEM school; 22501

(3) The presiding officer of the labor organization 22502  
representing the district's or school's teachers, if any; 22503

(4) If the district's or school's teachers are not 22504  
represented by a labor organization, the principal and a majority 22505  
of the administrators and teachers of the district or school. 22506

~~(E)~~ ~~Not later than thirty days after receiving~~ (D) Upon 22507  
receipt of a request for a waiver, the state superintendent shall 22508  
approve or deny the waiver or may request additional information 22509  
from the district or school. The state superintendent shall not 22510  
grant waivers to more than a total of ten ~~school~~ districts, 22511  
community schools, or STEM schools, based on requests for a waiver 22512  
received during the 2015-2016 school year. A waiver granted to a 22513  
~~school~~ district or school shall be contingent on an ongoing review 22514  
and evaluation by the state superintendent of the program for 22515  
which the waiver was granted. 22516

~~(F)~~(E)(1) For the purpose of this section, the department of 22517  
education shall seek a waiver from the testing requirements 22518  
prescribed under the "No Child Left Behind Act of 2001," if 22519  
necessary to implement this section. 22520

(2) The department shall create a mechanism for the 22521  
comparison of the alternative assessments prescribed under 22522  
division ~~(C)~~(B) of this section and the assessments required under 22523  
sections 3301.0710 and 3301.0712 of the Revised Code as it relates 22524  
to the evaluation of teachers and student achievement data for the 22525  
purpose of state report card ratings. 22526

(F) For purposes of this section, "innovative educational 22527  
program or strategy" means a program or strategy using a new idea 22528  
or method aimed at increasing student engagement and preparing 22529  
students to be college or career ready. 22530

Sec. 3302.16. (A) As used in this section, "high-performing 22531  
school district" means a city, local, or exempted village school 22532  
district, including a municipal school district as defined in 22533  
section 3311.71 of the Revised Code, or a joint vocational school 22534  
district that meets all of the following performance criteria for 22535  
the two most recent school years for which data is available: 22536

(1) The district received a grade of "A" for the overall 22537  
value-added progress dimension under division (C)(1)(a) of section 22538  
3302.03 of the Revised Code. 22539

(2) Not less than ninety-five per cent of third grade 22540  
students enrolled in the district scored proficient or higher on 22541  
the third grade English language arts assessment prescribed by 22542  
division (A)(1)(a) of section 3301.0710 of the Revised Code. 22543

(3) The district had a four-year cohort graduation rate of 22544  
ninety-three per cent or higher. 22545

For the purpose of determining whether a joint vocational 22546  
school district is considered a high-performing school district 22547  
under this division, the department of education shall develop 22548  
performance criteria that are equivalent to those described in 22549  
divisions (A)(1) to (3) of this section for joint vocational 22550

school districts, based on report cards issued under section 22551  
3302.033 of Revised Code. 22552

(B) Beginning with the 2017-2018 school year, in addition to 22553  
the conditions prescribed in division (A) of this section, to be 22554  
qualified as a "high-performing school district," for purposes of 22555  
this section, not less than seventy-five per cent of students 22556  
enrolled in the district included in the four-year adjusted cohort 22557  
graduation rate shall be remediation-free in accordance with 22558  
standards adopted under division (F) of section 3345.061 of the 22559  
Revised Code on the nationally standardized assessments prescribed 22560  
by division (B)(1) of section 3301.0712 of the Revised Code. 22561

(C) A school district that meets the requirements prescribed 22562  
by division (A), and division (B) when applicable, of this section 22563  
shall be considered high-performing for three years unless the 22564  
district fails to meet the requirement in division (A)(2) of this 22565  
section. Failure to meet that measure shall result in an immediate 22566  
loss of high-performing status for the district. 22567

(D) Notwithstanding anything to the contrary in the Revised 22568  
Code, beginning in the 2016-2017 school year, the board of 22569  
education of a high-performing school district shall be exempt 22570  
from all of the following: 22571

(1) The teacher credential qualification requirements under 22572  
the third-grade reading guarantee, as prescribed under divisions 22573  
(B)(3)(c) and (H) of section 3313.608 of the Revised Code. This 22574  
exemption does not relieve a teacher from holding a valid Ohio 22575  
license, as defined in section 3319.31 of the Revised Code, in a 22576  
subject area and grade level determined appropriate by the board 22577  
of education of that district. 22578

(2) Any provision of the Revised Code or rule or standard of 22579  
the state board of education prescribing a minimum or maximum 22580  
class size; 22581

<u>(3) The requirement to have a service agreement with an educational service center under division (B)(1) of section 3313.843 of the Revised Code;</u>	22582
	22583
	22584
<u>(4) The requirement to consult with an educational service center to provide services to children with disabilities in division (C) of section 3317.15 of the Revised Code.</u>	22585
	22586
	22587
<u>(E) A high-performing school district may permit qualified individuals who do not have a valid Ohio license, as defined in section 3319.31 of the Revised Code, to teach classes for not more than a total of forty hours a week in accordance with section 3319.301 of the Revised Code.</u>	22588
	22589
	22590
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<u>In order to qualify for an exemption from the provisions listed in divisions (D) and (E) of this section, the board of education of a high-performing school district must elect to do so by resolution.</u>	22593
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<u>(F) Beginning in the 2016-2017 school year, a high-performing school district may apply for, and the superintendent of public instruction may issue, a waiver that exempts a high-performing school district from provisions of the Revised Code or rules or standards of the state board not specified in this section. The state superintendent shall consider every application for a waiver and determine whether to grant or deny a waiver on a case-by-case basis.</u>	22597
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<u>(G) Notwithstanding anything to the contrary in the Revised Code, noncompliance with any of the requirements listed in divisions (D) and (E) of this section shall not disqualify a high-performing school district from receiving funds under Chapter 3317. of the Revised Code.</u>	22605
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<u>Sec. 3302.42. (A) The competency-based education pilot program is hereby established. Under the program, the department</u>	22610
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of education shall provide grants to city, local, and exempted 22612  
village school districts, including municipal school districts as 22613  
defined in section 3311.71 of the Revised Code, joint vocational 22614  
school districts, community schools established under Chapter 22615  
3314. of the Revised Code, and STEM schools established under 22616  
Chapter 3326. of the Revised Code for designing and implementing 22617  
competency-based models of education for their students during the 22618  
2016-2017, 2017-2018, and 2018-2019 school years. 22619

(B)(1) A district, community school, or STEM school shall 22620  
submit an application to participate in the competency-based 22621  
education pilot program to the department not later than November 22622  
1, 2015. The application shall be submitted in a form and manner 22623  
prescribed by the department. 22624

(2) Not later than January 31, 2016, the department shall 22625  
select not more than ten districts or schools to participate in 22626  
the program. The department shall require a district or school to 22627  
agree to an annual performance review conducted by the department 22628  
as a condition of participating in the program. 22629

(C) The competency-based education offered by a district or 22630  
school selected to participate in the program under division (B) 22631  
of this section shall satisfy all of the following requirements: 22632

(1) Students shall advance upon mastery; 22633

(2) Competencies shall include clear, measurable, 22634  
transferable learning objectives that empower students; 22635

(3) Assessments shall be meaningful and a positive learning 22636  
experience for students; 22637

(4) Students shall receive timely, differentiated support 22638  
based on their individual learning needs; 22639

(5) Learning outcomes shall emphasize competencies that 22640  
include application and creation of knowledge, along with the 22641

development of work-ready skills; 22642

(6) It shall incorporate partnerships with post-secondary institutions and members of industry. 22643  
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(D) A district or school selected to participate in the program under division (B) of this section shall remain subject to all accountability requirements in state and federal law that are applicable to that district or school. 22645  
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(E)(1) If a district is selected to participate in the program under division (B) of this section, each student enrolled in the district who is participating in competency-based education shall be considered to be a full-time equivalent student while participating in competency-based education for purposes of funding under Chapter 3317. of the Revised Code, as determined by the department. 22649  
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(2) If a community school is selected to participate in the program under division (B) of this section, each student enrolled in the school who is participating in competency-based education shall be considered to be a full-time equivalent student while participating in competency-based education for purposes of funding under Chapter 3314. of the Revised Code, as determined by the department. 22656  
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(3) If a STEM school is selected to participate in the program under division (B) of this section, each student enrolled in the school who is participating in competency-based education shall be considered to be a full-time equivalent student while participating in competency-based education for purposes of funding under Chapter 3326. of the Revised Code, as determined by the department. 22663  
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(F)(1) Not later than December 31, 2016, the department shall post on its web site a preliminary report that examines the planning and implementation of competency-based education in the 22670  
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22672

districts and schools selected to participate in the program under 22673  
division (B) of this section. 22674

(2) Not later than December 31, 2018, the department shall 22675  
post on its web site a report that includes all of the following: 22676

(a) A review of the competency-based education offered by the 22677  
districts and schools selected to participate in the program under 22678  
division (B) of this section; 22679

(b) An evaluation of the implementation of competency-based 22680  
education by the districts and schools selected to participate in 22681  
the program and student outcomes resulting from that 22682  
competency-based education; 22683

(c) A determination of the feasibility of a funding model 22684  
that reflects student achievement outcomes as demonstrated through 22685  
competency-based education. 22686

**Sec. 3304.171.** (A) As used in this section, "OhioMeansJobs" 22687  
has the same meaning as in section 6301.01 of the Revised Code. 22688

(B) Beginning January 1, 2016, each recipient of vocational 22689  
rehabilitation services provided under section 3304.17 of the 22690  
Revised Code shall create an account with OhioMeansJobs upon 22691  
initiation of a job search as a part of receiving those services. 22692

(C) Division (B) of this section does not apply to any 22693  
individual who is legally prohibited from using a computer, has a 22694  
physical or visual impairment that makes the individual unable to 22695  
use a computer, or has a limited ability to read, write, speak, or 22696  
understand a language in which OhioMeansJobs is available. 22697

**Sec. 3310.03.** A student is an "eligible student" for purposes 22698  
of the educational choice scholarship pilot program if the 22699  
student's resident district is not a school district in which the 22700  
pilot project scholarship program is operating under sections 22701

3313.974 to 3313.979 of the Revised Code and the student satisfies 22702  
one of the conditions in division (A), (B), (C), or (D) of this 22703  
section: 22704

(A)(1) The student is enrolled in a school building operated 22705  
by the student's resident district that, on the report card issued 22706  
under section 3302.03 of the Revised Code published prior to the 22707  
first day of July of the school year for which a scholarship is 22708  
sought, did not receive a rating as described in division (H) of 22709  
this section, and to which any or a combination of any of the 22710  
following apply for two of the three most recent report cards 22711  
published prior to the first day of July of the school year for 22712  
which a scholarship is sought: 22713

(a) The building was declared to be in a state of academic 22714  
emergency or academic watch under section 3302.03 of the Revised 22715  
Code as that section existed prior to March 22, 2013. 22716

(b) The building received a grade of "D" or "F" for the 22717  
performance index score under division (A)(1)(b) or (B)(1)(b) of 22718  
section 3302.03 of the Revised Code and for the value-added 22719  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 22720  
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 22721  
school year, or both; or if the building serves only grades ten 22722  
through twelve, the building received a grade of "D" or "F" for 22723  
the performance index score under division (A)(1)(b) or (B)(1)(b) 22724  
of section 3302.03 of the Revised Code and had a four-year 22725  
adjusted cohort graduation rate of less than seventy-five per 22726  
cent. 22727

(c) The building received an overall grade of "D" or "F" 22728  
under division (C)(3) of section 3302.03 of the Revised Code or a 22729  
grade of "F" for the value-added progress dimension under division 22730  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 22731  
school year or any school year thereafter. 22732

(2) The student will be enrolling in any of grades 22733  
kindergarten through twelve in this state for the first time in 22734  
the school year for which a scholarship is sought, will be at 22735  
least five years of age by the first day of January of the school 22736  
year for which a scholarship is sought, and otherwise would be 22737  
assigned under section 3319.01 of the Revised Code in the school 22738  
year for which a scholarship is sought, to a school building 22739  
described in division (A)(1) of this section. 22740

(3) The student is enrolled in a community school established 22741  
under Chapter 3314. of the Revised Code but otherwise would be 22742  
assigned under section 3319.01 of the Revised Code to a building 22743  
described in division (A)(1) of this section. 22744

(4) The student is enrolled in a school building operated by 22745  
the student's resident district or in a community school 22746  
established under Chapter 3314. of the Revised Code and otherwise 22747  
would be assigned under section 3319.01 of the Revised Code to a 22748  
school building described in division (A)(1) of this section in 22749  
the school year for which the scholarship is sought. 22750

(5) The student will be both enrolling in any of grades 22751  
kindergarten through twelve in this state for the first time and 22752  
at least five years of age by the first day of January of the 22753  
school year for which a scholarship is sought, or is enrolled in a 22754  
community school established under Chapter 3314. of the Revised 22755  
Code, and all of the following apply to the student's resident 22756  
district: 22757

(a) The district has in force an intradistrict open 22758  
enrollment policy under which no student in the student's grade 22759  
level is automatically assigned to a particular school building; 22760

(b) In the most recent rating published prior to the first 22761  
day of July of the school year for which scholarship is sought, 22762  
the district did not receive a rating described in division (H) of 22763

this section, and in at least two of the three most recent report cards published prior to the first day of July of that school year, any or a combination of the following apply to the district:

(i) The district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code as it existed prior to March 22, 2013.

(ii) The district received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 school year, or both.

(c) The district received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 school year or any school year thereafter.

(6) Beginning in the 2016-2017 school year, the student is enrolled in or will be enrolling in a building in the school year for which the scholarship is sought that serves any of grades nine through twelve and that received a grade of "D" or "F" for the four-year adjusted cohort graduation rate under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the Revised Code in two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is sought.

(B)(1) The student is enrolled in a school building operated by the student's resident district and to which both of the following apply:

(a) The building was ranked, for at least two of the three most recent rankings ~~published under section 3302.21 of the~~

~~Revised Code~~ prior to the first day of July of the school year for 22795  
which a scholarship is sought, in the lowest ten per cent of all 22796  
~~public school~~ buildings operated by city, local, and exempted 22797  
village school districts according to performance index score 22798  
~~under section 3302.21 of the Revised Code~~ as determined by the 22799  
department of education. 22800

(b) The building was not declared to be excellent or 22801  
effective, or the equivalent of such ratings as determined by the 22802  
department ~~of education~~, under section 3302.03 of the Revised Code 22803  
in the most recent rating published prior to the first day of July 22804  
of the school year for which a scholarship is sought. 22805

(2) The student will be enrolling in any of grades 22806  
kindergarten through twelve in this state for the first time in 22807  
the school year for which a scholarship is sought, will be at 22808  
least five years of age, as defined in section 3321.01 of the 22809  
Revised Code, by the first day of January of the school year for 22810  
which a scholarship is sought, and otherwise would be assigned 22811  
under section 3319.01 of the Revised Code in the school year for 22812  
which a scholarship is sought, to a school building described in 22813  
division (B)(1) of this section. 22814

(3) The student is enrolled in a community school established 22815  
under Chapter 3314. of the Revised Code but otherwise would be 22816  
assigned under section 3319.01 of the Revised Code to a building 22817  
described in division (B)(1) of this section. 22818

(4) The student is enrolled in a school building operated by 22819  
the student's resident district or in a community school 22820  
established under Chapter 3314. of the Revised Code and otherwise 22821  
would be assigned under section 3319.01 of the Revised Code to a 22822  
school building described in division (B)(1) of this section in 22823  
the school year for which the scholarship is sought. 22824

(C) The student is enrolled in a nonpublic school at the time 22825

the school is granted a charter by the state board of education 22826  
under section 3301.16 of the Revised Code and the student meets 22827  
the standards of division (B) of section 3310.031 of the Revised 22828  
Code. 22829

(D) For the 2016-2017 school year and each school year 22830  
thereafter, the student is in any of grades kindergarten through 22831  
three, is enrolled in a school building that is operated by the 22832  
student's resident district or will be enrolling in any of grades 22833  
kindergarten through twelve in this state for the first time in 22834  
the school year for which a scholarship is sought, and to which 22835  
both of the following apply: 22836

(1) The building, in at least two of the three most recent 22837  
ratings of school buildings published prior to the first day of 22838  
July of the school year for which a scholarship is sought, 22839  
received a grade of "D" or "F" for making progress in improving 22840  
literacy in grades kindergarten through three under division 22841  
(B)(1)(g) ~~or (C)(1)(g)~~ of section 3302.03 of the Revised Code for 22842  
the 2013-2014 school year or received a grade of "D" or "F" for 22843  
the early literacy component under division (C)(3)(e) of that 22844  
section for the 2014-2015 school year, and any school year 22845  
thereafter. 22846

(2) The building did not receive a grade of "A" for making 22847  
progress in improving literacy in grades kindergarten through 22848  
three under division (B)(1)(g) ~~or (C)(1)(g)~~ of section 3302.03 of 22849  
the Revised Code for the 2013-2014 school year, or did not receive 22850  
a grade of "A" for the early literacy component under division 22851  
(C)(3)(e) of that section for the 2014-2015 school year, and any 22852  
school year thereafter, in the most recent rating published prior 22853  
to the first day of July of the school year for which a 22854  
scholarship is sought. 22855

(E) A student who receives a scholarship under the 22856  
educational choice scholarship pilot program remains an eligible 22857

student and may continue to receive scholarships in subsequent 22858  
school years until the student completes grade twelve, so long as 22859  
all of the following apply: 22860

(1) The student's resident district remains the same, or the 22861  
student transfers to a new resident district and otherwise would 22862  
be assigned in the new resident district to a school building 22863  
described in division (A)(1), (B)(1), or (D) of this section; 22864

(2) The student takes each assessment prescribed for the 22865  
student's grade level under section 3301.0710 or 3301.0712 of the 22866  
Revised Code while enrolled in a chartered nonpublic school; 22867

(3) In each school year that the student is enrolled in a 22868  
chartered nonpublic school, the student is absent from school for 22869  
not more than twenty days that the school is open for instruction, 22870  
not including excused absences. 22871

(F)(1) The department shall cease awarding first-time 22872  
scholarships pursuant to divisions (A)(1) to (4) of this section 22873  
with respect to a school building that, in the most recent ratings 22874  
of school buildings published under section 3302.03 of the Revised 22875  
Code prior to the first day of July of the school year, ceases to 22876  
meet the criteria in division (A)(1) of this section. The 22877  
department shall cease awarding first-time scholarships pursuant 22878  
to division (A)(5) of this section with respect to a school 22879  
district that, in the most recent ratings of school districts 22880  
published under section 3302.03 of the Revised Code prior to the 22881  
first day of July of the school year, ceases to meet the criteria 22882  
in division (A)(5) of this section. 22883

(2) The department shall cease awarding first-time 22884  
scholarships pursuant to divisions (B)(1) to (4) of this section 22885  
with respect to a school building that, in the most recent ratings 22886  
of school buildings under section 3302.03 of the Revised Code 22887  
prior to the first day of July of the school year, ceases to meet 22888

the criteria in division (B)(1) of this section. 22889

(3) The department shall cease awarding first-time 22890  
scholarships pursuant to division (D) of this section with respect 22891  
to a school building that, in the most recent ratings of school 22892  
buildings under section 3302.03 of the Revised Code prior to the 22893  
first day of July of the school year, ceases to meet the criteria 22894  
in division (D) of this section. 22895

(4) However, students who have received scholarships in the 22896  
prior school year remain eligible students pursuant to division 22897  
(E) of this section. 22898

(G) The state board of education shall adopt rules defining 22899  
excused absences for purposes of division (E)(3) of this section. 22900

(H)(1) A student who satisfies only the conditions prescribed 22901  
in divisions (A)(1) to (4) of this section shall not be eligible 22902  
for a scholarship if the student's resident building meets any of 22903  
the following in the most recent rating under section 3302.03 of 22904  
the Revised Code published prior to the first day of July of the 22905  
school year for which a scholarship is sought: 22906

(a) The building has an overall designation of excellent or 22907  
effective under section 3302.03 of the Revised Code as it existed 22908  
prior to March 22, 2013. 22909

(b) For the 2012-2013 or 2013-2014 school year or both, the 22910  
building has a grade of "A" or "B" for the performance index score 22911  
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 22912  
Revised Code and for the value-added progress dimension under 22913  
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 22914  
Code; or if the building serves only grades ten through twelve, 22915  
the building received a grade of "A" or "B" for the performance 22916  
index score under division (A)(1)(b) or (B)(1)(b) of section 22917  
3302.03 of the Revised Code and had a four-year adjusted cohort 22918  
graduation rate of greater than or equal to seventy-five per cent. 22919

(c) For the 2014-2015 school year or any school year 22920  
thereafter, the building has a grade of "A" or "B" under division 22921  
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 22922  
for the value-added progress dimension under division (C)(1)(e) of 22923  
section 3302.03 of the Revised Code; or if the building serves 22924  
only grades ten through twelve, the building received a grade of 22925  
"A" or "B" for the performance index score under division 22926  
(C)(1)(b) of section 3302.03 of the Revised Code and had a 22927  
four-year adjusted cohort graduation rate of greater than or equal 22928  
to seventy-five per cent. 22929

(2) A student who satisfies only the conditions prescribed in 22930  
division (A)(5) of this section shall not be eligible for a 22931  
scholarship if the student's resident district meets any of the 22932  
following in the most recent rating under section 3302.03 of the 22933  
Revised Code published prior to the first day of July of the 22934  
school year for which a scholarship is sought: 22935

(a) The district has an overall designation of excellent or 22936  
effective under section 3302.03 of the Revised Code as it existed 22937  
prior to March 22, 2013. 22938

(b) The district has a grade of "A" or "B" for the 22939  
performance index score under division (A)(1)(b) or (B)(1)(b) of 22940  
section 3302.03 of the Revised Code and for the value-added 22941  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 22942  
section 3302.03 of the Revised Code for the 2012-2013 and 22943  
2013-2014 school years. 22944

(c) The district has an overall grade of "A" or "B" under 22945  
division (C)(3) of section 3302.03 of the Revised Code and a grade 22946  
of "A" for the value-added progress dimension under division 22947  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 22948  
school year or any school year thereafter. 22949

**Sec. 3310.09.** The maximum amount awarded to an eligible 22950

student under the educational choice scholarship pilot program 22951  
shall be as follows: 22952

(A) For grades kindergarten through eight, four thousand two 22953  
hundred fifty dollars; 22954

(B) For grades nine through twelve, five thousand seven 22955  
hundred dollars. 22956

**Sec. 3313.46.** (A) In addition to any other law governing the 22957  
bidding for contracts by the board of education of any school 22958  
district, when any such board determines to build, repair, 22959  
enlarge, improve, or demolish any school building, the cost of 22960  
which will exceed ~~twenty-five~~ fifty thousand dollars, except in 22961  
cases of urgent necessity, or for the security and protection of 22962  
school property, and except as otherwise provided in division (D) 22963  
of section 713.23 and in section 125.04 of the Revised Code, all 22964  
of the following shall apply: 22965

(1) The board shall cause to be prepared the plans, 22966  
specifications, and related information as required in divisions 22967  
(A)(1), (2), and (3) of section 153.01 of the Revised Code unless 22968  
the board determines that other information is sufficient to 22969  
inform any bidders of the board's requirements. However, if the 22970  
board determines that such other information is sufficient for 22971  
bidding a project, the board shall not engage in the construction 22972  
of any such project involving the practice of professional 22973  
engineering, professional surveying, or architecture, for which 22974  
plans, specifications, and estimates have not been made by, and 22975  
the construction thereof inspected by, a licensed professional 22976  
engineer, licensed professional surveyor, or registered architect. 22977

(2) The board shall advertise for bids once each week for a 22978  
period of not less than two consecutive weeks, or as provided in 22979  
section 7.16 of the Revised Code, in a newspaper of general 22980

circulation in the district before the date specified by the board 22981  
for receiving bids. The board may also cause notice to be inserted 22982  
in trade papers or other publications designated by it or to be 22983  
distributed by electronic means, including posting the notice on 22984  
the board's internet web site. If the board posts the notice on 22985  
its web site, it may eliminate the second notice otherwise 22986  
required to be published in a newspaper of general circulation 22987  
within the school district, provided that the first notice 22988  
published in such newspaper meets all of the following 22989  
requirements: 22990

(a) It is published at least two weeks before the opening of 22991  
bids. 22992

(b) It includes a statement that the notice is posted on the 22993  
board of education's internet web site. 22994

(c) It includes the internet address of the board's internet 22995  
web site. 22996

(d) It includes instructions describing how the notice may be 22997  
accessed on the board's internet web site. 22998

(3) Unless the board extends the time for the opening of bids 22999  
they shall be opened at the time and place specified by the board 23000  
in the advertisement for the bids. 23001

(4) Each bid shall contain the name of every person 23002  
interested therein. Each bid shall meet the requirements of 23003  
section 153.54 of the Revised Code. 23004

(5) When both labor and materials are embraced in the work 23005  
bid for, the board may require that each be separately stated in 23006  
the bid, with the price thereof, or may require that bids be 23007  
submitted without such separation. 23008

(6) None but the lowest responsible bid shall be accepted. 23009  
The board may reject all the bids, or accept any bid for both 23010

labor and material for such improvement or repair, which is the 23011  
lowest in the aggregate. In all other respects, the award of 23012  
contracts for improvement or repair, but not for purchases made 23013  
under section 3327.08 of the Revised Code, shall be pursuant to 23014  
section 153.12 of the Revised Code. 23015

(7) The contract shall be between the board and the bidders. 23016  
The board shall pay the contract price for the work pursuant to 23017  
sections 153.13 and 153.14 of the Revised Code. The board shall 23018  
approve and retain the estimates referred to in section 153.13 of 23019  
the Revised Code and make them available to the auditor of state 23020  
upon request. 23021

(8) When two or more bids are equal, in the whole, or in any 23022  
part thereof, and are lower than any others, either may be 23023  
accepted, but in no case shall the work be divided between such 23024  
bidders. 23025

(9) When there is reason to believe there is collusion or 23026  
combination among the bidders, or any number of them, the bids of 23027  
those concerned therein shall be rejected. 23028

(B) Division (A) of this section does not apply to the board 23029  
of education of any school district in any of the following 23030  
situations: 23031

(1) The acquisition of educational materials used in 23032  
teaching. 23033

(2) If the board determines and declares by resolution 23034  
adopted by two-thirds of all its members that any item is 23035  
available and can be acquired only from a single source. 23036

(3) If the board declares by resolution adopted by two-thirds 23037  
of all its members that division (A) of this section does not 23038  
apply to any installation, modification, or remodeling involved in 23039  
any energy conservation measure undertaken through an installment 23040  
payment contract under section 3313.372 of the Revised Code or 23041

undertaken pursuant to division (G) of section 133.06 of the Revised Code. 23042  
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(4) The acquisition of computer software for instructional purposes and computer hardware for instructional purposes pursuant to division (B)(4) of section 3313.37 of the Revised Code. 23044  
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(C) No resolution adopted pursuant to division (B)(2) or (3) of this section shall have any effect on whether sections 153.12 to 153.14 and 153.54 of the Revised Code apply to the board of education of any school district with regard to any item. 23047  
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**Sec. 3313.603.** (A) As used in this section: 23051

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction. 23052  
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(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 23056  
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(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows: 23060  
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(1) English language arts, four units; 23065

(2) Health, one-half unit; 23066

(3) Mathematics, three units; 23067

(4) Physical education, one-half unit; 23068

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the 23069  
23070

following:	23071
(a) Biological sciences, one unit;	23072
(b) Physical sciences, one unit.	23073
(6) History and government, one unit, which shall comply with	23074
division (M) of this section and shall include both of the	23075
following:	23076
(a) American history, one-half unit;	23077
(b) American government, one-half unit.	23078
(7) Social studies, two units.	23079
Beginning with students who enter ninth grade for the first	23080
time on or after July 1, 2017, the two units of instruction	23081
prescribed by division (B)(7) of this section shall include at	23082
least one-half unit of instruction in the study of world history	23083
and civilizations.	23084
(8) Elective units, seven units until September 15, 2003, and	23085
six units thereafter.	23086
Each student's electives shall include at least one unit, or	23087
two half units, chosen from among the areas of	23088
business/technology, fine arts, and/or foreign language.	23089
(C) Beginning with students who enter ninth grade for the	23090
first time on or after July 1, 2010, except as provided in	23091
divisions (D) to (F) of this section, the requirements for	23092
graduation from every public and chartered nonpublic high school	23093
shall include twenty units that are designed to prepare students	23094
for the workforce and college. The units shall be distributed as	23095
follows:	23096
(1) English language arts, four units;	23097
(2) Health, one-half unit, which shall include instruction in	23098
nutrition and the benefits of nutritious foods and physical	23099

activity for overall health;	23100
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	23101
	23102
(4) Physical education, one-half unit;	23103
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	23104
	23105
	23106
	23107
(a) Physical sciences, one unit;	23108
(b) Life sciences, one unit;	23109
(c) Advanced study in one or more of the following sciences, one unit:	23110
	23111
(i) Chemistry, physics, or other physical science;	23112
(ii) Advanced biology or other life science;	23113
(iii) Astronomy, physical geology, or other earth or space science.	23114
	23115
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	23116
	23117
	23118
(a) American history, one-half unit;	23119
(b) American government, one-half unit.	23120
(7) Social studies, two units.	23121
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under	23122
	23123
	23124
	23125
	23126
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	23128

division (C)(7) of this section, or into the content of another 23129  
class, so that every high school student receives instruction in 23130  
those concepts. In developing the curriculum required by this 23131  
paragraph, schools shall use available public-private partnerships 23132  
and resources and materials that exist in business, industry, and 23133  
through the centers for economics education at institutions of 23134  
higher education in the state. 23135

Beginning with students who enter ninth grade for the first 23136  
time on or after July 1, 2017, the two units of instruction 23137  
prescribed by division (C)(7) of this section shall include at 23138  
least one-half unit of instruction in the study of world history 23139  
and civilizations. 23140

(8) Five units consisting of one or any combination of 23141  
foreign language, fine arts, business, career-technical education, 23142  
family and consumer sciences, technology, agricultural education, 23143  
a junior reserve officer training corps (JROTC) program approved 23144  
by the congress of the United States under title 10 of the United 23145  
States Code, or English language arts, mathematics, science, or 23146  
social studies courses not otherwise required under division (C) 23147  
of this section. 23148

Ohioans must be prepared to apply increased knowledge and 23149  
skills in the workplace and to adapt their knowledge and skills 23150  
quickly to meet the rapidly changing conditions of the 23151  
twenty-first century. National studies indicate that all high 23152  
school graduates need the same academic foundation, regardless of 23153  
the opportunities they pursue after graduation. The goal of Ohio's 23154  
system of elementary and secondary education is to prepare all 23155  
students for and seamlessly connect all students to success in 23156  
life beyond high school graduation, regardless of whether the next 23157  
step is entering the workforce, beginning an apprenticeship, 23158  
engaging in post-secondary training, serving in the military, or 23159  
pursuing a college degree. 23160

The requirements for graduation prescribed in division (C) of 23161  
this section are the standard expectation for all students 23162  
entering ninth grade for the first time at a public or chartered 23163  
nonpublic high school on or after July 1, 2010. A student may 23164  
satisfy this expectation through a variety of methods, including, 23165  
but not limited to, integrated, applied, career-technical, and 23166  
traditional coursework. 23167

Whereas teacher quality is essential for student success when 23168  
completing the requirements for graduation, the general assembly 23169  
shall appropriate funds for strategic initiatives designed to 23170  
strengthen schools' capacities to hire and retain highly qualified 23171  
teachers in the subject areas required by the curriculum. Such 23172  
initiatives are expected to require an investment of \$120,000,000 23173  
over five years. 23174

Stronger coordination between high schools and institutions 23175  
of higher education is necessary to prepare students for more 23176  
challenging academic endeavors and to lessen the need for academic 23177  
remediation in college, thereby reducing the costs of higher 23178  
education for Ohio's students, families, and the state. The state 23179  
board and the ~~chancellor of the Ohio board of regents~~ director of 23180  
higher education shall develop policies to ensure that only in 23181  
rare instances will students who complete the requirements for 23182  
graduation prescribed in division (C) of this section require 23183  
academic remediation after high school. 23184

School districts, community schools, and chartered nonpublic 23185  
schools shall integrate technology into learning experiences 23186  
across the curriculum in order to maximize efficiency, enhance 23187  
learning, and prepare students for success in the 23188  
technology-driven twenty-first century. Districts and schools 23189  
shall use distance and web-based course delivery as a method of 23190  
providing or augmenting all instruction required under this 23191  
division, including laboratory experience in science. Districts 23192

and schools shall utilize technology access and electronic 23193  
learning opportunities provided by the broadcast educational media 23194  
commission, ~~chancellor~~ director of higher education, the Ohio 23195  
learning network, education technology centers, public television 23196  
stations, and other public and private providers. 23197

(D) Except as provided in division (E) of this section, a 23198  
student who enters ninth grade on or after July 1, 2010, and 23199  
before July 1, 2016, may qualify for graduation from a public or 23200  
chartered nonpublic high school even though the student has not 23201  
completed the requirements for graduation prescribed in division 23202  
(C) of this section if all of the following conditions are 23203  
satisfied: 23204

(1) During the student's third year of attending high school, 23205  
as determined by the school, the student and the student's parent, 23206  
guardian, or custodian sign and file with the school a written 23207  
statement asserting the parent's, guardian's, or custodian's 23208  
consent to the student's graduating without completing the 23209  
requirements for graduation prescribed in division (C) of this 23210  
section and acknowledging that one consequence of not completing 23211  
those requirements is ineligibility to enroll in most state 23212  
universities in Ohio without further coursework. 23213

(2) The student and parent, guardian, or custodian fulfill 23214  
any procedural requirements the school stipulates to ensure the 23215  
student's and parent's, guardian's, or custodian's informed 23216  
consent and to facilitate orderly filing of statements under 23217  
division (D)(1) of this section. Annually, each district or school 23218  
shall notify the department of education of the number of students 23219  
who choose to qualify for graduation under division (D) of this 23220  
section and the number of students who complete the student's 23221  
success plan and graduate from high school. 23222

(3) The student and the student's parent, guardian, or 23223  
custodian and a representative of the student's high school 23224

jointly develop a student success plan for the student in the 23225  
manner described in division (C)(1) of section 3313.6020 of the 23226  
Revised Code that specifies the student matriculating to a 23227  
two-year degree program, acquiring a business and 23228  
industry-recognized credential, or entering an apprenticeship. 23229

(4) The student's high school provides counseling and support 23230  
for the student related to the plan developed under division 23231  
(D)(3) of this section during the remainder of the student's high 23232  
school experience. 23233

(5)(a) Except as provided in division (D)(5)(b) of this 23234  
section, the student successfully completes, at a minimum, the 23235  
curriculum prescribed in division (B) of this section. 23236

(b) Beginning with students who enter ninth grade for the 23237  
first time on or after July 1, 2014, a student shall be required 23238  
to complete successfully, at the minimum, the curriculum 23239  
prescribed in division (B) of this section, except as follows: 23240

(i) Mathematics, four units, one unit which shall be one of 23241  
the following: 23242

(I) Probability and statistics; 23243

(II) Computer programming; 23244

(III) Applied mathematics or quantitative reasoning; 23245

(IV) Any other course approved by the department using 23246  
standards established by the superintendent not later than October 23247  
1, 2014. 23248

(ii) Elective units, five units; 23249

(iii) Science, three units as prescribed by division (B) of 23250  
this section which shall include inquiry-based laboratory 23251  
experience that engages students in asking valid scientific 23252  
questions and gathering and analyzing information. 23253

The department, in collaboration with the ~~chancellor~~ director 23254

of higher education, shall analyze student performance data to 23255  
determine if there are mitigating factors that warrant extending 23256  
the exception permitted by division (D) of this section to high 23257  
school classes beyond those entering ninth grade before July 1, 23258  
2016. The department shall submit its findings and any 23259  
recommendations not later than December 1, 2015, to the speaker 23260  
and minority leader of the house of representatives, the president 23261  
and minority leader of the senate, the chairpersons and ranking 23262  
minority members of the standing committees of the house of 23263  
representatives and the senate that consider education 23264  
legislation, the state board of education, and the superintendent 23265  
of public instruction. 23266

(E) Each school district and chartered nonpublic school 23267  
retains the authority to require an even more challenging minimum 23268  
curriculum for high school graduation than specified in division 23269  
(B) or (C) of this section. A school district board of education, 23270  
through the adoption of a resolution, or the governing authority 23271  
of a chartered nonpublic school may stipulate any of the 23272  
following: 23273

(1) A minimum high school curriculum that requires more than 23274  
twenty units of academic credit to graduate; 23275

(2) An exception to the district's or school's minimum high 23276  
school curriculum that is comparable to the exception provided in 23277  
division (D) of this section but with additional requirements, 23278  
which may include a requirement that the student successfully 23279  
complete more than the minimum curriculum prescribed in division 23280  
(B) of this section; 23281

(3) That no exception comparable to that provided in division 23282  
(D) of this section is available. 23283

(F) A student enrolled in a dropout prevention and recovery 23284  
program, which program has received a waiver from the department, 23285

may qualify for graduation from high school by successfully 23286  
completing a competency-based instructional program administered 23287  
by the dropout prevention and recovery program in lieu of 23288  
completing the requirements for graduation prescribed in division 23289  
(C) of this section. The department shall grant a waiver to a 23290  
dropout prevention and recovery program, within sixty days after 23291  
the program applies for the waiver, if the program meets all of 23292  
the following conditions: 23293

(1) The program serves only students not younger than sixteen 23294  
years of age and not older than twenty-one years of age. 23295

(2) The program enrolls students who, at the time of their 23296  
initial enrollment, either, or both, are at least one grade level 23297  
behind their cohort age groups or experience crises that 23298  
significantly interfere with their academic progress such that 23299  
they are prevented from continuing their traditional programs. 23300

(3) The program requires students to attain at least the 23301  
applicable score designated for each of the assessments prescribed 23302  
under division (B)(1) of section 3301.0710 of the Revised Code or, 23303  
to the extent prescribed by rule of the state board under division 23304  
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 23305  
of that section. 23306

(4) The program develops a student success plan for the 23307  
student in the manner described in division (C)(1) of section 23308  
3313.6020 of the Revised Code that specifies the student's 23309  
matriculating to a two-year degree program, acquiring a business 23310  
and industry-recognized credential, or entering an apprenticeship. 23311

(5) The program provides counseling and support for the 23312  
student related to the plan developed under division (F)(4) of 23313  
this section during the remainder of the student's high school 23314  
experience. 23315

(6) The program requires the student and the student's 23316

parent, guardian, or custodian to sign and file, in accordance 23317  
with procedural requirements stipulated by the program, a written 23318  
statement asserting the parent's, guardian's, or custodian's 23319  
consent to the student's graduating without completing the 23320  
requirements for graduation prescribed in division (C) of this 23321  
section and acknowledging that one consequence of not completing 23322  
those requirements is ineligibility to enroll in most state 23323  
universities in Ohio without further coursework. 23324

(7) Prior to receiving the waiver, the program has submitted 23325  
to the department an instructional plan that demonstrates how the 23326  
academic content standards adopted by the state board under 23327  
section 3301.079 of the Revised Code will be taught and assessed. 23328

(8) Prior to receiving the waiver, the program has submitted 23329  
to the department a policy on career advising that satisfies the 23330  
requirements of section 3313.6020 of the Revised Code, with an 23331  
emphasis on how every student will receive career advising. 23332

(9) Prior to receiving the waiver, the program has submitted 23333  
to the department a written agreement outlining the future 23334  
cooperation between the program and any combination of local job 23335  
training, postsecondary education, nonprofit, and health and 23336  
social service organizations to provide services for students in 23337  
the program and their families. 23338

Divisions (F)(8) and (9) of this section apply only to 23339  
waivers granted on or after July 1, 2015. 23340

If the department does not act either to grant the waiver or 23341  
to reject the program application for the waiver within sixty days 23342  
as required under this section, the waiver shall be considered to 23343  
be granted. 23344

(G) Every high school may permit students below the ninth 23345  
grade to take advanced work. If a high school so permits, it shall 23346  
award high school credit for successful completion of the advanced 23347

work and shall count such advanced work toward the graduation 23348  
requirements of division (B) or (C) of this section if the 23349  
advanced work was both: 23350

(1) Taught by a person who possesses a license or certificate 23351  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 23352  
Code that is valid for teaching high school; 23353

(2) Designated by the board of education of the city, local, 23354  
or exempted village school district, the board of the cooperative 23355  
education school district, or the governing authority of the 23356  
chartered nonpublic school as meeting the high school curriculum 23357  
requirements. 23358

Each high school shall record on the student's high school 23359  
transcript all high school credit awarded under division (G) of 23360  
this section. In addition, if the student completed a seventh- or 23361  
eighth-grade fine arts course described in division (K) of this 23362  
section and the course qualified for high school credit under that 23363  
division, the high school shall record that course on the 23364  
student's high school transcript. 23365

(H) The department shall make its individual academic career 23366  
plan available through its Ohio career information system web site 23367  
for districts and schools to use as a tool for communicating with 23368  
and providing guidance to students and families in selecting high 23369  
school courses. 23370

(I) Units earned in English language arts, mathematics, 23371  
science, and social studies that are delivered through integrated 23372  
academic and career-technical instruction are eligible to meet the 23373  
graduation requirements of division (B) or (C) of this section. 23374

(J)(1) The state board, in consultation with the ~~chancellor~~ 23375  
director of higher education, shall adopt a statewide plan 23376  
implementing methods for students to earn units of high school 23377  
credit based on a demonstration of subject area competency, 23378

instead of or in combination with completing hours of classroom 23379  
instruction. The state board shall adopt the plan not later than 23380  
March 31, 2009, and commence phasing in the plan during the 23381  
2009-2010 school year. The plan shall include a standard method 23382  
for recording demonstrated proficiency on high school transcripts. 23383  
Each school district and community school shall comply with the 23384  
state board's plan adopted under this division and award units of 23385  
high school credit in accordance with the plan. The state board 23386  
may adopt existing methods for earning high school credit based on 23387  
a demonstration of subject area competency as necessary prior to 23388  
the 2009-2010 school year. 23389

(2) Not later than December 31, 2015, the state board shall 23390  
update the statewide plan adopted pursuant to division (J)(1) of 23391  
this section to also include methods for students enrolled in 23392  
seventh and eighth grade to meet curriculum requirements based on 23393  
a demonstration of subject area competency, instead of or in 23394  
combination with completing hours of classroom instruction. 23395  
Beginning with the 2016-2017 school year, each school district and 23396  
community school also shall comply with the updated plan adopted 23397  
pursuant to this division and permit students enrolled in seventh 23398  
and eighth grade to meet curriculum requirements based on subject 23399  
area competency in accordance with the plan. 23400

(K) This division does not apply to students who qualify for 23401  
graduation from high school under division (D) or (F) of this 23402  
section, or to students pursuing a career-technical instructional 23403  
track as determined by the school district board of education or 23404  
the chartered nonpublic school's governing authority. 23405  
Nevertheless, the general assembly encourages such students to 23406  
consider enrolling in a fine arts course as an elective. 23407

Beginning with students who enter ninth grade for the first 23408  
time on or after July 1, 2010, each student enrolled in a public 23409  
or chartered nonpublic high school shall complete two semesters or 23410

the equivalent of fine arts to graduate from high school. The 23411  
coursework may be completed in any of grades seven to twelve. Each 23412  
student who completes a fine arts course in grade seven or eight 23413  
may elect to count that course toward the five units of electives 23414  
required for graduation under division (C)(8) of this section, if 23415  
the course satisfied the requirements of division (G) of this 23416  
section. In that case, the high school shall award the student 23417  
high school credit for the course and count the course toward the 23418  
five units required under division (C)(8) of this section. If the 23419  
course in grade seven or eight did not satisfy the requirements of 23420  
division (G) of this section, the high school shall not award the 23421  
student high school credit for the course but shall count the 23422  
course toward the two semesters or the equivalent of fine arts 23423  
required by this division. 23424

(L) Notwithstanding anything to the contrary in this section, 23425  
the board of education of each school district and the governing 23426  
authority of each chartered nonpublic school may adopt a policy to 23427  
excuse from the high school physical education requirement each 23428  
student who, during high school, has participated in 23429  
interscholastic athletics, marching band, or cheerleading for at 23430  
least two full seasons or in the junior reserve officer training 23431  
corps for at least two full school years. If the board or 23432  
authority adopts such a policy, the board or authority shall not 23433  
require the student to complete any physical education course as a 23434  
condition to graduate. However, the student shall be required to 23435  
complete one-half unit, consisting of at least sixty hours of 23436  
instruction, in another course of study. In the case of a student 23437  
who has participated in the junior reserve officer training corps 23438  
for at least two full school years, credit received for that 23439  
participation may be used to satisfy the requirement to complete 23440  
one-half unit in another course of study. 23441

(M) It is important that high school students learn and 23442

understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;

(2) The Northwest Ordinance;

(3) The Constitution of the United States with emphasis on the Bill of Rights;

(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

**Sec. 3313.608.** (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under

section 3313.609 of the Revised Code, shall do one of the 23473  
following: 23474

(a) Promote the student to fourth grade if the student's 23475  
principal and reading teacher agree that other evaluations of the 23476  
student's skill in reading demonstrate that the student is 23477  
academically prepared to be promoted to fourth grade; 23478

(b) Promote the student to fourth grade but provide the 23479  
student with intensive intervention services in fourth grade; 23480

(c) Retain the student in third grade. 23481

(2) Beginning with students who enter third grade in the 23482  
2013-2014 school year, unless the student is excused under 23483  
division (C) of section 3301.0711 of the Revised Code from taking 23484  
the assessment described in this section, no school district shall 23485  
promote to fourth grade any student who does not attain at least 23486  
the equivalent level of achievement designated under division 23487  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 23488  
prescribed under that section to measure skill in English language 23489  
arts expected at the end of third grade, unless one of the 23490  
following applies: 23491

(a) The student is a limited English proficient student who 23492  
has been enrolled in United States schools for less than three 23493  
full school years and has had less than three years of instruction 23494  
in an English as a second language program. 23495

(b) The student is a child with a disability entitled to 23496  
special education and related services under Chapter 3323. of the 23497  
Revised Code and the student's individualized education program 23498  
exempts the student from retention under this division. 23499

(c) The student demonstrates an acceptable level of 23500  
performance on an alternative standardized reading assessment as 23501  
determined by the department of education. 23502

(d) All of the following apply:	23503
(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.	23504 23505 23506
(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.	23507 23508 23509
(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.	23510 23511 23512 23513 23514
(iv) The student previously was retained in any of grades kindergarten to three.	23515 23516
(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.	23517 23518 23519 23520
(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.	23521 23522 23523 23524 23525 23526 23527
(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as	23528 23529 23530 23531 23532 23533

authorized by the department on a case-by-case basis, enrolled in 23534  
kindergarten to third grade and shall identify students who are 23535  
reading below their grade level. The reading skills assessments 23536  
shall be completed by the thirtieth day of September. Each 23537  
district shall use ~~the diagnostic assessment to measure reading~~ 23538  
~~ability for the appropriate grade level adopted under section~~ 23539  
~~3301.079 of the Revised Code, or a comparable tool~~ reading skills 23540  
assessments that are approved by the department of education, to 23541  
identify such students. The policies and procedures shall require 23542  
the students' classroom teachers to be involved in the assessment 23543  
and the identification of students reading below grade level. 23544

(2) For each student identified by the diagnostic assessment 23545  
prescribed under this section as having reading skills below grade 23546  
level, the district shall do both of the following: 23547

(a) Provide to the student's parent or guardian, in writing, 23548  
all of the following: 23549

(i) Notification that the student has been identified as 23550  
having a substantial deficiency in reading; 23551

(ii) A description of the current services that are provided 23552  
to the student; 23553

(iii) A description of the proposed supplemental 23554  
instructional services and supports that will be provided to the 23555  
student that are designed to remediate the identified areas of 23556  
reading deficiency; 23557

(iv) Notification that if the student attains a score in the 23558  
range designated under division (A)(3) of section 3301.0710 of the 23559  
Revised Code on the assessment prescribed under that section to 23560  
measure skill in English language arts expected at the end of 23561  
third grade, the student shall be retained unless the student is 23562  
exempt under division (A) of this section. The notification shall 23563  
specify that the assessment under section 3301.0710 of the Revised 23564

Code is not the sole determinant of promotion and that additional 23565  
evaluations and assessments are available to the student to assist 23566  
parents and the district in knowing when a student is reading at 23567  
or above grade level and ready for promotion. 23568

(b) Provide intensive reading instruction services and 23569  
regular diagnostic assessments to the student immediately 23570  
following identification of a reading deficiency until the 23571  
development of the reading improvement and monitoring plan 23572  
required by division (C) of this section. These intervention 23573  
services shall include research-based reading strategies that have 23574  
been shown to be successful in improving reading among 23575  
low-performing readers and instruction targeted at the student's 23576  
identified reading deficiencies. 23577

(3) For each student retained under division (A) of this 23578  
section, the district shall do all of the following: 23579

(a) Provide intense remediation services until the student is 23580  
able to read at grade level. The remediation services shall 23581  
include intensive interventions in reading that address the areas 23582  
of deficiencies identified under this section including, but not 23583  
limited to, not less than ninety minutes of reading instruction 23584  
per day, and may include any of the following: 23585

(i) Small group instruction; 23586

(ii) Reduced teacher-student ratios; 23587

(iii) More frequent progress monitoring; 23588

(iv) Tutoring or mentoring; 23589

(v) Transition classes containing third and fourth grade 23590  
students; 23591

(vi) Extended school day, week, or year; 23592

(vii) Summer reading camps. 23593

(b) Establish a policy for the mid-year promotion of a 23594

student retained under division (A) of this section who 23595  
demonstrates that the student is reading at or above grade level; 23596

(c) ~~Provide~~ Except as provided in section 3302.16 of the 23597  
Revised Code, provide each student with a teacher who satisfies 23598  
one or more of the criteria set forth in division (H) of this 23599  
section. 23600

The district shall offer the option for students to receive 23601  
applicable services from one or more providers other than the 23602  
district. Providers shall be screened and approved by the district 23603  
or the department of education. If the student participates in the 23604  
remediation services and demonstrates reading proficiency in 23605  
accordance with standards adopted by the department prior to the 23606  
start of fourth grade, the district shall promote the student to 23607  
that grade. 23608

(4) For each student retained under division (A) of this 23609  
section who has demonstrated proficiency in a specific academic 23610  
ability field, each district shall provide instruction 23611  
commensurate with student achievement levels in that specific 23612  
academic ability field. 23613

As used in this division, "specific academic ability field" 23614  
has the same meaning as in section 3324.01 of the Revised Code. 23615

(C) For each student required to be provided intervention 23616  
services under this section, the district shall develop a reading 23617  
improvement and monitoring plan within sixty days after receiving 23618  
the student's results on the diagnostic assessment or comparable 23619  
tool administered under division (B)(1) of this section. The 23620  
district shall involve the student's parent or guardian and 23621  
classroom teacher in developing the plan. The plan shall include 23622  
all of the following: 23623

(1) Identification of the student's specific reading 23624  
deficiencies; 23625

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;	23626 23627 23628
(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;	23629 23630 23631
(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;	23632 23633 23634
(5) A reading curriculum during regular school hours that does all of the following:	23635 23636
(a) Assists students to read at grade level;	23637
(b) Provides scientifically based and reliable assessment;	23638
(c) Provides initial and ongoing analysis of each student's reading progress.	23639 23640
(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.	23641 23642 23643 23644 23645 23646
Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	23647 23648 23649 23650
The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.	23651 23652 23653 23654
(D) Each school district shall report annually to the	23655

department on its implementation and compliance with this section 23656  
using guidelines prescribed by the superintendent of public 23657  
instruction. The superintendent of public instruction annually 23658  
shall report to the governor and general assembly the number and 23659  
percentage of students in grades kindergarten through four reading 23660  
below grade level based on the diagnostic assessments administered 23661  
under division (B) of this section and the achievement assessments 23662  
administered under divisions (A)(1)(a) and (b) of section 23663  
3301.0710 of the Revised Code in English language arts, aggregated 23664  
by school district and building; the types of intervention 23665  
services provided to students; and, if available, an evaluation of 23666  
the efficacy of the intervention services provided. 23667

(E) Any summer remediation services funded in whole or in 23668  
part by the state and offered by school districts to students 23669  
under this section shall meet the following conditions: 23670

(1) The remediation methods are based on reliable educational 23671  
research. 23672

(2) The school districts conduct assessment before and after 23673  
students participate in the program to facilitate monitoring 23674  
results of the remediation services. 23675

(3) The parents of participating students are involved in 23676  
programming decisions. 23677

(F) Any intervention or remediation services required by this 23678  
section shall include intensive, explicit, and systematic 23679  
instruction. 23680

(G) This section does not create a new cause of action or a 23681  
substantive legal right for any person. 23682

(H)(1) Except as provided under divisions (H)(2), (3), and 23683  
(4) of this section, and except as provided in section 3302.16 of 23684  
the Revised Code, each student described in division (B)(3) or (C) 23685  
of this section who enters third grade for the first time on or 23686

after July 1, 2013, shall be assigned a teacher who has at least 23687  
one year of teaching experience and who satisfies one or more of 23688  
the following criteria: 23689

(a) The teacher holds a reading endorsement on the teacher's 23690  
license and has attained a passing score on the corresponding 23691  
assessment for that endorsement, as applicable. 23692

(b) The teacher has completed a master's degree program with 23693  
a major in reading. 23694

(c) The teacher was rated "most effective" for reading 23695  
instruction consecutively for the most recent two years based on 23696  
assessments of student growth measures developed by a vendor and 23697  
that is on the list of student assessments approved by the state 23698  
board under division (B)(2) of section 3319.112 of the Revised 23699  
Code. 23700

(d) The teacher was rated "above expected value added," in 23701  
reading instruction, as determined by criteria established by the 23702  
department, for the most recent, consecutive two years. 23703

(e) The teacher has earned a passing score on a rigorous test 23704  
of principles of scientifically research-based reading instruction 23705  
as approved by the state board. 23706

(f) The teacher holds an educator license for teaching grades 23707  
pre-kindergarten through three or four through nine issued on or 23708  
after July 1, 2017. 23709

(2) Notwithstanding division (H)(1) of this section, a 23710  
student described in division (B)(3) or (C) of this section who 23711  
enters third grade for the first time on or after July 1, 2013, 23712  
may be assigned to a teacher with less than one year of teaching 23713  
experience provided that the teacher meets one or more of the 23714  
criteria described in divisions (H)(1)(a) to (f) of this section 23715  
and that teacher is assigned a teacher mentor who meets the 23716  
qualifications of division (H)(1) of this section. 23717

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the board of speech-language pathology and audiology under Chapter 4753. of the Revised Code and a professional pupil services license as a school speech-language pathologist issued by the state board of education.

(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan.

As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned.

(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language

learner, and has been in the United States for three years or 23750  
less, or to a student who has an individualized education program 23751  
developed under Chapter 3323. of the Revised Code if that teacher 23752  
holds an alternative credential approved by the department or has 23753  
successfully completed training that is based on principles of 23754  
scientifically research-based reading instruction that has been 23755  
approved by the department. Beginning on July 1, 2014, the 23756  
alternative credentials and training described in this division 23757  
shall be aligned with the reading competencies adopted by the 23758  
state board of education under section 3301.077 of the Revised 23759  
Code. 23760

(J) If, on or after June 4, 2013, a school district or 23761  
community school cannot furnish the number of teachers needed who 23762  
satisfy one or more of the criteria set forth in division (H) of 23763  
this section for the 2013-2014 school year, the school district or 23764  
community school shall develop and submit a staffing plan by June 23765  
30, 2013. The staffing plan shall include criteria that will be 23766  
used to assign a student described in division (B)(3) or (C) of 23767  
this section to a teacher, credentials or training held by 23768  
teachers currently teaching at the school, and how the school 23769  
district or community school will meet the requirements of this 23770  
section. The school district or community school shall post the 23771  
staffing plan on its web site for the applicable school year. 23772

Not later than March 1, 2014, and on the first day of March 23773  
in each year thereafter, a school district or community school 23774  
that has submitted a plan under this division shall submit to the 23775  
department a detailed report of the progress the district or 23776  
school has made in meeting the requirements under this section. 23777

A school district or community school may request an 23778  
extension of a staffing plan beyond the 2013-2014 school year. 23779  
Extension requests must be submitted to the department not later 23780  
than the thirtieth day of April prior to the start of the 23781

applicable school year. The department may grant extensions valid 23782  
through the 2015-2016 school year. 23783

Until June 30, 2015, the department annually shall review all 23784  
staffing plans and report to the state board not later than the 23785  
thirtieth day of June of each year the progress of school 23786  
districts and community schools in meeting the requirements of 23787  
this section. 23788

(K) The department of education shall designate one or more 23789  
staff members to provide guidance and assistance to school 23790  
districts and community schools in implementing the third grade 23791  
guarantee established by this section, including any standards or 23792  
requirements adopted to implement the guarantee and to provide 23793  
information and support for reading instruction and achievement. 23794

**Sec. 3313.6010.** The ~~state board of education shall adopt~~ 23795  
~~rules permitting of a school districts to district may~~ contract 23796  
with public and private providers of academic remediation and 23797  
intervention in mathematics, science, reading, writing, and social 23798  
studies for the purpose of assisting pupils in ~~grades one through~~ 23799  
~~six~~ any grade outside of regular school hours. 23800

**Sec. 3313.614.** (A) As used in this section, a person 23801  
"fulfills the curriculum requirement for a diploma" at the time 23802  
one of the following conditions is satisfied: 23803

(1) The person successfully completes the high school 23804  
curriculum of a school district, a community school, a chartered 23805  
nonpublic school, or a correctional institution. 23806

(2) The person successfully completes the individualized 23807  
education program developed for the person under section 3323.08 23808  
of the Revised Code. 23809

(3) A board of education issues its determination under 23810  
section 3313.611 of the Revised Code that the person qualifies as 23811

having successfully completed the curriculum required by the 23812  
district. 23813

(B) This division specifies the assessment requirements that 23814  
must be fulfilled as a condition toward granting high school 23815  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 23816  
of the Revised Code. 23817

(1) A person who fulfills the curriculum requirement for a 23818  
diploma before September 15, 2000, is not required to pass any 23819  
proficiency test or achievement test in science as a condition to 23820  
receiving a diploma. 23821

(2) A person who began ninth grade for the first time prior 23822  
to July 1, 2003, is not required to pass the Ohio graduation test 23823  
prescribed under division (B)(1) of section 3301.0710 or any 23824  
assessment prescribed under division (B)(2) of that section in any 23825  
subject as a condition to receiving a diploma once the person has 23826  
passed the ninth grade proficiency test in the same subject, so 23827  
long as the person passed the ninth grade proficiency test prior 23828  
to September 15, 2008. However, any such person who passes the 23829  
Ohio graduation test in any subject prior to passing the ninth 23830  
grade proficiency test in the same subject shall be deemed to have 23831  
passed the ninth grade proficiency test in that subject as a 23832  
condition to receiving a diploma. For this purpose, the ninth 23833  
grade proficiency test in citizenship substitutes for the Ohio 23834  
graduation test in social studies. If a person began ninth grade 23835  
prior to July 1, 2003, but does not pass a ninth grade proficiency 23836  
test or the Ohio graduation test in a particular subject before 23837  
September 15, 2008, and passage of a test in that subject is a 23838  
condition for the person to receive a diploma, the person must 23839  
pass the Ohio graduation test instead of the ninth grade 23840  
proficiency test in that subject to receive a diploma. 23841

(3) A (a) Except as provided in division (B)(3)(b) of this 23842  
section, a person who begins ninth grade for the first time on or 23843

after July 1, 2003, in a school district, community school, or 23844  
chartered nonpublic school is not eligible to receive a diploma 23845  
based on passage of ninth grade proficiency tests. Each such 23846  
person who begins ninth grade prior to July 1, 2014, must pass 23847  
Ohio graduation tests to meet the assessment requirements 23848  
applicable to that person as a condition to receiving a diploma or 23849  
satisfy one of the conditions prescribed in division (B)(3)(b) of 23850  
this section. 23851

(b) A person who began ninth grade for the first time prior 23852  
to July 1, 2014, shall be eligible to receive a diploma if the 23853  
person meets the requirement prescribed by section 3313.618 of the 23854  
Revised Code. 23855

(c) A person who began ninth grade for the first time prior 23856  
to July 1, 2014, and who has not attained at least the applicable 23857  
scores designated under division (B)(1) of section 3301.0710 of 23858  
the Revised Code on all the assessments required by that division 23859  
shall be eligible to receive a diploma if the person meets the 23860  
requirement prescribed by rule of the state board of education as 23861  
prescribed under division (B)(3)(d) of this section. 23862

(d) Not later than December 31, 2015, the state board of 23863  
education shall adopt rules prescribing the manner in which a 23864  
person who began ninth grade for the first time prior to July 1, 23865  
2014, may be eligible for a high school diploma by combining the 23866  
requirement prescribed by section 3313.618 of the Revised Code and 23867  
the requirement to attain at least the applicable scores 23868  
designated under division (B)(1) of section 3301.0710 of the 23869  
Revised Code on the assessments required by that division. The 23870  
rules shall ensure that the combined requirements require a 23871  
demonstration of mastery that is equivalent or greater to the 23872  
expectations of the assessments prescribed by division (B)(1) of 23873  
section 3301.0710 of the Revised Code. The rules shall include the 23874  
following: 23875

(i) The date by which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high school diploma under division (B)(3)(c) of this section; 23876  
23877  
23878

(ii) Methods of replacing individual assessments prescribed by division (B)(1) of section 3301.0710 of the Revised Code; 23879  
23880

(iii) Methods of integrating the pathways prescribed by division (A) of section 3313.618 of the Revised Code. 23881  
23882

(4) A Except as provided in division (B)(3)(b) of this section, a person who begins ninth grade on or after July 1, 2014, is not eligible to receive a diploma based on passage of the Ohio graduation tests. Each such person must meet the requirement prescribed by section 3313.618 of the Revised Code. 23883  
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(C) This division specifies the curriculum requirement that shall be completed as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code. 23888  
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(1) A person who is under twenty-two years of age when the person fulfills the curriculum requirement for a diploma shall complete the curriculum required by the school district or school issuing the diploma for the first year that the person originally enrolled in high school, except for a person who qualifies for graduation from high school under either division (D) or (F) of section 3313.603 of the Revised Code. 23892  
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(2) Once a person fulfills the curriculum requirement for a diploma, the person is never required, as a condition of receiving a diploma, to meet any different curriculum requirements that take effect pending the person's passage of proficiency tests or achievement tests or assessments, including changes mandated by section 3313.603 of the Revised Code, the state board, a school district board of education, or a governing authority of a community school or chartered nonpublic school. 23899  
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**Sec. 3313.68.** (A) The board of education of each city, 23907  
exempted village, or local school district may appoint one or more 23908  
school physicians and one or more school dentists. Two or more 23909  
school districts may unite and employ one such physician and at 23910  
least one such dentist whose duties shall be such as are 23911  
prescribed by law. Said school physician shall hold a license to 23912  
practice medicine in Ohio, and each school dentist shall be 23913  
licensed to practice in this state. School physicians and dentists 23914  
may be discharged at any time by the board of education. School 23915  
physicians and dentists shall serve one year and until their 23916  
successors are appointed and shall receive such compensation as 23917  
the board of education determines. The board of education may also 23918  
employ registered nurses, as defined by section 4723.01 and 23919  
licensed as school nurses under section 3319.221 of the Revised 23920  
Code, to aid in such inspection in such ways as are prescribed by 23921  
it, and to aid in the conduct and coordination of the school 23922  
health service program. The school dentists shall make such 23923  
examinations and diagnoses and render such remedial or corrective 23924  
treatment for the school children as is prescribed by the board of 23925  
education; provided that all such remedial or corrective treatment 23926  
shall be limited to the children whose parents cannot otherwise 23927  
provide for same, and then only with the written consent of the 23928  
parents or guardians of such children. School dentists may also 23929  
conduct such oral hygiene educational work as is authorized by the 23930  
board of education. 23931

The board of education may delegate the duties and powers 23932  
provided for in this section to the board of health or officer 23933  
performing the functions of a board of health within the school 23934  
district, if such board or officer is willing to assume the same. 23935  
Boards of education shall co-operate with boards of health in the 23936  
prevention and control of epidemics. 23937

(B) Notwithstanding any provision of the Revised Code to the 23938

contrary, the board of education of each city, exempted village, 23939  
or local school district may contract with an educational service 23940  
center for the services of a school nurse, licensed under section 23941  
3319.221 of the Revised Code, or of a registered nurse or licensed 23942  
practical nurse, licensed under Chapter 4723. of the Revised Code, 23943  
to provide services to students in the district pursuant to 23944  
section 3313.7112 of the Revised Code. 23945

(C) In lieu of appointing or employing a school physician or 23946  
dentist pursuant to division (A) of this section or entering into 23947  
a contract for the services of a school nurse pursuant to division 23948  
(B) of this section, the board of education of each city, exempted 23949  
village, or local school district may enter into a contract under 23950  
section 3313.721 of the Revised Code for the purpose of providing 23951  
health care services to students. 23952

**Sec. 3313.72.** The board of education of a city, exempted 23953  
village, or local school district may enter into a contract with a 23954  
health district for the purpose of providing the services of a 23955  
school physician, dentist, or nurse. The board may also enter into 23956  
a contract under section 3313.721 of the Revised Code for the 23957  
purpose of providing health care services to students. 23958

**Sec. 3313.721.** (A) Notwithstanding anything to the contrary 23959  
in the Revised Code, the board of education of a school district 23960  
may enter into a contract with a hospital registered under section 23961  
3701.07 of the Revised Code or an appropriately licensed health 23962  
care provider for the purpose of providing health care services 23963  
specifically authorized by the Revised Code to students. 23964

(B) If the board enters into a contract with a hospital or 23965  
health care provider under division (A) of this section, the 23966  
requirement to obtain a school nurse license or school nurse 23967  
wellness coordinator license under section 3319.221 of the Revised 23968

Code, or any rules related to this requirement, shall not apply to 23969  
an employee of the hospital or health care provider who is 23970  
providing the services of a nurse under that contract. However, at 23971  
a minimum, the employee shall hold a credential that is equivalent 23972  
to being licensed as a registered nurse or licensed practical 23973  
nurse under Chapter 4723. of the Revised Code. 23974

**Sec. 3313.751.** (A) As used in this section: 23975

(1) "School district" means a city, local, exempted village, 23976  
or joint vocational school district. 23977

(2) "Smoke" means to burn any substance containing tobacco, 23978  
including a lighted cigarette, cigar, or pipe, or to burn a clove 23979  
cigarette. 23980

(3) "Use tobacco" means to chew or maintain any substance 23981  
containing tobacco, including smokeless tobacco, or any substance 23982  
derived from tobacco, in the mouth to derive the effects of 23983  
tobacco. 23984

(4) "Use nicotine" means to maintain any substance containing 23985  
nicotine or a similar substance intended for human consumption or 23986  
consume nicotine or similar substance, whether by means of 23987  
smoking, heating, chewing, absorbing, dissolving, or ingesting by 23988  
any other means. "Use nicotine" does not include the use of 23989  
nicotine replacement therapy products. 23990

(5) "Nicotine replacement therapy product" means a smoking or 23991  
nicotine cessation product that has been approved by the United 23992  
States food and drug administration as a nicotine replacement 23993  
therapy product. 23994

(B)(1) No pupil shall smoke or use tobacco or nicotine or 23995  
possess any substance containing tobacco or nicotine in any area 23996  
under the control of a school district or an educational service 23997  
center, including any outdoor facilities, or at any activity 23998

supervised by any school operated by a school district or an 23999  
educational service center. 24000

(2) No person shall smoke or use tobacco in any area under 24001  
the control of a school district or an educational service center, 24002  
including any outdoor facilities, or at any activity supervised by 24003  
any school operated by a school district or an educational service 24004  
center. 24005

(C) The board of education of each school district and the 24006  
governing board of each educational service center shall adopt a 24007  
policy providing for the enforcement of division (B) of this 24008  
section ~~and~~ against all persons. 24009

(D) The board of education of each school district and the 24010  
governing board of each educational service center shall adopt a 24011  
policy establishing disciplinary measures for a violation of 24012  
division (B) of this section. 24013

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 24014  
3311.52 of the Revised Code, this section does not apply to any 24015  
cooperative education school district. 24016

(B)(1) ~~The~~ Except as provided in section 3302.16 of the 24017  
Revised Code, the board of education of each city, exempted 24018  
village, or local school district with an average daily student 24019  
enrollment of sixteen thousand or less, reported for the district 24020  
on the most recent report card issued under section 3302.03 of the 24021  
Revised Code, shall enter into an agreement with the governing 24022  
board of an educational service center, under which the 24023  
educational service center governing board will provide services 24024  
to the district. 24025

(2) The board of education of a city, exempted village, or 24026  
local school district with an average daily student enrollment of 24027  
more than sixteen thousand may enter into an agreement with the 24028

governing board of an educational service center, under which the 24029  
educational service center governing board will provide services 24030  
to the district. 24031

(3) Services provided under an agreement entered into under 24032  
division (B)(1) or (2) of this section shall be specified in the 24033  
agreement, and may include any of the following: supervisory 24034  
teachers; in-service and continuing education programs for 24035  
district personnel; curriculum services; research and development 24036  
programs; academic instruction for which the governing board 24037  
employs teachers pursuant to section 3319.02 of the Revised Code; 24038  
assistance in the provision of special accommodations and classes 24039  
for students with disabilities; or any other services the district 24040  
board and service center governing board agree can be better 24041  
provided by the service center and are not provided under an 24042  
agreement entered into under section 3313.845 of the Revised Code. 24043  
Services included in the agreement shall be provided to the 24044  
district in the manner specified in the agreement. The district 24045  
board of education shall reimburse the educational service center 24046  
governing board pursuant to division (H) of this section. 24047

(C) Any agreement entered into pursuant to this section shall 24048  
be filed with the department of education by the first day of July 24049  
of the school year for which the agreement is in effect. 24050

(D)(1) An agreement for services from an educational service 24051  
center entered into under this section may be terminated by the 24052  
school district board of education, at its option, by notifying 24053  
the governing board of the service center by March 1, 2012, or by 24054  
the first day of January of any odd-numbered year thereafter, that 24055  
the district board intends to terminate the agreement in that 24056  
year, and that termination shall be effective on the thirtieth day 24057  
of June of that year. The failure of a district board to notify an 24058  
educational service center of its intent to terminate an agreement 24059  
by March 1, 2012, shall result in renewal of the existing 24060

agreement for the following school year. Thereafter, the failure 24061  
of a district board to notify an educational service center of its 24062  
intent to terminate an agreement by the first day of January of an 24063  
odd-numbered year shall result in renewal of the existing 24064  
agreement for the following two school years. 24065

(2) If the school district that terminates an agreement for 24066  
services under division (D)(1) of this section is also subject to 24067  
the requirement of division (B)(1) of this section, the district 24068  
board shall enter into a new agreement with any educational 24069  
service center so that the new agreement is effective on the first 24070  
day of July of that same year. 24071

(3) If all moneys owed by a school district to an educational 24072  
service center under an agreement for services terminated under 24073  
division (D)(1) of this section have been paid in full by the 24074  
effective date of the termination, the governing board of the 24075  
service center shall submit an affidavit to the department 24076  
certifying that fact not later than fifteen days after the 24077  
termination's effective date. Notwithstanding anything in the 24078  
Revised Code to the contrary, until the department receives such 24079  
an affidavit, it shall not make any payments to any other 24080  
educational service center with which the district enters into an 24081  
agreement under this section for services that the educational 24082  
service center provides to the district. 24083

(E) An educational service center may apply to any state or 24084  
federal agency for competitive grants. It may also apply to any 24085  
private entity for additional funds. 24086

(F) Not later than January 1, 2014, each educational service 24087  
center shall post on its web site a list of all of the services 24088  
that it provides and the corresponding cost for each of those 24089  
services. 24090

(G)(1) For purposes of calculating any state operating 24091

subsidy to be paid to an educational service center for the 24092  
operation of that service center and any services required under 24093  
Title XXXVIII of the Revised Code to be provided by the service 24094  
center to a school district, the service center's student count 24095  
shall be the sum of the total student counts of all the school 24096  
districts with which the educational service center has entered 24097  
into an agreement under this section. 24098

(2) When a district enters into a new agreement with a new 24099  
educational service center, the department of education shall 24100  
ensure that the state operating subsidy for services provided to 24101  
the district is paid to the new educational service center and 24102  
that the educational service center with which the district 24103  
previously had an agreement is no longer paid a state operating 24104  
subsidy for providing services to that district. 24105

(H) Pursuant to division (B) of section 3317.023 of the 24106  
Revised Code, the department annually shall deduct from each 24107  
school district that enters into an agreement with an educational 24108  
service center under this section, and pay to the service center, 24109  
an amount equal to six dollars and fifty cents times the school 24110  
district's total student count. The district board of education, 24111  
or the district superintendent acting on behalf of the district 24112  
board, may agree to pay an amount in excess of six dollars and 24113  
fifty cents per student in total student count. If a majority of 24114  
the boards of education, or superintendents acting on behalf of 24115  
the boards, of the districts that entered into an agreement under 24116  
this section approve an amount in excess of six dollars and fifty 24117  
cents per student in total student count, each district shall pay 24118  
the excess amount to the service center. 24119

(I) For purposes of this section, a school district's "total 24120  
student count" means the average daily student enrollment reported 24121  
on the most recent report card issued for the district pursuant to 24122  
section 3302.03 of the Revised Code. 24123

Sec. 3313.902. (A) As used in this section:	24124
(1) "Approved industry credential or certificate" means a	24125
credential or certificate that is approved by the <del>chancellor of</del>	24126
<del>the Ohio board of regents</del> <u>director of higher education.</u>	24127
(2) <u>"Approved institution" means an eligible institution that</u>	24128
<u>has been approved to participate in the adult diploma pilot</u>	24129
<u>program under this section.</u>	24130
(3) <u>"Approved program of study" means a program of study</u>	24131
<u>offered by an approved institution that satisfies the requirements</u>	24132
<u>of division (B) of this section.</u>	24133
(4) <u>An eligible student's "career pathway training program</u>	24134
<u>amount" means the following:</u>	24135
(a) <u>If the student is enrolled in a tier one career pathway</u>	24136
<u>training program, \$4,800;</u>	24137
(b) <u>If the student is enrolled in a tier two career pathway</u>	24138
<u>training program, \$3,200;</u>	24139
(c) <u>If the student is enrolled in a tier three career pathway</u>	24140
<u>training program, \$1,600.</u>	24141
(5) "Eligible institution" means any of the following:	24142
(a) A community college established under Chapter 3354. of	24143
the Revised Code;	24144
(b) A technical college established under Chapter 3357. of	24145
the Revised Code;	24146
(c) A state community college established under Chapter 3358.	24147
of the Revised Code;	24148
(d) An Ohio technical center recognized by the <del>chancellor</del>	24149
<u>director</u> that provides post-secondary workforce education.	24150
<del>(3)</del> (6) "Eligible student" means an individual who is at least	24151

twenty-two years of age and has not received a high school diploma 24152  
or a certificate of high school equivalence, as defined in section 24153  
4109.06 of the Revised Code. 24154

(7) A "tier one career pathway training program" is a career 24155  
pathway training program that requires more than six hundred hours 24156  
of technical training, as determined by the department of 24157  
education. 24158

(8) A "tier two career pathway training program" is a career 24159  
pathway training program that requires more than three hundred 24160  
hours of technical training but less than six hundred hours of 24161  
technical training, as determined by the department. 24162

(9) A "tier three career pathway training program" is a 24163  
career pathway training program that requires three hundred hours 24164  
or less of technical training, as determined by the department. 24165

(10) An eligible student's "work readiness training amount" 24166  
means the following: 24167

(a) If the student's grade level upon initial enrollment in 24168  
an approved program of study at an approved institution is below 24169  
the ninth grade, as determined in accordance with rules adopted 24170  
under division (E) of this section, \$1,500. 24171

(b) If the student's grade level upon initial enrollment in 24172  
an approved program of study at an approved institution is at or 24173  
above the ninth grade, as determined in accordance with rules 24174  
adopted under division (E) of this section, \$750. 24175

(B) The adult ~~career opportunity diploma~~ pilot program is 24176  
hereby established to permit an eligible institution to obtain 24177  
approval from the ~~state board of education~~ superintendent of 24178  
public instruction and the ~~chancellor~~ director of higher education 24179  
to develop and offer a program of study that allows an eligible 24180  
student to obtain a high school diploma. A program shall be 24181  
eligible for this approval if it satisfies all of the following 24182

requirements: 24183

(1) The program allows an eligible student to complete the 24184  
requirements for obtaining a high school diploma that are 24185  
specified in rules adopted by the superintendent under division 24186  
(E) of this section while also completing requirements for an 24187  
approved industry credential or certificate. 24188

(2) The program includes career advising and outreach. 24189

(3) The program includes opportunities for students to 24190  
receive a competency-based education. 24191

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 24192  
3313.614, and 3313.618 of the Revised Code, the state board of 24193  
education shall grant a high school diploma to each eligible 24194  
student who enrolls in an approved program of study at an approved 24195  
institution and completes the requirements for obtaining a high 24196  
school diploma that are specified in rules adopted by the 24197  
superintendent under division (E) of this section. 24198

(D)(1) The department shall calculate the following amount 24199  
for each eligible student enrolled in each approved institution's 24200  
approved program of study: 24201

(The student's career pathway training program amount + the 24202  
student's work readiness training amount) X 1.2 24203

(2) The department shall pay the amount calculated for an 24204  
eligible student under division (D)(1) of this section to the 24205  
approved institution in which the student is enrolled in the 24206  
following manner: 24207

(a) Twenty-five per cent of the amount calculated under 24208  
division (D)(1) of this section shall be paid to the approved 24209  
institution after the student successfully completes the first 24210  
third of the approved program of study, as determined by the 24211  
department; 24212

(b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department; 24213  
24214  
24215  
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(c) Fifty per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the final third of the approved program of study, as determined by the department. 24218  
24219  
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(3) Of the amount paid to an approved institution under division (D)(2) of this section, the institution may use the amount that is in addition to the student's career pathway training amount and the student's work readiness training amount for the associated services of the approved program of study. These services include counseling, advising, assessment, and other services as determined or required by the department. 24222  
24223  
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(E) The superintendent ~~of public instruction~~, in consultation with the ~~chancellor~~ director, shall adopt rules for the implementation of the adult ~~career opportunity~~ diploma pilot program, including ~~the~~ all of the following: 24229  
24230  
24231  
24232

(1) The requirements for applying for program approval; 24233

(2) The requirements for obtaining a high school diploma through the program, including the requirement to obtain a passing score on an assessment that is appropriate for the career pathway training program that is being completed by the eligible student, and the date on which these requirements take effect; 24234  
24235  
24236  
24237  
24238

(3) The assessment or assessments that may be used to complete the assessment requirement for each career pathway training program under division (E)(2) of this section and the score that must be obtained on each assessment in order to pass the assessment; 24239  
24240  
24241  
24242  
24243

(4) Guidelines regarding the funding of the program under division (D) of this section, including a method of funding for students who transfer from one approved institution to another approved institution prior to completing an approved program of study; 24244  
24245  
24246  
24247  
24248

(5) Circumstances under which an eligible student may be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study; 24249  
24250  
24251

(6) A requirement that an eligible student may not be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study except in the circumstances described under division (E)(5) of this section; 24252  
24253  
24254  
24255

(7) The payment of federal funds that are to be used by approved programs of study at approved institutions. 24256  
24257

**Sec. 3313.981.** (A) The state board of education shall adopt rules requiring all of the following: 24258  
24259

(1) The board of education of each city, exempted village, and local school district to annually report to the department of education all of the following: 24260  
24261  
24262

(a) The number of adjacent district or other district students in grades kindergarten through twelve, as applicable, the number of adjacent district or other district students who are preschool children with disabilities, as applicable, and the number of adjacent district or other district joint vocational students, as applicable, enrolled in the district and the, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code; 24263  
24264  
24265  
24266  
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24270

(b) The number of native students in grades kindergarten through twelve enrolled in adjacent or other districts and the number of native students who are preschool children with 24271  
24272  
24273

<u>disabilities enrolled in adjacent or other districts, in</u>	24274
accordance with a policy adopted under division (B) of section	24275
3313.98 of the Revised Code;	24276
<del>(b)</del> (c) Each adjacent district or other district student's or	24277
adjacent district or other district joint vocational student's	24278
date of enrollment in the district;	24279
<del>(e)</del> (d) The full-time equivalent number of adjacent district	24280
or other district students enrolled in each of the categories of	24281
career-technical education programs or classes described in	24282
section 3317.014 of the Revised Code;	24283
<del>(d)</del> (e) Each native student's date of enrollment in an	24284
adjacent or other district.	24285
(2) The board of education of each joint vocational school	24286
district to annually report to the department all of the	24287
following:	24288
(a) The number of adjacent district or other district joint	24289
vocational students, as applicable, enrolled in the district;	24290
(b) The full-time equivalent number of adjacent district or	24291
other district joint vocational students enrolled in each category	24292
of career-technical education programs or classes described in	24293
section 3317.014 of the Revised Code;	24294
(c) For each adjacent district or other district joint	24295
vocational student, the city, exempted village, or local school	24296
district in which the student is also enrolled.	24297
(3) Prior to the end of each reporting period specified in	24298
section 3317.03 of the Revised Code, the superintendent of each	24299
city, local, or exempted village school district that admits	24300
adjacent district or other district students <u>who are in grades</u>	24301
<u>kindergarten through twelve, adjacent district or other district</u>	24302
<u>students who are preschool children with disabilities, or adjacent</u>	24303

district or other district joint vocational students in accordance 24304  
with a policy adopted under division (B) of section 3313.98 of the 24305  
Revised Code to report to the department of education each 24306  
adjacent or other district's students and where those students who 24307  
are enrolled in the superintendent's district under the policy are 24308  
entitled to attend school under section 3313.64 or 3313.65 of the 24309  
Revised Code. 24310

The rules shall provide for the method of counting students 24311  
who are enrolled for part of a school year in an adjacent or other 24312  
district or as an adjacent district or other district joint 24313  
vocational student. 24314

(B) From the payments made to a city, exempted village, or 24315  
local school district under Chapter 3317. of the Revised Code and, 24316  
if necessary, from the payments made to the district under 24317  
sections 321.24 and 323.156 of the Revised Code, the department of 24318  
education shall annually subtract ~~both~~ all of the following: 24319

(1) An amount equal to the number of the district's native 24320  
students in grades kindergarten through twelve reported under 24321  
division (A)(1) of this section who are enrolled in adjacent or 24322  
other school districts pursuant to policies adopted by such 24323  
districts under division (B) of section 3313.98 of the Revised 24324  
Code multiplied by the formula amount; 24325

(2) The excess costs computed in accordance with division (E) 24326  
of this section for any such native students in grades 24327  
kindergarten through twelve receiving special education and 24328  
related services in adjacent or other school districts or as an 24329  
adjacent district or other district joint vocational student; 24330

(3) For ~~the~~ each of the district's native students reported 24331  
under division (A)(1)~~(e)~~(d) or (2)(b) of this section as enrolled 24332  
in career-technical education programs or classes described in 24333  
section 3317.014 of the Revised Code, the per pupil amount 24334

prescribed by that section for the student's respective 24335  
career-technical category, on a full-time equivalency basis; 24336

(4) For each native student who is a preschool child with a 24337  
disability reported under division (A)(1) of this section who is 24338  
enrolled in an adjacent or other district pursuant to policies 24339  
adopted by such a district under division (B) of section 3313.98 24340  
of the Revised Code, \$4,000. 24341

(C) To the payments made to a city, exempted village, or 24342  
local school district under Chapter 3317. of the Revised Code, the 24343  
department of education shall annually add all of the following: 24344

(1) An amount equal to the formula amount multiplied by the 24345  
remainder obtained by subtracting the number of adjacent district 24346  
or other district joint vocational students from the number of 24347  
adjacent district or other district students in grades 24348  
kindergarten through twelve enrolled in the district, as reported 24349  
under division (A)(1) of this section; 24350

(2) The excess costs computed in accordance with division (E) 24351  
of this section for any adjacent district or other district 24352  
students in grades kindergarten through twelve, except for any 24353  
adjacent or other district joint vocational students, receiving 24354  
special education and related services in the district; 24355

(3) For ~~the~~ each of the adjacent or other district students 24356  
who are not adjacent district or other district joint vocational 24357  
students and are reported under division (A)(1)~~(e)~~(d) of this 24358  
section as enrolled in career-technical education programs or 24359  
classes described in section 3317.014 of the Revised Code, the per 24360  
pupil amount prescribed by that section for the student's 24361  
respective career-technical category, on a full-time equivalency 24362  
basis; 24363

(4) An amount equal to the number of adjacent district or 24364  
other district joint vocational students reported under division 24365

(A)(1) of this section multiplied by an amount equal to twenty per cent of the formula amount; 24366  
24367

(5) For each adjacent district or other district student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in the district, \$4,000. 24368  
24369  
24370

(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following: 24371  
24372  
24373  
24374  
24375

(1) The formula amount; 24376

(2) The per pupil amount for each of the students reported pursuant to division (A)(2)(b) of this section prescribed by section 3317.014 of the Revised Code for the student's respective career-technical category, on a full-time equivalency basis. 24377  
24378  
24379  
24380

(E)(1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in grades kindergarten through twelve in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows: 24381  
24382  
24383  
24384  
24385  
24386

(a) Subtract the formula amount from the actual costs to educate the student; 24387  
24388

(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter 3317. of the Revised Code to provide special education and related services to the student. 24389  
24390  
24391  
24392

(2) The board shall report the excess costs computed under this division to the department of education. 24393  
24394

(3) If any student for whom excess costs are computed under 24395

division (E)(1) of this section is an adjacent or other district 24396  
joint vocational student, the department of education shall add 24397  
the amount of such excess costs to the payments made under Chapter 24398  
3317. of the Revised Code to the joint vocational school district 24399  
enrolling the student. 24400

(F) As provided in division (D)(1)(b) of section 3317.03 of 24401  
the Revised Code, no joint vocational school district shall count 24402  
any adjacent or other district joint vocational student enrolled 24403  
in the district in its enrollment certified under section 3317.03 24404  
of the Revised Code. 24405

(G) No city, exempted village, or local school district shall 24406  
receive a payment under division (C) of this section for a 24407  
student, and no joint vocational school district shall receive a 24408  
payment under division (D) of this section for a student, if for 24409  
the same school year that student is counted in the district's 24410  
enrollment certified under section 3317.03 of the Revised Code. 24411

(H) Upon request of a parent, and provided the board offers 24412  
transportation to native students of the same grade level and 24413  
distance from school under section 3327.01 of the Revised Code, a 24414  
city, exempted village, or local school board enrolling an 24415  
adjacent or other district student shall provide transportation 24416  
for the student within the boundaries of the board's district, 24417  
except that the board shall be required to pick up and drop off a 24418  
nonhandicapped student only at a regular school bus stop 24419  
designated in accordance with the board's transportation policy. 24420  
Pursuant to rules of the state board of education, such board may 24421  
reimburse the parent from funds received for pupil transportation 24422  
under section 3317.0212 of the Revised Code, or other provisions 24423  
of law, for the reasonable cost of transportation from the 24424  
student's home to the designated school bus stop if the student's 24425  
family has an income below the federal poverty line. 24426

**Sec. 3314.011.** Every community school established under this 24427  
chapter shall have a designated fiscal officer who is employed by 24428  
the governing authority of the school and is independent from the 24429  
school's operator. The auditor of state may require by rule that 24430  
the fiscal officer of any community school, before entering upon 24431  
duties as fiscal officer of the school, execute a bond in an 24432  
amount and with surety to be approved by the governing authority 24433  
of the school, payable to the state, conditioned for the faithful 24434  
performance of all the official duties required of the fiscal 24435  
officer. Any such bond shall be deposited with the governing 24436  
authority of the school, and a copy thereof, certified by the 24437  
governing authority, shall be filed with the county auditor. 24438

Prior to assuming the duties of fiscal officer, the fiscal 24439  
officer designated under this section shall be licensed under 24440  
section 3301.074 of the Revised Code. Any person serving as a 24441  
fiscal officer of a community school on ~~the effective date of this~~ 24442  
~~amendment~~ March 22, 2013, who is not licensed as a treasurer shall 24443  
be permitted to serve as a fiscal officer for not more than one 24444  
year following ~~the effective date of this amendment~~ March 22, 24445  
2013. Beginning on that date and thereafter, no community school 24446  
shall permit any individual to serve as a fiscal officer without a 24447  
license as required by this section. 24448

**Sec. 3314.015.** (A) The department of education shall be 24449  
responsible for the oversight of any and all sponsors of the 24450  
community schools established under this chapter and shall provide 24451  
technical assistance to schools and sponsors in their compliance 24452  
with applicable laws and the terms of the contracts entered into 24453  
under section 3314.03 of the Revised Code and in the development 24454  
and start-up activities of those schools. In carrying out its 24455  
duties under this section, the department shall do all of the 24456  
following: 24457

(1) In providing technical assistance to proposing parties, 24458  
governing authorities, and sponsors, conduct training sessions and 24459  
distribute informational materials; 24460

(2) Approve entities to be sponsors of community schools; 24461

(3) Monitor and evaluate, as required under section 3314.016 24462  
of the Revised Code, the effectiveness of any and all sponsors in 24463  
their oversight of the schools with which they have contracted; 24464

(4) By December thirty-first of each year, issue a report to 24465  
the governor, the speaker of the house of representatives, the 24466  
president of the senate, and the chairpersons of the house and 24467  
senate committees principally responsible for education matters 24468  
regarding the effectiveness of academic programs, operations, and 24469  
legal compliance and of the financial condition of all community 24470  
schools established under this chapter and on the performance of 24471  
community school sponsors; 24472

(5) From time to time, make legislative recommendations to 24473  
the general assembly designed to enhance the operation and 24474  
performance of community schools. 24475

(B)(1) ~~Except as provided in sections 3314.021 and 3314.027~~ 24476  
~~of the Revised Code, no~~ No entity listed in division (B)(1), (2), 24477  
or (4) or (C)(1) of section 3314.02 of the Revised Code shall 24478  
enter into a preliminary agreement under division (C)(2) of 24479  
section 3314.02 of the Revised Code until it has received approval 24480  
from the department of education to sponsor community schools 24481  
under this chapter and has entered into a written agreement with 24482  
the department regarding the manner in which the entity will 24483  
conduct such sponsorship. 24484

The initial term of a sponsor's agreement with the department 24485  
shall be for up to ~~seven~~ five years. ~~For every year that the~~ 24486  
~~sponsor satisfies the conditions of division (B)(1)(a) or (b) of~~ 24487  
~~this section, as applicable, the department shall add one year to~~ 24488

~~the agreement term, subject to divisions (C) and (F) of this section, unless the sponsor notifies the department that it does not wish to have the term of the agreement so extended.~~

~~To qualify for the extension of the term of the sponsor's agreement, the sponsor shall satisfy one of the following, as applicable:~~

~~(a) Prior to January 1, 2015, the sponsor is not in the lowest twenty per cent of sponsors statewide according to the composite performance index score as ranked under section 3314.016 of the Revised Code, as that section exists prior to that date, and the sponsor continues to meet all the requirements of this chapter pertaining to community school sponsors.~~

~~(b) On or after January 1, 2015, the sponsor is rated as "exemplary" or "effective" under section 3314.016 of the Revised Code, as that section exists on and after that date, and the sponsor continues to meet all the requirements of this chapter pertaining to community school sponsors. The first two years of the initial term shall be for training, planning, and collecting the resources required to carry out high quality sponsorship practices.~~

~~(a) An agreement entered into with the department pursuant to this section may be renewed for a term of up to twelve years using the following criteria:~~

~~(i) The academic performance of students enrolled in each community school the entity sponsors, as determined by the department pursuant to division (B)(1)(a) of section 3314.016 of the Revised Code;~~

~~(ii) The sponsor's adherence to quality practices, as determined by the department pursuant to division (B)(1)(b) of section 3314.016 of the Revised Code.~~

(b) The department shall adopt in accordance with Chapter

119. of the Revised Code rules containing criteria, procedures, 24520  
and deadlines for processing applications for approval of 24521  
sponsors, for oversight of sponsors, for notifying a sponsor of 24522  
noncompliance with applicable laws and administrative rules under 24523  
division (F) of this section, for revocation of the approval of 24524  
sponsors under division (C) of this section, and for entering into 24525  
written agreements with sponsors. The rules shall require an 24526  
entity to submit evidence of the entity's ability and willingness 24527  
to comply with the provisions of division (D) of section 3314.03 24528  
of the Revised Code. The rules also shall require entities 24529  
approved as sponsors on and after June 30, 2005, to demonstrate a 24530  
record of financial responsibility and successful implementation 24531  
of educational programs. If an entity seeking approval on or after 24532  
June 30, 2005, to sponsor community schools in this state sponsors 24533  
or operates schools in another state, at least one of the schools 24534  
sponsored or operated by the entity must be comparable to or 24535  
better than the performance of Ohio schools in need of continuous 24536  
improvement under section 3302.03 of the Revised Code, as 24537  
determined by the department. 24538

Subject to section 3314.016 of the Revised Code, an entity 24539  
that sponsors community schools may enter into preliminary 24540  
agreements and sponsor ~~up to one hundred~~ schools in a manner that 24541  
is consistent with the written agreement entered into with the 24542  
department pursuant to division (B)(1) of this section, provided 24543  
each school and the contract for sponsorship meets the 24544  
requirements of this chapter. 24545

(2) The state board of education shall determine, pursuant to 24546  
criteria specified in rules adopted in accordance with Chapter 24547  
119. of the Revised Code, whether the mission proposed to be 24548  
specified in the contract of a community school to be sponsored by 24549  
a state university board of trustees or the board's designee under 24550  
division (C)(1)(e) of section 3314.02 of the Revised Code complies 24551

with the requirements of that division. Such determination of the state board is final.

(3) The state board of education shall determine, pursuant to criteria specified in rules adopted in accordance with Chapter 119. of the Revised Code, if any tax-exempt entity under section 501(c)(3) of the Internal Revenue Code that is proposed to be a sponsor of a community school is an education-oriented entity for purpose of satisfying the condition prescribed in division (C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such determination of the state board is final.

(C) ~~If~~ Except in the event of revocation according to division (C)(3) of section 3314.016 of the Revised Code, if at any time the state board of education finds that a sponsor is not in compliance or is no longer willing to comply with its contract with any community school or with the department's rules for sponsorship, the state board or designee shall conduct a hearing in accordance with Chapter 119. of the Revised Code on that matter. If after the hearing, the state board or designee has confirmed the original finding, the department of education may revoke the sponsor's approval to sponsor community schools. In that case, the department's office of Ohio school sponsorship, established under section 3314.029 of the Revised Code, may assume the sponsorship of any schools with which the sponsor has contracted until the earlier of the expiration of two school years or until a new sponsor as described in division (C)(1) of section 3314.02 of the Revised Code is secured by the school's governing authority. The office of Ohio school sponsorship may extend the term of the contract in the case of a school for which it has assumed sponsorship under this division as necessary to accommodate the term of the department's authorization to sponsor the school specified in this division. Community schools sponsored under this division shall not apply to the limit on directly

authorized community schools under division (A)(3) of section 24584  
3314.029 of the Revised Code. However, nothing in this division 24585  
shall preclude a community school affected by this division from 24586  
applying for sponsorship under that section. 24587

(D) The decision of the department to disapprove an entity 24588  
for sponsorship of a community school or to revoke approval for 24589  
such sponsorship under division (C) of this section, may be 24590  
appealed by the entity in accordance with section 119.12 of the 24591  
Revised Code. 24592

(E) The department shall adopt procedures for use by a 24593  
community school governing authority and sponsor when the school 24594  
permanently closes and ceases operation, which shall include at 24595  
least procedures for data reporting to the department, handling of 24596  
student records, distribution of assets in accordance with section 24597  
3314.074 of the Revised Code, and other matters related to ceasing 24598  
operation of the school. 24599

(F)(1) In lieu of revoking a sponsor's authority to sponsor 24600  
community schools under division (C) of this section, if the 24601  
department finds that a sponsor is not in compliance with 24602  
applicable laws and administrative rules, the department shall 24603  
declare in a written notice to the sponsor the specific laws or 24604  
rules, or both, for which the sponsor is noncompliant. A sponsor 24605  
notified under division (F)(1) of this section shall respond to 24606  
the department not later than fourteen days after the notification 24607  
with a proposed plan to remedy the conditions for which the 24608  
sponsor was found to be noncompliant. The department shall approve 24609  
or disapprove the plan not later than fourteen days after 24610  
receiving it. If the plan is disapproved, the sponsor may submit a 24611  
revised plan to the department not later than fourteen days after 24612  
receiving notification of disapproval from the department or not 24613  
later than sixty days after the date the sponsor received 24614  
notification of noncompliance from the department, whichever is 24615

earlier. The department shall approve or disapprove the revised 24616  
plan not later than fourteen days after receiving it or not later 24617  
than sixty days after the date the sponsor received notification 24618  
of noncompliance from the department, whichever is earlier. A 24619  
sponsor may continue to make revisions by the deadlines prescribed 24620  
in division (F)(1) of this section to any revised plan that is 24621  
disapproved by the department until the sixtieth day after the 24622  
date the sponsor received notification of noncompliance from the 24623  
department. 24624

If a plan or a revised plan is approved, the sponsor shall 24625  
implement it not later than sixty days after the date the sponsor 24626  
received notification of noncompliance from the department or not 24627  
later than thirty days after the plan is approved, whichever is 24628  
later. If a sponsor does not respond to the department or 24629  
implement an approved compliance plan by the deadlines prescribed 24630  
by division (F)(1) of this section, or if a sponsor does not 24631  
receive approval of a compliance plan on or before the sixtieth 24632  
day after the date the sponsor received notification of 24633  
noncompliance from the department, the department shall declare in 24634  
written notice to the sponsor that the sponsor is in probationary 24635  
status, and may limit the sponsor's ability to sponsor additional 24636  
schools. 24637

(2) A sponsor that has been placed on probationary status 24638  
under division (F)(1) of this section may apply to the department 24639  
for its probationary status to be lifted. The application for a 24640  
sponsor's probationary status to be lifted shall include evidence, 24641  
occurring after the initial notification of noncompliance, of the 24642  
sponsor's compliance with applicable laws and administrative 24643  
rules. Not later than fourteen days after receiving an application 24644  
from the sponsor, the department shall decide whether or not to 24645  
remove the sponsor's probationary status. 24646

(G) In carrying out its duties under this chapter, the 24647

department shall not impose requirements on community schools or 24648  
their sponsors that are not permitted by law or duly adopted 24649  
rules. 24650

(H) This section applies to entities that sponsor conversion 24651  
community schools and new start-up schools. 24652

**Sec. 3314.016.** This section applies to any entity that 24653  
sponsors a community school, ~~regardless of whether section~~ 24654  
~~3314.021 or 3314.027 of the Revised Code exempts the entity from~~ 24655  
~~the requirement to be approved for sponsorship under divisions~~ 24656  
~~(A)(2) and (B)(1) of section 3314.015 of the Revised Code.~~ The 24657  
office of Ohio school sponsorship established under section 24658  
3314.029 of the Revised Code shall be rated under ~~division~~ 24659  
divisions (B) and (C) of this section, but divisions (A) and 24660  
~~(C)(D)~~ of this section do not apply to the office. 24661

(A) An entity that sponsors a community school shall be 24662  
permitted to enter into contracts under section 3314.03 of the 24663  
Revised Code to sponsor additional community schools only if the 24664  
entity ~~meets both of the following criteria:~~ 24665

~~(1) The entity is in compliance with all provisions of this~~ 24666  
~~chapter requiring sponsors of community schools to report data or~~ 24667  
~~information to the department of education.~~ 24668

~~(2) The entity is not rated as "ineffective" under division~~ 24669  
~~(B)(6) of this section has been approved by the department of~~ 24670  
~~education and has entered into a written agreement in accordance~~ 24671  
~~with section 3314.015 of the Revised Code.~~ 24672

(B)(1) For purposes of this section, the department shall 24673  
develop and implement an evaluation system that rates each entity 24674  
that sponsors a community school ~~based on~~ according to the 24675  
following components: 24676

(a) ~~Academic~~ Annual academic performance of students enrolled 24677

in community schools sponsored by the same entity; 24678

(b) Adherence by a sponsor to the quality practices 24679  
prescribed by the department under division (B)(3) of this section 24680  
rated every third year. The department shall not include this 24681  
measure in the sponsor evaluation rating system until the 24682  
department prescribes quality practices and develops an instrument 24683  
to measure adherence to those practices under division (B)(3) of 24684  
this section. 24685

(c) ~~Compliance~~ Annual compliance with applicable laws and 24686  
administrative rules by an entity that sponsors a community 24687  
school. 24688

In developing the evaluation system, the department shall 24689  
differentiate categories of sponsors based upon at least the total 24690  
number of community schools to be sponsored, the geographic 24691  
proximity of the school or schools to the sponsoring entity, and 24692  
the entity's organizational capacity. 24693

(2) In calculating ~~an~~ the academic performance component of 24694  
the evaluation system, the department shall exclude all of the 24695  
following: 24696

(a) All community schools that have been in operation for not 24697  
more than two full school years; 24698

(b) All community schools described in division (A)(4)(b) of 24699  
section 3314.35 of the Revised Code. 24700

(3) The department, in consultation with entities that 24701  
sponsor community schools, shall prescribe quality practices for 24702  
community school sponsors and develop an instrument to measure 24703  
adherence to those quality practices. The quality practices shall 24704  
be based on standards developed by the national association of 24705  
charter school authorizers or any other nationally organized 24706  
community school organization. 24707

(4)(a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B)(3) of this section. 24708  
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(b) The department shall require individuals participating in peer review under division (B)(4)(a) of this section to complete training approved or established by the department. 24711  
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(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program. 24714  
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~~(5) Not later than July 1, 2013, the state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B)(1)(c) of this section.~~ 24719  
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~~(6)(C) The department annually shall rate all entities that sponsor community schools as either "exemplary," "effective," or "ineffective," based on the components prescribed by division (B) of this section, where each component is weighted equally, except that entities sponsoring community schools for the first time may be assigned the rating of "emerging" for only the first two consecutive years.~~ 24724  
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~~The department shall publish the ratings between the first day of October and the fifteenth day of October.~~ 24731  
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~~(7)(a) Prior to the 2014-2015 school year, student academic performance prescribed under division (B)(1)(a) of this section shall not include student academic performance data from community schools that primarily serve students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code.~~ 24733  
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(b) or "poor" using the evaluation system established 24739  
pursuant to division (B) of this section. A separate rating shall 24740  
be given for each component of the evaluation system according to 24741  
the established timeline. The department shall also assign an 24742  
overall rating, at such intervals to be determined by the 24743  
department. 24744

The department shall publish the individual component ratings 24745  
between the first and the fifteenth day of October of the 24746  
applicable rating year, as set forth in division (B)(1)(a), (b), 24747  
or (c) of this section. 24748

The department shall establish incentives and restrictions on 24749  
the scope and breadth of an entity's authority to sponsor 24750  
community schools based upon the entity's overall rating. 24751

(1) Entities with an overall rating of "exemplary" may take 24752  
advantage of the following incentives: 24753

(a) Renewal of the written agreement with the department, not 24754  
to exceed twelve years, provided that the entity consents to 24755  
continued evaluation of adherence to quality practices as 24756  
described in division (B)(1)(b) of this section; 24757

(b) The ability to extend the term of the contract between 24758  
the sponsoring entity and the community school beyond the term 24759  
described in the written agreement with the department; 24760

(c) An exemption from the preliminary agreement and contract 24761  
adoption and execution deadline requirements prescribed in 24762  
division (D) of section 3314.02 of the Revised Code; 24763

(d) An exemption from the automatic contract expiration 24764  
requirement, should a new community school fail to open by the 24765  
thirtieth day of September of the calendar year in which the 24766  
community school contract is executed; 24767

(e) No limit on the number of community schools the entity 24768

may sponsor; 24769

(f) No territorial restrictions on sponsorship; 24770

(g) Any other incentives determined necessary or appropriate 24771  
by the department. 24772

(2) Entities that receive an overall rating of "ineffective" 24773  
shall be prohibited from sponsoring any new or additional 24774  
community schools and shall be subject to a one-year quality 24775  
improvement plan with timelines and benchmarks that have been 24776  
established by the department. 24777

(3) Entities that receive an overall rating of "poor" shall 24778  
have all sponsorship authority revoked. Within thirty days after 24779  
receiving a rating of "poor" the entity may appeal the revocation 24780  
of its sponsorship authority to the superintendent of public 24781  
instruction, who shall appoint an independent hearing officer to 24782  
conduct a hearing in accordance with Chapter 119. of the Revised 24783  
Code. If, after the hearing, the state superintendent determines 24784  
that the revocation is appropriate, the revocation shall be 24785  
confirmed. 24786

(D) For the 2014-2015 school year and each school year 24787  
thereafter, student academic performance prescribed under division 24788  
(B)(1)(a) of this section shall include student academic 24789  
performance data from community schools that primarily serve 24790  
students enrolled in a dropout prevention and recovery program. 24791

~~(C)~~(E)(1) If the governing authority of a community school 24792  
enters into a contract with a sponsor prior to the date on which 24793  
the sponsor is prohibited from sponsoring additional schools under 24794  
division (A) of this section and the school has not opened for 24795  
operation as of that date, that contract shall be void and the 24796  
school shall not open until the governing authority secures a new 24797  
sponsor by entering into a contract with the new sponsor under 24798  
section 3314.03 of the Revised Code. However, the department's 24799

office of Ohio school sponsorship, established under section 24800  
3314.029 of the Revised Code, may assume the sponsorship of the 24801  
school until the earlier of the expiration of two school years or 24802  
until a new sponsor is secured by the school's governing 24803  
authority. A community school sponsored by the department under 24804  
this division shall not be included when calculating the maximum 24805  
number of directly authorized community schools permitted under 24806  
division (A)(3) of section 3314.029 of the Revised Code. 24807

(2) When an entity's authority to sponsor schools is revoked 24808  
pursuant to division (C)(3) of this section, the office of Ohio 24809  
school sponsorship may, in the department's discretion, assume 24810  
sponsorship of any schools with which the original sponsor has 24811  
contracted until the earlier of the expiration of two school years 24812  
or until a new sponsor is secured by the governing authority 24813  
pursuant to division (C)(1) of section 3314.02 of the Revised 24814  
Code. 24815

The office of school sponsorship may extend the term of the 24816  
sponsorship contract in the case of a school it is sponsoring 24817  
pursuant to this division as necessary to accommodate the terms of 24818  
the department's authorization to sponsor the school. Any 24819  
community school sponsored under this division shall not be 24820  
counted for purposes of directly authorized community schools 24821  
under division (A)(3) of section 3314.029 of the Revised Code. 24822

Nothing in this division shall preclude a community school 24823  
affected by this division from applying for sponsorship under 24824  
section 3314.029 of the Revised Code. 24825

(F) The state board of education shall adopt rules in 24826  
accordance with Chapter 119. of the Revised Code prescribing 24827  
standards for measuring an entity's compliance with applicable 24828  
laws and administrative rules under division (B)(1)(c) of this 24829  
section. 24830

<b>Sec. 3314.02.</b> (A) As used in this chapter:	24831
(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C)(1) of this section, which <del>either</del> has been approved by the department of education to sponsor community schools <del>or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval,</del> and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code.	24832 24833 24834 24835 24836 24837 24838 24839 24840 24841
(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.	24842 24843 24844 24845
(3) "Challenged school district" means any of the following:	24846
(a) A school district that is part of the pilot project area;	24847
(b) A school district that meets one of the following conditions:	24848 24849
(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;	24850 24851 24852 24853
(ii) For two of the 2012-2013, 2013-2014, and 2014-2015 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;	24854 24855 24856 24857
(iii) For the 2015-2016 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code,	24858 24859 24860

or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section.

(c) A big eight school district;

(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that

does not rely on regular classroom instruction or via 24891  
comprehensive instructional methods that include internet-based, 24892  
other computer-based, and noncomputer-based learning 24893  
opportunities. 24894

(8) "Operator" means either of the following: 24895

(a) An individual or organization that manages the daily 24896  
operations of a community school pursuant to a contract between 24897  
the operator and the school's governing authority; 24898

(b) A nonprofit organization that provides programmatic 24899  
oversight and support to a community school under a contract with 24900  
the school's governing authority and that retains the right to 24901  
terminate its affiliation with the school if the school fails to 24902  
meet the organization's quality standards. 24903

(9) "Alliance municipal school district" has the same meaning 24904  
as in section 3311.86 of the Revised Code. 24905

(B)(1) Any person or group of individuals may initially 24906  
propose under this division the conversion of all or a portion of 24907  
a public school to a community school. The proposal shall be made 24908  
to the board of education of the city, local, exempted village, or 24909  
joint vocational school district in which the public school is 24910  
proposed to be converted. 24911

(2) Any person or group of individuals may initially propose 24912  
under this division the conversion of all or a portion of a 24913  
building operated by an educational service center to a community 24914  
school. The proposal shall be made to the governing board of the 24915  
service center. 24916

~~A service center that proposes the establishment of a 24917  
conversion community school located in a county within the 24918  
territory of the service center or in a county contiguous to such 24919  
county is exempt from approval from the department of education, 24920  
except as provided under division (B)(4) of this section, and from 24921~~

~~the agreement required under division (B)(1) of section 3314.015  
of the Revised Code.~~ 24922  
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~~However, a service center that proposes the establishment of  
a conversion community school located in a county outside of the  
territory of the service center or a county contiguous to such  
county shall be subject to approval from the department of  
education and from the agreement required under that section.~~ 24924  
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~~Division (B)(2) of this section does not apply to an  
educational service center that sponsors community schools and  
that is exempted under section 3314.021 or 3314.027 of the Revised  
Code from the requirement to be approved for sponsorship under  
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised  
Code.~~ 24929  
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An educational service center that sponsors a community  
school in accordance with this division shall be approved by and  
enter into a written agreement with the department as described in  
section 3314.015 of the Revised Code. 24935  
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(3) Upon receipt of a proposal, a board may enter into a  
preliminary agreement with the person or group proposing the  
conversion of the public school or service center building,  
indicating the intention of the board to support the conversion to  
a community school. A proposing person or group that has a  
preliminary agreement under this division may proceed to finalize  
plans for the school, establish a governing authority for the  
school, and negotiate a contract with the board. Provided the  
proposing person or group adheres to the preliminary agreement and  
all provisions of this chapter, the board shall negotiate in good  
faith to enter into a contract in accordance with section 3314.03  
of the Revised Code and division (C) of this section. 24939  
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(4) The sponsor of a conversion community school proposed to  
open in an alliance municipal school district shall be subject to 24951  
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approval by the department of education for sponsorship of that 24953  
school using the criteria established under division (A) of 24954  
section 3311.87 of the Revised Code. 24955

Division (B)(4) of this section does not apply to a sponsor 24956  
that is, on or before the effective date of this amendment, was 24957  
exempted under section 3314.021 or 3314.027 of the Revised Code 24958  
from the requirement to be approved for sponsorship under 24959  
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 24960  
Code. 24961

(C)(1) Any person or group of individuals may propose under 24962  
this division the establishment of a new start-up school to be 24963  
located in a challenged school district. The proposal may be made 24964  
to any of the following entities: 24965

(a) The board of education of the district in which the 24966  
school is proposed to be located; 24967

(b) The board of education of any joint vocational school 24968  
district with territory in the county in which is located the 24969  
majority of the territory of the district in which the school is 24970  
proposed to be located; 24971

(c) The board of education of any other city, local, or 24972  
exempted village school district having territory in the same 24973  
county where the district in which the school is proposed to be 24974  
located has the major portion of its territory; 24975

(d) The governing board of any educational service center, 24976  
regardless of the location of the proposed school, may sponsor a 24977  
new start-up school in any challenged school district in the state 24978  
if all of the following are satisfied: 24979

(i) If applicable, it satisfies the requirements of division 24980  
(E) of section 3311.86 of the Revised Code; 24981

(ii) It is approved to do so by the department; 24982

(iii) It enters into an agreement with the department under section 3314.015 of the Revised Code. 24983  
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(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department under division (B)(2) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education; 24985  
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(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied: 24996  
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(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor. 24999  
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(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility. 25001  
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(iii) The department has determined that the entity is an education-oriented entity under division (B)(3) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs. 25003  
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(iv) The entity is not a community school. 25007

(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are 25008  
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located in that school district. Such mayor may sponsor community 25014  
schools only with the approval of the city council of that city, 25015  
after establishing standards with which community schools 25016  
sponsored by the mayor must comply, and after entering into a 25017  
sponsor agreement with the department as prescribed under section 25018  
3314.015 of the Revised Code. The mayor shall establish the 25019  
standards for community schools sponsored by the mayor not later 25020  
than one hundred eighty days after July 15, 2013, and shall submit 25021  
them to the department upon their establishment. The department 25022  
shall approve the mayor to sponsor community schools in the 25023  
district, upon receipt of an application by the mayor to do so. 25024  
Not later than ninety days after the department's approval of the 25025  
mayor as a community school sponsor, the department shall enter 25026  
into the sponsor agreement with the mayor. 25027

Any entity described in division (C)(1) of this section may 25028  
enter into a preliminary agreement pursuant to division (C)(2) of 25029  
this section with the proposing person or group. 25030

(2) A preliminary agreement indicates the intention of an 25031  
entity described in division (C)(1) of this section to sponsor the 25032  
community school. A proposing person or group that has such a 25033  
preliminary agreement may proceed to finalize plans for the 25034  
school, establish a governing authority as described in division 25035  
(E) of this section for the school, and negotiate a contract with 25036  
the entity. Provided the proposing person or group adheres to the 25037  
preliminary agreement and all provisions of this chapter, the 25038  
entity shall negotiate in good faith to enter into a contract in 25039  
accordance with section 3314.03 of the Revised Code. 25040

(3) A new start-up school that is established in a school 25041  
district described in either division (A)(3)(b) or (d) of this 25042  
section may continue in existence once the school district no 25043  
longer meets the conditions described in either division, provided 25044  
there is a valid contract between the school and a sponsor. 25045

(4) A copy of every preliminary agreement entered into under this division shall be filed with the superintendent of public instruction.

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, siblings, and in-laws.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals.

No person shall serve on the governing authority or operate the community school under contract with the governing authority so long as the person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(2) No person shall serve on the governing authorities of more than five start-up community schools at the same time.

(3) No present or former member, or immediate relative of a

present or former member, of the governing authority of any 25077  
community school established under this chapter shall be an owner, 25078  
employee, or consultant of any sponsor or operator of a community 25079  
school, unless at least one year has elapsed since the conclusion 25080  
of the person's membership. 25081

(4) The governing authority of a start-up community school 25082  
may provide by resolution for the compensation of its members. 25083  
However, no individual who serves on the governing authority of a 25084  
start-up community school shall be compensated more than four 25085  
hundred twenty-five dollars per meeting of that governing 25086  
authority and no such individual shall be compensated more than a 25087  
total amount of five thousand dollars per year for all governing 25088  
authorities upon which the individual serves. 25089

(F)(1) A new start-up school that is established prior to 25090  
August 15, 2003, in an urban school district that is not also a 25091  
big-eight school district may continue to operate after that date 25092  
and the contract between the school's governing authority and the 25093  
school's sponsor may be renewed, as provided under this chapter, 25094  
after that date, but no additional new start-up schools may be 25095  
established in such a district unless the district is a challenged 25096  
school district as defined in this section as it exists on and 25097  
after that date. 25098

(2) A community school that was established prior to June 29, 25099  
1999, and is located in a county contiguous to the pilot project 25100  
area and in a school district that is not a challenged school 25101  
district may continue to operate after that date, provided the 25102  
school complies with all provisions of this chapter. The contract 25103  
between the school's governing authority and the school's sponsor 25104  
may be renewed, but no additional start-up community school may be 25105  
established in that district unless the district is a challenged 25106  
school district. 25107

(3) Any educational service center that, on June 30, 2007, 25108

sponsors a community school that is not located in a county within 25109  
the territory of the service center or in a county contiguous to 25110  
such county may continue to sponsor that community school on and 25111  
after June 30, 2007, and may renew its contract with the school. 25112  
However, the educational service center shall not enter into a 25113  
contract with any additional community school, ~~unless the school~~ 25114  
~~is located in a county within the territory of the service center~~ 25115  
~~or in a county contiguous to such county, or~~ unless the governing 25116  
board of the service center has entered into an agreement with the 25117  
department authorizing the service center to sponsor a community 25118  
school in any challenged school district in the state. 25119

**Sec. 3314.021.** (A) This section applies to any entity that is 25120  
exempt from taxation under section 501(c)(3) of the Internal 25121  
Revenue Code and that satisfies the conditions specified in 25122  
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 25123  
Revised Code but does not satisfy the condition specified in 25124  
division (C)(1)(f)(i) of that section. 25125

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 25126  
of the Revised Code, except as provided in division (E) of this 25127  
section, an entity described in division (A) of this section may 25128  
do both of the following without obtaining the department of 25129  
education's initial approval of its sponsorship under divisions 25130  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code: 25131

(1) Succeed the board of trustees of a state university 25132  
located in the pilot project area or that board's designee as the 25133  
sponsor of a community school established under this chapter; 25134

(2) Continue to sponsor that school in conformance with the 25135  
terms of the contract between the board of trustees or its 25136  
designee and the governing authority of the community school and 25137  
renew that contract as provided in division (E) of section 3314.03 25138  
of the Revised Code. 25139

(C) ~~The~~ Except as provided in division (E) of this section, 25140  
the entity that succeeds the board of trustees or the board's 25141  
designee as sponsor of a community school under division (B) of 25142  
this section also may enter into contracts to sponsor other 25143  
community schools located in any challenged school district, 25144  
without obtaining the department's initial approval of its 25145  
sponsorship of those schools under divisions (A)(2) and (B)(1) of 25146  
section 3314.015 of the Revised Code as long as the contracts 25147  
conform with and the entity complies with all other requirements 25148  
of this chapter. 25149

(D) ~~Regardless of the entity's authority to sponsor community~~ 25150  
~~schools without the initial approval of the department, the~~ The 25151  
entity is under the continuing oversight of the department in 25152  
accordance with rules adopted under section 3314.015 of the 25153  
Revised Code. 25154

(E) Beginning on the effective date of this amendment, an 25155  
entity described in division (A) of this section shall be subject 25156  
to approval by the department of education for its continued 25157  
authority to sponsor community schools. Accordingly, the entity 25158  
shall apply to the department for such approval and shall enter 25159  
into an agreement with the department pursuant to division (B)(1) 25160  
of section 3314.015 of the Revised Code. Once approval is granted 25161  
by the department, an entity described in this section may 25162  
continue to sponsor its schools in accordance with the terms of 25163  
this section but shall be subject to the reapplication, 25164  
evaluation, and approval procedures set forth in this chapter to 25165  
the same extent as all other sponsors. 25166

**Sec. 3314.027.** (A) Notwithstanding the requirement for 25167  
initial approval of sponsorship by the department of education 25168  
prescribed in divisions (A)(2) and (B)(1) of section 3314.015 of 25169  
the Revised Code and any geographical restriction or mission 25170

requirement prescribed in division (C)(1) of section 3314.02 of 25171  
the Revised Code, except as provided in division (C) of this 25172  
section an entity that has entered into a contract to sponsor a 25173  
community school on April 8, 2003, may continue to sponsor the 25174  
school in conformance with the terms of that contract and also may 25175  
enter into new contracts to sponsor community schools after April 25176  
8, 2003, as long as the contracts conform to and the entity 25177  
complies with all other provisions of this chapter. 25178

~~Regardless of the entity's authority to sponsor community~~ 25179  
~~schools without the initial approval of the department, each (B)~~ 25180  
Each entity described in division (A) of this section is under the 25181  
continuing oversight of the department in accordance with rules 25182  
adopted under section 3314.015 of the Revised Code. 25183

(C) Beginning on the effective date of this amendment, an 25184  
entity that sponsors a community school pursuant to this section 25185  
shall be subject to approval by the department of education for 25186  
its continued authority to sponsor community schools. Accordingly, 25187  
the entity shall apply to the department for such approval and 25188  
shall enter into an agreement with the department pursuant to 25189  
division (B)(1) of section 3314.015 of the Revised Code. An entity 25190  
described in this section shall be subject to the reapplication, 25191  
evaluation, and approval procedures set forth in this chapter to 25192  
the same extent as all other sponsors. 25193

**Sec. 3314.029.** This section establishes the Ohio school 25194  
sponsorship program. The department of education shall establish 25195  
an office of Ohio school sponsorship to perform the department's 25196  
duties prescribed by this section. 25197

(A)(1) Notwithstanding anything to the contrary in this 25198  
chapter, any person, group of individuals, or entity may apply to 25199  
the department for direct authorization to establish a community 25200  
school and, upon approval of the application and contract, may 25201

establish the school. Notwithstanding anything to the contrary in 25202  
this chapter, the governing authority of an existing community 25203  
school, upon the expiration or termination of its contract with 25204  
the school's sponsor entered into under section 3314.03 of the 25205  
Revised Code, may apply to the department for direct authorization 25206  
to continue operating the school and, upon approval of the 25207  
application and contract, may continue to operate the school. 25208

Beginning with applications submitted for the 2015-2016 25209  
school year, the office of Ohio school sponsorship may promulgate 25210  
the form, format, requirements, procedures, deadlines, and ratings 25211  
for the submission and processing of applications for approval, 25212  
and for entering into written contracts pursuant to division (B) 25213  
of this section. 25214

Each application submitted to the department shall include 25215  
the following: 25216

(a) Evidence that the applicant will be able to comply with 25217  
division (C) of this section; 25218

(b) A statement indicating that the applicant agrees to 25219  
comply with all applicable provisions of this chapter, including 25220  
the requirement to be established as a nonprofit corporation or 25221  
public benefit corporation in accordance with division (A)(1) of 25222  
section 3314.03 of the Revised Code; 25223

(c) A statement attesting that no unresolved finding of 25224  
recovery has been issued by the auditor of state against any 25225  
person, group of individuals, or entity that is a party to the 25226  
application and that no person who is party to the application has 25227  
been a member of the governing authority of any community school 25228  
that has permanently closed and against which an unresolved 25229  
finding of recovery has been issued by the auditor of state. In 25230  
the case of an application submitted by the governing authority of 25231  
an existing community school, a person who is party to the 25232

application shall include each individual member of that governing authority. 25233  
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(d) A statement that the school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution; 25235  
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(e) A statement of whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school. If it is a converted public school or service center building, the statement shall include a specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees, provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees. 25239  
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(f) A statement that the school's teachers will be licensed in the manner prescribed by division (A)(10) of section 3314.03 of the Revised Code; 25251  
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(g) A statement that the school will comply with all of the provisions of law enumerated in divisions (A)(11)(d) and (e) of section 3314.03 of the Revised Code and of division (A)(11)(h) of that section, if applicable; 25254  
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(h) A statement that the school's graduation and curriculum requirements will comply with division (A)(11)(f) of section 3314.03 of the Revised Code; 25258  
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(i) A description of each of the following: 25261

(i) The school's mission and educational program, the characteristics of the students the school is expected to attract, 25262  
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the ages and grade levels of students, and the focus of the curriculum;	25264 25265
(ii) The school's governing authority, which shall be in compliance with division (E) of section 3314.02 of the Revised Code;	25266 25267 25268
(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A)(5) and (6) of section 3314.03 of the Revised Code;	25269 25270 25271
(iv) The school's business plan, including a five-year financial forecast;	25272 25273
(v) <del>In the case of an application to establish a community school, the</del> <u>The</u> applicant's resources and capacity to establish and operate the school;	25274 25275 25276
(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	25277 25278 25279 25280
(vii) The facilities to be used by the school and their locations;	25281 25282
(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code.	25283 25284 25285 25286 25287 25288
<u>(j) Any other information the office of Ohio school sponsorship determines is necessary and appropriate to decide whether an applicant is capable of establishing a successful community school.</u>	25289 25290 25291 25292
(2) Subject to division (A)(3) of this section, the	25293

department shall ~~approve~~ review each application, ~~unless, within~~ 25294  
~~thirty days after receipt of the application, the department~~ 25295  
~~determines that the application does not satisfy the requirements~~ 25296  
~~of division (A)(1) of this section and provides the applicant a~~ 25297  
~~written explanation of the reasons for the determination. In that~~ 25298  
~~case, the department shall grant the applicant thirty days to~~ 25299  
~~correct the insufficiencies in the application. If the department~~ 25300  
~~determines that the insufficiencies have been corrected, it shall~~ 25301  
~~approve the application. If the department determines that the~~ 25302  
~~insufficiencies have not been corrected, it shall deny the~~ 25303  
~~application and provide the applicant with a written explanation~~ 25304  
~~of the reasons for the denial. The denial of an application may be~~ 25305  
~~appealed in accordance with section 119.12 of the Revised Code,~~ 25306  
assigning each applicant school a rating established for a new 25307  
start-up community school or an existing community school, as 25308  
applicable. 25309

(3) For each ~~of five~~ school years year, beginning with the 25310  
2015-2016 school year ~~that begins in the calendar year in which~~ 25311  
~~this section takes effect~~, the department may approve up to twenty 25312  
applications for community schools to be established or to 25313  
continue operation under division (A) of this section; however, of 25314  
the twenty applications that may be approved each school year, 25315  
only up to five may be for the establishment of new schools. 25316  
Nothing in this section requires the department to approve the 25317  
maximum number of applications permitted under any circumstance. 25318  
The department may, in its discretion, limit the number of 25319  
approvals in any given year, taking into consideration the 25320  
standards for quality authorizing, capacity requirements, 25321  
financial constraints, or any other criteria it determines are 25322  
necessary and appropriate. 25323

(4) Notwithstanding division (A)(2) of this section, the 25324  
department may deny an application submitted by the governing 25325

authority of an existing community school, if a previous sponsor 25326  
of that school did not renew its contract or terminated its 25327  
contract with the school entered into under section 3314.03 of the 25328  
Revised Code. 25329

(5) Beginning with the 2015-2016 school year, the department 25330  
may, for up to five new start-up community schools, solicit a 25331  
request for applications for the establishment of community 25332  
schools that meet at least the following criteria: 25333

(a) Locational parameters; 25334

(b) Academic requirements; 25335

(c) Fiscal considerations; 25336

(d) Any other criteria as determined by the department to 25337  
further high quality standards and the provision of innovative 25338  
educational delivery models. 25339

(B) The department and the governing authority of each 25340  
community school authorized under this section shall enter into a 25341  
contract under section 3314.03 of the Revised Code. 25342  
Notwithstanding division (A)(13) of that section, the contract 25343  
with an existing community school may begin at any time during the 25344  
academic year. The length of the initial contract of any community 25345  
school under this section may be for any term up to five years. 25346  
The contract may be renewed in accordance with division (E) of 25347  
that section. The contract may provide for the school's governing 25348  
authority to pay a fee for oversight and monitoring of the school 25349  
that does not exceed three per cent of the total amount of 25350  
payments for operating expenses that the school receives from the 25351  
state. 25352

(C) The department may require a community school authorized 25353  
under this section to post and file with the superintendent of 25354  
public instruction a bond payable to the state or to file with the 25355  
state superintendent a guarantee, which shall be used to pay the 25356

state any moneys owed by the community school in the event the school closes.

(D) Except as otherwise provided in this section, a community school authorized under this section shall comply with all applicable provisions of this chapter. The department may take any action that a sponsor may take under this chapter to enforce the school's compliance with this division and the terms of the contract entered into under division (B) of this section.

(E) Not later than December 31, 2012, and annually thereafter, the department shall issue a report on the program, including information about the number of community schools participating in the program and their compliance with the provisions of this chapter. In its fifth report, the department shall include a complete evaluation of the program and recommendations regarding the program's continuation. Each report shall be provided to the general assembly, in accordance with section 101.68 of the Revised Code, and to the governor.

**Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter

1702. of the Revised Code, if established after April 8, 2003.	25387
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	25388 25389 25390 25391
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	25392 25393 25394
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	25395 25396
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	25397 25398
(6)(a) Dismissal procedures;	25399
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	25400 25401 25402 25403 25404 25405
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	25406 25407
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	25408 25409 25410 25411 25412 25413
(9) The facilities to be used and their locations;	25414
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with	25415 25416

sections 3319.22 to 3319.31 of the Revised Code, except that a 25417  
community school may engage noncertificated persons to teach up to 25418  
twelve hours per week pursuant to section 3319.301 of the Revised 25419  
Code. 25420

(11) That the school will comply with the following 25421  
requirements: 25422

(a) The school will provide learning opportunities to a 25423  
minimum of twenty-five students for a minimum of nine hundred 25424  
twenty hours per school year. 25425

(b) The governing authority will purchase liability 25426  
insurance, or otherwise provide for the potential liability of the 25427  
school. 25428

(c) The school will be nonsectarian in its programs, 25429  
admission policies, employment practices, and all other 25430  
operations, and will not be operated by a sectarian school or 25431  
religious institution. 25432

(d) The school will comply with sections 9.90, 9.91, 109.65, 25433  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 25434  
3301.0712, 3301.0715, 3301.0728, 3301.948, 3313.472, 3313.50, 25435  
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 25436  
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 25437  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 25438  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 25439  
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 25440  
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 25441  
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 25442  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 25443  
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 25444  
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 25445  
were a school district and will comply with section 3301.0714 of 25446  
the Revised Code in the manner specified in section 3314.17 of the 25447

Revised Code. 25448

(e) The school shall comply with Chapter 102. and section 25449  
2921.42 of the Revised Code. 25450

(f) The school will comply with sections 3313.61, 3313.611, 25451  
and 3313.614 of the Revised Code, except that for students who 25452  
enter ninth grade for the first time before July 1, 2010, the 25453  
requirement in sections 3313.61 and 3313.611 of the Revised Code 25454  
that a person must successfully complete the curriculum in any 25455  
high school prior to receiving a high school diploma may be met by 25456  
completing the curriculum adopted by the governing authority of 25457  
the community school rather than the curriculum specified in Title 25458  
XXXIII of the Revised Code or any rules of the state board of 25459  
education. Beginning with students who enter ninth grade for the 25460  
first time on or after July 1, 2010, the requirement in sections 25461  
3313.61 and 3313.611 of the Revised Code that a person must 25462  
successfully complete the curriculum of a high school prior to 25463  
receiving a high school diploma shall be met by completing the 25464  
requirements prescribed in division (C) of section 3313.603 of the 25465  
Revised Code, unless the person qualifies under division (D) or 25466  
(F) of that section. Each school shall comply with the plan for 25467  
awarding high school credit based on demonstration of subject area 25468  
competency, and beginning with the 2016-2017 school year, with the 25469  
updated plan that permits students enrolled in seventh and eighth 25470  
grade to meet curriculum requirements based on subject area 25471  
competency adopted by the state board of education under ~~division~~ 25472  
divisions (J)(1) and (2) of section 3313.603 of the Revised Code. 25473

(g) The school governing authority will submit within four 25474  
months after the end of each school year a report of its 25475  
activities and progress in meeting the goals and standards of 25476  
divisions (A)(3) and (4) of this section and its financial status 25477  
to the sponsor and the parents of all students enrolled in the 25478  
school. 25479

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or 25510  
part of an existing public school or educational service center 25511  
building or is to be a new start-up school, and if it is a 25512  
converted public school or service center building, specification 25513  
of any duties or responsibilities of an employer that the board of 25514  
education or service center governing board that operated the 25515  
school or building before conversion is delegating to the 25516  
governing authority of the community school with respect to all or 25517  
any specified group of employees provided the delegation is not 25518  
prohibited by a collective bargaining agreement applicable to such 25519  
employees; 25520

(18) Provisions establishing procedures for resolving 25521  
disputes or differences of opinion between the sponsor and the 25522  
governing authority of the community school; 25523

(19) A provision requiring the governing authority to adopt a 25524  
policy regarding the admission of students who reside outside the 25525  
district in which the school is located. That policy shall comply 25526  
with the admissions procedures specified in sections 3314.06 and 25527  
3314.061 of the Revised Code and, at the sole discretion of the 25528  
authority, shall do one of the following: 25529

(a) Prohibit the enrollment of students who reside outside 25530  
the district in which the school is located; 25531

(b) Permit the enrollment of students who reside in districts 25532  
adjacent to the district in which the school is located; 25533

(c) Permit the enrollment of students who reside in any other 25534  
district in the state. 25535

(20) A provision recognizing the authority of the department 25536  
of education to take over the sponsorship of the school in 25537  
accordance with the provisions of division (C) of section 3314.015 25538  
of the Revised Code; 25539

(21) A provision recognizing the sponsor's authority to 25540

assume the operation of a school under the conditions specified in 25541  
division (B) of section 3314.073 of the Revised Code; 25542

(22) A provision recognizing both of the following: 25543

(a) The authority of public health and safety officials to 25544  
inspect the facilities of the school and to order the facilities 25545  
closed if those officials find that the facilities are not in 25546  
compliance with health and safety laws and regulations; 25547

(b) The authority of the department of education as the 25548  
community school oversight body to suspend the operation of the 25549  
school under section 3314.072 of the Revised Code if the 25550  
department has evidence of conditions or violations of law at the 25551  
school that pose an imminent danger to the health and safety of 25552  
the school's students and employees and the sponsor refuses to 25553  
take such action. 25554

(23) A description of the learning opportunities that will be 25555  
offered to students including both classroom-based and 25556  
non-classroom-based learning opportunities that is in compliance 25557  
with criteria for student participation established by the 25558  
department under division (H)(2) of section 3314.08 of the Revised 25559  
Code; 25560

(24) The school will comply with sections 3302.04 and 25561  
3302.041 of the Revised Code, except that any action required to 25562  
be taken by a school district pursuant to those sections shall be 25563  
taken by the sponsor of the school. However, the sponsor shall not 25564  
be required to take any action described in division (F) of 25565  
section 3302.04 of the Revised Code. 25566

(25) Beginning in the 2006-2007 school year, the school will 25567  
open for operation not later than the thirtieth day of September 25568  
each school year, unless the mission of the school as specified 25569  
under division (A)(2) of this section is solely to serve dropouts. 25570  
In its initial year of operation, if the school fails to open by 25571

the thirtieth day of September, or within one year after the 25572  
adoption of the contract pursuant to division (D) of section 25573  
3314.02 of the Revised Code if the mission of the school is solely 25574  
to serve dropouts, the contract shall be void. 25575

(26) Whether the school's governing authority is planning to 25576  
seek designation for the school as a STEM school equivalent under 25577  
section 3326.032 of the Revised Code; 25578

(27) A provision requiring that, if the governing authority 25579  
contracts with an attorney, accountant, or entity specializing in 25580  
audits, the attorney, accountant, or entity shall be independent 25581  
from the operator with which the school has contracted; 25582

(28) A provision requiring that all moneys the school's 25583  
operator loans to the school, including facilities loans or cash 25584  
flow assistance, must be accounted for, documented, and bear 25585  
interest at a fair market rate. 25586

(B) The community school shall also submit to the sponsor a 25587  
comprehensive plan for the school. The plan shall specify the 25588  
following: 25589

(1) The process by which the governing authority of the 25590  
school will be selected in the future; 25591

(2) The management and administration of the school; 25592

(3) If the community school is a currently existing public 25593  
school or educational service center building, alternative 25594  
arrangements for current public school students who choose not to 25595  
attend the converted school and for teachers who choose not to 25596  
teach in the school or building after conversion; 25597

(4) The instructional program and educational philosophy of 25598  
the school; 25599

(5) Internal financial controls. 25600

(C) A contract entered into under section 3314.02 of the 25601

Revised Code between a sponsor and the governing authority of a 25602  
community school may provide for the community school governing 25603  
authority to make payments to the sponsor, which is hereby 25604  
authorized to receive such payments as set forth in the contract 25605  
between the governing authority and the sponsor. The total amount 25606  
of such payments for oversight and monitoring of the school shall 25607  
not exceed three per cent of the total amount of payments for 25608  
operating expenses that the school receives from the state. 25609

(D) The contract shall specify the duties of the sponsor 25610  
which shall be in accordance with the written agreement entered 25611  
into with the department of education under division (B) of 25612  
section 3314.015 of the Revised Code and shall include the 25613  
following: 25614

(1) Monitor the community school's compliance with all laws 25615  
applicable to the school and with the terms of the contract; 25616

(2) Monitor and evaluate the academic and fiscal performance 25617  
and the organization and operation of the community school on at 25618  
least an annual basis; 25619

(3) Report on an annual basis the results of the evaluation 25620  
conducted under division (D)(2) of this section to the department 25621  
of education and to the parents of students enrolled in the 25622  
community school; 25623

(4) Provide technical assistance to the community school in 25624  
complying with laws applicable to the school and terms of the 25625  
contract; 25626

(5) Take steps to intervene in the school's operation to 25627  
correct problems in the school's overall performance, declare the 25628  
school to be on probationary status pursuant to section 3314.073 25629  
of the Revised Code, suspend the operation of the school pursuant 25630  
to section 3314.072 of the Revised Code, or terminate the contract 25631  
of the school pursuant to section 3314.07 of the Revised Code as 25632

determined necessary by the sponsor; 25633

(6) Have in place a plan of action to be undertaken in the 25634  
event the community school experiences financial difficulties or 25635  
closes prior to the end of a school year. 25636

(E) Upon the expiration of a contract entered into under this 25637  
section, the sponsor of a community school may, with the approval 25638  
of the governing authority of the school, renew that contract for 25639  
a period of time determined by the sponsor, but not ending earlier 25640  
than the end of any school year, if the sponsor finds that the 25641  
school's compliance with applicable laws and terms of the contract 25642  
and the school's progress in meeting the academic goals prescribed 25643  
in the contract have been satisfactory. Any contract that is 25644  
renewed under this division remains subject to the provisions of 25645  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 25646

(F) If a community school fails to open for operation within 25647  
one year after the contract entered into under this section is 25648  
adopted pursuant to division (D) of section 3314.02 of the Revised 25649  
Code or permanently closes prior to the expiration of the 25650  
contract, the contract shall be void and the school shall not 25651  
enter into a contract with any other sponsor. A school shall not 25652  
be considered permanently closed because the operations of the 25653  
school have been suspended pursuant to section 3314.072 of the 25654  
Revised Code. 25655

**Sec. 3314.06.** The governing authority of each community 25656  
school established under this chapter shall adopt admission 25657  
procedures that specify the following: 25658

(A) That, except as otherwise provided in this section, 25659  
admission to the school shall be open to any individual age five 25660  
to twenty-two entitled to attend school pursuant to section 25661  
3313.64 or 3313.65 of the Revised Code in a school district in the 25662  
state. 25663

Additionally, except as otherwise provided in this section, 25664  
admission to the school may be open on a tuition basis to any 25665  
individual age five to twenty-two who is not a resident of this 25666  
state. The school shall not receive state funds under section 25667  
3314.08 of the Revised Code for any student who is not a resident 25668  
of this state. 25669

An individual younger than five years of age may be admitted 25670  
to the school in accordance with division (A)(2) of section 25671  
3321.01 of the Revised Code. The school shall receive funds for an 25672  
individual admitted under that division in the manner provided 25673  
under section 3314.08 of the Revised Code. 25674

If the school operates a program that uses the Montessori 25675  
method endorsed by the American Montessori society, the Montessori 25676  
accreditation council for teacher education, or the association 25677  
Montessori internationale as its primary method of instruction, 25678  
admission to the school may be open to individuals younger than 25679  
five years of age, but the school shall not receive funds under 25680  
this chapter for those individuals. Notwithstanding anything to 25681  
the contrary in this chapter, individuals younger than five years 25682  
of age who are enrolled in a Montessori program shall be offered 25683  
at least four hundred fifty-five hours of learning opportunities 25684  
per school year. 25685

If the school operates a preschool program that is licensed 25686  
by the department of education under sections 3301.52 to 3301.59 25687  
of the Revised Code, admission to the school may be open to 25688  
individuals who are general education preschool students, but the 25689  
school shall not receive funds under this chapter for those 25690  
individuals. 25691

(B)(1) That admission to the school may be limited to 25692  
students who have attained a specific grade level or are within a 25693  
specific age group; to students that meet a definition of 25694  
"at-risk," as defined in the contract; to residents of a specific 25695

geographic area within the district, as defined in the contract; 25696  
or to separate groups of autistic students and nondisabled 25697  
students, as authorized in section 3314.061 of the Revised Code 25698  
and as defined in the contract. 25699

(2) For purposes of division (B)(1) of this section, 25700  
"at-risk" students may include those students identified as gifted 25701  
students under section 3324.03 of the Revised Code. 25702

(C) Whether enrollment is limited to students who reside in 25703  
the district in which the school is located or is open to 25704  
residents of other districts, as provided in the policy adopted 25705  
pursuant to the contract. 25706

(D)(1) That there will be no discrimination in the admission 25707  
of students to the school on the basis of race, creed, color, 25708  
disability, or sex except that: 25709

(a) The governing authority may do either of the following 25710  
for the purpose described in division (G) of this section: 25711

(i) Establish a single-gender school for either sex; 25712

(ii) Establish single-gender schools for each sex under the 25713  
same contract, provided substantially equal facilities and 25714  
learning opportunities are offered for both boys and girls. Such 25715  
facilities and opportunities may be offered for each sex at 25716  
separate locations. 25717

(b) The governing authority may establish a school that 25718  
simultaneously serves a group of students identified as autistic 25719  
and a group of students who are not disabled, as authorized in 25720  
section 3314.061 of the Revised Code. However, unless the total 25721  
capacity established for the school has been filled, no student 25722  
with any disability shall be denied admission on the basis of that 25723  
disability. 25724

(2) That upon admission of any student with a disability, the 25725

community school will comply with all federal and state laws 25726  
regarding the education of students with disabilities. 25727

(E) That the school may not limit admission to students on 25728  
the basis of intellectual ability, measures of achievement or 25729  
aptitude, or athletic ability, except that a school may limit its 25730  
enrollment to students as described in division (B) of this 25731  
section. 25732

(F) That the community school will admit the number of 25733  
students that does not exceed the capacity of the school's 25734  
programs, classes, grade levels, or facilities. 25735

(G) That the purpose of single-gender schools that are 25736  
established shall be to take advantage of the academic benefits 25737  
some students realize from single-gender instruction and 25738  
facilities and to offer students and parents residing in the 25739  
district the option of a single-gender education. 25740

(H) That, except as otherwise provided under division (B) of 25741  
this section or section 3314.061 of the Revised Code, if the 25742  
number of applicants exceeds the capacity restrictions of division 25743  
(F) of this section, students shall be admitted by lot from all 25744  
those submitting applications, except preference shall be given to 25745  
students attending the school the previous year and to students 25746  
who reside in the district in which the school is located. 25747  
Preference may be given to siblings of students attending the 25748  
school the previous year. 25749

Notwithstanding divisions (A) to (H) of this section, in the 25750  
event the racial composition of the enrollment of the community 25751  
school is violative of a federal desegregation order, the 25752  
community school shall take any and all corrective measures to 25753  
comply with the desegregation order. 25754

**Sec. 3314.07.** (A) The expiration of the contract for a 25755

community school between a sponsor and a school shall be the date 25756  
provided in the contract. A successor contract may be entered into 25757  
pursuant to division (E) of section 3314.03 of the Revised Code 25758  
unless the contract is terminated or not renewed pursuant to this 25759  
section. 25760

(B)(1) A sponsor may choose not to renew a contract at its 25761  
expiration or may choose to terminate a contract prior to its 25762  
expiration for any of the following reasons: 25763

(a) Failure to meet student performance requirements stated 25764  
in the contract; 25765

(b) Failure to meet generally accepted standards of fiscal 25766  
management; 25767

(c) Violation of any provision of the contract or applicable 25768  
state or federal law; 25769

(d) Other good cause. 25770

(2) A sponsor may choose to terminate a contract prior to its 25771  
expiration if the sponsor has suspended the operation of the 25772  
contract under section 3314.072 of the Revised Code. 25773

(3) Not later than the first day of February in the year in 25774  
which the sponsor intends to terminate or take actions not to 25775  
renew the community school's contract, the sponsor shall notify 25776  
the school of the proposed action in writing. The notice shall 25777  
include the reasons for the proposed action in detail, the 25778  
effective date of the termination or nonrenewal, and a statement 25779  
that the school may, within fourteen days of receiving the notice, 25780  
request an informal hearing before the sponsor. Such request must 25781  
be in writing. The informal hearing shall be held within fourteen 25782  
days of the receipt of a request for the hearing. Not later than 25783  
fourteen days after the informal hearing, the sponsor shall issue 25784  
a written decision either affirming or rescinding the decision to 25785  
terminate or not renew the contract. 25786

~~(4) A decision by the sponsor to terminate a contract may be  
appealed to the state board of education. The notice of appeal  
shall be filed with the state board not later than fourteen days  
following receipt of the sponsor's written decision to terminate  
the contract. Within sixty days of receipt of the notice of  
appeal, the state board shall conduct a hearing and issue a  
written decision on the appeal. The written decision of the state  
board shall include the reasons for affirming or rescinding the  
decision of the sponsor. The decision by the state board  
pertaining to an appeal under this division is final. If the  
sponsor is the state board, its decision to terminate a contract  
under division (B)(3) of this section shall be final.~~

~~(5) The termination of a contract under this section shall be  
effective upon the occurrence of the later of the following  
events:~~

~~(a) The date the sponsor notifies the school of its decision  
to terminate the contract as prescribed in division (B)(3) of this  
section;~~

~~(b) If an informal hearing is requested under division (B)(3)  
of this section and as a result of that hearing the sponsor  
affirms its decision to terminate the contract, the effective date  
of the termination specified in the notice issued under division  
(B)(3) of this section, or if that decision is appealed to the  
state board under division (B)(4) of this section and the state  
board affirms that decision, the date established in the  
resolution of the state board affirming the sponsor's decision.~~

~~(6)(5) Any community school whose contract is terminated or  
not renewed under division (B)(1)(a) or (b) of this section shall  
close permanently at the end of the current school year or on a  
date specified in the notification of termination or nonrenewal  
under division (B)(3) of this section. Any community school whose  
contract is terminated or not renewed for failure to meet student~~

performance requirements stated in the contract, or for failure to 25819  
meet generally accepted standards of fiscal management under this 25820  
division shall not enter into a contract with any other sponsor. 25821

(C) A child attending a community school whose contract has 25822  
been terminated, nonrenewed, or suspended or that closes for any 25823  
reason shall be admitted to the schools of the district in which 25824  
the child is entitled to attend under section 3313.64 or 3313.65 25825  
of the Revised Code. Any deadlines established for the purpose of 25826  
admitting students under section 3313.97 or 3313.98 of the Revised 25827  
Code shall be waived for students to whom this division pertains. 25828

(D) If a community school does not intend to renew a contract 25829  
with its sponsor, the community school shall notify its sponsor in 25830  
writing of that fact at least one hundred eighty days prior to the 25831  
expiration of the contract. Such a community school may enter into 25832  
a contract with a new sponsor in accordance with section 3314.03 25833  
of the Revised Code upon the expiration of the previous contract. 25834

(E) A sponsor of a community school and the officers, 25835  
directors, or employees of such a sponsor are immune from civil 25836  
liability for any action authorized under this chapter or the 25837  
contract entered into with the school under section 3314.03 of the 25838  
Revised Code that is taken to fulfill the sponsor's responsibility 25839  
to oversee and monitor the school. The sponsor and its officers, 25840  
directors, or employees are not liable in damages in a tort or 25841  
other civil action for harm allegedly arising from ~~either~~ any of 25842  
the following: 25843

(1) A failure of the community school or any of its officers, 25844  
directors, or employees to perform any statutory or common law 25845  
duty or responsibility or any other legal obligation; 25846

(2) An action or omission of the community school or any of 25847  
its officers, directors, or employees that results in harm; 25848

(3) A failure of the community school or any of its officers, 25849

directors, or employees to meet the obligations of any contract or 25850  
other obligation entered into on behalf of the community school 25851  
and another party. 25852

A sponsor who prevails in an action for a failure to meet 25853  
contractual obligations as described in division (E)(3) of this 25854  
section shall be awarded, upon request, reasonable attorney's fees 25855  
and other expenses of litigation to be paid jointly and severally 25856  
by the governing authority of the community school, individual 25857  
members of the governing authority, or from any other plaintiff 25858  
the court considers necessary and appropriate. 25859

(F) As used in this section: 25860

(1) "Harm" means injury, death, or loss to person or 25861  
property. 25862

(2) "Tort action" means a civil action for damages for 25863  
injury, death, or loss to person or property other than a civil 25864  
action for damages for a breach of contract or another agreement 25865  
between persons. 25866

**Sec. 3314.074.** Divisions (A) and (B) of this section apply 25867  
only to the extent permitted under Chapter 1702. of the Revised 25868  
Code. 25869

(A) If any community school established under this chapter 25870  
permanently closes and ceases its operation as a community school, 25871  
the assets of that school shall be distributed first to the 25872  
retirement funds of employees of the school, employees of the 25873  
school, and private creditors who are owed compensation, and then 25874  
any remaining funds shall be paid to the department of education 25875  
for redistribution to the school districts in which the students 25876  
who were enrolled in the school at the time it ceased operation 25877  
were entitled to attend school under section 3313.64 or 3313.65 of 25878  
the Revised Code. The amount distributed to each school district 25879

shall be proportional to the district's share of the total 25880  
enrollment in the community school. 25881

(B) If a community school closes and ceases to operate as a 25882  
community school and the school has received computer hardware or 25883  
software from the former Ohio SchoolNet commission or the former 25884  
eTech Ohio commission, such hardware or software shall be turned 25885  
over to the department of education, which shall redistribute the 25886  
hardware and software, to the extent such redistribution is 25887  
possible, to school districts in conformance with the provisions 25888  
of the programs as they were operated and administered by the 25889  
former eTech Ohio commission. 25890

(C) If the assets of the school are insufficient to pay all 25891  
persons or entities to whom compensation is owed, the 25892  
prioritization of the distribution of the assets to individual 25893  
persons or entities within each class of payees may be determined 25894  
by decree of a court in accordance with this section and Chapter 25895  
1702. of the Revised Code. 25896

(D) A community school that engages in a merger or 25897  
consolidation pursuant to division (B) of section 1702.41 of the 25898  
Revised Code and becomes a single public benefit corporation shall 25899  
not be required to distribute assets pursuant to divisions (A), 25900  
(B), and (C) of this section, provided that the merger or 25901  
consolidation satisfies all of the following: 25902

(1) At least one of the community schools involved in the 25903  
merger or consolidation is sponsored by an entity rated as 25904  
"exemplary" by the department of education pursuant to section 25905  
3314.016 of the Revised Code. 25906

(2) The governing authority of the community school created 25907  
by the merger or consolidation enters into a contract for 25908  
sponsorship under section 3314.03 of the Revised Code with an 25909  
entity rated as "exemplary" by the department pursuant to section 25910

<u>3314.016 of the Revised Code.</u>	25911
<u>(3) The community schools being merged or consolidated are</u>	25912
<u>located in the same county or school district.</u>	25913
<b>Sec. 3314.08.</b> (A) As used in this section:	25914
(1)(a) "Category one career-technical education student"	25915
means a student who is receiving the career-technical education	25916
services described in division (A) of section 3317.014 of the	25917
Revised Code.	25918
(b) "Category two career-technical student" means a student	25919
who is receiving the career-technical education services described	25920
in division (B) of section 3317.014 of the Revised Code.	25921
(c) "Category three career-technical student" means a student	25922
who is receiving the career-technical education services described	25923
in division (C) of section 3317.014 of the Revised Code.	25924
(d) "Category four career-technical student" means a student	25925
who is receiving the career-technical education services described	25926
in division (D) of section 3317.014 of the Revised Code.	25927
(e) "Category five career-technical education student" means	25928
a student who is receiving the career-technical education services	25929
described in division (E) of section 3317.014 of the Revised Code.	25930
(2)(a) "Category one limited English proficient student"	25931
means a limited English proficient student described in division	25932
(A) of section 3317.016 of the Revised Code.	25933
(b) "Category two limited English proficient student" means a	25934
limited English proficient student described in division (B) of	25935
section 3317.016 of the Revised Code.	25936
(c) "Category three limited English proficient student" means	25937
a limited English proficient student described in division (C) of	25938
section 3317.016 of the Revised Code.	25939

- (3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code. 25940  
25941  
25942  
25943
- (b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code. 25944  
25945  
25946
- (c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code. 25947  
25948  
25949  
25950
- (d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 25951  
25952  
25953
- (e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 25954  
25955  
25956
- (f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 25957  
25958  
25959
- (4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 25960  
25961
- (5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 25962  
25963
- (6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 25964  
25965  
25966
- (7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 25967  
25968
- (B) The state board of education shall adopt rules requiring 25969

both of the following:	25970
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.	25971 25972 25973 25974 25975 25976
(2) The governing authority of each community school established under this chapter to annually report all of the following:	25977 25978 25979
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	25980 25981 25982 25983
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	25984 25985 25986 25987
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	25988 25989 25990 25991
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	25992 25993 25994 25995 25996
(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)	25997 25998 25999 26000

to (E) of section 3317.014 of the Revised Code at a joint 26001  
vocational school district or another district in the 26002  
career-technical planning district to which the school is 26003  
assigned; 26004

(f) The number of students reported under divisions (B)(2)(a) 26005  
and (b) of this section who are category one to three limited 26006  
English proficient students described in each of divisions (A) to 26007  
(C) of section 3317.016 of the Revised Code; 26008

(g) The number of students reported under divisions (B)(2)(a) 26009  
and (b) who are economically disadvantaged, as defined by the 26010  
department. A student shall not be categorically excluded from the 26011  
number reported under division (B)(2)(g) of this section based on 26012  
anything other than family income. 26013

(h) For each student, the city, exempted village, or local 26014  
school district in which the student is entitled to attend school 26015  
under section 3313.64 or 3313.65 of the Revised Code. 26016

(i) The number of students enrolled in a preschool program 26017  
operated by the school that is licensed by the department of 26018  
education under sections 3301.52 to 3301.59 of the Revised Code 26019  
who are not receiving special education and related services 26020  
pursuant to an IEP. 26021

A school district board and a community school governing 26022  
authority shall include in their respective reports under division 26023  
(B) of this section any child admitted in accordance with division 26024  
(A)(2) of section 3321.01 of the Revised Code. 26025

A governing authority of a community school shall not include 26026  
in its report under ~~division (B)(2)~~ divisions (B)(2)(a) to (h) of 26027  
this section any student for whom tuition is charged under 26028  
division (F) of this section. 26029

(C)(1) Except as provided in division (C)(2) of this section, 26030  
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 26031

section, on a full-time equivalency basis, for each student 26032  
enrolled in a community school established under this chapter, the 26033  
department of education annually shall deduct from the state 26034  
education aid of a student's resident district and, if necessary, 26035  
from the payment made to the district under sections 321.24 and 26036  
323.156 of the Revised Code and pay to the community school the 26037  
sum of the following: 26038

(a) An opportunity grant in an amount equal to the formula 26039  
amount; 26040

(b) The per pupil amount of targeted assistance funds 26041  
calculated under division (A) of section 3317.0217 of the Revised 26042  
Code for the student's resident district, as determined by the 26043  
department, X 0.25; 26044

(c) Additional state aid for special education and related 26045  
services provided under Chapter 3323. of the Revised Code as 26046  
follows: 26047

(i) If the student is a category one special education 26048  
student, the amount specified in division (A) of section 3317.013 26049  
of the Revised Code; 26050

(ii) If the student is a category two special education 26051  
student, the amount specified in division (B) of section 3317.013 26052  
of the Revised Code; 26053

(iii) If the student is a category three special education 26054  
student, the amount specified in division (C) of section 3317.013 26055  
of the Revised Code; 26056

(iv) If the student is a category four special education 26057  
student, the amount specified in division (D) of section 3317.013 26058  
of the Revised Code; 26059

(v) If the student is a category five special education 26060  
student, the amount specified in division (E) of section 3317.013 26061

of the Revised Code; 26062

(vi) If the student is a category six special education 26063  
student, the amount specified in division (F) of section 3317.013 26064  
of the Revised Code. 26065

(d) If the student is in kindergarten through third grade, an 26066  
additional amount of ~~\$211~~ \$305, in fiscal year ~~2014~~ 2016, and ~~\$290~~ 26067  
\$320, in fiscal year ~~2015~~ 2017; 26068

(e) If the student is economically disadvantaged, an 26069  
additional amount equal to the following: 26070

~~(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X~~ 26071  
~~(the resident district's economically disadvantaged index)~~ 26072

(f) Limited English proficiency funds as follows: 26073

(i) If the student is a category one limited English 26074  
proficient student, the amount specified in division (A) of 26075  
section 3317.016 of the Revised Code; 26076

(ii) If the student is a category two limited English 26077  
proficient student, the amount specified in division (B) of 26078  
section 3317.016 of the Revised Code; 26079

(iii) If the student is a category three limited English 26080  
proficient student, the amount specified in division (C) of 26081  
section 3317.016 of the Revised Code. 26082

(g) If the student is reported under division (B)(2)(d) of 26083  
this section, career-technical education funds as follows: 26084

(i) If the student is a category one career-technical 26085  
education student, the amount specified in division (A) of section 26086  
3317.014 of the Revised Code; 26087

(ii) If the student is a category two career-technical 26088  
education student, the amount specified in division (B) of section 26089  
3317.014 of the Revised Code; 26090

(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code; 26091  
26092  
26093

(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code; 26094  
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26096

(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. 26097  
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Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code. 26100  
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(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section. 26104  
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No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section. 26110  
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(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the 26113  
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26120  
26121

type and in the manner prescribed, the department shall pay to the 26122  
community school an amount equal to the school's costs for the 26123  
student in excess of the threshold catastrophic costs. 26124

(b) The community school shall report under division 26125  
(C)(3)(a) of this section, and the department shall pay for, only 26126  
the costs of educational expenses and the related services 26127  
provided to the student in accordance with the student's 26128  
individualized education program. Any legal fees, court costs, or 26129  
other costs associated with any cause of action relating to the 26130  
student may not be included in the amount. 26131

(4) In any fiscal year, a community school receiving funds 26132  
under division (C)(1)(g) of this section shall spend those funds 26133  
only for the purposes that the department designates as approved 26134  
for career-technical education expenses. Career-technical 26135  
education expenses approved by the department shall include only 26136  
expenses connected to the delivery of career-technical programming 26137  
to career-technical students. The department shall require the 26138  
school to report data annually so that the department may monitor 26139  
the school's compliance with the requirements regarding the manner 26140  
in which funding received under division (C)(1)(g) of this section 26141  
may be spent. 26142

(5) All funds received under division (C)(1)(g) of this 26143  
section shall be spent in the following manner: 26144

(a) At least seventy-five per cent of the funds shall be 26145  
spent on curriculum development, purchase, and implementation; 26146  
instructional resources and supplies; industry-based program 26147  
certification; student assessment, credentialing, and placement; 26148  
curriculum specific equipment purchases and leases; 26149  
career-technical student organization fees and expenses; home and 26150  
agency linkages; work-based learning experiences; professional 26151  
development; and other costs directly associated with 26152  
career-technical education programs including development of new 26153

programs. 26154

(b) Not more than twenty-five per cent of the funds shall be 26155  
used for personnel expenditures. 26156

(6) A community school shall spend the funds it receives 26157  
under division (C)(1)(e) of this section in accordance with 26158  
section 3317.25 of the Revised Code. 26159

(7) If the sum of the payments computed under divisions 26160  
(C)(1) and (8)(a) of this section for the students entitled to 26161  
attend school in a particular school district under sections 26162  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 26163  
district's state education aid and its payment under sections 26164  
321.24 and 323.156 of the Revised Code, the department shall 26165  
calculate and apply a proration factor to the payments to all 26166  
community schools under that division for the students entitled to 26167  
attend school in that district. 26168

(8)(a) Subject to division (C)(7) of this section, the 26169  
department annually shall pay to each community school, including 26170  
each internet- or computer-based community school, an amount equal 26171  
to the following: 26172

(The number of students reported by the community school 26173  
under division (B)(2)(e) of this section X the formula amount X 26174  
.20) 26175

(b) For each payment made to a community school under 26176  
division (C)(8)(a) of this section, the department shall deduct 26177  
from the state education aid of each city, local, and exempted 26178  
village school district and, if necessary, from the payment made 26179  
to the district under sections 321.24 and 323.156 of the Revised 26180  
Code an amount equal to the following: 26181

(The number of the district's students reported by the 26182  
community school under division (B)(2)(e) of this section X the 26183  
formula amount X .20) 26184

(D) A board of education sponsoring a community school may 26185  
utilize local funds to make enhancement grants to the school or 26186  
may agree, either as part of the contract or separately, to 26187  
provide any specific services to the community school at no cost 26188  
to the school. 26189

(E) A community school may not levy taxes or issue bonds 26190  
secured by tax revenues. 26191

(F) No community school shall charge tuition for the 26192  
enrollment of any student who is a resident of this state. A 26193  
community school may charge tuition for the enrollment of any 26194  
student who is not a resident of this state. 26195

(G)(1)(a) A community school may borrow money to pay any 26196  
necessary and actual expenses of the school in anticipation of the 26197  
receipt of any portion of the payments to be received by the 26198  
school pursuant to division (C) of this section. The school may 26199  
issue notes to evidence such borrowing. The proceeds of the notes 26200  
shall be used only for the purposes for which the anticipated 26201  
receipts may be lawfully expended by the school. 26202

(b) A school may also borrow money for a term not to exceed 26203  
fifteen years for the purpose of acquiring facilities. 26204

(2) Except for any amount guaranteed under section 3318.50 of 26205  
the Revised Code, the state is not liable for debt incurred by the 26206  
governing authority of a community school. 26207

(H) The department of education shall adjust the amounts 26208  
subtracted and paid under division (C) of this section to reflect 26209  
any enrollment of students in community schools for less than the 26210  
equivalent of a full school year. The state board of education 26211  
within ninety days after April 8, 2003, shall adopt in accordance 26212  
with Chapter 119. of the Revised Code rules governing the payments 26213  
to community schools under this section including initial payments 26214  
in a school year and adjustments and reductions made in subsequent 26215

periodic payments to community schools and corresponding 26216  
deductions from school district accounts as provided under 26217  
division (C) of this section. For purposes of this section: 26218

(1) A student shall be considered enrolled in the community 26219  
school for any portion of the school year the student is 26220  
participating at a college under Chapter 3365. of the Revised 26221  
Code. 26222

(2) A student shall be considered to be enrolled in a 26223  
community school for the period of time beginning on the later of 26224  
the date on which the school both has received documentation of 26225  
the student's enrollment from a parent and the student has 26226  
commenced participation in learning opportunities as defined in 26227  
the contract with the sponsor, or thirty days prior to the date on 26228  
which the student is entered into the education management 26229  
information system established under section 3301.0714 of the 26230  
Revised Code. For purposes of applying this division and divisions 26231  
(H)(3) and (4) of this section to a community school student, 26232  
"learning opportunities" shall be defined in the contract, which 26233  
shall describe both classroom-based and non-classroom-based 26234  
learning opportunities and shall be in compliance with criteria 26235  
and documentation requirements for student participation which 26236  
shall be established by the department. Any student's instruction 26237  
time in non-classroom-based learning opportunities shall be 26238  
certified by an employee of the community school. A student's 26239  
enrollment shall be considered to cease on the date on which any 26240  
of the following occur: 26241

(a) The community school receives documentation from a parent 26242  
terminating enrollment of the student. 26243

(b) The community school is provided documentation of a 26244  
student's enrollment in another public or private school. 26245

(c) The community school ceases to offer learning 26246

opportunities to the student pursuant to the terms of the contract 26247  
with the sponsor or the operation of any provision of this 26248  
chapter. 26249

Except as otherwise specified in this paragraph, beginning in 26250  
the 2011-2012 school year, any student who completed the prior 26251  
school year in an internet- or computer-based community school 26252  
shall be considered to be enrolled in the same school in the 26253  
subsequent school year until the student's enrollment has ceased 26254  
as specified in division (H)(2) of this section. The department 26255  
shall continue subtracting and paying amounts for the student 26256  
under division (C) of this section without interruption at the 26257  
start of the subsequent school year. However, if the student 26258  
without a legitimate excuse fails to participate in the first one 26259  
hundred five consecutive hours of learning opportunities offered 26260  
to the student in that subsequent school year, the student shall 26261  
be considered not to have re-enrolled in the school for that 26262  
school year and the department shall recalculate the payments to 26263  
the school for that school year to account for the fact that the 26264  
student is not enrolled. 26265

(3) The department shall determine each community school 26266  
student's percentage of full-time equivalency based on the 26267  
percentage of learning opportunities offered by the community 26268  
school to that student, reported either as number of hours or 26269  
number of days, is of the total learning opportunities offered by 26270  
the community school to a student who attends for the school's 26271  
entire school year. However, no internet- or computer-based 26272  
community school shall be credited for any time a student spends 26273  
participating in learning opportunities beyond ten hours within 26274  
any period of twenty-four consecutive hours. Whether it reports 26275  
hours or days of learning opportunities, each community school 26276  
shall offer not less than nine hundred twenty hours of learning 26277  
opportunities during the school year. 26278

(4) With respect to the calculation of full-time equivalency 26279  
under division (H)(3) of this section, the department shall waive 26280  
the number of hours or days of learning opportunities not offered 26281  
to a student because the community school was closed during the 26282  
school year due to disease epidemic, hazardous weather conditions, 26283  
law enforcement emergencies, inoperability of school buses or 26284  
other equipment necessary to the school's operation, damage to a 26285  
school building, or other temporary circumstances due to utility 26286  
failure rendering the school building unfit for school use, so 26287  
long as the school was actually open for instruction with students 26288  
in attendance during that school year for not less than the 26289  
minimum number of hours required by this chapter. The department 26290  
shall treat the school as if it were open for instruction with 26291  
students in attendance during the hours or days waived under this 26292  
division. 26293

(I) The department of education shall reduce the amounts paid 26294  
under this section to reflect payments made to colleges under 26295  
section 3365.07 of the Revised Code. 26296

(J)(1) No student shall be considered enrolled in any 26297  
internet- or computer-based community school or, if applicable to 26298  
the student, in any community school that is required to provide 26299  
the student with a computer pursuant to division (C) of section 26300  
3314.22 of the Revised Code, unless both of the following 26301  
conditions are satisfied: 26302

(a) The student possesses or has been provided with all 26303  
required hardware and software materials and all such materials 26304  
are operational so that the student is capable of fully 26305  
participating in the learning opportunities specified in the 26306  
contract between the school and the school's sponsor as required 26307  
by division (A)(23) of section 3314.03 of the Revised Code; 26308

(b) The school is in compliance with division (A) of section 26309  
3314.22 of the Revised Code, relative to such student. 26310

(2) In accordance with policies adopted jointly by the 26311  
superintendent of public instruction and the auditor of state, the 26312  
department shall reduce the amounts otherwise payable under 26313  
division (C) of this section to any community school that includes 26314  
in its program the provision of computer hardware and software 26315  
materials to any student, if such hardware and software materials 26316  
have not been delivered, installed, and activated for each such 26317  
student in a timely manner or other educational materials or 26318  
services have not been provided according to the contract between 26319  
the individual community school and its sponsor. 26320

The superintendent of public instruction and the auditor of 26321  
state shall jointly establish a method for auditing any community 26322  
school to which this division pertains to ensure compliance with 26323  
this section. 26324

The superintendent, auditor of state, and the governor shall 26325  
jointly make recommendations to the general assembly for 26326  
legislative changes that may be required to assure fiscal and 26327  
academic accountability for such schools. 26328

(K)(1) If the department determines that a review of a 26329  
community school's enrollment is necessary, such review shall be 26330  
completed and written notice of the findings shall be provided to 26331  
the governing authority of the community school and its sponsor 26332  
within ninety days of the end of the community school's fiscal 26333  
year, unless extended for a period not to exceed thirty additional 26334  
days for one of the following reasons: 26335

(a) The department and the community school mutually agree to 26336  
the extension. 26337

(b) Delays in data submission caused by either a community 26338  
school or its sponsor. 26339

(2) If the review results in a finding that additional 26340  
funding is owed to the school, such payment shall be made within 26341

thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one

or more of the assessments required by that section and was not 26372  
excused pursuant to division (C)(1) or (3) of that section, unless 26373  
the superintendent of public instruction grants the student a 26374  
waiver from the requirement to take the assessment and a parent is 26375  
not paying tuition for the student pursuant to section 3314.26 of 26376  
the Revised Code. The superintendent may grant a waiver only for 26377  
good cause in accordance with rules adopted by the state board of 26378  
education. 26379

(4) Any student who has attained the age of twenty-two years, 26380  
except for veterans of the armed services whose attendance was 26381  
interrupted before completing the recognized twelve-year course of 26382  
the public schools by reason of induction or enlistment in the 26383  
armed forces and who apply for enrollment in a community school 26384  
not later than four years after termination of war or their 26385  
honorable discharge. If, however, any such veteran elects to 26386  
enroll in special courses organized for veterans for whom tuition 26387  
is paid under federal law, or otherwise, the department shall not 26388  
subtract from a school district's state aid account and shall not 26389  
pay to a community school under division (C) of this section any 26390  
amount for that veteran. 26391

**Sec. 3314.091.** (A) A school district is not required to 26392  
provide transportation for any native student enrolled in a 26393  
community school if the district board of education has entered 26394  
into an agreement with the community school's governing authority 26395  
that designates the community school as responsible for providing 26396  
or arranging for the transportation of the district's native 26397  
students to and from the community school. For any such agreement 26398  
to be effective, it must be certified by the superintendent of 26399  
public instruction as having met all of the following 26400  
requirements: 26401

(1) It is submitted to the department of education by a 26402

deadline which shall be established by the department. 26403

(2) In accordance with divisions (C)(1) and (2) of this 26404  
section, it specifies qualifications, such as residing a minimum 26405  
distance from the school, for students to have their 26406  
transportation provided or arranged. 26407

(3) The transportation provided by the community school is 26408  
subject to all provisions of the Revised Code and all rules 26409  
adopted under the Revised Code pertaining to pupil transportation. 26410

(4) The sponsor of the community school also has signed the 26411  
agreement. 26412

(B)(1) For the school year that begins on July 1, 2007, a 26413  
school district is not required to provide transportation for any 26414  
native student enrolled in a community school, if the community 26415  
school during the previous school year transported the students 26416  
enrolled in the school or arranged for the students' 26417  
transportation, even if that arrangement consisted of having 26418  
parents transport their children to and from the school, but did 26419  
not enter into an agreement to transport or arrange for 26420  
transportation for those students under division (A) of this 26421  
section, and if the governing authority of the community school by 26422  
July 15, 2007, submits written notification to the district board 26423  
of education stating that the governing authority is accepting 26424  
responsibility for providing or arranging for the transportation 26425  
of the district's native students to and from the community 26426  
school. 26427

(2) Except as provided in division (B)(4) of this section, 26428  
for any school year subsequent to the school year that begins on 26429  
July 1, 2007, a school district is not required to provide 26430  
transportation for any native student enrolled in a community 26431  
school if the governing authority of the community school, by the 26432  
thirty-first day of January of the previous school year, submits 26433

written notification to the district board of education stating 26434  
that the governing authority is accepting responsibility for 26435  
providing or arranging for the transportation of the district's 26436  
native students to and from the community school. If the governing 26437  
authority of the community school has previously accepted 26438  
responsibility for providing or arranging for the transportation 26439  
of a district's native students to and from the community school, 26440  
under division (B)(1) or (2) of this section, and has since 26441  
relinquished that responsibility under division (B)(3) of this 26442  
section, the governing authority shall not accept that 26443  
responsibility again unless the district board consents to the 26444  
governing authority's acceptance of that responsibility. 26445

(3) A governing authority's acceptance of responsibility 26446  
under division (B)(1) or (2) of this section shall cover an entire 26447  
school year, and shall remain in effect for subsequent school 26448  
years unless the governing authority submits written notification 26449  
to the district board that the governing authority is 26450  
relinquishing the responsibility. However, a governing authority 26451  
shall not relinquish responsibility for transportation before the 26452  
end of a school year, and shall submit the notice relinquishing 26453  
responsibility by the thirty-first day of January, in order to 26454  
allow the school district reasonable time to prepare 26455  
transportation for its native students enrolled in the school. 26456

(4)(a) For any school year that begins on or after July 1, 26457  
2014, a school district is not required to provide transportation 26458  
for any native student enrolled in a community school scheduled to 26459  
open for operation in the current school year, if the governing 26460  
authority of the community school, by the fifteenth day of April 26461  
of the previous school year, submits written notification to the 26462  
district board of education stating that the governing authority 26463  
is accepting responsibility for providing or arranging for the 26464  
transportation of the district's native students to and from the 26465

community school. 26466

(b) The governing authority of a community school that 26467  
accepts responsibility for transporting its students under 26468  
division (B)(4)(a) of this section shall comply with divisions 26469  
(B)(2) and (3) of this section to renew or relinquish that 26470  
authority for subsequent school years. 26471

(C)(1) A community school governing authority that enters 26472  
into an agreement under division (A) of this section, or that 26473  
accepts responsibility under division (B) of this section, shall 26474  
provide or arrange transportation free of any charge for each of 26475  
its enrolled students who is required to be transported under 26476  
section 3327.01 of the Revised Code ~~or who would otherwise be~~ 26477  
~~transported by the school district under the district's~~ 26478  
~~transportation policy.~~ The governing authority shall report to the 26479  
department of education the number of students transported or for 26480  
whom transportation is arranged under this section in accordance 26481  
with rules adopted by the state board of education. 26482

(2) The governing authority may provide or arrange 26483  
transportation for any other enrolled student who is not eligible 26484  
for transportation in accordance with division (C)(1) of this 26485  
section and may charge a fee for such service up to the actual 26486  
cost of the service. 26487

(3) Notwithstanding anything to the contrary in division 26488  
(C)(1) or (2) of this section, a community school governing 26489  
authority shall provide or arrange transportation free of any 26490  
charge for any disabled student enrolled in the school for whom 26491  
the student's individualized education program developed under 26492  
Chapter 3323. of the Revised Code specifies transportation. 26493

(D)(1) If a school district board and a community school 26494  
governing authority elect to enter into an agreement under 26495  
division (A) of this section, the department of education shall 26496

make payments to the community school according to the terms of 26497  
the agreement for each student actually transported under division 26498  
(C)(1) of this section. 26499

If a community school governing authority accepts 26500  
transportation responsibility under division (B) of this section, 26501  
the department shall make payments to the community school for 26502  
each student actually transported or for whom transportation is 26503  
arranged by the community school under division (C)(1) of this 26504  
section, calculated as follows: 26505

(a) For any fiscal year which the general assembly has 26506  
specified that transportation payments to school districts be 26507  
based on an across-the-board percentage of the district's payment 26508  
for the previous school year, the per pupil payment to the 26509  
community school shall be the following quotient: 26510

(i) The total amount calculated for the school district in 26511  
which the child is entitled to attend school for student 26512  
transportation other than transportation of children with 26513  
disabilities; divided by 26514

(ii) The number of students included in the district's 26515  
transportation ADM for the current fiscal year, as calculated 26516  
under section 3317.03 of the Revised Code, plus the number of 26517  
students enrolled in the community school not counted in the 26518  
district's transportation ADM who are transported under division 26519  
(B)(1) or (2) of this section. 26520

(b) For any fiscal year which the general assembly has 26521  
specified that the transportation payments to school districts be 26522  
calculated in accordance with section 3317.0212 of the Revised 26523  
Code and any rules of the state board of education implementing 26524  
that section, the payment to the community school shall be the 26525  
amount so calculated on a per rider basis that otherwise would be 26526  
paid to the school district in which the student is entitled to 26527

attend school by the method of transportation the district would 26528  
have used. The community school, however, is not required to use 26529  
the same method to transport that student. 26530

(c) Divisions (D)(1)(a) and (b) of this section do not apply 26531  
to fiscal years 2012 and 2013. Rather, for each of those fiscal 26532  
years, the per pupil payment to a community school for 26533  
transporting a student shall be the total amount paid under former 26534  
section 3306.12 of the Revised Code for fiscal year 2011 to the 26535  
school district in which the child is entitled to attend school 26536  
divided by that district's "qualifying ridership," as defined in 26537  
that section for fiscal year 2011. 26538

As used in this division "entitled to attend school" means 26539  
entitled to attend school under section 3313.64 or 3313.65 of the 26540  
Revised Code. 26541

(2) The department shall deduct the payment under division 26542  
(D)(1) of this section from the state education aid, as defined in 26543  
section 3314.08 of the Revised Code, and, if necessary, the 26544  
payment under sections 321.14 and 323.156 of the Revised Code, 26545  
that is otherwise paid to the school district in which the student 26546  
enrolled in the community school is entitled to attend school. The 26547  
department shall include the number of the district's native 26548  
students for whom payment is made to a community school under 26549  
division (D)(1) of this section in the calculation of the 26550  
district's transportation payment under section 3317.0212 of the 26551  
Revised Code and the operating appropriations act. 26552

(3) A community school shall be paid under division (D)(1) of 26553  
this section only for students who are eligible as specified in 26554  
section 3327.01 of the Revised Code and division (C)(1) of this 26555  
section, and whose transportation to and from school is actually 26556  
provided, who actually utilized transportation arranged, or for 26557  
whom a payment in lieu of transportation is made by the community 26558  
school's governing authority. To qualify for the payments, the 26559

community school shall report to the department, in the form and 26560  
manner required by the department, data on the number of students 26561  
transported or whose transportation is arranged, the number of 26562  
miles traveled, cost to transport, and any other information 26563  
requested by the department. 26564

(4) A community school shall use payments received under this 26565  
section solely to pay the costs of providing or arranging for the 26566  
transportation of students who are eligible as specified in 26567  
section 3327.01 of the Revised Code and division (C)(1) of this 26568  
section, which may include payments to a parent, guardian, or 26569  
other person in charge of a child in lieu of transportation. 26570

(E) Except when arranged through payment to a parent, 26571  
guardian, or person in charge of a child, transportation provided 26572  
or arranged for by a community school pursuant to an agreement 26573  
under this section is subject to all provisions of the Revised 26574  
Code, and all rules adopted under the Revised Code, pertaining to 26575  
the construction, design, equipment, and operation of school buses 26576  
and other vehicles transporting students to and from school. The 26577  
drivers and mechanics of the vehicles are subject to all 26578  
provisions of the Revised Code, and all rules adopted under the 26579  
Revised Code, pertaining to drivers and mechanics of such 26580  
vehicles. The community school also shall comply with sections 26581  
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 26582  
of section 3327.16 of the Revised Code and, subject to division 26583  
(C)(1) of this section, sections 3327.01 and 3327.02 of the 26584  
Revised Code, as if it were a school district. 26585

**Sec. 3314.35.** (A)(1) Except as provided in division (A)(4) of 26586  
this section, this section applies to any community school that 26587  
meets one of the following criteria after July 1, 2009, but before 26588  
July 1, 2011: 26589

(a) The school does not offer a grade level higher than three 26590

and has been declared to be in a state of academic emergency under 26591  
section 3302.03 of the Revised Code for three of the four most 26592  
recent school years. 26593

(b) The school satisfies all of the following conditions: 26594

(i) The school offers any of grade levels four to eight but 26595  
does not offer a grade level higher than nine. 26596

(ii) The school has been declared to be in a state of 26597  
academic emergency under section 3302.03 of the Revised Code for 26598  
two of the three most recent school years. 26599

(iii) In at least two of the three most recent school years, 26600  
the school showed less than one standard year of academic growth 26601  
in either reading or mathematics, as determined by the department 26602  
of education in accordance with rules adopted under division (A) 26603  
of section 3302.021 of the Revised Code. 26604

(c) The school offers any of grade levels ten to twelve and 26605  
has been declared to be in a state of academic emergency under 26606  
section 3302.03 of the Revised Code for three of the four most 26607  
recent school years. 26608

(2) Except as provided in division (A)(4) of this section, 26609  
this section applies to any community school that meets one of the 26610  
following criteria after July 1, 2011, but before July 1, 2013: 26611

(a) The school does not offer a grade level higher than three 26612  
and has been declared to be in a state of academic emergency under 26613  
section 3302.03 of the Revised Code for two of the three most 26614  
recent school years. 26615

(b) The school satisfies all of the following conditions: 26616

(i) The school offers any of grade levels four to eight but 26617  
does not offer a grade level higher than nine. 26618

(ii) The school has been declared to be in a state of 26619  
academic emergency under section 3302.03 of the Revised Code for 26620

two of the three most recent school years. 26621

(iii) In at least two of the three most recent school years, 26622  
the school showed less than one standard year of academic growth 26623  
in either reading or mathematics, as determined by the department 26624  
in accordance with rules adopted under division (A) of section 26625  
3302.021 of the Revised Code. 26626

(c) The school offers any of grade levels ten to twelve and 26627  
has been declared to be in a state of academic emergency under 26628  
section 3302.03 of the Revised Code for two of the three most 26629  
recent school years. 26630

(3) Except as provided in division (A)(4) of this section, 26631  
this section applies to any community school that meets one of the 26632  
following criteria on or after July 1, 2013: 26633

(a) The school does not offer a grade level higher than three 26634  
and, for two of the three most recent school years, satisfies any 26635  
of the following criteria: 26636

(i) The school has been declared to be in a state of academic 26637  
emergency under section 3302.03 of the Revised Code, as it existed 26638  
prior to March 22, 2013~~+~~. 26639

(ii) The school has received a grade of "F" in improving 26640  
literacy in grades kindergarten through three under division 26641  
(B)(1)(g) ~~or (C)(1)(g)~~ of section 3302.03 of the Revised Code~~+~~ for 26642  
the 2013-2014 school year or received a grade of "F" for the early 26643  
literacy component under division (C)(3)(e) of that section for 26644  
the 2014-2015 school year and any school year thereafter. 26645

(iii) The school has received an overall grade of "F" under 26646  
division (C) of section 3302.03 of the Revised Code. 26647

(b) The school offers any of grade levels four to eight but 26648  
does not offer a grade level higher than nine and, for two of the 26649  
three most recent school years, satisfies any of the following 26650

criteria: 26651

(i) The school has been declared to be in a state of academic 26652  
emergency under section 3302.03 of the Revised Code, as it existed 26653  
prior to March 22, 2013, and the school showed less than one 26654  
standard year of academic growth in either reading or mathematics, 26655  
as determined by the department in accordance with rules adopted 26656  
under division (A) of section 3302.021 of the Revised Code~~+~~. 26657

(ii) The school has received a grade of "F" for the 26658  
performance index score under division (A)(1)(b), (B)(1)(b), or 26659  
(C)(1)(b) and a grade of "F" for the value-added progress 26660  
dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of 26661  
section 3302.03 of the Revised Code~~+~~. 26662

(iii) The school has received an overall grade of "F" under 26663  
division (C) and a grade of "F" for the value-added progress 26664  
dimension under division (C)(1)(e) of section 3302.03 of the 26665  
Revised Code. 26666

(c) The school offers any of grade levels ten to twelve and, 26667  
for two of the three most recent school years, satisfies any of 26668  
the following criteria: 26669

(i) The school has been declared to be in a state of academic 26670  
emergency under section 3302.03 of the Revised Code, as it existed 26671  
prior to March 22, 2013~~+~~. 26672

(ii) The school has received a grade of "F" for the 26673  
performance index score under division (A)(1)(b), (B)(1)(b), or 26674  
(C)(1)(b) and has not met annual measurable objectives under 26675  
division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of 26676  
the Revised Code~~+~~. 26677

(iii) The school has received an overall grade of "F" under 26678  
division (C) and a grade of "F" for the value-added progress 26679  
dimension under division (C)(1)(e) of section 3302.03 of the 26680  
Revised Code. 26681

For purposes of division (A)(3) of this section only, the department of education shall calculate the value-added progress dimension for a community school using assessment scores for only those students to whom the school has administered the achievement assessments prescribed by section 3301.0710 of the Revised Code for at least the two most recent school years but using value-added data from only the most recent school year.

(4) This section does not apply to either of the following:

(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school. Rather, such schools shall be subject to closure only as provided in section 3314.351 of the Revised Code. However, prior to July 1, 2014, a community school in which a majority of the students are enrolled in a dropout prevention and recovery program shall be exempt from this section only if it has been granted a waiver under section 3314.36 of the Revised Code.

(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.

(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(C) In accordance with division (B) of section 3314.012 of the Revised Code, the department shall not consider the

performance ratings assigned to a community school for its first 26713  
two years of operation when determining whether the school meets 26714  
the criteria prescribed by division (A)(1) or (2) of this section. 26715

Sec. 3314.46. As used in this section, "sponsor" includes any 26716  
officer, director, employee, agent, representative, subsidiary, or 26717  
independent contractor of the sponsor of a community school. 26718  
26719

(A) Except as provided in division (B) of this section, no 26720  
sponsor of a community school shall sell any goods or services to 26721  
any community school it sponsors. 26722

(B) If the sponsor of a community school entered into a 26723  
contract prior to the effective date of this section that involves 26724  
the sale of goods or services to a community school it sponsors, 26725  
the sponsor shall not be required to comply with division (A) of 26726  
this section with respect to that school until the expiration of 26727  
the contract. 26728

**Sec. 3317.01.** As used in this section, "school district," 26729  
unless otherwise specified, means any city, local, exempted 26730  
village, joint vocational, or cooperative education school 26731  
district and any educational service center. 26732

This chapter shall be administered by the state board of 26733  
education. The superintendent of public instruction shall 26734  
calculate the amounts payable to each school district and shall 26735  
certify the amounts payable to each eligible district to the 26736  
treasurer of the district as provided by this chapter. As soon as 26737  
possible after such amounts are calculated, the superintendent 26738  
shall certify to the treasurer of each school district the 26739  
district's adjusted charge-off increase, as defined in section 26740  
5705.211 of the Revised Code. Certification of moneys pursuant to 26741  
this section shall include the amounts payable to each school 26742

building, at a frequency determined by the superintendent, for 26743  
each subgroup of students, as defined in section 3317.40 of the 26744  
Revised Code, receiving services, provided for by state funding, 26745  
from the district or school. No moneys shall be distributed 26746  
pursuant to this chapter without the approval of the controlling 26747  
board. 26748

The state board of education shall, in accordance with 26749  
appropriations made by the general assembly, meet the financial 26750  
obligations of this chapter. 26751

Moneys distributed to school districts pursuant to this 26752  
chapter shall be calculated based on the annual enrollment 26753  
calculated from the three reports required under ~~sections~~ section 26754  
3317.03 ~~and 3317.036~~ of the Revised Code and paid on a fiscal year 26755  
basis, beginning with the first day of July and extending through 26756  
the thirtieth day of June. The moneys appropriated for each fiscal 26757  
year shall be distributed periodically to each school district 26758  
unless otherwise provided for. The state board, in June of each 26759  
year, shall submit to the controlling board the state board's 26760  
year-end distributions pursuant to this chapter. 26761

Except as otherwise provided, payments under this chapter 26762  
shall be made only to those school districts in which: 26763

(A) The school district, except for any educational service 26764  
center and any joint vocational or cooperative education school 26765  
district, levies for current operating expenses at least twenty 26766  
mills. Levies for joint vocational or cooperative education school 26767  
districts or county school financing districts, limited to or to 26768  
the extent apportioned to current expenses, shall be included in 26769  
this qualification requirement. School district income tax levies 26770  
under Chapter 5748. of the Revised Code, limited to or to the 26771  
extent apportioned to current operating expenses, shall be 26772  
included in this qualification requirement to the extent 26773  
determined by the tax commissioner under division (D) of section 26774

3317.021 of the Revised Code. 26775

(B) The school year next preceding the fiscal year for which 26776  
such payments are authorized meets the requirement of section 26777  
3313.48 of the Revised Code, with regard to the minimum number of 26778  
hours school must be open for instruction with pupils in 26779  
attendance, for individualized parent-teacher conference and 26780  
reporting periods, and for professional meetings of teachers. 26781

A school district shall not be considered to have failed to 26782  
comply with this division because schools were open for 26783  
instruction but either twelfth grade students were excused from 26784  
attendance for up to the equivalent of three school days or only a 26785  
portion of the kindergarten students were in attendance for up to 26786  
the equivalent of three school days in order to allow for the 26787  
gradual orientation to school of such students. 26788

A board of education or governing board of an educational 26789  
service center which has not conformed with other law and the 26790  
rules pursuant thereto, shall not participate in the distribution 26791  
of funds authorized by this chapter, except for good and 26792  
sufficient reason established to the satisfaction of the state 26793  
board of education and the state controlling board. 26794

All funds allocated to school districts under this chapter, 26795  
except those specifically allocated for other purposes, shall be 26796  
used to pay current operating expenses only. 26797

**Sec. 3317.013.** The amounts for the following categories of 26798  
special education programs, as these programs are defined for 26799  
purposes of Chapter 3323. of the Revised Code, are as follows: 26800

(A) An amount of ~~\$1,503~~ \$1,547, in fiscal year ~~2014~~ 2016, or 26801  
~~\$1,517~~ \$1,578, in fiscal year ~~2015~~ 2017, for each student whose 26802  
primary or only identified disability is a speech and language 26803  
disability, as this term is defined pursuant to Chapter 3323. of 26804

the Revised Code; 26805

(B) An amount of ~~\$3,813~~ \$3,926, in fiscal year ~~2014~~ 2016, or 26806  
~~\$3,849~~ \$4,005, in fiscal year ~~2015~~ 2017, for each student 26807  
identified as specific learning disabled or developmentally 26808  
disabled, as these terms are defined pursuant to Chapter 3323. of 26809  
the Revised Code, identified as having an other health 26810  
impairment-minor, or identified as a preschool child who is 26811  
developmentally delayed; 26812

(C) An amount of ~~\$9,160~~ \$9,433, in fiscal year ~~2014~~ 2016, or 26813  
~~\$9,248~~ \$9,622, in fiscal year ~~2015~~ 2017, for each student 26814  
identified as hearing disabled or severe behavior disabled, as 26815  
these terms are defined pursuant to Chapter 3323. of the Revised 26816  
Code; 26817

(D) An amount of ~~\$12,225~~ \$12,589, in fiscal year ~~2014~~ 2016, 26818  
or ~~\$12,342~~ \$12,841, in fiscal year ~~2015~~ 2017, for each student 26819  
identified as vision impaired, as this term is defined pursuant to 26820  
Chapter 3323. of the Revised Code, or as having an other health 26821  
impairment-major; 26822

(E) An amount of ~~\$16,557~~ \$17,049, in fiscal year ~~2014~~ 2016, 26823  
or ~~\$16,715~~ \$17,390, in fiscal year ~~2015~~ 2017, for each student 26824  
identified as orthopedically disabled or as having multiple 26825  
disabilities, as these terms are defined pursuant to Chapter 3323. 26826  
of the Revised Code; 26827

(F) An amount of ~~\$24,407~~ \$25,134, in fiscal year ~~2014~~ 2016, 26828  
or ~~\$24,641~~ \$25,637, in fiscal year ~~2015~~ 2017, for each student 26829  
identified as autistic, having traumatic brain injuries, or as 26830  
both visually and hearing impaired, as these terms are defined 26831  
pursuant to Chapter 3323. of the Revised Code. 26832

**Sec. 3317.014.** The career-technical education additional 26833  
amount per pupil for each student enrolled in career-technical 26834

education programs approved by the department of education under 26835  
section 3317.161 of the Revised Code shall be as follows: 26836

(A) An amount of ~~\$4,750~~ \$4,992, in fiscal year ~~2014~~ 2016, or 26837  
~~\$4,800~~ \$5,192, in fiscal year ~~2015~~ 2017, for each student enrolled 26838  
in career-technical education workforce development programs in 26839  
agricultural and environmental systems, construction technologies, 26840  
engineering and science technologies, finance, health science, 26841  
information technology, and manufacturing technologies, each of 26842  
which shall be defined by the department in consultation with the 26843  
governor's office of workforce transformation; 26844

(B) An amount of ~~\$4,500~~ \$4,732, in fiscal year ~~2014~~ 2016, or 26845  
~~\$4,550~~ \$4,921, in fiscal year ~~2015~~ 2017, for each student enrolled 26846  
in workforce development programs in business and administration, 26847  
hospitality and tourism, human services, law and public safety, 26848  
transportation systems, and arts and communications, each of which 26849  
shall be defined by the department in consultation with the 26850  
governor's office of workforce transformation; 26851

(C) An amount of ~~\$1,650~~ \$1,726, in fiscal year ~~2014~~ 2016, or 26852  
~~\$1,660~~ \$1,795, in fiscal year ~~2015~~ 2017, for students enrolled in 26853  
career-based intervention programs, which shall be defined by the 26854  
department in consultation with the governor's office of workforce 26855  
transformation; 26856

(D) An amount of ~~\$1,400~~ \$1,466, in fiscal year ~~2014~~ 2016, or 26857  
~~\$1,410~~ \$1,525, in fiscal year ~~2015~~ 2017, for students enrolled in 26858  
workforce development programs in education and training, 26859  
marketing, workforce development academics, public administration, 26860  
and career development, each of which shall be defined by the 26861  
department of education in consultation with the governor's office 26862  
of workforce transformation; 26863

(E) An amount of ~~\$1,200~~ \$1,258, in fiscal year ~~2014~~ 2016, or 26864  
~~\$1,210~~ \$1,308, in fiscal year ~~2015~~ 2017, for students enrolled in 26865

family and consumer science programs, which shall be defined by 26866  
the department of education in consultation with the governor's 26867  
office of workforce transformation. 26868

The amount for career-technical education associated 26869  
services, as defined by the department, shall be ~~\$225~~ \$236, in 26870  
fiscal year ~~2014~~ 2016, or ~~\$227~~ \$245, in fiscal year ~~2015~~ 2017. 26871

**Sec. 3317.016.** The amounts for limited English proficient 26872  
students shall be as follows: 26873

(A) An amount of ~~\$1,500, in fiscal year 2014, and \$1,515, in~~ 26874  
~~fiscal year 2015,~~ for each student who has been enrolled in 26875  
schools in the United States for 180 school days or less and was 26876  
not previously exempted from taking the spring administration of 26877  
either of the state's English language arts assessments prescribed 26878  
by section 3301.0710 of the Revised Code (reading or writing). 26879

(B) An amount of ~~\$1,125, in fiscal year 2014, and \$1,136, in~~ 26880  
~~fiscal year 2015,~~ for each student who has been enrolled in 26881  
schools in the United States for more than 180 school days or was 26882  
previously exempted from taking the spring administration of 26883  
either of the state's English language arts assessments prescribed 26884  
by section 3301.0710 of the Revised Code (reading or writing). 26885

(C) An amount of ~~\$750, in fiscal year 2014, and \$758, in~~ 26886  
~~fiscal year 2015,~~ for each student who does not qualify for 26887  
inclusion under division (A) or (B) of this section and is in a 26888  
trial-mainstream period, as defined by the department. 26889

**Sec. 3317.017.** The department of education shall compute a 26890  
school district's state share ~~index~~ percentage as follows: 26891

(A) Calculate the district's valuation index, which equals 26892  
the following quotient: 26893

(The district's three-year average valuation / the district's 26894

total ADM) / (the statewide three-year average valuation for 26895  
school districts with a total ADM greater than zero / the 26896  
statewide total ADM) 26897

(B) Calculate the district's median income index, which 26898  
equals the following quotient: 26899

(The district's median Ohio adjusted gross income / the 26900  
median of the median Ohio adjusted gross income of all districts 26901  
statewide with a total ADM greater than zero) 26902

(C) Determine the district's ~~wealth index~~ capacity measure as 26903  
follows: 26904

(1) If the district's median income index is less than the 26905  
~~district's valuation index~~ lower limit, then the district's ~~wealth~~ 26906  
~~index~~ capacity measure shall be equal to [~~(1/3 X the district's~~ 26907  
~~median income index) + (2/3 X the district's valuation index) -~~ 26908  
(the lower limit - the district's median income index)]. 26909

(2) If the district's median income index is greater than or 26910  
equal to the lower limit and less than or equal to the upper 26911  
limit, then the district's capacity measure shall be equal to the 26912  
district's valuation index. 26913

(3) If the district's median income index is greater than or 26914  
equal to the district's valuation index the upper limit, then the 26915  
district's ~~wealth index~~ capacity measure shall be equal to {the 26916  
district's valuation index + [(the district's median income index 26917  
- the upper limit) X (0.20 in fiscal year 2016 or 0.40 in fiscal 26918  
year 2017)]}. 26919

For purposes of these calculations, "upper limit" and "lower 26920  
limit" shall be computed pursuant to section 3317.018 of the 26921  
Revised Code. 26922

(D) Determine the district's state share ~~index~~ percentage as 26923  
follows: 26924

(1) If the district's ~~wealth index~~ capacity measure is less than or equal to ~~0.35~~ 0.20, then the district's state share ~~index~~ percentage shall be equal to 0.90.

(2) If the district's ~~wealth index~~ capacity measure is greater than ~~0.35~~ 0.20 but less than ~~or equal to 0.90~~ 2, then the district's state share ~~index~~ percentage shall be equal to ~~{0.40~~ 0.90 X [~~(0.90~~ 2.11 - the district's ~~wealth~~ capacity index) / ~~0.55~~ 2]} ~~+ 0.50~~.

~~(3) If the district's wealth index is greater than 0.90 but less than 1.8, then the district's state share index shall be equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 0.05.~~

~~(4) If the district's wealth index capacity measure is greater than or equal to 1.8 2, then the district's state share index percentage shall be equal to 0.05.~~

(E)(1) For each school district for which the tax-exempt value of the district, as certified under division (A)(4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall calculate the difference between the district's tax-exempt value and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three-year average valuation of the district plus the tax-exempt value of the district.

(2) For each school district to which division (E)(1) of this section applies, the department shall adjust the three-year average valuation used in the calculation under division (A) of this section by subtracting from it the amount calculated under division (E)(1) of this section.

(F) ~~When~~ Unless otherwise specified in this section, when performing the calculations required under this section, the

department shall not round to fewer than four decimal places. 26956

(G) For purposes of these calculations for fiscal years 2014 and 2015: 26957  
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(1) For fiscal year 2016, "three-year average valuation" means the average of total taxable value for fiscal years 2012, 2013, and 2014; "total ADM" means the total ADM for fiscal year 2014; "median 2015. 26959  
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(2) For fiscal year 2017, "total ADM" means the total ADM for fiscal year 2016. 26963  
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(3) "Median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2011; and "tax exempt 2012 or 2013, whichever is the most recent tax year for which data is available. 26965  
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(4) "Tax-exempt value" means the tax-exempt value for fiscal year 2014 the most recent tax year for which data is available. 26969  
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**Sec. 3317.018.** (A) The department of education shall calculate the mean and standard deviation of the median income indices calculated for all school districts in this state under division (B) of section 3317.017 of the Revised Code other than kelley's island local school district, Erie county. 26971  
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(B) The department shall add one-half of the standard deviation determined under division (A) of this section to the mean determined under division (A) of this section and then round up the sum to two decimal places. This number shall be the "upper limit" for purposes of the calculations in division (C) of section 3317.017 of the Revised Code. 26976  
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(C) The department shall subtract one-half of the standard deviation determined under division (A) of this section from the mean determined under division (A) of this section and then round down the difference to two decimal places. This number shall be 26982  
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the "lower limit" for purposes of the calculations in division (C) 26986  
of section 3317.017 of the Revised Code. 26987

**Sec. 3317.02.** As used in this chapter: 26988

(A)(1) "Category one career-technical education ADM" means 26989  
the enrollment of students during the school year on a full-time 26990  
equivalency basis in career-technical education programs described 26991  
in division (A) of section 3317.014 of the Revised Code and 26992  
certified under division (B)(11) or (D)(2)(h) of section 3317.03 26993  
of the Revised Code. 26994

(2) "Category two career-technical education ADM" means the 26995  
enrollment of students during the school year on a full-time 26996  
equivalency basis in career-technical education programs described 26997  
in division (B) of section 3317.014 of the Revised Code and 26998  
certified under division (B)(12) or (D)(2)(i) of section 3317.03 26999  
of the Revised Code. 27000

(3) "Category three career-technical education ADM" means the 27001  
enrollment of students during the school year on a full-time 27002  
equivalency basis in career-technical education programs described 27003  
in division (C) of section 3317.014 of the Revised Code and 27004  
certified under division (B)(13) or (D)(2)(j) of section 3317.03 27005  
of the Revised Code. 27006

(4) "Category four career-technical education ADM" means the 27007  
enrollment of students during the school year on a full-time 27008  
equivalency basis in career-technical education programs described 27009  
in division (D) of section 3317.014 of the Revised Code and 27010  
certified under division (B)(14) or (D)(2)(k) of section 3317.03 27011  
of the Revised Code. 27012

(5) "Category five career-technical education ADM" means the 27013  
enrollment of students during the school year on a full-time 27014  
equivalency basis in career-technical education programs described 27015

in division (E) of section 3317.014 of the Revised Code and 27016  
certified under division (B)(15) or (D)(2)(1) of section 3317.03 27017  
of the Revised Code. 27018

(B)(1) "Category one limited English proficient ADM" means 27019  
the full-time equivalent number of limited English proficient 27020  
students described in division (A) of section 3317.016 of the 27021  
Revised Code and certified under division (B)(16) or (D)(2)(m) of 27022  
section 3317.03 of the Revised Code. 27023

(2) "Category two limited English proficient ADM" means the 27024  
full-time equivalent number of limited English proficient students 27025  
described in division (B) of section 3317.016 of the Revised Code 27026  
and certified under division (B)(17) or (D)(2)(n) of section 27027  
3317.03 of the Revised Code. 27028

(3) "Category three limited English proficient ADM" means the 27029  
full-time equivalent number of limited English proficient students 27030  
described in division (C) of section 3317.016 of the Revised Code 27031  
and certified under division (B)(18) or (D)(2)(o) of section 27032  
3317.03 of the Revised Code. 27033

(C)(1) "Category one special education ADM" means the 27034  
full-time equivalent number of children with disabilities 27035  
receiving special education services for the disability specified 27036  
in division (A) of section 3317.013 of the Revised Code and 27037  
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 27038  
the Revised Code. 27039

(2) "Category two special education ADM" means the full-time 27040  
equivalent number of children with disabilities receiving special 27041  
education services for those disabilities specified in division 27042  
(B) of section 3317.013 of the Revised Code and certified under 27043  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 27044  
Code. 27045

(3) "Category three special education ADM" means the 27046

full-time equivalent number of students receiving special 27047  
education services for those disabilities specified in division 27048  
(C) of section 3317.013 of the Revised Code, and certified under 27049  
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 27050  
Code. 27051

(4) "Category four special education ADM" means the full-time 27052  
equivalent number of students receiving special education services 27053  
for those disabilities specified in division (D) of section 27054  
3317.013 of the Revised Code and certified under division (B)(8) 27055  
or (D)(2)(e) of section 3317.03 of the Revised Code. 27056

(5) "Category five special education ADM" means the full-time 27057  
equivalent number of students receiving special education services 27058  
for the disabilities specified in division (E) of section 3317.013 27059  
of the Revised Code and certified under division (B)(9) or 27060  
(D)(2)(f) of section 3317.03 of the Revised Code. 27061

(6) "Category six special education ADM" means the full-time 27062  
equivalent number of students receiving special education services 27063  
for the disabilities specified in division (F) of section 3317.013 27064  
of the Revised Code and certified under division (B)(10) or 27065  
(D)(2)(g) of section 3317.03 of the Revised Code. 27066

(D) "County DD board" means a county board of developmental 27067  
disabilities. 27068

(E) "Economically disadvantaged index for a school district" 27069  
means the square of the quotient of that district's percentage of 27070  
students in its total ADM who are identified as economically 27071  
disadvantaged as defined by the department of education, divided 27072  
by the ~~statewide~~ percentage of students in the statewide total ADM 27073  
identified as economically disadvantaged. For purposes of this 27074  
calculation: 27075

(1) For a city, local, or exempted village school district, 27076  
the "statewide total ADM" equals the sum of the total ADM for all 27077

city, local, and exempted village school districts combined. 27078

(2) For a joint vocational school district, the "statewide total ADM" equals the sum of the formula ADM for all joint vocational school districts combined. 27079  
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(F)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows: 27082  
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(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code; 27088  
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(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact. 27091  
27092  
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27094

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. 27095  
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(G) "Formula amount" means ~~\$5,745~~ \$5,900, for fiscal year ~~2014~~ 2016, and ~~\$5,800~~ \$6,000, for fiscal year ~~2015~~ 2017. 27100  
27101

(H) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career technical education ADM in the same 27102  
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proportion the student is counted in formula ADM. 27109

(I) "Internet- or computer-based community school" has the 27110  
same meaning as in section 3314.02 of the Revised Code. 27111

(J) "Medically fragile child" means a child to whom all of 27112  
the following apply: 27113

(1) The child requires the services of a doctor of medicine 27114  
or osteopathic medicine at least once a week due to the 27115  
instability of the child's medical condition. 27116

(2) The child requires the services of a registered nurse on 27117  
a daily basis. 27118

(3) The child is at risk of institutionalization in a 27119  
hospital, skilled nursing facility, or intermediate care facility 27120  
for individuals with intellectual disabilities. 27121

(K)(1) A child may be identified as having an "other health 27122  
impairment-major" if the child's condition meets the definition of 27123  
"other health impaired" established in rules previously adopted by 27124  
the state board of education and if either of the following apply: 27125

(a) The child is identified as having a medical condition 27126  
that is among those listed by the superintendent of public 27127  
instruction as conditions where a substantial majority of cases 27128  
fall within the definition of "medically fragile child." 27129

(b) The child is determined by the superintendent of public 27130  
instruction to be a medically fragile child. A school district 27131  
superintendent may petition the superintendent of public 27132  
instruction for a determination that a child is a medically 27133  
fragile child. 27134

(2) A child may be identified as having an "other health 27135  
impairment-minor" if the child's condition meets the definition of 27136  
"other health impaired" established in rules previously adopted by 27137  
the state board of education but the child's condition does not 27138

meet either of the conditions specified in division (K)(1)(a) or 27139  
(b) of this section. 27140

(L) "Preschool child with a disability" means a child with a 27141  
disability, as defined in section 3323.01 of the Revised Code, who 27142  
is at least age three but is not of compulsory school age, as 27143  
defined in section 3321.01 of the Revised Code, and who is not 27144  
currently enrolled in kindergarten. 27145

(M) "Preschool scholarship ADM" means the number of preschool 27146  
children with disabilities certified under division (B)(3)(h) of 27147  
section 3317.03 of the Revised Code. 27148

(N) "Related services" includes: 27149

(1) Child study, special education supervisors and 27150  
coordinators, speech and hearing services, adaptive physical 27151  
development services, occupational or physical therapy, teacher 27152  
assistants for children with disabilities whose disabilities are 27153  
described in division (B) of section 3317.013 or division (B)(3) 27154  
of this section, behavioral intervention, interpreter services, 27155  
work study, nursing services, and specialized integrative services 27156  
as those terms are defined by the department; 27157

(2) Speech and language services provided to any student with 27158  
a disability, including any student whose primary or only 27159  
disability is a speech and language disability; 27160

(3) Any related service not specifically covered by other 27161  
state funds but specified in federal law, including but not 27162  
limited to, audiology and school psychological services; 27163

(4) Any service included in units funded under former 27164  
division (O)(1) of section 3317.024 of the Revised Code; 27165

(5) Any other related service needed by children with 27166  
disabilities in accordance with their individualized education 27167  
programs. 27168

(O) "School district," unless otherwise specified, means city, local, and exempted village school districts.	27169 27170
(P) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	27171 27172
(Q) "State share <del>index</del> <u>percentage</u> " means the <u>following</u> :	27173
(1) <u>For a city, local, or exempted village school district, the state share <del>index</del> <u>percentage</u> calculated for a district under section 3317.017 of the Revised Code;</u>	27174 27175 27176
(2) <u>For a joint vocational school district, the following quotient:</u>	27177 27178
<u>The amount computed under division (A)(1) of section 3317.16 of the Revised Code / (the formula amount X formula ADM)</u>	27179 27180
(R) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	27181 27182 27183 27184
(S) <u>"Three-year average valuation" means the following:</u>	27185
<u>(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015.</u>	27186 27187
<u>(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016.</u>	27188 27189
(T) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.	27190 27191 27192 27193 27194
<del>(T)</del> (U) "Total special education ADM" means the sum of categories one through six special education ADM.	27195 27196
<del>(U)</del> (V) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational	27197 27198

school district under divisions (A)(1) and (2) of section 3317.021 27199  
of the Revised Code. 27200

**Sec. 3317.022.** (A) The department of education shall compute 27201  
and distribute state core foundation funding to each eligible 27202  
school district for the fiscal year, using the information 27203  
obtained under section 3317.021 of the Revised Code in the 27204  
calendar year in which the fiscal year begins, as prescribed in 27205  
the following divisions: 27206

(1) An opportunity grant calculated according to the 27207  
following formula: 27208

The formula amount X (formula ADM + preschool scholarship 27209  
ADM) X the district's state share ~~index~~ percentage 27210

(2) Targeted assistance funds calculated under divisions (A) 27211  
and (B) of section 3317.0217 of the Revised Code; 27212

(3) Additional state aid for special education and related 27213  
services provided under Chapter 3323. of the Revised Code 27214  
calculated as the sum of the following: 27215

(a) The district's category one special education ADM X the 27216  
amount specified in division (A) of section 3317.013 of the 27217  
Revised Code X the district's state share ~~index~~ percentage; 27218

(b) The district's category two special education ADM X the 27219  
amount specified in division (B) of section 3317.013 of the 27220  
Revised Code X the district's state share ~~index~~ percentage; 27221

(c) The district's category three special education ADM X the 27222  
amount specified in division (C) of section 3317.013 of the 27223  
Revised Code X the district's state share ~~index~~ percentage; 27224

(d) The district's category four special education ADM X the 27225  
amount specified in division (D) of section 3317.013 of the 27226  
Revised Code X the district's state share ~~index~~ percentage; 27227

(e) The district's category five special education ADM X the 27228  
amount specified in division (E) of section 3317.013 of the 27229  
Revised Code X the district's state share ~~index~~ percentage; 27230

(f) The district's category six special education ADM X the 27231  
amount specified in division (F) of section 3317.013 of the 27232  
Revised Code X the district's state share ~~index~~ percentage. 27233

(4) Kindergarten through third grade literacy funds 27234  
calculated according to the following formula: 27235

[~~(\$125 \$184~~, in fiscal year ~~2014~~ 2016, or ~~\$175 \$193~~, in 27236  
fiscal year ~~2015~~ 2017) X formula ADM for grades kindergarten 27237  
through three X the district's state share ~~index~~ percentage] + 27238  
[~~(\$100 \$121~~, in fiscal year ~~2014~~ 2016, or ~~\$160 \$127~~, in fiscal 27239  
year ~~2015~~ 2017) X formula ADM for grades kindergarten through 27240  
three] 27241

For purposes of this calculation, the department shall 27242  
subtract from a district's formula ADM for grades kindergarten 27243  
through three the number of students reported under division 27244  
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 27245  
internet- or computer-based community school who are in grades 27246  
kindergarten through three. 27247

(5) Economically disadvantaged funds calculated according to 27248  
the following formula: 27249

~~(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)~~ 27250  
\$272 X ~~(the district's economically disadvantaged index)~~ X the 27251  
number of students who are economically disadvantaged as certified 27252  
under division (B)(21) of section 3317.03 of the Revised Code 27253

(6) Limited English proficiency funds calculated as the sum 27254  
of the following: 27255

(a) The district's category one limited English proficient 27256  
ADM X the amount specified in division (A) of section 3317.016 of 27257

the Revised Code X the district's state share <del>index</del> <u>percentage</u> ;	27258
(b) The district's category two limited English proficient	27259
ADM X the amount specified in division (B) of section 3317.016 of	27260
the Revised Code X the district's state share <del>index</del> <u>percentage</u> ;	27261
(c) The district's category three limited English proficient	27262
ADM X the amount specified in division (C) of section 3317.016 of	27263
the Revised Code X the district's state share <del>index</del> <u>percentage</u> .	27264
(7)(a) Gifted identification funds calculated according to	27265
the following formula:	27266
<del>(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015) X the</del>	27267
district's formula ADM	27268
(b) Gifted unit funding calculated under section 3317.051 of	27269
the Revised Code.	27270
(8) Career-technical education funds calculated as the sum of	27271
the following:	27272
(a) The district's category one career-technical education	27273
ADM X the amount specified in division (A) of section 3317.014 of	27274
the Revised Code X the district's state share <del>index</del> <u>percentage</u> ;	27275
(b) The district's category two career-technical education	27276
ADM X the amount specified in division (B) of section 3317.014 of	27277
the Revised Code X the district's state share <del>index</del> <u>percentage</u> ;	27278
(c) The district's category three career-technical education	27279
ADM X the amount specified in division (C) of section 3317.014 of	27280
the Revised Code X the district's state share <del>index</del> <u>percentage</u> ;	27281
(d) The district's category four career-technical education	27282
ADM X the amount specified in division (D) of section 3317.014 of	27283
the Revised Code X the district's state share <del>index</del> <u>percentage</u> ;	27284
(e) The district's category five career-technical education	27285
ADM X the amount specified in division (E) of section 3317.014 of	27286
the Revised Code X the district's state share <del>index</del> <u>percentage</u> .	27287

Payment of funds under division (A)(8) of this section is 27288  
subject to approval under section 3317.161 of the Revised Code. 27289

(9) Career-technical education associated services funds 27290  
calculated according to the following formula: 27291

The district's state share ~~index~~ percentage X the amount for 27292  
career-technical education associated services specified in 27293  
section 3317.014 of the Revised Code X the sum of categories one 27294  
through five career-technical education ADM 27295

(B) In any fiscal year, a school district shall spend for 27296  
purposes that the department designates as approved for special 27297  
education and related services expenses at least the amount 27298  
calculated as follows: 27299

(The formula amount X the total special education ADM) + (the 27300  
district's category one special education ADM X the amount 27301  
specified in division (A) of section 3317.013 of the Revised Code) 27302  
+ (the district's category two special education ADM X the amount 27303  
specified in division (B) of section 3317.013 of the Revised Code) 27304  
+ (the district's category three special education ADM X the 27305  
amount specified in division (C) of section 3317.013 of the 27306  
Revised Code) + (the district's category four special education 27307  
ADM X the amount specified in division (D) of section 3317.013 of 27308  
the Revised Code) + (the district's category five special 27309  
education ADM X the amount specified in division (E) of section 27310  
3317.013 of the Revised Code) + (the district's category six 27311  
special education ADM X the amount specified in division (F) of 27312  
section 3317.013 of the Revised Code) 27313

The purposes approved by the department for special education 27314  
expenses shall include, but shall not be limited to, 27315  
identification of children with disabilities, compliance with 27316  
state rules governing the education of children with disabilities 27317  
and prescribing the continuum of program options for children with 27318  
disabilities, provision of speech language pathology services, and 27319

the portion of the school district's overall administrative and 27320  
overhead costs that are attributable to the district's special 27321  
education student population. 27322

The scholarships deducted from the school district's account 27323  
under sections 3310.41 and 3310.55 of the Revised Code shall be 27324  
considered to be an approved special education and related 27325  
services expense for the purpose of the school district's 27326  
compliance with this division. 27327

(C) In any fiscal year, a school district receiving funds 27328  
under division (A)(8) of this section shall spend those funds only 27329  
for the purposes that the department designates as approved for 27330  
career-technical education expenses. Career-technical ~~educational~~ 27331  
education expenses approved by the department shall include only 27332  
expenses connected to the delivery of career-technical programming 27333  
to career-technical students. The department shall require the 27334  
school district to report data annually so that the department may 27335  
monitor the district's compliance with the requirements regarding 27336  
the manner in which funding received under division (A)(8) of this 27337  
section may be spent. 27338

(D) In any fiscal year, a school district receiving funds 27339  
under division (A)(9) of this section, or through a transfer of 27340  
funds pursuant to division (I) of section 3317.023 of the Revised 27341  
Code, shall spend those funds only for the purposes that the 27342  
department designates as approved for career-technical education 27343  
associated services expenses, which may include such purposes as 27344  
apprenticeship coordinators, coordinators for other 27345  
career-technical education services, career-technical evaluation, 27346  
and other purposes designated by the department. The department 27347  
may deny payment under division (A)(9) of this section to any 27348  
district that the department determines is not operating those 27349  
services or is using funds paid under division (A)(9) of this 27350  
section, or through a transfer of funds pursuant to division (I) 27351

of section 3317.023 of the Revised Code, for other purposes. 27352

(E) All funds received under division (A)(8) of this section 27353  
shall be spent in the following manner: 27354

(1) At least seventy-five per cent of the funds shall be 27355  
spent on curriculum development, purchase, and implementation; 27356  
instructional resources and supplies; industry-based program 27357  
certification; student assessment, credentialing, and placement; 27358  
curriculum specific equipment purchases and leases; 27359  
career-technical student organization fees and expenses; home and 27360  
agency linkages; work-based learning experiences; professional 27361  
development; and other costs directly associated with 27362  
career-technical education programs including development of new 27363  
programs. 27364

(2) Not more than twenty-five per cent of the funds shall be 27365  
used for personnel expenditures. 27366

(F) A school district shall spend the funds it receives under 27367  
division (A)(5) of this section in accordance with section 3317.25 27368  
of the Revised Code. 27369

**Sec. 3317.0212.** (A) As used in this section: 27370

(1) "Qualifying riders" means resident students enrolled in 27371  
regular education in grades kindergarten to twelve who are 27372  
provided school bus service by a school district and who live more 27373  
than one mile from the school they attend, including students with 27374  
dual enrollment in a joint vocational school district or a 27375  
cooperative education school district, and students enrolled in a 27376  
community school, STEM school, or nonpublic school. 27377

(2) "Qualifying ridership" means the average number of 27378  
qualifying riders who are provided school bus service by a school 27379  
district during the first full week of October. 27380

(3) "Rider density" means the total ADM per square mile of a 27381

school district. 27382

(4) "School bus service" means a school district's 27383  
transportation of qualifying riders in any of the following types 27384  
of vehicles: 27385

(a) School buses owned or leased by the district; 27386

(b) School buses operated by a private contractor hired by 27387  
the district; 27388

(c) School buses operated by another school district or 27389  
entity with which the district has contracted, either as part of a 27390  
consortium for the provision of transportation or otherwise. 27391

(5) "Total riders" means resident students enrolled in 27392  
regular education in grades kindergarten to twelve who are 27393  
provided school bus service by a school district, including 27394  
students with dual enrollment in a joint vocational school 27395  
district or a cooperative education school district, and students 27396  
enrolled in a community school, STEM school, or nonpublic school. 27397

(6) "Total ridership" means the average number of total 27398  
riders who are provided school bus service by a school district 27399  
during the first full week of October. 27400

(B) Not later than the fifteenth day of October each year, 27401  
each city, local, and exempted village school district shall 27402  
report to the department of education its qualifying and total 27403  
ridership and any other information requested by the department. 27404  
Subsequent adjustments to the reported numbers shall be made only 27405  
in accordance with rules adopted by the department. 27406

(C) The department shall calculate the statewide 27407  
transportation cost per student as follows: 27408

(1) Determine each city, local, and exempted village school 27409  
district's transportation cost per student by dividing the 27410  
district's total costs for school bus service in the previous 27411

fiscal year by its ~~qualifying~~ total ridership in the previous 27412  
fiscal year. 27413

(2) After excluding districts that do not provide school bus 27414  
service and the ten districts with the highest transportation 27415  
costs per student and the ten districts with the lowest 27416  
transportation costs per student, divide the aggregate cost for 27417  
school bus service for the remaining districts in the previous 27418  
fiscal year by the aggregate ~~qualifying~~ total ridership of those 27419  
districts in the previous fiscal year. 27420

(D) The department shall calculate the statewide 27421  
transportation cost per mile as follows: 27422

(1) Determine each city, local, and exempted village school 27423  
district's transportation cost per mile by dividing the district's 27424  
total costs for school bus service in the previous fiscal year by 27425  
its total number of miles driven for school bus service in the 27426  
previous fiscal year. 27427

(2) After excluding districts that do not provide school bus 27428  
service and the ten districts with the highest transportation 27429  
costs per mile and the ten districts with the lowest 27430  
transportation costs per mile, divide the aggregate cost for 27431  
school bus service for the remaining districts in the previous 27432  
fiscal year by the aggregate miles driven for school bus service 27433  
in those districts in the previous fiscal year. 27434

(E) The department shall calculate each city, local, and 27435  
exempted village school district's transportation payment as 27436  
follows: 27437

(1) Multiply the statewide transportation cost per student by 27438  
the district's qualifying ridership for the current fiscal year. 27439

(2) Multiply the statewide transportation cost per mile by 27440  
the district's total number of miles driven for school bus service 27441  
in the current fiscal year. 27442

(3) Multiply the greater of the amounts calculated under 27443  
divisions (E)(1) and (2) of this section by the greater of ~~sixty~~ 27444  
fifty per cent or the district's state share ~~index~~ percentage, as 27445  
defined in section 3317.02 of the Revised Code. 27446

(F) In addition to funds paid under division (E) of this 27447  
section, each city, local, and exempted village district shall 27448  
receive in accordance with rules adopted by the state board of 27449  
education a payment for students transported by means other than 27450  
school bus service and whose transportation is not funded under 27451  
division (C) of section 3317.024 of the Revised Code. The rules 27452  
shall include provisions for school district reporting of such 27453  
students. 27454

~~(G)(1) In fiscal years 2014 and 2015, the department shall 27455  
pay each district a pro rata portion of the amounts calculated 27456  
under division (E) of this section and described in division (F) 27457  
of this section, based on state appropriations. 27458~~

~~(2) In addition to the prorated payment under division (G)(1) 27459  
of this section, in fiscal years 2014 and 2015, the department 27460  
shall pay each school district that meets the conditions 27461  
prescribed in division (G)(3) of this section an additional amount 27462  
equal to the difference of (a) the amounts calculated under 27463  
division (E) of this section and prescribed in division (F) of 27464  
this section minus (b) that prorated payment. 27465~~

~~(3) Division (G)(2) of this section applies to each school 27466  
district that meets all of the following conditions: 27467~~

~~(a) The district qualifies for the calculation of a payment 27468  
under division (E) of this section because it transports students 27469  
on board owned or contractor owned school buses. 27470~~

~~(b) The district's state share index is greater than or equal 27471  
to 0.50. 27472~~

~~(c) The district's rider density is at or below the median 27473~~

~~rider density of all districts that qualify for calculation of a 27474  
payment under division (E) of this section. 27475~~

~~(H) Each city, local, and exempted village school district 27476  
shall report all data used to calculate funding for transportation 27477  
under this section through the education management information 27478  
system pursuant to section 3301.0714 of the Revised Code. 27479~~

**Sec. 3317.0213.** (A) The department of education shall compute 27480  
and pay in accordance with this section additional state aid for 27481  
preschool ~~special education~~ children with disabilities to each 27482  
city, local, and exempted village school district and to each 27483  
institution, as defined in section 3323.091 of the Revised Code. 27484  
Funding shall be provided for children who are not enrolled in 27485  
kindergarten and who are under age six on the thirtieth day of 27486  
September of the academic year, or on the first day of August of 27487  
the academic year if the school district in which the child is 27488  
enrolled has adopted a resolution under division (A)(3) of section 27489  
3321.01 of the Revised Code, but not less than age three on the 27490  
first day of December of the academic year. 27491

The additional state aid shall be calculated under the 27492  
following formula: 27493

(\$4,000 X the number of students who are preschool ~~special~~ 27494  
~~education~~ children with disabilities) + the sum of the following: 27495

(1) The district's or institution's category one special 27496  
education ~~preschool~~ students who are preschool children with 27497  
disabilities X the amount specified in division (A) of section 27498  
3317.013 of the Revised Code X the district's state share ~~index~~ 27499  
percentage X 0.50; 27500

(2) The district's or institution's category two special 27501  
education ~~preschool~~ students who are preschool children with 27502  
disabilities X the amount specified in division (B) of section 27503

3317.013 of the Revised Code X the district's state share ~~index~~ 27504  
percentage X 0.50; 27505

(3) The district's or institution's category three special 27506  
education ~~preschool~~ students who are preschool children with 27507  
disabilities X the amount specified in division (C) of section 27508  
3317.013 of the Revised Code X the district's state share ~~index~~ 27509  
percentage X 0.50; 27510

(4) The district's or institution's category four special 27511  
education ~~preschool~~ students who are preschool children with 27512  
disabilities X the amount specified in division (D) of section 27513  
3317.013 of the Revised Code X the district's state share ~~index~~ 27514  
percentage X 0.50; 27515

(5) The district's or institution's category five special 27516  
education ~~preschool~~ students who are preschool children with 27517  
disabilities X the amount specified in division (E) of section 27518  
3317.013 of the Revised Code X the district's state share ~~index~~ 27519  
percentage X 0.50; 27520

(6) The district's or institution's category six special 27521  
education ~~preschool~~ students who are preschool children with 27522  
disabilities X the amount specified in division (F) of section 27523  
3317.013 of the Revised Code X the district's state share ~~index~~ 27524  
percentage X 0.50. 27525

The special education disability categories for preschool 27526  
children used in this section are the same categories prescribed 27527  
in section 3317.013 of the Revised Code. 27528

As used in division (A) of this section, the state share 27529  
~~index~~ percentage of a student enrolled in an institution is the 27530  
state share ~~index~~ percentage of the school district in which the 27531  
student is entitled to attend school under section 3313.64 or 27532  
3313.65 of the Revised Code. 27533

(B) If an educational service center is providing services to 27534

~~preschool special education~~ students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, that district may authorize the department to transfer funds computed under this section to the service center providing those services.

(C) If a county DD board is providing services to ~~preschool special education~~ students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, the department shall deduct from the district's payment computed under division (A) of this section the total amount of those funds that are attributable to the students served by the county DD board and pay that amount to that board.

**Sec. 3317.0214.** (A) The department shall compute and pay in accordance with this section additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(1) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(2) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share ~~index~~ percentage.

(B) For purposes of division (A) of this section, the threshold catastrophic cost for serving a student equals:

(1) For a student in the school district's category two, three, four, or five special education ADM, twenty-seven thousand three hundred seventy-five dollars;

(2) For a student in the district's category six special education ADM, thirty-two thousand eight hundred fifty dollars.

(C) The district shall report under division (A) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

**Sec. 3317.0217.** Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code.

For purposes of the calculations under this section, "school district" shall mean a school district with a formula ADM greater than zero.

(A) The department of education shall annually compute targeted assistance funds to school districts, as follows:

(1) Calculate the local wealth per pupil of each school district, which equals the following sum:

(a) One-half times the quotient of (i) the district's three-year average valuation divided by (ii) its formula ADM; plus

(b) One-half times the quotient of (i) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (ii) its formula ADM.

(2) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil.

(3) Compute the statewide wealth per pupil, which equals the following sum:

(a) One-half times the quotient of (i) the sum of the three-year average valuations for all school districts divided by (ii) the sum of formula ADM counts for all school districts; plus

(b) One-half times the quotient of (i) the sum of the three-year average total federal adjusted gross incomes for all school districts divided by (ii) the sum of formula ADM counts for all school districts.

(4) Compute each district's ~~wealth index~~ capacity measure by dividing the statewide wealth per pupil by the district's local wealth per pupil.

(5) Compute the per pupil targeted assistance for each eligible school district in accordance with the following formula:

(Threshold local wealth per pupil - the district's local wealth per pupil)

X target millage X the district's ~~wealth index~~ capacity measure

Where:

(a) An "eligible school district" means a school district with a local wealth per pupil less than that of the school district with the 490th lowest local wealth per pupil.

(b) "Threshold local wealth per pupil" means the local wealth per pupil of the school district with the 490th lowest local wealth per pupil.

(c) "Target millage" means 0.006.

If the result of the calculation for a school district under division (A)(5) of this section is less than zero, the district's

targeted assistance shall be zero. 27626

(6) Calculate the aggregate amount to be paid as targeted 27627  
assistance funds to each school district under division (A) of 27628  
section 3317.022 of the Revised Code by multiplying the per pupil 27629  
targeted assistance computed under division (A)(5) of this section 27630  
by the district's net formula ADM. 27631

As used in this division, a district's "net formula ADM" 27632  
means its formula ADM minus the number of community school 27633  
students certified under division (B)(3)(d) of section 3317.03 of 27634  
the Revised Code X 0.75, the number of internet- and 27635  
computer-based community school students certified under division 27636  
(B)(3)(e) of that section, the number of science, technology, 27637  
engineering, and mathematics school students certified under 27638  
division (B)(3)(j) of that section X 0.75, and the number of 27639  
scholarship students certified under divisions (B)(3)(f), (g), and 27640  
(l) of that section. 27641

(B) The department shall annually compute supplemental 27642  
targeted assistance funds to school districts, as follows: 27643

(1) Compute each district's agricultural percentage as the 27644  
quotient of (a) the three-year average tax valuation of real 27645  
property in the district that is classified as agricultural 27646  
property divided by (b) the three-year average tax valuation of 27647  
all of the real property in the district. For purposes of this 27648  
computation: 27649

(a) For fiscal year 2016, a district's "three-year average 27650  
tax valuation" means the average of a district's tax valuation for 27651  
fiscal tax years 2012, 2013, and 2014 2014, and 2015. 27652

(b) For fiscal year 2017, a district's "three-year average 27653  
tax valuation" means the average of a district's tax valuation for 27654  
tax years 2014, 2015, and 2016. 27655

(2) Determine each district's agricultural targeted 27656

percentage as follows: 27657

(a) If a district's agricultural percentage is greater than 27658  
or equal to 0.10, then the district's agricultural targeted 27659  
percentage shall be equal to 0.40. 27660

(b) If a district's agricultural percentage is less than 27661  
0.10, then the district's agricultural targeted percentage shall 27662  
be equal to 4 X the district's agricultural percentage. 27663

(3) Calculate the aggregate amount to be paid as supplemental 27664  
targeted assistance funds to each school district under division 27665  
(A) of section 3317.022 of the Revised Code by multiplying the 27666  
district's agricultural targeted percentage by the amount 27667  
calculated for the district under division (A)(6) of this section. 27668

**Sec. 3317.051.** (A) As used in this section, "gifted unit ADM" 27669  
means a school district's formula ADM minus the number of students 27670  
reported by a district under divisions (A)(2)(a) and (i) of 27671  
section 3317.03 of the Revised Code. 27672

(B) The department of education shall compute and pay to a 27673  
school district funds based on units for services to students 27674  
identified as gifted under Chapter 3324. of the Revised Code as 27675  
prescribed by this section. 27676

(C) The department shall allocate gifted units for a school 27677  
district as follows: 27678

(1) One gifted coordinator unit shall be allocated for every 27679  
3,300 students in a district's gifted unit ADM, with a minimum of 27680  
0.5 units and a maximum of 8 units allocated for the district. 27681

(2) One gifted intervention specialist unit shall be 27682  
allocated for every 1,100 students in a district's gifted unit 27683  
ADM, with a minimum of 0.3 units allocated for the district. 27684

(D) The department shall pay the following amount to a school 27685  
district for gifted units: 27686

~~(1) In fiscal year 2014, \$37,000 multiplied by the number of units allocated to a school district under division (C) of this section;~~ 27687  
27688  
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~~(2) In fiscal year 2015, \$37,370 multiplied by the number of units allocated to a school district under division (C) of this section;~~ 27690  
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(E) A school district may assign gifted unit funding that it receives under division (D) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district. 27692  
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**Sec. 3317.15.** (A) As used in this section, "child with a disability" has the same meaning as in section 3323.01 of the Revised Code. 27697  
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(B) Each city, exempted village, local, and joint vocational school district shall continue to comply with all requirements of federal statutes and regulations, the Revised Code, and rules adopted by the state board of education governing education of children with disabilities, including, but not limited to, requirements that children with disabilities be served by appropriately licensed or certificated education personnel. 27700  
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(C) ~~Each~~ Except as provided in section 3302.16 of the Revised Code, each city, exempted village, local, and joint vocational school district shall consult with the educational service center serving the county in which the school district is located and, if it elects to participate pursuant to section 5126.04 of the Revised Code, the county DD board of that county, in providing services that serve the best interests of children with disabilities. 27707  
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(D) Each school district shall annually provide documentation to the department of education that it employs the appropriate number of licensed or certificated personnel to serve the 27715  
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district's students with disabilities. 27718

(E) The department annually shall audit a sample of school 27719  
districts to ensure that children with disabilities are being 27720  
appropriately reported. 27721

(F) Each school district shall provide speech-language 27722  
pathology services at a ratio of one speech-language pathologist 27723  
per two thousand students receiving any educational services from 27724  
the district other than adult education. Each district shall 27725  
provide school psychological services at a ratio of one school 27726  
psychologist per two thousand five hundred students receiving any 27727  
educational services from the district other than adult education. 27728  
A district may obtain the services of speech-language pathologists 27729  
and school psychologists by any means permitted by law, including 27730  
contracting with an educational service center. If, however, a 27731  
district is unable to obtain the services of the required number 27732  
of speech-language pathologists or school psychologists, the 27733  
district may request from the superintendent of public 27734  
instruction, and the superintendent may grant, a waiver of this 27735  
provision for a period of time established by the superintendent. 27736

**Sec. 3317.16.** (A) The department of education shall compute 27737  
and distribute state core foundation funding to each joint 27738  
vocational school district for the fiscal year as prescribed in 27739  
the following divisions: 27740

(1) An opportunity grant calculated according to the 27741  
following formula: 27742

(The formula amount X formula ADM) - (0.0005 X the 27743  
district's three-year average valuation) 27744

If the result of the calculation for a joint vocational 27745  
school district under division (A)(1) of this section is less than 27746  
zero, the joint vocational school district's opportunity grant 27747  
shall be zero. 27748

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:	27749 27750 27751
(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage;	27752 27753 27754
(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;	27755 27756 27757
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;	27758 27759 27760
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;	27761 27762 27763
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;	27764 27765 27766
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.	27767 27768 27769
(3) Economically disadvantaged funds calculated according to the following formula:	27770 27771
<del>(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)</del> <u>\$272</u> X	27772
<del>(the district's economically disadvantaged index)</del> X the number of	27773
students who are economically disadvantaged as certified	27774
under division (D)(2)(p) of section 3317.03 of the Revised Code	27775
(4) Limited English proficiency funds calculated as the sum of the following:	27776 27777
(a) The district's category one limited English proficient	27778

ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;	27779 27780
(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage;	27781 27782 27783
(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage;	27784 27785 27786
(5) Career-technical education funds calculated as the sum of the following:	27787 27788
(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage;	27789 27790 27791
(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage;	27792 27793 27794
(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share percentage;	27795 27796 27797
(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share percentage;	27798 27799 27800
(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share percentage.	27801 27802 27803
Payment of funds under division (A)(5) of this section is subject to approval under section 3317.161 of the Revised Code.	27804 27805
(6) Career-technical education associated services funds calculated under the following formula:	27806 27807
The district's state share percentage X the	27808

amount for career-technical education associated services 27809  
specified in section 3317.014 of the Revised Code X the sum of 27810  
categories one through five career-technical 27811  
education ADM 27812

(B)(1) If a joint vocational school district's costs for a 27813  
fiscal year for a student in its categories two through six 27814  
special education ADM exceed the threshold catastrophic cost for 27815  
serving the student, as specified in division (B) of section 27816  
3317.0214 of the Revised Code, the district may submit to the 27817  
superintendent of public instruction documentation, as prescribed 27818  
by the superintendent, of all of its costs for that student. Upon 27819  
submission of documentation for a student of the type and in the 27820  
manner prescribed, the department shall pay to the district an 27821  
amount equal to the sum of the following: 27822

(a) One-half of the district's costs for the student in 27823  
excess of the threshold catastrophic cost; 27824

(b) The product of one-half of the district's costs for the 27825  
student in excess of the threshold catastrophic cost multiplied by 27826  
the district's state share percentage. 27827

(2) The district shall report under division (B)(1) of this 27828  
section, and the department shall pay for, only the costs of 27829  
educational expenses and the related services provided to the 27830  
student in accordance with the student's individualized education 27831  
program. Any legal fees, court costs, or other costs associated 27832  
with any cause of action relating to the student may not be 27833  
included in the amount. 27834

(C)(1) For each student with a disability receiving special 27835  
education and related services under an individualized education 27836  
program, as defined in section 3323.01 of the Revised Code, at a 27837  
joint vocational school district, the resident district or, if the 27838  
student is enrolled in a community school, the community school 27839  
shall be responsible for the amount of any costs of providing 27840

those special education and related services to that student that 27841  
exceed the sum of the amount calculated for those services 27842  
attributable to that student under division (A) of this section. 27843

~~Those excess costs shall be calculated by subtracting the sum 27844  
of the following from the actual cost to provide special education 27845  
and related services to the student: 27846~~

~~(a) The formula amount; 27847~~

~~(b) The amount specified in section 3317.013 of the Revised 27848  
Code that is applicable to the student; 27849~~

~~(c) Any funds paid under section 3317.0214 for the student 27850  
using a formula approved by the department. 27851~~

(2) The board of education of the joint vocational school 27852  
district may report the excess costs calculated under division 27853  
(C)(1) of this section to the department of education. 27854

(3) If the board of education of the joint vocational school 27855  
district reports excess costs under division (C)(2) of this 27856  
section, the department shall pay the amount of excess cost 27857  
calculated under division (C)(2) of this section to the joint 27858  
vocational school district and shall deduct that amount as 27859  
provided in division (C)(3)(a) or (b) of this section, as 27860  
applicable: 27861

(a) If the student is not enrolled in a community school, the 27862  
department shall deduct the amount from the account of the 27863  
student's resident district pursuant to division (J) of section 27864  
3317.023 of the Revised Code. 27865

(b) If the student is enrolled in a community school, the 27866  
department shall deduct the amount from the account of the 27867  
community school pursuant to section 3314.083 of the Revised Code. 27868

(D)(1) In any fiscal year, a school district receiving funds 27869  
under division (A)(5) of this section shall spend those funds only 27870

for the purposes that the department designates as approved for 27871  
career-technical education expenses. Career-technical ~~educational~~ 27872  
education expenses approved by the department shall include only 27873  
expenses connected to the delivery of career-technical programming 27874  
to career-technical students. The department shall require the 27875  
school district to report data annually so that the department may 27876  
monitor the district's compliance with the requirements regarding 27877  
the manner in which funding received under division (A)(5) of this 27878  
section may be spent. 27879

(2) All funds received under division (A)(5) of this section 27880  
shall be spent in the following manner: 27881

(a) At least seventy-five per cent of the funds shall be 27882  
spent on curriculum development, purchase, and implementation; 27883  
instructional resources and supplies; industry-based program 27884  
certification; student assessment, credentialing, and placement; 27885  
curriculum specific equipment purchases and leases; 27886  
career-technical student organization fees and expenses; home and 27887  
agency linkages; work-based learning experiences; professional 27888  
development; and other costs directly associated with 27889  
career-technical education programs including development of new 27890  
programs. 27891

(b) Not more than twenty-five per cent of the funds shall be 27892  
used for personnel expenditures. 27893

(E) In any fiscal year, a school district receiving funds 27894  
under division (A)(6) of this section, or through a transfer of 27895  
funds pursuant to division (I) of section 3317.023 of the Revised 27896  
Code, shall spend those funds only for the purposes that the 27897  
department designates as approved for career-technical education 27898  
associated services expenses, which may include such purposes as 27899  
apprenticeship coordinators, coordinators for other 27900  
career-technical education services, career-technical evaluation, 27901  
and other purposes designated by the department. The department 27902

may deny payment under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(F) A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code.

(G) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

~~(3) "State share percentage" is equal to the following:  
The amount computed under division (A)(1) of this section /  
(the formula amount X formula ADM)~~

**Sec. 3317.20.** This section does not apply to preschool children with disabilities.

(A) As used in this section:

(1) "Applicable special education amount" means the amount specified in section 3317.013 of the Revised Code for a disability described in that section.

(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) "State share ~~index~~ percentage" means the state share ~~index~~ percentage of the child's school district.

(B) The department shall annually pay each county DD board

for each child with a disability, other than a preschool child 27932  
with a disability, for whom the county DD board provides special 27933  
education and related services an amount equal to the formula 27934  
amount + (state share ~~index~~ percentage X the applicable special 27935  
education amount). 27936

(C) Each county DD board shall report to the department, in 27937  
the manner specified by the department, the name of each child for 27938  
whom the county DD board provides special education and related 27939  
services and the child's school district. 27940

(D)(1) For the purpose of verifying the accuracy of the 27941  
payments under this section, the department may request from 27942  
either of the following entities the data verification code 27943  
assigned under division (D)(2) of section 3301.0714 of the Revised 27944  
Code to any child who is placed with a county DD board: 27945

(a) The child's school district; 27946

(b) The independent contractor engaged to create and maintain 27947  
data verification codes. 27948

(2) Upon a request by the department under division (D)(1) of 27949  
this section for the data verification code of a child, the 27950  
child's school district shall submit that code to the department 27951  
in the manner specified by the department. If the child has not 27952  
been assigned a code, the district shall assign a code to that 27953  
child and submit the code to the department by a date specified by 27954  
the department. If the district does not assign a code to the 27955  
child by the specified date, the department shall assign a code to 27956  
the child. 27957

The department annually shall submit to each school district 27958  
the name and data verification code of each child residing in the 27959  
district for whom the department has assigned a code under this 27960  
division. 27961

(3) The department shall not release any data verification 27962

code that it receives under division (D) of this section to any 27963  
person except as provided by law. 27964

(E) Any document relative to special education and related 27965  
services provided by a county DD board that the department holds 27966  
in its files that contains both a student's name or other 27967  
personally identifiable information and the student's data 27968  
verification code shall not be a public record under section 27969  
149.43 of the Revised Code. 27970

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of the 27971  
Revised Code: 27972

(A) "Ohio school facilities commission" means the commission 27973  
created pursuant to section 3318.30 of the Revised Code. 27974

(B) "Classroom facilities" means rooms in which pupils 27975  
regularly assemble in public school buildings to receive 27976  
instruction and education and such facilities and building 27977  
improvements for the operation and use of such rooms as may be 27978  
needed in order to provide a complete educational program, and may 27979  
include space within which a child care facility or a community 27980  
resource center is housed. "Classroom facilities" includes any 27981  
space necessary for the operation of a vocational education 27982  
program for secondary students in any school district that 27983  
operates such a program. 27984

(C) "Project" means a project to construct or acquire 27985  
classroom facilities, or to reconstruct or make additions to 27986  
existing classroom facilities, to be used for housing the 27987  
applicable school district and its functions. 27988

(D) "School district" means a local, exempted village, or 27989  
city school district as such districts are defined in Chapter 27990  
3311. of the Revised Code, acting as an agency of state 27991  
government, performing essential governmental functions of state 27992

government pursuant to sections 3318.01 to 3318.20 of the Revised Code. 27993  
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For purposes of assistance provided under sections 3318.40 to 27995  
3318.45 of the Revised Code, the term "school district" as used in 27996  
this section and in divisions (A), (C), and (D) of section 3318.03 27997  
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 27998  
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 27999  
3318.14, 3318.15, 3318.16, ~~3318.19~~, and 3318.20 of the Revised 28000  
Code means a joint vocational school district established pursuant 28001  
to section 3311.18 of the Revised Code. 28002

(E) "School district board" means the board of education of a 28003  
school district. 28004

(F) "Net bonded indebtedness" means the difference between 28005  
the sum of the par value of all outstanding and unpaid bonds and 28006  
notes which a school district board is obligated to pay and any 28007  
amounts the school district is obligated to pay under 28008  
lease-purchase agreements entered into under section 3313.375 of 28009  
the Revised Code, and the amount held in the sinking fund and 28010  
other indebtedness retirement funds for their redemption. Notes 28011  
issued for school buses in accordance with section 3327.08 of the 28012  
Revised Code, notes issued in anticipation of the collection of 28013  
current revenues, and bonds issued to pay final judgments shall 28014  
not be considered in calculating the net bonded indebtedness. 28015

"Net bonded indebtedness" does not include indebtedness 28016  
arising from the acquisition of land to provide a site for 28017  
classroom facilities constructed, acquired, or added to pursuant 28018  
to sections 3318.01 to 3318.20 of the Revised Code or the par 28019  
value of bonds that have been authorized by the electors and the 28020  
proceeds of which will be used by the district to provide any part 28021  
of its portion of the basic project cost. 28022

(G) "Board of elections" means the board of elections of the 28023

county containing the most populous portion of the school district. 28024  
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(H) "County auditor" means the auditor of the county in which the greatest value of taxable property of such school district is located. 28026  
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(I) "Tax duplicates" means the general tax lists and duplicates prescribed by sections 319.28 and 319.29 of the Revised Code. 28029  
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(J) "Required level of indebtedness" means: 28032

(1) In the case of school districts in the first percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code. 28033  
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(2) In the case of school districts ranked in a subsequent percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project minus one)]. 28037  
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(K) "Required percentage of the basic project costs" means one per cent of the basic project costs times the percentile in which the school district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project. 28045  
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(L) "Basic project cost" means a cost amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio school facilities commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the grade levels to be 28050  
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housed in the classroom facilities, the variation across the state 28055  
in construction and related costs, the cost of the installation of 28056  
site utilities and site preparation, the cost of demolition of all 28057  
or part of any existing classroom facilities that are abandoned 28058  
under the project, the cost of insuring the project until it is 28059  
completed, any contingency reserve amount prescribed by the 28060  
commission under section 3318.086 of the Revised Code, and the 28061  
professional planning, administration, and design fees that a 28062  
school district may have to pay to undertake a classroom 28063  
facilities project. 28064

For a joint vocational school district that receives 28065  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 28066  
the basic project cost calculation for a project under those 28067  
sections shall also take into account the types of laboratory 28068  
spaces and program square footages needed for the vocational 28069  
education programs for high school students offered by the school 28070  
district. 28071

For a district that opts to divide its entire classroom 28072  
facilities needs into segments, as authorized by section 3318.034 28073  
of the Revised Code, "basic project cost" means the cost 28074  
determined in accordance with this division of a segment. 28075

(M)(1) Except for a joint vocational school district that 28076  
receives assistance under sections 3318.40 to 3318.45 of the 28077  
Revised Code, a "school district's portion of the basic project 28078  
cost" means the amount determined under section 3318.032 of the 28079  
Revised Code. 28080

(2) For a joint vocational school district that receives 28081  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 28082  
a "school district's portion of the basic project cost" means the 28083  
amount determined under division (C) of section 3318.42 of the 28084  
Revised Code. 28085

(N) "Child care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility. 28086  
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(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers. 28092  
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(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates. 28096  
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(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code. 28099  
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(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system. 28102  
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(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site. 28106  
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28109

**Sec. 3318.02.** (A) For purposes of sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code, the Ohio school facilities commission shall periodically perform an assessment of the classroom facility needs in the state to identify school districts in need of additional classroom facilities, or replacement or reconstruction of existent classroom facilities, and the cost to each such 28110  
28111  
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district of constructing or acquiring such additional facilities 28116  
or making such renovations. 28117

(B) Based upon the most recent assessment conducted pursuant 28118  
to division (A) of this section, the commission shall conduct 28119  
on-site visits to school districts identified as having classroom 28120  
facility needs to confirm the findings of the periodic assessment 28121  
and further evaluate the classroom facility needs of the district. 28122  
The evaluation shall assess the district's need to construct or 28123  
acquire new classroom facilities and may include an assessment of 28124  
the district's need for building additions or for the 28125  
reconstruction of existent buildings in lieu of constructing or 28126  
acquiring replacement buildings. 28127

(C)(1) Except as provided in division (C)(2) of this section, 28128  
on-site visits performed on or after May 20, 1997, shall be 28129  
performed in the order specified in this division. The first round 28130  
of on-site visits first succeeding the effective date of this 28131  
amendment, May 20, 1997, shall be limited to the school districts 28132  
in the first through fifth percentiles, excluding districts that 28133  
are ineligible for funding under this chapter pursuant to section 28134  
3318.04 of the Revised Code. The second round of on-site visits 28135  
shall be limited to the school districts in the first through 28136  
tenth percentiles, excluding districts that are ineligible for 28137  
funding under this chapter pursuant to section 3318.04 of the 28138  
Revised Code. Each succeeding round of on-site visits shall be 28139  
limited to the percentiles included in the immediately preceding 28140  
round of on-site visits plus the next five percentiles. Except for 28141  
the first round of on-site visits, no round of on-site visits 28142  
shall commence unless eighty per cent of the districts for which 28143  
on-site visits were performed during the immediately preceding 28144  
round, have had projects approved under section 3318.04 of the 28145  
Revised Code. 28146

(2) Notwithstanding division (C)(1) of this section, the 28147

commission may perform on-site visits for school districts in the 28148  
next highest percentile to the percentiles included in the current 28149  
round of on-site visits, and then to succeeding percentiles one at 28150  
a time, not to exceed the twenty-fifth percentile, if all of the 28151  
following apply: 28152

(a) Less than eighty per cent of the districts for which 28153  
on-site visits were performed in the current round, and in any 28154  
percentiles for which on-site visits were performed in addition to 28155  
the current round pursuant to this division, have had projects 28156  
approved under section 3318.04 of the Revised Code; 28157

(b) There are funds appropriated for the purpose of sections 28158  
3318.01 to 3318.20 of the Revised Code that are not reserved and 28159  
encumbered for projects pursuant to section 3318.04 of the Revised 28160  
Code; 28161

(c) The commission makes a finding that such available funds 28162  
would be more thoroughly utilized if on-site visits were extended 28163  
to the next highest percentile. 28164

(D) Notwithstanding divisions (B) and (C) of this section, in 28165  
any fiscal year, the commission may limit the number of districts 28166  
for which it conducts on-site visits based upon its projections of 28167  
the moneys available and moneys necessary to undertake projects 28168  
under sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code for 28169  
that year. 28170

**Sec. 3318.024.** In the first year of a capital biennium, any 28171  
funds appropriated to the Ohio school facilities commission for 28172  
classroom facilities projects under this chapter in the previous 28173  
capital biennium that were not spent or encumbered, or for which 28174  
an encumbrance has been canceled under section 3318.05 of the 28175  
Revised Code, shall be used by the commission only for projects 28176  
under sections 3318.01 to 3318.20 of the Revised Code, subject to 28177  
appropriation by the general assembly. 28178

In the second year of a capital biennium, any funds 28179  
appropriated to the Ohio school facilities commission for 28180  
classroom facilities projects under this chapter that were not 28181  
spent or encumbered in the first year of the biennium and which 28182  
are in excess of an amount equal to half of the appropriations for 28183  
the capital biennium, or for which an encumbrance has been 28184  
canceled under section 3318.05 of the Revised Code, shall be used 28185  
by the commission only for projects under sections 3318.01 to 28186  
3318.20, 3318.32, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, 28187  
and 3318.40 to 3318.46 of the Revised Code, subject to 28188  
appropriation by the general assembly. 28189

**Sec. 3318.054.** (A) If conditional approval of a city, 28190  
exempted village, or local school district's project lapses as 28191  
provided in section 3318.05 of the Revised Code, or if conditional 28192  
approval of a joint vocational school district's project lapses as 28193  
provided in division (D) of section 3318.41 of the Revised Code, 28194  
because the district's electors have not approved the ballot 28195  
measures necessary to generate the district's portion of the basic 28196  
project cost, and if the district board desires to seek a new 28197  
conditional approval of the project, the district board shall 28198  
request that the Ohio school facilities commission set the scope, 28199  
basic project cost, and school district portion of the basic 28200  
project cost prior to resubmitting the ballot measures to the 28201  
electors. To do so, the commission shall use the district's 28202  
current assessed tax valuation and the district's percentile for 28203  
the prior fiscal year. For a district that has entered into an 28204  
agreement under section 3318.36 of the Revised Code and desires to 28205  
proceed with a project under sections 3318.01 to 3318.20 of the 28206  
Revised Code, the district's portion of the basic project cost 28207  
shall be the percentage specified in that agreement. The project 28208  
scope and basic costs established under this division shall be 28209  
valid for ~~one year~~ thirteen months from the date the commission 28210

approves them. 28211

(B) Upon the commission's approval under division (A) of this 28212  
section, the district board may submit the ballot measures to the 28213  
district's electors for approval of the project based on the new 28214  
project scope and estimated costs. Upon electoral approval of 28215  
those measures, the district shall be given first priority for 28216  
project funding as such funds become available. 28217

(C) When the commission determines that funds are available 28218  
for the district's project, the commission shall do all of the 28219  
following: 28220

(1) Determine the school district portion of the basic 28221  
project cost under section 3318.032 of the Revised Code, in the 28222  
case of a city, exempted village, or local school district, or 28223  
under section 3318.42 of the Revised Code, in the case of a joint 28224  
vocational school district; 28225

(2) Conditionally approve the project and submit it to the 28226  
controlling board for approval pursuant to section 3318.04 of the 28227  
Revised Code; 28228

(3) Encumber funds for the project under section 3318.11 of 28229  
the Revised Code; 28230

(4) Enter into an agreement with the district board under 28231  
section 3318.08 of the Revised Code. 28232

**Sec. 3318.30.** (A) There is hereby created the Ohio school 28233  
facilities commission as an independent agency of the state within 28234  
the Ohio facilities construction commission, which is created 28235  
under section 123.20 of the Revised Code. The Ohio school 28236  
facilities commission shall administer the provision of financial 28237  
assistance to school districts for the acquisition or construction 28238  
of classroom facilities in accordance with sections 3318.01 to 28239  
~~3318.33~~ 3318.32 of the Revised Code. 28240

The Ohio school facilities commission is a body corporate and politic, an agency of state government and an instrumentality of the state, performing essential governmental functions of this state. The carrying out of the purposes and the exercise by the Ohio school facilities commission of its powers conferred by sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code are essential public functions and public purposes of the state. The Ohio school facilities commission may, in its own name, sue and be sued, enter into contracts, and perform all the powers and duties given to it by sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code, but it does not have and shall not exercise the power of eminent domain. In its discretion and as it determines appropriate, the Ohio school facilities commission may delegate to any of its members, executive director, or other employees any of the Ohio school facilities commission's powers and duties to carry out its functions.

(B) The Ohio school facilities commission shall consist of seven members, three of whom are voting members. The voting members of the Ohio school facilities commission shall be the director of the office of budget and management, the director of administrative services, and the superintendent of public instruction, or their designees. Of the nonvoting members, two shall be members of the senate appointed by the president of the senate, and two shall be members of the house of representatives appointed by the speaker of the house. Each of the appointees of the president, and each of the appointees of the speaker, shall be members of different political parties.

Nonvoting members shall serve as members of the Ohio school facilities commission during the legislative biennium for which they are appointed, except that any such member who ceases to be a member of the legislative house from which the member was appointed shall cease to be a member of the Ohio school facilities

commission. Each nonvoting member shall be appointed within 28273  
thirty-one days of the end of the term of that member's 28274  
predecessor. Such members may be reappointed. Vacancies of 28275  
nonvoting members shall be filled in the manner provided for 28276  
original appointments. 28277

Members of the Ohio school facilities commission shall serve 28278  
without compensation. 28279

After the initial nonvoting members of the Ohio school 28280  
facilities commission have been appointed, the Ohio school 28281  
facilities commission shall meet and organize by electing voting 28282  
members as the chairperson and vice-chairperson of the Ohio school 28283  
facilities commission, who shall hold their offices until the next 28284  
organizational meeting of the Ohio school facilities commission. 28285  
Organizational meetings of the Ohio school facilities commission 28286  
shall be held at the first meeting of each calendar year. At each 28287  
organizational meeting, the Ohio school facilities commission 28288  
shall elect from among its voting members a chairperson and 28289  
vice-chairperson, who shall serve until the next annual 28290  
organizational meeting. The Ohio school facilities commission 28291  
shall adopt rules pursuant to section 111.15 of the Revised Code 28292  
for the conduct of its internal business and shall keep a journal 28293  
of its proceedings. Including the organizational meeting, the Ohio 28294  
school facilities commission shall meet at least once each 28295  
calendar quarter. 28296

Two voting members of the Ohio school facilities commission 28297  
constitute a quorum, and the affirmative vote of two members is 28298  
necessary for approval of any action taken by the Ohio school 28299  
facilities commission. A vacancy in the membership of the Ohio 28300  
school facilities commission does not impair a quorum from 28301  
exercising all the rights and performing all the duties of the 28302  
Ohio school facilities commission. Meetings of the Ohio school 28303  
facilities commission may be held anywhere in the state and shall 28304

be held in compliance with section 121.22 of the Revised Code. 28305

(C) The Ohio school facilities commission shall file an 28306  
annual report of its activities and finances with the governor, 28307  
speaker of the house of representatives, president of the senate, 28308  
and chairpersons of the house and senate finance committees. 28309

(D) The Ohio school facilities commission shall be exempt 28310  
from the requirements of sections 101.82 to 101.87 of the Revised 28311  
Code. 28312

(E) The Ohio school facilities commission may share employees 28313  
and facilities with the Ohio facilities construction commission. 28314

**Sec. 3318.40.** (A)(1) Sections 3318.40 to 3318.45 of the 28315  
Revised Code apply only to joint vocational school districts. 28316

(2) As used in sections 3318.40 to 3318.45 of the Revised 28317  
Code: 28318

(a) "Ohio school facilities commission," "classroom 28319  
facilities," "project," and "basic project cost" have the same 28320  
meanings as in section 3318.01 of the Revised Code. 28321

(b) "Acquisition of classroom facilities" means constructing, 28322  
reconstructing, repairing, or making additions to classroom 28323  
facilities. 28324

(B) There is hereby established the vocational school 28325  
facilities assistance program. Under the program, the Ohio school 28326  
facilities commission shall provide assistance to joint vocational 28327  
school districts for the acquisition of classroom facilities 28328  
suitable to the vocational education programs of the districts in 28329  
accordance with sections 3318.40 to 3318.45 of the Revised Code. 28330  
For purposes of the program, beginning July 1, 2003, the 28331  
commission annually may set aside up to two per cent of the 28332  
aggregate amount appropriated to it for classroom facilities 28333  
assistance projects in ~~the education facilities trust fund,~~ 28334

~~established under section 183.26 of the Revised Code;~~ the public 28335  
school building fund, established under section 3318.15 of the 28336  
Revised Code~~;~~ and the school building program assistance fund, 28337  
established under section 3318.25 of the Revised Code. 28338

(C) The commission shall not provide assistance for any 28339  
distinct part of a project under sections 3318.40 to 3318.45 of 28340  
the Revised Code that when completed will be used exclusively for 28341  
an adult education program or exclusively for operation of a 28342  
driver training school for instruction leading to the issuance of 28343  
a commercial driver's license under Chapter 4506. of the Revised 28344  
Code, except for life safety items and basic building components 28345  
necessary for complete and continuous construction or renovation 28346  
of a classroom facility as determined by the commission. 28347

(D) The commission shall not provide assistance under 28348  
sections 3318.40 to 3318.45 of the Revised Code to acquire 28349  
classroom facilities for vocational educational instruction at a 28350  
location under the control of a school district that is a member 28351  
of a joint vocational school district. Any assistance to acquire 28352  
classroom facilities for vocational educational instruction at 28353  
such location shall be provided to the school district that is a 28354  
member of the joint vocational school district through other 28355  
provisions of this chapter when that member school district is 28356  
eligible for assistance under those provisions. 28357

(E) By September 1, 2003, the commission shall assess the 28358  
classroom facilities needs of at least five joint vocational 28359  
school districts, according to the order of priority prescribed in 28360  
division (B) of section 3318.42 of the Revised Code, and based on 28361  
the results of those assessments shall determine the extent to 28362  
which amendments to the specifications adopted under section 28363  
3318.311 of the Revised Code are warranted. The commission, 28364  
thereafter, may amend the specifications as provided in that 28365  
section. 28366

(F) After the commission has conducted the assessments 28367  
prescribed in division (E) of this section, the commission shall 28368  
establish, by rule adopted in accordance with section 111.15 of 28369  
the Revised Code, guidelines for the commission to use in deciding 28370  
whether to waive compliance with the design specifications adopted 28371  
under section 3318.311 of the Revised Code when determining the 28372  
number of facilities and the basic project cost of projects as 28373  
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 28374  
Code. The guidelines shall address the following situations: 28375

(1) Under what circumstances, if any, particular classroom 28376  
facilities are adequate to meet the needs of the school district 28377  
even though the facilities do not comply with the specifications 28378  
adopted under section 3318.311 of the Revised Code; 28379

(2) Under what circumstances, if any, particular classroom 28380  
facilities will be renovated or repaired rather than replaced by 28381  
construction of new facilities. 28382

**Sec. 3319.111.** Notwithstanding section 3319.09 of the Revised 28383  
Code, this section applies to any person who is employed under a 28384  
teacher license issued under this chapter, or under a professional 28385  
or permanent teacher's certificate issued under former section 28386  
3319.222 of the Revised Code, and who spends at least fifty per 28387  
cent of the time employed providing student instruction. However, 28388  
this section does not apply to any person who is employed as a 28389  
substitute teacher or as an instructor of adult education. 28390

(A)(1) Not later than July 1, 2013, the board of education of 28391  
each school district, in consultation with teachers employed by 28392  
the board, shall adopt a standards-based teacher evaluation policy 28393  
that conforms with the framework for evaluation of teachers 28394  
developed under section 3319.112 of the Revised Code. The policy 28395  
shall become operative at the expiration of any collective 28396  
bargaining agreement covering teachers employed by the board that 28397

is in effect on September 29, 2011, and shall be included in any 28398  
renewal or extension of such an agreement. 28399

(2) For teacher evaluations for the 2015-2016 school year and 28400  
for each school year thereafter, the board of education of each 28401  
school district shall update the standards-based teacher 28402  
evaluation policy adopted pursuant to division (A) of this section 28403  
in accordance with divisions (A)(1)(c) and (F) of section 3319.112 28404  
of the Revised Code. Notwithstanding anything to the contrary in 28405  
Chapter 4117. of the Revised Code, the updates adopted under 28406  
division (A)(2) of this section prevail over any conflicting 28407  
provisions of a collective bargaining agreement entered into on or 28408  
after the effective date of this amendment. 28409

(B) ~~When~~ (1) Except as provided for in division (B)(2) of 28410  
this section, when using measures of student academic growth as a 28411  
component of a teacher's evaluation, those measures shall include 28412  
the value-added progress dimension prescribed by section 3302.021 28413  
of the Revised Code or an alternative student academic progress 28414  
measure if adopted under division (C)(1)(e) of section 3302.03 of 28415  
the Revised Code. ~~For~~ 28416

(2) For teachers of grade levels and subjects for which the 28417  
value-added progress dimension or alternative student academic 28418  
progress measure is not applicable, the board shall administer 28419  
assessments on the list developed under division (B)(2) of section 28420  
3319.112 of the Revised Code. If those assessments are not 28421  
available for the applicable grade level or subject, the board 28422  
shall instead use the method of attributing student growth 28423  
prescribed by division (A)(1)(c) of that section. 28424

(C)(1) The board shall conduct an evaluation of each teacher 28425  
employed by the board at least once each school year, except as 28426  
provided in division (C)(2) of this section. The evaluation shall 28427  
be completed by the first day of May and the teacher shall receive 28428  
a written report of the results of the evaluation by the tenth day 28429

of May. 28430

(2)(a) The board may evaluate each teacher who received a 28431  
rating of accomplished on the teacher's most recent evaluation 28432  
conducted under this section once every three school years, ~~so~~ 28433  
~~long as the teacher's student academic growth measure, for the~~ 28434  
~~most recent school year for which data is available, is average or~~ 28435  
~~higher, as determined by the department of education.~~ 28436

(b) The board may evaluate each teacher who received a rating 28437  
of skilled on the teacher's most recent evaluation conducted under 28438  
this section once every two years, so long as the teacher's 28439  
student academic growth measure, for the most recent school year 28440  
for which data is available, is average or higher, as determined 28441  
by the department of education. 28442

(c) For each teacher who is evaluated pursuant to division 28443  
(C)(2) of this section, the evaluation shall be completed by the 28444  
first day of May of the applicable school year, and the teacher 28445  
shall receive a written report of the results of the evaluation by 28446  
the tenth day of May of that school year. 28447

(d) Beginning with the 2014-2015 school year, the board may 28448  
elect not to conduct an evaluation of a teacher who meets one of 28449  
the following requirements: 28450

(i) The teacher was on leave from the school district for 28451  
fifty per cent or more of the school year, as calculated by the 28452  
board. 28453

(ii) The teacher has submitted notice of retirement and that 28454  
notice has been accepted by the board not later than the first day 28455  
of December of the school year in which the evaluation is 28456  
otherwise scheduled to be conducted. 28457

(e) Beginning with the 2015-2016 school year, the board may 28458  
elect not to conduct an evaluation of a teacher who is 28459  
participating in the teacher residency program established under 28460

section 3319.223 of the Revised Code for the year during which 28461  
that teacher takes, for the first time, the majority of the 28462  
performance-based assessment prescribed by the state board of 28463  
education for resident educators. 28464

(3) In any year that a teacher is not formally evaluated 28465  
pursuant to division (C)~~(2)(b)~~ of this section as a result of 28466  
receiving a rating of ~~accomplished~~ or skilled on the teacher's 28467  
most recent evaluation, an individual qualified to evaluate a 28468  
teacher under division (D) of this section shall conduct at least 28469  
one observation of the teacher and hold at least one conference 28470  
with the teacher. 28471

(D) Each evaluation conducted pursuant to this section shall 28472  
be conducted by one or more of the following persons who hold a 28473  
credential established by the department of education for being an 28474  
evaluator: 28475

(1) A person who is under contract with the board pursuant to 28476  
section 3319.01 or 3319.02 of the Revised Code and holds a license 28477  
designated for being a superintendent, assistant superintendent, 28478  
or principal issued under section 3319.22 of the Revised Code; 28479

(2) A person who is under contract with the board pursuant to 28480  
section 3319.02 of the Revised Code and holds a license designated 28481  
for being a vocational director, administrative specialist, or 28482  
supervisor in any educational area issued under section 3319.22 of 28483  
the Revised Code; 28484

(3) A person designated to conduct evaluations under an 28485  
agreement entered into by the board, including an agreement 28486  
providing for peer review entered into by the board and 28487  
representatives of teachers employed by the board; 28488

(4) A person who is employed by an entity contracted by the 28489  
board to conduct evaluations and who holds a license designated 28490  
for being a superintendent, assistant superintendent, principal, 28491

vocational director, administrative specialist, or supervisor in 28492  
any educational area issued under section 3319.22 of the Revised 28493  
Code or is qualified to conduct evaluations. 28494

(E) Notwithstanding division (A)(3) of section 3319.112 of 28495  
the Revised Code: 28496

(1) The board shall require at least three formal 28497  
observations of each teacher who is under consideration for 28498  
nonrenewal and with whom the board has entered into a limited 28499  
contract or an extended limited contract under section 3319.11 of 28500  
the Revised Code. 28501

(2) The board may elect, by adoption of a resolution, to 28502  
require only one formal observation of a teacher who received a 28503  
rating of accomplished on the teacher's most recent evaluation 28504  
conducted under this section, provided the teacher completes a 28505  
project that has been approved by the board to demonstrate the 28506  
teacher's continued growth and practice at the accomplished level. 28507

(F) The board shall include in its evaluation policy 28508  
procedures for using the evaluation results for retention and 28509  
promotion decisions and for removal of poorly performing teachers. 28510  
Seniority shall not be the basis for a decision to retain a 28511  
teacher, except when making a decision between teachers who have 28512  
comparable evaluations. 28513

(G)(1) For purposes of section 3333.0411 of the Revised Code, 28514  
the board annually shall report to the department of education the 28515  
number of teachers for whom an evaluation was conducted under this 28516  
section and the number of teachers assigned each rating prescribed 28517  
under division (B)(1) of section 3319.112 of the Revised Code, 28518  
aggregated by the teacher preparation programs from which and the 28519  
years in which the teachers graduated. ~~The~~ 28520

(2) The board annually shall report to the department, for 28521  
each teacher for whom an evaluation was conducted under this 28522

section, the ratings assigned to that teacher for all of the 28523  
following: 28524

(a) If the evaluation was conducted pursuant to section 28525  
3319.112 of the Revised Code, the student academic growth measure 28526  
and the teacher observations conducted pursuant to division (A)(3) 28527  
of that section; 28528

(b) If the evaluation was conducted pursuant to section 28529  
3319.114 of the Revised Code, the student academic growth measure, 28530  
the teacher performance measure, and any other measure assigned to 28531  
that teacher under divisions (B)(3) or (C)(3) of that section for 28532  
the purposes of the evaluation; 28533

(c) The overall rating assigned to that teacher pursuant to 28534  
division (B)(1) of section 3319.112 of the Revised Code. 28535

The board also shall report the data used to calculate all of 28536  
the ratings described in divisions (G)(2)(a) to (c) of this 28537  
section. 28538

(3) The department shall establish guidelines for reporting 28539  
the information required by ~~this division~~ divisions (G)(1) and (2) 28540  
of this section. The guidelines shall not permit or require that 28541  
the name of, or any other personally identifiable information 28542  
about, any teacher be reported under ~~this division~~ those 28543  
divisions. 28544

(H) Notwithstanding any provision to the contrary in Chapter 28545  
4117. of the Revised Code, the requirements of this section 28546  
prevail over any conflicting provisions of a collective bargaining 28547  
agreement entered into on or after September 24, 2012. 28548

**Sec. 3319.112.** (A) Not later than December 31, 2011, the 28549  
state board of education shall develop a standards-based state 28550  
framework for the evaluation of teachers. The state board may 28551  
update the framework periodically by adoption of a resolution. The 28552

framework shall establish an evaluation system that does the 28553  
following: 28554

(1) Provides for multiple evaluation factors. One factor 28555  
shall be student academic growth which shall account for fifty per 28556  
cent of each evaluation, except as otherwise prescribed by 28557  
division (A)(1)(c) of this section or by the alternative framework 28558  
under section 3319.114 of the Revised Code. ~~When~~ 28559

(a) When applicable to the grade level or subject area taught 28560  
by a teacher, the value-added progress dimension established under 28561  
section 3302.021 of the Revised Code or an alternative student 28562  
academic progress measure if adopted under division (C)(1)(e) of 28563  
section 3302.03 of the Revised Code shall be used in the student 28564  
academic growth portion of an evaluation in proportion to the part 28565  
of a teacher's schedule of courses or subjects for which the 28566  
value-added progress dimension is applicable. 28567

(b) If a teacher's schedule is comprised only of courses or 28568  
subjects for which the value-added progress dimension is 28569  
applicable, one of the following applies: 28570

~~(a)~~(i) Beginning with March 22, 2013, until June 30, 2014, 28571  
the majority of the student academic growth factor of the 28572  
evaluation shall be based on the value-added progress dimension. 28573

~~(b)~~(ii) On or after July 1, 2014, the entire student academic 28574  
growth factor of the evaluation shall be based on the value-added 28575  
progress dimension. In calculating student academic growth for an 28576  
evaluation, a student shall not be included if the student has 28577  
forty-five or more excused or unexcused absences during the full 28578  
academic year. 28579

(c) Beginning with teacher evaluations for the 2015-2016 28580  
school year, if a teacher's schedule is comprised of grade levels, 28581  
courses, or subjects for which the value-added progress dimension 28582

prescribed by section 3302.021 of the Revised Code or an 28583  
alternative student academic progress measure if adopted under 28584  
division (C)(1)(e) of section 3302.03 of the Revised Code does not 28585  
apply, nor is student progress determinable using the assessments 28586  
required by division (B)(2) of this section, the teacher's student 28587  
academic growth factor shall be determined using a method of 28588  
attributing student growth determined in accordance with guidance 28589  
issued by the department of education. 28590

For teachers described in division (A)(1)(c) of this section, 28591  
the student academic growth factor in the teacher evaluation may 28592  
account for less than fifty per cent of the teacher's rating but 28593  
not less than twenty-five per cent, as determined by the district 28594  
board. 28595

(2) Is aligned with the standards for teachers adopted under 28596  
section 3319.61 of the Revised Code; 28597

(3) Requires observation of the teacher being evaluated, 28598  
including at least two formal observations by the evaluator of at 28599  
least thirty minutes each and classroom walkthroughs; 28600

(4) Assigns a rating on each evaluation in accordance with 28601  
division (B) of this section or section 3319.114 of the Revised 28602  
Code, whichever is applicable; 28603

(5) Requires each teacher to be provided with a written 28604  
report of the results of the teacher's evaluation; 28605

~~(6) Identifies measures of student academic growth for grade 28606  
levels and subjects for which the value-added progress dimension 28607  
prescribed by section 3302.021 of the Revised Code or an 28608  
alternative student academic progress measure if adopted under 28609  
division (C)(1)(e) of section 3302.03 of the Revised Code does not 28610  
apply;~~ 28611

~~(7) Implements a classroom-level, value-added program 28612  
developed by a nonprofit organization described in division (B) of 28613~~

section 3302.021 of the Revised Code or an alternative student 28614  
academic progress measure if adopted under division (C)(1)(e) of 28615  
section 3302.03 of the Revised Code; 28616

~~(8)~~(7) Provides for professional development to accelerate 28617  
and continue teacher growth and provide support to poorly 28618  
performing teachers; 28619

~~(9)~~(8) Provides for the allocation of financial resources to 28620  
support professional development. 28621

(B) For purposes of the framework developed under this 28622  
section, the state board also shall do the following: 28623

(1) Develop specific standards and criteria that distinguish 28624  
between the following levels of performance for teachers and 28625  
principals for the purpose of assigning ratings on the evaluations 28626  
conducted under sections 3311.80, 3311.84, 3319.02, and 3319.111 28627  
of the Revised Code: 28628

(a) Accomplished; 28629

(b) Skilled; 28630

(c) Developing; 28631

(d) Ineffective. 28632

(2) For grade levels and subjects for which the assessments 28633  
prescribed under sections 3301.0710 and 3301.0712 of the Revised 28634  
Code and the value-added progress dimension prescribed by section 28635  
3302.021 of the Revised Code, or alternative student academic 28636  
progress measure, do not apply, develop a list of student 28637  
assessments that measure mastery of the course content for the 28638  
appropriate grade level, which may include nationally normed 28639  
standardized assessments, industry certification examinations, or 28640  
end-of-course examinations. 28641

(C) The state board shall consult with experts, teachers and 28642  
principals employed in public schools, and representatives of 28643

stakeholder groups in developing the standards and criteria 28644  
required by division (B)(1) of this section. 28645

(D) To assist school districts in developing evaluation 28646  
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of 28647  
the Revised Code, the department shall do both of the following: 28648

(1) Serve as a clearinghouse of promising evaluation 28649  
procedures and evaluation models that districts may use; 28650

(2) Provide technical assistance to districts in creating 28651  
evaluation policies. 28652

(E) Not later than June 30, 2013, the state board, in 28653  
consultation with state agencies that employ teachers, shall 28654  
develop a standards-based framework for the evaluation of teachers 28655  
employed by those agencies. Each state agency that employs 28656  
teachers shall adopt a standards-based teacher evaluation policy 28657  
that conforms with the framework developed under this division. 28658  
The policy shall become operative at the expiration of any 28659  
collective bargaining agreement covering teachers employed by the 28660  
agency that is in effect on September 24, 2012, and shall be 28661  
included in any renewal or extension of such an agreement. 28662  
However, this division does not apply to any person who is 28663  
employed as a substitute teacher or as an instructor of adult 28664  
education. 28665

(F) Not later than October 31, 2015, the state board shall 28666  
update the standards-based framework for the teacher evaluations 28667  
to conform to the provisions of division (A)(1)(c) of this 28668  
section. The standards adopted under division (F) of this section 28669  
prevail over any conflicting provisions of a collective bargaining 28670  
agreement entered into on or after the effective date of this 28671  
amendment. 28672

Sec. 3319.113. (A) Not later than May 31, 2016, the state 28673

board of education shall develop a standards-based state framework 28674  
for the evaluation of school counselors. The state board may 28675  
update the framework periodically by adoption of a resolution. The 28676  
framework shall establish an evaluation system that does the 28677  
following: 28678

(1) Requires school counselors to demonstrate their ability 28679  
to produce positive student outcomes using metrics, including 28680  
those from the school or school district's report card issued 28681  
under section 3302.03 of the Revised Code when appropriate; 28682

(2) Is aligned with the standards for school counselors 28683  
adopted under section 3319.61 of the Revised Code and requires 28684  
school counselors to demonstrate their ability in all the areas 28685  
identified by those standards; 28686

(3) Requires that all school counselors be evaluated 28687  
annually, except as otherwise appropriate for high-performing 28688  
school counselors; 28689

(4) Assigns a rating on each evaluation in accordance with 28690  
division (B) of this section; 28691

(5) Designates the personnel that may conduct evaluations of 28692  
school counselors in accordance with this framework; 28693

(6) Requires that each school counselor be provided with a 28694  
written report of the results of that school counselor's 28695  
evaluation; 28696

(7) Provides for professional development to accelerate and 28697  
continue school counselor growth and provide support to poorly 28698  
performing school counselors. 28699

(B)(1) The state board shall develop specific standards and 28700  
criteria that distinguish between the following levels of 28701  
performance for school counselors for the purposes of assigning 28702  
ratings on the evaluations conducted under this section: 28703

<u>(a) Accomplished;</u>	28704
<u>(b) Skilled;</u>	28705
<u>(c) Developing;</u>	28706
<u>(d) Ineffective.</u>	28707
<u>(2) The state board shall consult with experts, school</u>	28708
<u>counselors and principals employed in public schools, and</u>	28709
<u>representatives of stakeholder groups in developing the standards</u>	28710
<u>and criteria required by division (B)(1) of this section.</u>	28711
<u>(C)(1) Not later than September 30, 2016, each school</u>	28712
<u>district board of education shall adopt a standards-based school</u>	28713
<u>counselor evaluation policy that conforms with the framework for</u>	28714
<u>the evaluation of school counselors developed under this section.</u>	28715
<u>The policy shall become operative at the expiration of any</u>	28716
<u>collective bargaining agreement covering school counselors</u>	28717
<u>employed by the board that is in effect on the effective date of</u>	28718
<u>this section and shall be included in any renewal or extension of</u>	28719
<u>such an agreement.</u>	28720
<u>(2) A district board shall include both of the following in</u>	28721
<u>its evaluation policy:</u>	28722
<u>(a) The implementation of the framework for the evaluation of</u>	28723
<u>school counselors developed under this section beginning in the</u>	28724
<u>2016-2017 school year;</u>	28725
<u>(b) Procedures for using the evaluation results, beginning in</u>	28726
<u>the 2017-2018 school year, for both of the following:</u>	28727
<u>(i) Decisions regarding retention and promotion of school</u>	28728
<u>counselors;</u>	28729
<u>(ii) Removal of poorly performing school counselors.</u>	28730
<u>(D) Each district board shall annually submit a report to the</u>	28731
<u>department of education, in a form and manner prescribed by the</u>	28732
<u>department, regarding its implementation of division (C) of this</u>	28733

section. At no time shall the department permit or require that 28734  
the name or personally identifiable information of any school 28735  
counselor be reported to the department under this division. 28736

(E) Notwithstanding any provision to the contrary in Chapter 28737  
4117. of the Revised Code, the requirements of this section 28738  
prevail over any conflicting provision of a collective bargaining 28739  
agreement entered into on or after the effective date of this 28740  
section. 28741

**Sec. 3319.114.** (A) Beginning with the 2014-2015 school year, 28742  
a district or school may choose to use the alternative framework 28743  
prescribed by divisions (B) and (C) of this section when 28744  
evaluating teachers under section 3319.111 of the Revised Code. 28745

(B) If a district or school chooses to use the alternative 28746  
framework for the 2014-2015 school year, that district or school 28747  
shall calculate ratings assigned for teacher evaluations according 28748  
to the following: 28749

(1) The teacher performance measure, as defined by the 28750  
department of education, shall account for forty-two and one-half 28751  
per cent of each rating. 28752

(2) The student academic growth measure, as defined by the 28753  
department, shall account for forty-two and one-half per cent of 28754  
each rating. 28755

(3) Only one of the following components shall account for 28756  
fifteen per cent of each rating: 28757

(a) Student surveys; 28758

(b) Teacher self-evaluations; 28759

(c) Peer review evaluations; 28760

(d) Student portfolios. 28761

(C) If a district or school chooses to use the alternative 28762

framework for the 2015-2016 school year or any school year 28763  
thereafter, except as prescribed in division (D) of this section, 28764  
that district or school shall calculate ratings assigned for 28765  
teacher evaluations according to the following: 28766

(1) The teacher performance measure, as defined by the 28767  
department, shall account for forty-two and one-half to fifty per 28768  
cent of each rating. 28769

(2) The student academic growth measure, as defined by the 28770  
department, shall account for forty-two and one-half to fifty per 28771  
cent of each rating. 28772

(3) The remainder shall be one of the following components: 28773

(a) Student surveys; 28774

(b) Teacher self-evaluations; 28775

(c) Peer review evaluations; 28776

(d) Student portfolios. 28777

(4) The teacher performance measure and the student academic 28778  
growth measure shall account for an equal percentage of each 28779  
rating. 28780

(D) If a district or school chooses to use the alternative 28781  
framework for the 2015-2016 school year or any school year 28782  
thereafter, that district or school shall calculate ratings for 28783  
teachers described in division (A)(1)(c) of section 3319.112 of 28784  
the Revised Code according to the following: 28785

(1) The teacher performance measure, as defined by the 28786  
department, shall account for forty-two and one-half to 28787  
seventy-five per cent of each rating; 28788

(2) The student academic growth measure, as defined by the 28789  
department, shall account for twenty-five to fifty per cent of 28790  
each rating; 28791

<u>(3) The remainder of the evaluation, but not more than</u>	28792
<u>fifteen per cent, shall be one of the following components:</u>	28793
<u>(a) Student surveys;</u>	28794
<u>(b) Teacher self-evaluations;</u>	28795
<u>(c) Peer review evaluations;</u>	28796
<u>(d) Student portfolios.</u>	28797
<u>(E) The department shall compile a list of approved</u>	28798
instruments for districts and schools to use, beginning with the	28799
2014-2015 school year, when evaluating the components described	28800
under divisions (B)(3) <del>and</del> , (C)(3), <u>and (D)(3)</u> of this section.	28801
Each district or school shall choose one of the approved	28802
instruments to evaluate the applicable component selected by the	28803
district or school under that section.	28804
<b>Sec. 3319.22.</b> (A)(1) The state board of education shall issue	28805
the following educator licenses:	28806
(a) A resident educator license, which shall be valid for	28807
four years and shall be renewable for reasons specified by rules	28808
adopted by the state board pursuant to division (A)(3) of this	28809
section. The state board, on a case-by-case basis, may extend the	28810
license's duration as necessary to enable the license holder to	28811
complete the Ohio teacher residency program established under	28812
section 3319.223 of the Revised Code;	28813
(b) A professional educator license, which shall be valid for	28814
five years and shall be renewable;	28815
(c) A senior professional educator license, which shall be	28816
valid for five years and shall be renewable;	28817
(d) A lead professional educator license, which shall be	28818
valid for five years and shall be renewable.	28819
(2) The state board may issue any additional educator	28820

licenses of categories, types, and levels the board elects to provide. 28821  
28822

(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the reasons for which a resident educator license may be renewed under division (A)(1)(a) of this section. 28823  
28824  
28825  
28826  
28827

(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section: 28828  
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28830

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code. 28831  
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28833  
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(2) An applicant for a professional educator license shall: 28836

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization; 28837  
28838  
28839

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code. 28840  
28841  
28842  
28843  
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(3) An applicant for a senior professional educator license shall: 28846  
28847

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 28848  
28849  
28850

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	28851 28852 28853
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	28854 28855 28856 28857
(4) An applicant for a lead professional educator license shall:	28858 28859
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	28860 28861 28862
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	28863 28864 28865 28866
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	28867 28868 28869
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.	28870 28871 28872 28873 28874
(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.	28875 28876 28877 28878
(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results	28879 28880

of such examinations received by the department to the ~~chancellor~~ 28881  
~~of the Ohio board of regents~~ director of higher education, in the 28882  
manner and to the extent permitted by state and federal law. 28883

(E) Any rules the state board of education adopts, amends, or 28884  
rescinds for educator licenses under this section, division (D) of 28885  
section 3301.07 of the Revised Code, or any other law shall be 28886  
adopted, amended, or rescinded under Chapter 119. of the Revised 28887  
Code except as follows: 28888

(1) Notwithstanding division (E) of section 119.03 and 28889  
division (A)(1) of section 119.04 of the Revised Code, in the case 28890  
of the adoption of any rule or the amendment or rescission of any 28891  
rule that necessitates institutions' offering preparation programs 28892  
for educators and other school personnel that are approved by the 28893  
~~chancellor of the Ohio board of regents~~ director of higher 28894  
education under section 3333.048 of the Revised Code to revise the 28895  
curriculum of those programs, the effective date shall not be as 28896  
prescribed in division (E) of section 119.03 and division (A)(1) 28897  
of section 119.04 of the Revised Code. Instead, the effective date 28898  
of such rules, or the amendment or rescission of such rules, shall 28899  
be the date prescribed by section 3333.048 of the Revised Code. 28900

(2) Notwithstanding the authority to adopt, amend, or rescind 28901  
emergency rules in division (G) of section 119.03 of the Revised 28902  
Code, this authority shall not apply to the state board of 28903  
education with regard to rules for educator licenses. 28904

(F)(1) The rules adopted under this section establishing 28905  
standards requiring additional coursework for the renewal of any 28906  
educator license shall require a school district and a chartered 28907  
nonpublic school to establish local professional development 28908  
committees. In a nonpublic school, the chief administrative 28909  
officer shall establish the committees in any manner acceptable to 28910  
such officer. The committees established under this division shall 28911  
determine whether coursework that a district or chartered 28912

nonpublic school teacher proposes to complete meets the 28913  
requirement of the rules. The department of education shall 28914  
provide technical assistance and support to committees as the 28915  
committees incorporate the professional development standards 28916  
adopted by the state board of education pursuant to section 28917  
3319.61 of the Revised Code into their review of coursework that 28918  
is appropriate for license renewal. The rules shall establish a 28919  
procedure by which a teacher may appeal the decision of a local 28920  
professional development committee. 28921

(2) In any school district in which there is no exclusive 28922  
representative established under Chapter 4117. of the Revised 28923  
Code, the professional development committees shall be established 28924  
as described in division (F)(2) of this section. 28925

Not later than the effective date of the rules adopted under 28926  
this section, the board of education of each school district shall 28927  
establish the structure for one or more local professional 28928  
development committees to be operated by such school district. The 28929  
committee structure so established by a district board shall 28930  
remain in effect unless within thirty days prior to an anniversary 28931  
of the date upon which the current committee structure was 28932  
established, the board provides notice to all affected district 28933  
employees that the committee structure is to be modified. 28934  
Professional development committees may have a district-level or 28935  
building-level scope of operations, and may be established with 28936  
regard to particular grade or age levels for which an educator 28937  
license is designated. 28938

Each professional development committee shall consist of at 28939  
least three classroom teachers employed by the district, one 28940  
principal employed by the district, and one other employee of the 28941  
district appointed by the district superintendent. For committees 28942  
with a building-level scope, the teacher and principal members 28943  
shall be assigned to that building, and the teacher members shall 28944

be elected by majority vote of the classroom teachers assigned to 28945  
that building. For committees with a district-level scope, the 28946  
teacher members shall be elected by majority vote of the classroom 28947  
teachers of the district, and the principal member shall be 28948  
elected by a majority vote of the principals of the district, 28949  
unless there are two or fewer principals employed by the district, 28950  
in which case the one or two principals employed shall serve on 28951  
the committee. If a committee has a particular grade or age level 28952  
scope, the teacher members shall be licensed to teach such grade 28953  
or age levels, and shall be elected by majority vote of the 28954  
classroom teachers holding such a license and the principal shall 28955  
be elected by all principals serving in buildings where any such 28956  
teachers serve. The district superintendent shall appoint a 28957  
replacement to fill any vacancy that occurs on a professional 28958  
development committee, except in the case of vacancies among the 28959  
elected classroom teacher members, which shall be filled by vote 28960  
of the remaining members of the committee so selected. 28961

Terms of office on professional development committees shall 28962  
be prescribed by the district board establishing the committees. 28963  
The conduct of elections for members of professional development 28964  
committees shall be prescribed by the district board establishing 28965  
the committees. A professional development committee may include 28966  
additional members, except that the majority of members on each 28967  
such committee shall be classroom teachers employed by the 28968  
district. Any member appointed to fill a vacancy occurring prior 28969  
to the expiration date of the term for which a predecessor was 28970  
appointed shall hold office as a member for the remainder of that 28971  
term. 28972

The initial meeting of any professional development 28973  
committee, upon election and appointment of all committee members, 28974  
shall be called by a member designated by the district 28975  
superintendent. At this initial meeting, the committee shall 28976

select a chairperson and such other officers the committee deems 28977  
necessary, and shall adopt rules for the conduct of its meetings. 28978  
Thereafter, the committee shall meet at the call of the 28979  
chairperson or upon the filing of a petition with the district 28980  
superintendent signed by a majority of the committee members 28981  
calling for the committee to meet. 28982

(3) In the case of a school district in which an exclusive 28983  
representative has been established pursuant to Chapter 4117. of 28984  
the Revised Code, professional development committees shall be 28985  
established in accordance with any collective bargaining agreement 28986  
in effect in the district that includes provisions for such 28987  
committees. 28988

If the collective bargaining agreement does not specify a 28989  
different method for the selection of teacher members of the 28990  
committees, the exclusive representative of the district's 28991  
teachers shall select the teacher members. 28992

If the collective bargaining agreement does not specify a 28993  
different structure for the committees, the board of education of 28994  
the school district shall establish the structure, including the 28995  
number of committees and the number of teacher and administrative 28996  
members on each committee; the specific administrative members to 28997  
be part of each committee; whether the scope of the committees 28998  
will be district levels, building levels, or by type of grade or 28999  
age levels for which educator licenses are designated; the lengths 29000  
of terms for members; the manner of filling vacancies on the 29001  
committees; and the frequency and time and place of meetings. 29002  
However, in all cases, except as provided in division (F)(4) of 29003  
this section, there shall be a majority of teacher members of any 29004  
professional development committee, there shall be at least five 29005  
total members of any professional development committee, and the 29006  
exclusive representative shall designate replacement members in 29007  
the case of vacancies among teacher members, unless the collective 29008

bargaining agreement specifies a different method of selecting 29009  
such replacements. 29010

(4) Whenever an administrator's coursework plan is being 29011  
discussed or voted upon, the local professional development 29012  
committee shall, at the request of one of its administrative 29013  
members, cause a majority of the committee to consist of 29014  
administrative members by reducing the number of teacher members 29015  
voting on the plan. 29016

(G)(1) The department of education, educational service 29017  
centers, county boards of developmental disabilities, regional 29018  
professional development centers, special education regional 29019  
resource centers, college and university departments of education, 29020  
head start programs, and the Ohio education computer network may 29021  
establish local professional development committees to determine 29022  
whether the coursework proposed by their employees who are 29023  
licensed or certificated under this section or section 3319.222 of 29024  
the Revised Code, or under the former version of either section as 29025  
it existed prior to October 16, 2009, meet the requirements of the 29026  
rules adopted under this section. They may establish local 29027  
professional development committees on their own or in 29028  
collaboration with a school district or other agency having 29029  
authority to establish them. 29030

Local professional development committees established by 29031  
county boards of developmental disabilities shall be structured in 29032  
a manner comparable to the structures prescribed for school 29033  
districts in divisions (F)(2) and (3) of this section, as shall 29034  
the committees established by any other entity specified in 29035  
division (G)(1) of this section that provides educational services 29036  
by employing or contracting for services of classroom teachers 29037  
licensed or certificated under this section or section 3319.222 of 29038  
the Revised Code, or under the former version of either section as 29039  
it existed prior to October 16, 2009. All other entities specified 29040

in division (G)(1) of this section shall structure their 29041  
committees in accordance with guidelines which shall be issued by 29042  
the state board. 29043

(2) Any public agency that is not specified in division 29044  
(G)(1) of this section but provides educational services and 29045  
employs or contracts for services of classroom teachers licensed 29046  
or certificated under this section or section 3319.222 of the 29047  
Revised Code, or under the former version of either section as it 29048  
existed prior to October 16, 2009, may establish a local 29049  
professional development committee, subject to the approval of the 29050  
department of education. The committee shall be structured in 29051  
accordance with guidelines issued by the state board. 29052

(H) Not later than July 1, 2016, the state board shall adopt 29053  
rules pursuant to division (A)(3) of this section that do both of 29054  
the following: 29055

(1) Exempt consistently high-performing teachers from the 29056  
requirement to complete any additional coursework for the renewal 29057  
of an educator license issued under this section or section 29058  
3319.26 of the Revised Code. The rules also shall specify that 29059  
such teachers are exempt from any requirements prescribed by 29060  
professional development committees established under divisions 29061  
(F) and (G) of this section. 29062

(2) For purposes of division (H)(1) of this section, the 29063  
state board shall define the term "consistently high-performing 29064  
teacher." 29065

**Sec. 3319.223.** (A) Not later than January 1, 2011, the 29066  
superintendent of public instruction and the ~~chancellor of the~~ 29067  
~~Ohio board of regents~~ director of higher education jointly shall 29068  
establish the Ohio teacher residency program, which shall be a 29069  
four-year, entry-level program for classroom teachers. The teacher 29070  
residency program shall include at least the following components: 29071

(1) Mentoring by teachers ~~who hold a lead professional~~ 29072  
~~educator license issued under section 3319.22 of the Revised Code~~ 29073  
for the first two years of the program; 29074

(2) Counseling, as determined necessary by the school 29075  
district or school, to ensure that program participants receive 29076  
needed professional development; 29077

(3) Measures of appropriate progression through the program, 29078  
which shall include the performance-based assessment prescribed by 29079  
the state board of education for resident educators in the third 29080  
year of the program. 29081

(B) The teacher residency program shall be aligned with the 29082  
standards for teachers adopted by the state board ~~of education~~ 29083  
under section 3319.61 of the Revised Code and best practices 29084  
identified by the superintendent of public instruction. 29085

(C) Each person who holds a resident educator license issued 29086  
under section 3319.22 or 3319.227 of the Revised Code or an 29087  
alternative resident educator license issued under section 3319.26 29088  
of the Revised Code shall participate in the teacher residency 29089  
program. Successful completion of the program shall be required to 29090  
qualify any such person for a professional educator license issued 29091  
under section 3319.22 of the Revised Code. 29092

**Sec. 3319.301.** (A) As used in this section: 29093

(1) "High-performing school district has the same meaning as 29094  
in section 3302.16 of the Revised Code. 29095

(2) "STEM school" means a science, technology, engineering, 29096  
and mathematics school established under Chapter 3326. of the 29097  
Revised Code. 29098

(B) The state board of education shall issue permits to 29099  
individuals who are not licensed as required by sections 3319.22 29100  
to 3319.30 of the Revised Code, but who are otherwise qualified, 29101

to teach classes for not more than a total of twelve hours a week, 29102  
except that an individual teaching in a STEM school or a building 29103  
in a high-performing school district may teach classes for not 29104  
more than a total of forty hours a week. The state board, by rule, 29105  
shall set forth the qualifications, other than licensure under 29106  
sections 3319.22 to 3319.30 of the Revised Code, to be met by 29107  
individuals in order to be issued a permit as provided in this 29108  
section. Such qualifications shall include the possession of a 29109  
baccalaureate, master's, or doctoral degree in, or significant 29110  
experience related to, the subject the individual is to teach. 29111  
Applications for permits pursuant to this section shall be made in 29112  
accordance with section 3319.29 of the Revised Code. 29113

The state board, by rule, shall authorize the board of 29114  
education of each school district and each STEM school to engage 29115  
individuals holding permits issued under this section to teach 29116  
classes for not more than the total number of hours a week 29117  
specified in the permit. The rules shall include provisions with 29118  
regard to each of the following: 29119

(1) That a board of education or STEM school shall engage a 29120  
nonlicensed individual to teach pursuant to this section on a 29121  
volunteer basis, or by entering into a contract with the 29122  
individual or the individual's employer on such terms and 29123  
conditions as are agreed to between the board or school and the 29124  
individual or the individual's employer; 29125

(2) That an employee of the board of education or STEM school 29126  
who is licensed under sections 3319.22 to 3319.30 of the Revised 29127  
Code shall directly supervise a nonlicensed individual who is 29128  
engaged to teach pursuant to this section until the superintendent 29129  
of the school district or the chief administrative officer of the 29130  
STEM school is satisfied that the nonlicensed individual has 29131  
sufficient understanding of, and experience in, effective teaching 29132  
methods to teach without supervision. 29133

(C) A nonlicensed individual engaged to teach pursuant to 29134  
this section is a teacher for the purposes of Title XXXIII of the 29135  
Revised Code except for the purposes of Chapters 3307. and 3317. 29136  
and sections 3319.07 to 3319.31 of the Revised Code. Such an 29137  
individual is not an employee of the board of education or STEM 29138  
school for the purpose of Titles I or XLI or Chapter 3309. of the 29139  
Revised Code. 29140

(D) Students enrolled in a class taught by a nonlicensed 29141  
individual pursuant to this section and rules adopted thereunder 29142  
shall receive the same credit as if the class had been taught by 29143  
an employee licensed pursuant to sections 3319.22 to 3319.30 of 29144  
the Revised Code. 29145

(E) No board of education of any school district shall engage 29146  
any one or more nonlicensed individuals if such employment 29147  
displaces from employment an existing licensed employee of the 29148  
district. 29149

**Sec. 3319.303.** (A) The state board of education shall adopt 29150  
rules establishing standards and requirements for obtaining a 29151  
pupil-activity program permit for any individual who does not hold 29152  
a valid educator license, certificate, or permit issued by the 29153  
state board under section 3319.22, 3319.26, or 3319.27 of the 29154  
Revised Code. The permit issued under this section shall be valid 29155  
for coaching, supervising, or directing a pupil-activity program 29156  
under section 3313.53 of the Revised Code. Subject to the 29157  
provisions of section 3319.31 of the Revised Code, a permit issued 29158  
under this ~~section~~ division shall be valid for three years and 29159  
shall be renewable. 29160

(B) The state board shall adopt rules applicable to 29161  
individuals who hold valid educator licenses, certificates, or 29162  
permits issued by the state board under section 3319.22, 3319.26, 29163  
or 3319.27 of the Revised Code setting forth standards to assure 29164

any such individual's competence to direct, supervise, or coach a pupil-activity program described in section 3313.53 of the Revised Code. The rules adopted under this division shall not be more stringent than the standards set forth in rules applicable to individuals who do not hold such licenses, certificates, or permits adopted under division (A) of this section. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued to an individual under this division shall be valid for the same number of years as the individual's educator license, certificate, or permit issued under section 3319.22, 3319.26, or 3319.27 of the Revised Code and shall be renewable.

(C) As a condition to issuing or renewing a pupil-activity program permit to coach interscholastic athletics:

(1) The state board shall require each individual applying for a first permit on or after April 26, 2013, to successfully complete a training program that is specifically focused on brain trauma and brain injury management.

(2) The state board shall require each individual applying for a permit renewal on or after that date to present evidence that the individual has successfully completed, within the previous three years, a training program in recognizing the symptoms of concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code or a training program authorized and required by an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events.

**Sec. 3319.57.** (A) A grant program is hereby established under which the department of education shall award grants to assist certain schools in a city, exempted village, local, or joint vocational school district in implementing one of the following

innovations:	29196
(1) The use of instructional specialists to mentor and support classroom teachers;	29197 29198
(2) The use of building managers to supervise the administrative functions of school operation so that a school principal can focus on supporting instruction, providing instructional leadership, and engaging teachers as part of the instructional leadership team;	29199 29200 29201 29202 29203
(3) The reconfiguration of school leadership structure in a manner that allows teachers to serve in leadership roles so that teachers may share the responsibility for making and implementing school decisions;	29204 29205 29206 29207
(4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day;	29208 29209 29210
(5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching;	29211 29212 29213 29214
(6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals;	29215 29216 29217 29218 29219
(7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;	29220 29221
(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;	29222 29223
(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help	29224 29225

attract teachers qualified to teach in shortage areas;	29226
(10) The implementation of a program to increase the cultural competency of both new and veteran teachers;	29227 29228
(11) The implementation of a program to increase the subject matter competency of veteran teachers.	29229 29230
(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria:	29231 29232 29233
(1) Be hard to staff, as defined by the department.	29234
(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share <del>index</del> <u>percentage</u> for the fiscal year in which the grant is awarded).	29235 29236 29237 29238
For purposes of division (B)(2) of this section, "state share <del>index</del> <u>percentage</u> " has the same meaning as in section 3317.02 of the Revised Code.	29239 29240 29241
(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section.	29242 29243 29244 29245
(D) The state board of education shall adopt rules for the administration of this grant program.	29246 29247
<b>Sec. 3319.61.</b> (A) The educator standards board, in consultation with the <del>ehancellor of the Ohio board of regents</del> <u>director of higher education</u> , shall do all of the following:	29248 29249 29250
(1) Develop state standards for teachers and principals that reflect what teachers and principals are expected to know and be able to do at all stages of their careers. These standards shall be aligned with the statewide academic content standards for	29251 29252 29253 29254

students adopted pursuant to section 3301.079 of the Revised Code, 29255  
be primarily based on educator performance instead of years of 29256  
experience or certain courses completed, and rely on 29257  
evidence-based factors. These standards shall also be aligned with 29258  
the operating standards adopted under division (D)(3) of section 29259  
3301.07 of the Revised Code. 29260

(a) The standards for teachers shall reflect the following 29261  
additional criteria: 29262

(i) Alignment with the interstate new teacher assessment and 29263  
support consortium standards; 29264

(ii) Differentiation among novice, experienced, and advanced 29265  
teachers; 29266

(iii) Reliance on competencies that can be measured; 29267

(iv) Reliance on content knowledge, teaching skills, 29268  
discipline-specific teaching methods, and requirements for 29269  
professional development; 29270

(v) Alignment with a career-long system of professional 29271  
development and evaluation that ensures teachers receive the 29272  
support and training needed to achieve the teaching standards as 29273  
well as reliable feedback about how well they meet the standards; 29274

(vi) The standards under section 3301.079 of the Revised 29275  
Code, including standards on collaborative learning environments 29276  
and interdisciplinary, project-based, real-world learning and 29277  
differentiated instruction; 29278

(vii) The Ohio leadership framework. 29279

(b) The standards for principals shall be aligned with the 29280  
interstate school leaders licensing consortium standards. 29281

(2) Develop standards for school district superintendents 29282  
that reflect what superintendents are expected to know and be able 29283  
to do at all stages of their careers. The standards shall reflect 29284

knowledge of systems theory and effective management principles	29285
and be aligned with the buckeye association of school	29286
administrators standards and the operating standards developed	29287
under division (D)(3) of section 3301.07 of the Revised Code.	29288
(3) Develop standards for school district treasurers and	29289
business managers that reflect what treasurers and business	29290
managers are expected to know and be able to do at all stages of	29291
their careers. The standards shall reflect knowledge of systems	29292
theory and effective management principles and be aligned with the	29293
association of school business officials international standards	29294
and the operating standards developed under division (D)(3) of	29295
section 3301.07 of the Revised Code.	29296
(4) Develop standards for the renewal of licenses under	29297
sections 3301.074 and 3319.22 of the Revised Code;	29298
(5) Develop standards for educator professional development;	29299
(6) Investigate and make recommendations for the creation,	29300
expansion, and implementation of school building and school	29301
district leadership academies.	29302
<u>(7) Develop standards for school counselors that reflect what</u>	29303
<u>school counselors are expected to know and be able to do at all</u>	29304
<u>stages of their careers. The standards shall reflect knowledge of</u>	29305
<u>academic, personal, and social counseling for students and</u>	29306
<u>effective principles to implement an effective school counseling</u>	29307
<u>program. The standards also shall reflect Ohio-specific knowledge</u>	29308
<u>of career counseling for students and education options that</u>	29309
<u>provide flexibility for earning credit, such as earning units of</u>	29310
<u>high school credit using the methods adopted by the state board of</u>	29311
<u>education under division (J) of section 3313.603 of the Revised</u>	29312
<u>Code and earning college credit through the college credit plus</u>	29313
<u>program established under Chapter 3365. of the Revised Code. The</u>	29314
<u>standards shall align with the American school counselor</u>	29315

association's professional standards and the operating standards 29316  
developed under division (D)(3) of section 3301.07 of the Revised 29317  
Code. 29318

The superintendent of public instruction, the ~~chancellor of~~ 29319  
~~the Ohio board of regents~~ director of higher education, or the 29320  
education standards board itself may request that the educator 29321  
standards board update, review, or reconsider any standards 29322  
developed under this section. 29323

(B) The educator standards board shall incorporate indicators 29324  
of cultural competency into the standards developed under division 29325  
(A) of this section. For this purpose, the educator standards 29326  
board shall develop a definition of cultural competency based upon 29327  
content and experiences that enable educators to know, understand, 29328  
and appreciate the students, families, and communities that they 29329  
serve and skills for addressing cultural diversity in ways that 29330  
respond equitably and appropriately to the cultural needs of 29331  
individual students. 29332

(C) In developing the standards under division (A) of this 29333  
section, the educator standards board shall consider the impact of 29334  
the standards on closing the achievement gap between students of 29335  
different subgroups. 29336

(D) In developing the standards under division (A) of this 29337  
section, the educator standards board shall ensure both of the 29338  
following: 29339

(1) That teachers have sufficient knowledge to provide 29340  
appropriate instruction for students identified as gifted pursuant 29341  
to Chapter 3324. of the Revised Code and to assist in the 29342  
identification of such students, and have sufficient knowledge 29343  
that will enable teachers to provide learning opportunities for 29344  
all children to succeed; 29345

(2) That principals, superintendents, school treasurers, and 29346

school business managers have sufficient knowledge to provide 29347  
principled, collaborative, foresighted, and data-based leadership 29348  
that will provide learning opportunities for all children to 29349  
succeed. 29350

(E) The standards for educator professional development 29351  
developed under division (A)(5) of this section shall include the 29352  
following: 29353

(1) Standards for the inclusion of local professional 29354  
development committees established under section 3319.22 of the 29355  
Revised Code in the planning and design of professional 29356  
development; 29357

(2) Standards that address the crucial link between academic 29358  
achievement and mental health issues. 29359

(F) The educator standards board shall also perform the 29360  
following functions: 29361

(1) Monitor compliance with the standards developed under 29362  
division (A) of this section and make recommendations to the state 29363  
board of education for appropriate corrective action if such 29364  
standards are not met; 29365

(2) Research, develop, and recommend policies on the 29366  
professions of teaching and school administration; 29367

(3) Recommend policies to close the achievement gap between 29368  
students of different subgroups; 29369

(4) Define a "master teacher" in a manner that can be used 29370  
uniformly by all school districts; 29371

(5) Adopt criteria that a candidate for a lead professional 29372  
educator license under section 3319.22 of the Revised Code who 29373  
does not hold a valid certificate issued by the national board for 29374  
professional teaching standards must meet to be considered a lead 29375  
teacher for purposes of division (B)(4)(d) of that section. It is 29376

the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a lead teacher, which shall not be the total number of criteria adopted by the board.

(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section.

(7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make recommendations for incorporating the measurement as one of multiple evaluation criteria into each of the following:

(a) Eligibility for a professional educator license, senior professional educator license, lead professional educator license, or principal license issued under section 3319.22 of the Revised Code;

(b) The Ohio teacher residency program established under section 3319.223 of the Revised Code;

(c) The model teacher and principal evaluation instruments and processes developed under division (F)(6) of this section.

(G) The educator standards board shall submit recommendations of standards developed under division (A) of this section to the state board of education not later than September 1, 2010. The state board of education shall review those recommendations at the

state board's regular meeting that next succeeds the date that the  
recommendations are submitted to the state board. At that meeting,  
the state board of education shall vote to either adopt standards  
based on those recommendations or request that the educator  
standards board reconsider its recommendations. The state board of  
education shall articulate reasons for requesting reconsideration  
of the recommendations but shall not direct the content of the  
recommendations. The educator standards board shall reconsider its  
recommendations if the state board of education so requests, may  
revise the recommendations, and shall resubmit the  
recommendations, whether revised or not, to the state board not  
later than two weeks prior to the state board's regular meeting  
that next succeeds the meeting at which the state board requested  
reconsideration of the initial recommendations. The state board of  
education shall review the recommendations as resubmitted by the  
educator standards board at the state board's regular meeting that  
next succeeds the meeting at which the state board requested  
reconsideration of the initial recommendations and may adopt the  
standards as resubmitted or, if the resubmitted standards have not  
addressed the state board's concerns, the state board may modify  
the standards prior to adopting them. The final responsibility to  
determine whether to adopt standards as described in division (A)  
of this section and the content of those standards, if adopted,  
belongs solely to the state board of education.

Sec. 3319.67. (A) The state board of education may establish  
an annual teacher of the year recognition program for outstanding  
teachers.

(B) Notwithstanding division (A) of section 2921.43 of the  
Revised Code, a person or entity may make a voluntary contribution  
to the recognition program described in division (A) of this  
section.

(C) Notwithstanding division (A) of section 2921.43 of the Revised Code, a teacher who is recognized as a teacher of the year by the recognition program described in division (A) of this section may accept gifts and privileges as part of the recognition program. 29439  
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**Sec. 3323.13.** (A) If a child who is a school resident of one school district receives special education from another district, the board of education of the district providing the education, subject to division (C) of this section, may require the payment by the board of education of the district of residence of a sum not to exceed one of the following, as applicable: 29444  
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(1) For any child except a preschool child with a disability described in division (A)(2) of this section, the tuition of the district providing the education for a child of normal needs of the same school grade. The determination of the amount of such tuition shall be in the manner provided for by division (A) of section 3317.08 of the Revised Code. 29450  
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(2) For any preschool child with a disability, the tuition of the district providing the education for the child as calculated under division (B) of section 3317.08 of the Revised Code, ~~multiplied by 0.50.~~ 29456  
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(B) The board of the district of residence may contract with the board of another district for the transportation of such child into any school in such other district, on terms agreed upon by such boards. Upon direction of the state board of education, the board of the district of residence shall pay for the child's transportation and the tuition. 29460  
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(C) The board of education of a district providing the education for a child shall be entitled to require payment from the district of residence under this section or section 3323.14 of the Revised Code only if the district providing the education has 29466  
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done at least one of the following:	29470
(1) Invited the district of residence to send representatives	29471
to attend the meetings of the team developing the child's	29472
individualized education program;	29473
(2) Received from the district of residence a copy of the	29474
individualized education program or a multifactored evaluation	29475
developed for the child by the district of residence;	29476
(3) Informed the district of residence in writing that the	29477
district is providing the education for the child.	29478
As used in division (C)(2) of this section, "multifactored	29479
evaluation" means an evaluation, conducted by a multidisciplinary	29480
team, of more than one area of the child's functioning so that no	29481
single procedure shall be the sole criterion for determining an	29482
appropriate educational program placement for the child.	29483
<b>Sec. 3326.11.</b> Each science, technology, engineering, and	29484
mathematics school established under this chapter and its	29485
governing body shall comply with sections 9.90, 9.91, 109.65,	29486
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43,	29487
3301.0714, 3301.0715, <u>3301.0728</u> , 3301.948, 3313.14, 3313.15,	29488
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481,	29489
3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 3313.6012,	29490
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611,	29491
3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3313.66,	29492
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671,	29493
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718,	29494
3313.719, 3313.7112, <u>3317.721</u> , 3313.80, 3313.801, 3313.814,	29495
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21,	29496
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45,	29497
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19,	29498
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters	29499
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112.,	29500

4123., 4141., and 4167. of the Revised Code as if it were a school district. 29501  
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**Sec. 3326.33.** For each student enrolled in a science, 29503  
technology, engineering, and mathematics school established under 29504  
this chapter, on a full-time equivalency basis, the department of 29505  
education annually shall deduct from the state education aid of a 29506  
student's resident school district and, if necessary, from the 29507  
payment made to the district under sections 321.24 and 323.156 of 29508  
the Revised Code and pay to the school the sum of the following: 29509

(A) An opportunity grant in an amount equal to the formula 29510  
amount; 29511

(B) The per pupil amount of targeted assistance funds 29512  
calculated under division (A) of section 3317.0217 of the Revised 29513  
Code for the student's resident district, as determined by the 29514  
department, X 0.25; 29515

(C) Additional state aid for special education and related 29516  
services provided under Chapter 3323. of the Revised Code as 29517  
follows: 29518

(1) If the student is a category one special education 29519  
student, the amount specified in division (A) of section 3317.013 29520  
of the Revised Code; 29521

(2) If the student is a category two special education 29522  
student, the amount specified in division (B) of section 3317.013 29523  
of the Revised Code; 29524

(3) If the student is a category three special education 29525  
student, the amount specified in division (C) of section 3317.013 29526  
of the Revised Code; 29527

(4) If the student is a category four special education 29528  
student, the amount specified in division (D) of section 3317.013 29529  
of the Revised Code; 29530

(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	29531 29532 29533
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	29534 29535 29536
(D) If the student is in kindergarten through third grade, <del>211</del> <u>\$305</u> , in fiscal year <del>2014</del> <u>2016</u> , or <del>290</del> <u>\$320</u> , in fiscal year <del>2015</del> <u>2017</u> ;	29537 29538 29539
(E) If the student is economically disadvantaged, an amount equal to the following:	29540 29541
<del>(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the resident district's economically disadvantaged index)</del>	29542 29543
(F) Limited English proficiency funds, as follows:	29544
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	29545 29546 29547
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	29548 29549 29550
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	29551 29552 29553
(G) Career-technical education funds as follows:	29554
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	29555 29556 29557
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	29558 29559 29560

(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code; 29561  
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(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code; 29564  
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(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. 29567  
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Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code. 29570  
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**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district. 29573  
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In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend, the board of education shall provide transportation for such pupils to and from that school except as provided in section 3327.02 of the Revised Code. 29578  
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In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the state board of education under section 29588  
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3313.90 of the Revised Code, for any student attending a 29591  
career-technical program operated by another school district, 29592  
including a joint vocational school district, as prescribed under 29593  
that section, the board of education of the student's district of 29594  
residence shall provide transportation from the public high school 29595  
operated by that district to which the student is assigned to the 29596  
career-technical program. 29597

In all city, local, and exempted village school districts, 29598  
the board may provide transportation for resident school pupils in 29599  
grades nine through twelve to and from the high school to which 29600  
they are assigned by the board of education of the district of 29601  
residence or to and from the nonpublic or community high school 29602  
which they attend for which the state board of education 29603  
prescribes minimum standards pursuant to division (D) of section 29604  
3301.07 of the Revised Code. 29605

A board of education shall not be required to transport 29606  
elementary or high school pupils to and from a nonpublic or 29607  
community school where such transportation would require more than 29608  
thirty minutes of direct travel time as measured by school bus 29609  
from the public school building to which the pupils would be 29610  
assigned if attending the public school designated by the district 29611  
of residence. 29612

Where it is impractical to transport a pupil by school 29613  
conveyance, a board of education may offer payment, in lieu of 29614  
providing such transportation in accordance with section 3327.02 29615  
of the Revised Code. 29616

A board of education shall not be required to transport 29617  
elementary or high school pupils to and from a nonpublic or 29618  
community school on Saturday or Sunday, unless a board of 29619  
education and a nonpublic or community school have an agreement in 29620  
place to do so before the first day of July 1, 2014 of the school 29621  
year in which the agreement takes effect. 29622

In all city, local, and exempted village school districts, 29623  
the board shall provide transportation for all children who are so 29624  
disabled that they are unable to walk to and from the school for 29625  
which the state board of education prescribes minimum standards 29626  
pursuant to division (D) of section 3301.07 of the Revised Code 29627  
and which they attend. In case of dispute whether the child is 29628  
able to walk to and from the school, the health commissioner shall 29629  
be the judge of such ability. In all city, exempted village, and 29630  
local school districts, the board shall provide transportation to 29631  
and from school or special education classes for mentally disabled 29632  
children in accordance with standards adopted by the state board 29633  
of education. 29634

When transportation of pupils is provided the conveyance 29635  
shall be run on a time schedule that shall be adopted and put in 29636  
force by the board not later than ten days after the beginning of 29637  
the school term. 29638

The cost of any transportation service authorized by this 29639  
section shall be paid first out of federal funds, if any, 29640  
available for the purpose of pupil transportation, and secondly 29641  
out of state appropriations, in accordance with regulations 29642  
adopted by the state board of education. 29643

No transportation of any pupils shall be provided by any 29644  
board of education to or from any school which in the selection of 29645  
pupils, faculty members, or employees, practices discrimination 29646  
against any person on the grounds of race, color, religion, or 29647  
national origin. 29648

**Sec. 3327.02.** (A) After considering each of the following 29649  
factors, the board of education of a city, exempted village, or 29650  
local school district, or a community school governing authority 29651  
providing transportation pursuant to section 3314.091 of the 29652  
Revised Code, may determine that it is impractical to transport a 29653

pupil who is eligible for transportation to and from a school 29654  
under section 3327.01 of the Revised Code: 29655

(1) The time and distance required to provide the 29656  
transportation; 29657

(2) The number of pupils to be transported; 29658

(3) The cost of providing transportation in terms of 29659  
equipment, maintenance, personnel, and administration; 29660

(4) Whether similar or equivalent service is provided to 29661  
other pupils eligible for transportation; 29662

(5) Whether and to what extent the additional service 29663  
unavoidably disrupts current transportation schedules; 29664

(6) Whether other reimbursable types of transportation are 29665  
available. 29666

(B)~~(1)~~ Based on its consideration of the factors established 29667  
in division (A) of this section, the board or governing authority 29668  
may pass a resolution declaring the impracticality of 29669  
transportation. The resolution shall include each pupil's name and 29670  
the reason for impracticality. 29671

~~(2)~~ The board or governing authority shall report its 29672  
determination to the state board of education in a manner 29673  
determined by the state board. 29674

~~(3)~~ ~~The board of education of a local school district~~ 29675  
~~additionally shall submit the resolution for concurrence to the~~ 29676  
~~educational service center that contains the local district's~~ 29677  
~~territory. If the educational service center governing board~~ 29678  
~~considers transportation by school conveyance practicable, it~~ 29679  
~~shall so inform the local board and transportation shall be~~ 29680  
~~provided by such local board. If the educational service center~~ 29681  
~~board agrees with the view of the local board, the local board may~~ 29682  
~~offer payment in lieu of transportation as provided in this~~ 29683

~~section.~~ 29684

(C) After passing the resolution declaring the impracticality of transportation, the district board or governing authority shall offer to provide payment in lieu of transportation by doing the following:

(1) In accordance with guidelines established by the department of education, informing the pupil's parent, guardian, or other person in charge of the pupil of both of the following:

(a) The ~~board's~~ resolution;

(b) The right of the pupil's parent, guardian, or other person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures.

(2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation.

(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than the amount determined by the general assembly as the minimum for payment in lieu of transportation, and not more than the amount determined by the department of education as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

(E)(1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures.

(b) If the mediation does not resolve the dispute, the state board of education shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the district board of education or governing authority to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

(2) The school district or governing authority shall provide transportation for the pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved under division (E)(1)(a) or (b) of this section.

(F)(1) If the department determines that a school district board or governing authority has failed or is failing to provide transportation as required by division (E)(2) of this section or as ordered by the state board under division (E)(1)(b) of this section, the department shall order the school district board or governing authority to pay to the pupil's parent, guardian, or other person in charge of the pupil, an amount equal to the state average daily cost of transportation as determined by the state board of education for the previous year. The school district board or governing authority shall make payments on a schedule ordered by the department.

(2) If the department subsequently finds that a school district board is not in compliance with an order issued under division (F)(1) of this section and the affected pupils are enrolled in a nonpublic or community school, the department shall deduct the amount that the board is required to pay under that order from any pupil transportation payments the department makes to the school district board under section 3317.0212 of the Revised Code or other provisions of law. The department shall use

the moneys so deducted to make payments to the nonpublic or 29747  
community school attended by the pupil. The department shall 29748  
continue to make the deductions and payments required under this 29749  
division until the school district board either complies with the 29750  
department's order issued under division (F)(1) of this section or 29751  
begins providing transportation. 29752

(G) A nonpublic or community school that receives payments 29753  
from the department under division (F)(2) of this section shall do 29754  
either of the following: 29755

(1) Disburse the entire amount of the payments to the parent, 29756  
guardian, or other person in charge of the pupil affected by the 29757  
failure of the school district of residence to provide 29758  
transportation; 29759

(2) Use the entire amount of the payments to provide 29760  
acceptable transportation for the affected pupil. 29761

**Sec. 3328.24.** A college-preparatory boarding school 29762  
established under this chapter and its board of trustees shall 29763  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 29764  
3301.0714, 3301.0728, 3301.948, 3313.536, 3313.6013, 3313.6411, 29765  
3313.7112, 3313.721, 3313.89, 3319.39, and 3319.391 and Chapter 29766  
3365. of the Revised Code as if the school were a school district 29767  
and the school's board of trustees were a district board of 29768  
education. 29769

**Sec. 3332.10.** (A) No individual shall sell any program or 29770  
solicit students therefor in this state unless the individual is 29771  
an employee of the school. Any individual whose primary duty, 29772  
whether on or off school premises, is to solicit prospective 29773  
students shall first secure a permit as an agent from the state 29774  
board of career colleges and schools. If the agent represents more 29775  
than one school, a separate permit shall be obtained for each 29776

school represented by the agent. An agent who represents a person 29777  
that operates more than one school in the same geographical area, 29778  
as determined by the board, need not obtain a separate permit for 29779  
each such school. Upon approval for a permit, the board shall 29780  
issue a pocket card to the individual, giving the individual's 29781  
name, address, permit number, and the name and address of the 29782  
employing school, and certifying that the individual whose name 29783  
appears on the card is an authorized agent of the school. 29784

(B) The application for a permit shall be made on forms to be 29785  
furnished by the board and accompanied by the fee established in 29786  
accordance with section 3332.07 of the Revised Code. A permit 29787  
shall be ~~renewed every twelve~~ granted for a period not to exceed 29788  
twenty-four months and shall be valid for up to thirty days after 29789  
its expiration date. An application for a renewal permit shall be 29790  
accompanied by the fee established in accordance with section 29791  
3332.07 of the Revised Code. 29792

(C) Each school subject to this chapter shall assume full 29793  
responsibility for the actions, statements, and conduct of its 29794  
agents, and shall provide them with adequate training and arrange 29795  
for proper supervision of their work. The board shall hold schools 29796  
liable for the actions, statements, and conduct of agents that 29797  
violate any provision of this chapter, unless an agent's acts or 29798  
omissions were manifestly outside the scope of the agent's 29799  
employment or official responsibilities. 29800

**Sec. 3333.01.** (A) There is hereby created the Ohio board of 29801  
regents as an advisory board to the ~~chancellor~~ director of higher 29802  
education appointed under section 3333.03 of the Revised Code. The 29803  
board shall consist of nine members to be appointed by the 29804  
governor with the advice and consent of the senate. The members 29805  
shall be residents of this state who possess an interest in and 29806  
knowledge of higher education. No member shall be a trustee, 29807

officer, or employee of any Ohio public or private college or 29808  
university while serving as a member of the board. In addition to 29809  
the members appointed by the governor, the chairperson of the 29810  
education committee of the senate and the chairperson of the 29811  
education committee of the house of representatives shall, after 29812  
January 1, 1967, be ex officio members of the board without a 29813  
vote. 29814

(B) Prior to September 20, 2008, terms of office shall be for 29815  
nine years, commencing on the twenty-first day of September and 29816  
ending on the twentieth day of September. 29817

(C) Beginning on September 20, 2008, the terms of office for 29818  
the members of the board of regents shall be as follows: 29819

(1) The terms of office of the three members whose terms 29820  
under division (B) of this section are scheduled to expire on 29821  
September 20, 2008, shall expire on September 20, 2008. The 29822  
governor, with the advice and consent of the senate, shall appoint 29823  
successors for terms beginning on September 21, 2008, and ending 29824  
on September 20, 2014. 29825

(2) Notwithstanding division (B) of this section, the terms 29826  
of office of the three members whose terms under division (B) of 29827  
this section otherwise are scheduled to expire on September 20, 29828  
2011, shall expire on September 20, 2010. The governor, with the 29829  
advice and consent of the senate, shall appoint successors for 29830  
terms beginning on September 21, 2010, and ending on September 20, 29831  
2016. 29832

(3) Notwithstanding division (B) of this section, the terms 29833  
of office of the three members whose terms under division (B) of 29834  
this section otherwise are scheduled to expire on September 20, 29835  
2014, shall expire on September 20, 2012. The governor, with the 29836  
advice and consent of the senate, shall appoint successors for 29837  
terms beginning on September 21, 2012, and ending on September 20, 29838

2018. 29839

Thereafter, the terms of office of all subsequent members of 29840  
the board of regents shall be for six years beginning on the 29841  
twenty-first day of September and ending on the twentieth day of 29842  
September. 29843

(D) Except as provided in division (C) of this section, each 29844  
member shall hold office from the date of appointment until the 29845  
end of the term for which the member was appointed. Any member 29846  
appointed to fill a vacancy occurring prior to the expiration of 29847  
the term for which the member's predecessor was appointed shall 29848  
hold office for the remainder of such term. Any member shall 29849  
continue in office subsequent to the expiration date of the 29850  
member's term until a successor takes office, or until a period of 29851  
sixty days has elapsed, whichever occurs first. 29852

No person who has served a full nine-year term under division 29853  
(B) of this section or two full six-year terms under division (C) 29854  
of this section shall be eligible for reappointment. 29855

(E) Board members shall serve without compensation, but shall 29856  
be reimbursed for necessary expenses incurred in the conduct of 29857  
board business. 29858

**Sec. 3333.011.** No member of the Ohio board of regents, 29859  
created by section 3333.01 of the Revised Code, shall be a 29860  
trustee, officer, or employee of a technical college while serving 29861  
as a member of the board. Neither the ~~chancellor~~ director of 29862  
higher education nor any staff member or employee of the ~~board~~ 29863  
department of higher education shall be a trustee, officer, or 29864  
employee of a technical college while serving on the board. 29865

**Sec. ~~3333.031~~ 3333.012.** Whenever the term "Ohio board of 29866  
regents" is used, referred to, or designated in any statute, rule, 29867  
contract, grant, or other document, the use, reference, or 29868

designation shall be construed to mean the "~~chancellor of the Ohio~~ 29869  
~~board of regents~~ director of higher education," except in sections 29870  
3333.01, 3333.011, 3333.02, and 3333.032 of the Revised Code or 29871  
unless the use, reference, or designation of the term "Ohio board 29872  
of regents" relates to the board's duties to give advice to the 29873  
~~chancellor of the Ohio board of regents~~ director or unless another 29874  
section of law expressly provides otherwise. 29875

Whenever the term "chancellor of the Ohio board of regents" 29876  
or "chancellor" is used, referred to, or designated in any 29877  
statute, rule, contract, grant, or other document, the use, 29878  
reference, or designation shall be construed to mean the director 29879  
of higher education. 29880

**Sec. 3333.021.** As used in this section, "university" means 29881  
any college or university that receives a state appropriation. 29882

(A) This division does not apply to proposed rules, 29883  
amendments, or rescissions subject to legislative review under 29884  
section 106.02 of the Revised Code. No action taken by the 29885  
~~chancellor of the Ohio board of regents~~ director of higher 29886  
education that could reasonably be expected to have an effect on 29887  
the revenue or expenditures of any university shall take effect 29888  
unless at least two weeks prior to the date on which the action is 29889  
taken, the ~~chancellor~~ director has filed with the speaker of the 29890  
house of representatives, the president of the senate, ~~the~~ 29891  
~~legislative budget office~~ of the legislative service commission, 29892  
and the director of budget and management a fiscal analysis of the 29893  
proposed action. The analysis shall include an estimate of the 29894  
amount by which, during the current and ensuing fiscal biennium, 29895  
the action would increase or decrease the university's revenues or 29896  
expenditures and increase or decrease any state expenditures and 29897  
any other information the ~~chancellor~~ director considers necessary 29898  
to explain the action's fiscal effect. 29899

(B) Within three days of the date the ~~chancellor~~ director 29900  
files with the clerk of the senate a proposed rule, amendment, or 29901  
rescission that is subject to legislative review and invalidation 29902  
under section 106.02 of the Revised Code, the ~~chancellor~~ director 29903  
shall file with the speaker of the house of representatives, the 29904  
president of the senate, the legislative service commission, and 29905  
the director of budget and management a fiscal analysis of the 29906  
proposed rule. The analysis shall include an estimate of the 29907  
amount by which, during the current and ensuing fiscal biennium, 29908  
the action would increase or decrease any university's revenues or 29909  
expenditures and increase or decrease state revenues or 29910  
expenditures and any other information the ~~chancellor~~ director 29911  
considers necessary to explain the fiscal effect of the rule, 29912  
amendment, or rescission. No rule, amendment, or rescission shall 29913  
take effect unless the ~~chancellor~~ director has complied with this 29914  
division. 29915

**Sec. 3333.03.** (A) There is hereby created the department of 29916  
higher education, which shall be composed of the director of 29917  
higher education and the director's employees, agents, and 29918  
representatives. The director shall perform the functions, 29919  
exercise the powers, and discharge the duties as are assigned to 29920  
the director by law. 29921

(B) The governor, with the advice and consent of the senate, 29922  
shall appoint the ~~chancellor of the Ohio board of regents~~ director 29923  
of higher education. The ~~chancellor~~ director shall serve at the 29924  
pleasure of the governor, and the governor shall prescribe the 29925  
~~chancellor's~~ director's duties in addition to the ~~chancellor's~~ 29926  
director's duties prescribed by law. The governor shall fix the 29927  
compensation for the ~~chancellor~~ director. The ~~chancellor~~ director 29928  
shall be a member of the governor's cabinet. 29929

~~(B) The term of the chancellor in office on the effective~~ 29930

~~date of this amendment shall coincide with the term of that~~ 29931  
~~chancellor's appointing governor. Subsequent appointments to the~~ 29932  
~~office of chancellor shall be made pursuant to division (A) of~~ 29933  
~~this section.~~ 29934

(C) The ~~chancellor~~ director is responsible for appointing and 29935  
fixing the compensation of all professional, administrative, and 29936  
clerical employees and staff members necessary to assist in the 29937  
performance of the ~~chancellor's~~ director's duties. All employees 29938  
and staff shall serve at the ~~chancellor's~~ director's pleasure. 29939

(D) The ~~chancellor~~ director shall be a person qualified by 29940  
training and experience to understand the problems and needs of 29941  
the state in the field of higher education and to devise programs, 29942  
plans, and methods of solving the problems and meeting the needs. 29943

(E) Neither the ~~chancellor~~ director nor any staff member or 29944  
employee of the ~~chancellor~~ director shall be a trustee, officer, 29945  
or employee of any public or private college or university while 29946  
serving as ~~chancellor~~ director, staff member, or employee. 29947

**Sec. 3333.032.** The Ohio board of regents shall submit to the 29948  
general assembly, in accordance with division (B) of section 29949  
101.68 of the Revised Code, and to the governor, an annual report 29950  
on the condition of higher education in this state, including the 29951  
performance of the ~~chancellor of the board~~ director of higher 29952  
education. 29953

**Sec. 3333.04.** The ~~chancellor of the Ohio board of regents~~ 29954  
director of higher education shall: 29955

(A) Make studies of state policy in the field of higher 29956  
education and formulate a master plan for higher education for the 29957  
state, considering the needs of the people, the needs of the 29958  
state, and the role of individual public and private institutions 29959  
within the state in fulfilling these needs; 29960

(B)(1) Report annually to the governor and the general assembly on the findings from the ~~chancellor's~~ director's studies and the master plan for higher education for the state; 29961  
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(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education. 29964  
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(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities; 29967  
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(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education; 29969  
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(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel; 29972  
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(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient cause. Prior to recommending a program for elimination, the ~~chancellor~~ director shall request the board of regents to hold at least one public hearing on the matter and advise the ~~chancellor~~ director on whether the program should be recommended for elimination. The board shall provide notice of each hearing within a reasonable amount of time prior to its scheduled date. Following the hearing, the board shall issue a recommendation to the ~~chancellor~~ director. 29978  
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The ~~chancellor~~ director shall consider the board's recommendation 29992  
but shall not be required to accept it. 29993

For purposes of determining the amounts of any state 29994  
instructional subsidies paid to state colleges, universities, and 29995  
other state-assisted institutions of higher education, the 29996  
~~chancellor~~ director may exclude students enrolled in any program 29997  
that the ~~chancellor~~ director has recommended for elimination 29998  
pursuant to this division except that the ~~chancellor~~ director 29999  
shall not exclude any such student who enrolled in the program 30000  
prior to the date on which the ~~chancellor~~ director initially 30001  
commences to exclude students under this division. 30002

The ~~chancellor~~ director and state colleges, universities, and 30003  
other state-assisted institutions of higher education shall 30004  
jointly develop a process for determining which existing graduate 30005  
or professional programs constitute unnecessary duplication. 30006

(G) Recommend to the state colleges, universities, and other 30007  
state-assisted institutions of higher education programs which 30008  
should be added to their present programs; 30009

(H) Conduct studies for the state colleges, universities, and 30010  
other state-assisted institutions of higher education to assist 30011  
them in making the best and most efficient use of their existing 30012  
facilities and personnel; 30013

(I) Make recommendations to the governor and general assembly 30014  
concerning the development of state-financed capital plans for 30015  
higher education; the establishment of new state colleges, 30016  
universities, and other state-assisted institutions of higher 30017  
education; and the establishment of new programs at the existing 30018  
state colleges, universities, and other institutions of higher 30019  
education; 30020

(J) Review the appropriation requests of the public community 30021  
colleges and the state colleges and universities and submit to the 30022

office of budget and management and to the chairpersons of the 30023  
finance committees of the house of representatives and of the 30024  
senate the ~~chancellor's~~ director's recommendations in regard to 30025  
the biennial higher education appropriation for the state, 30026  
including appropriations for the individual state colleges and 30027  
universities and public community colleges. For the purpose of 30028  
determining the amounts of instructional subsidies to be paid to 30029  
state-assisted colleges and universities, the ~~chancellor~~ director 30030  
shall define "full-time equivalent student" by program per 30031  
academic year. The definition may take into account the 30032  
establishment of minimum enrollment levels in technical education 30033  
programs below which support allowances will not be paid. Except 30034  
as otherwise provided in this section, the ~~chancellor~~ director 30035  
shall make no change in the definition of "full-time equivalent 30036  
student" in effect on November 15, 1981, which would increase or 30037  
decrease the number of subsidy-eligible full-time equivalent 30038  
students, without first submitting a fiscal impact statement to 30039  
the president of the senate, the speaker of the house of 30040  
representatives, the legislative service commission, and the 30041  
director of budget and management. The ~~chancellor~~ director shall 30042  
work in close cooperation with the director of budget and 30043  
management in this respect and in all other matters concerning the 30044  
expenditures of appropriated funds by state colleges, 30045  
universities, and other institutions of higher education. 30046

(K) Seek the cooperation and advice of the officers and 30047  
trustees of both public and private colleges, universities, and 30048  
other institutions of higher education in the state in performing 30049  
the ~~chancellor's~~ director's duties and making the ~~chancellor's~~ 30050  
director's plans, studies, and recommendations; 30051

(L) Appoint advisory committees consisting of persons 30052  
associated with public or private secondary schools, members of 30053  
the state board of education, or personnel of the state department 30054

of education; 30055

(M) Appoint advisory committees consisting of college and 30056  
university personnel, or other persons knowledgeable in the field 30057  
of higher education, or both, in order to obtain their advice and 30058  
assistance in defining and suggesting solutions for the problems 30059  
and needs of higher education in this state; 30060

(N) Approve or disapprove all new degrees and new degree 30061  
programs at all state colleges, universities, and other 30062  
state-assisted institutions of higher education; 30063

(O) Adopt such rules as are necessary to carry out the 30064  
~~chancellor's~~ director's duties and responsibilities. The rules 30065  
shall prescribe procedures for the ~~chancellor~~ director to follow 30066  
when taking actions associated with the ~~chancellor's~~ director's 30067  
duties and responsibilities and shall indicate which types of 30068  
actions are subject to those procedures. The procedures adopted 30069  
under this division shall be in addition to any other procedures 30070  
prescribed by law for such actions. However, if any other 30071  
provision of the Revised Code or rule adopted by the ~~chancellor~~ 30072  
director prescribes different procedures for such an action, the 30073  
procedures adopted under this division shall not apply to that 30074  
action to the extent they conflict with the procedures otherwise 30075  
prescribed by law. The procedures adopted under this division 30076  
shall include at least the following: 30077

(1) Provision for public notice of the proposed action; 30078

(2) An opportunity for public comment on the proposed action, 30079  
which may include a public hearing on the action by the board of 30080  
regents; 30081

(3) Methods for parties that may be affected by the proposed 30082  
action to submit comments during the public comment period; 30083

(4) Submission of recommendations from the board of regents 30084  
regarding the proposed action, at the request of the ~~chancellor~~ 30085

<u>director</u> ;	30086
(5) Written publication of the final action taken by the	30087
<del>chancellor</del> <u>director</u> and the <del>chancellor's</del> <u>director's</u> rationale for	30088
the action;	30089
(6) A timeline for the process described in divisions (0)(1)	30090
to (5) of this section.	30091
(P) Make recommendations to the governor and the general	30092
assembly regarding the design and funding of the student financial	30093
aid programs specified in sections 3333.12, 3333.122, 3333.21 to	30094
3333.26, and 5910.02 of the Revised Code;	30095
(Q) Participate in education-related state or federal	30096
programs on behalf of the state and assume responsibility for the	30097
administration of such programs in accordance with applicable	30098
state or federal law;	30099
(R) Adopt rules for student financial aid programs as	30100
required by sections 3333.12, 3333.122, 3333.21 to 3333.26,	30101
3333.28, and 5910.02 of the Revised Code, and perform any other	30102
administrative functions assigned to the <del>chancellor</del> <u>director</u> by	30103
those sections;	30104
(S) Conduct enrollment audits of state-supported institutions	30105
of higher education;	30106
(T) Appoint consortia of college and university personnel to	30107
advise or participate in the development and operation of	30108
statewide collaborative efforts, including the Ohio supercomputer	30109
center, the Ohio academic resources network, OhioLink, and the	30110
Ohio learning network. For each consortium, the <del>chancellor</del>	30111
<u>director</u> shall designate a college or university to serve as that	30112
consortium's fiscal agent, financial officer, and employer. Any	30113
funds appropriated for the consortia shall be distributed to the	30114
fiscal agents for the operation of the consortia. A consortium	30115
shall follow the rules of the college or university that serves as	30116

its fiscal agent. The ~~chancellor~~ director may restructure existing consortia, appointed under this division, in accordance with procedures adopted under divisions (O)(1) to (6) of this section.

(U) Adopt rules establishing advisory duties and responsibilities of the board of regents not otherwise prescribed by law;

(V) Respond to requests for information about higher education from members of the general assembly and direct staff to conduct research or analysis as needed for this purpose.

**Sec. 3333.041.** (A) On or before the last day of December of each year, the ~~chancellor of the Ohio board of regents~~ director of higher education shall submit to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report or reports concerning all of the following:

(1) The status of graduates of Ohio school districts at state institutions of higher education during the twelve-month period ending on the thirtieth day of September of the current calendar year. The report shall list, by school district, the number of graduates of each school district who attended a state institution of higher education and the percentage of each district's graduates enrolled in a state institution of higher education during the reporting period who were required during such period by the college or university, as a prerequisite to enrolling in those courses generally required for first-year students, to enroll in a remedial course in English, including composition or reading, mathematics, and any other area designated by the ~~chancellor~~ director. The ~~chancellor~~ director also shall make the information described in division (A)(1) of this section available to the board of education of each city, exempted village, and local school district.

Each state institution of higher education shall, by the

first day of November of each year, submit to the ~~chancellor~~ 30148  
director in the form specified by the ~~chancellor~~ director the 30149  
information the ~~chancellor~~ director requires to compile the 30150  
report. 30151

(2) ~~Aggregate academic growth data for students assigned to~~ 30152  
~~graduates of teacher preparation programs approved under section~~ 30153  
~~3333.048 of the Revised Code who teach English language arts or~~ 30154  
~~mathematics in any of grades four to eight in a public school in~~ 30155  
~~Ohio. For this purpose, the chancellor shall use the value added~~ 30156  
~~progress dimension prescribed by section 3302.021 of the Revised~~ 30157  
~~Code or the alternative student academic progress measure if~~ 30158  
~~adopted under division (C)(1)(e) of section 3302.03 of the Revised~~ 30159  
~~Code. The chancellor shall aggregate the data by graduating class~~ 30160  
~~for each approved teacher preparation program, except that if a~~ 30161  
~~particular class has ten or fewer graduates to which this section~~ 30162  
~~applies, the chancellor shall report the data for a group of~~ 30163  
~~classes over a three year period. In no case shall the report~~ 30164  
~~identify any individual graduate. The department of education~~ 30165  
~~shall share any data necessary for the report with the chancellor.~~ 30166

~~(3)~~ The following information with respect to the Ohio 30167  
tuition trust authority: 30168

(a) The name of each investment manager that is a minority 30169  
business enterprise or a women's business enterprise with which 30170  
the ~~chancellor~~ director contracts; 30171

(b) The amount of assets managed by investment managers that 30172  
are minority business enterprises or women's business enterprises, 30173  
expressed as a percentage of assets managed by investment managers 30174  
with which the ~~chancellor~~ director has contracted; 30175

(c) Efforts by the ~~chancellor~~ director to increase 30176  
utilization of investment managers that are minority business 30177  
enterprises or women's business enterprises. 30178

~~(4) A description of advanced standing programs, as defined in section 3313.6013 of the Revised Code, that are offered by school districts, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, college preparatory boarding schools established under Chapter 3328. of the Revised Code, and chartered nonpublic high schools. The chancellor also shall post the information on the chancellor's web site.~~

~~(5)(3) The chancellor's director's strategy in assigning choose Ohio first scholarships, as established under section 3333.61 of the Revised Code, among state universities and colleges and how the actual awards fit that strategy.~~

~~(6)(4) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:~~

~~(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;~~

~~(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;~~

~~(c) The chancellor's director's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy.~~

~~(B) On or before the fifteenth day of February of each year, the director shall submit to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report concerning aggregate academic growth data for students assigned to graduates of teacher preparation programs approved under section 3333.048 of the Revised Code who teach English language arts or mathematics in any of grades four to eight in a public school in~~

Ohio. For this purpose, the director shall use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code. The director shall aggregate the data by graduating class for each approved teacher preparation program, except that if a particular class has ten or fewer graduates to which this division applies, the director shall report the data for a group of classes over a three-year period. In no case shall the report identify any individual graduate. The department of education shall share any data necessary for the report with the director.

(C) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.

(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code.

(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state.

**Sec. 3333.042.** ~~The chancellor of the Ohio board of regents~~ director of higher education may grant money to a nonprofit entity that provides a statewide resource for aerospace research, education, and technology, so long as the nonprofit entity makes its resources accessible to state colleges and universities and to agencies of this and other states and the United States. The ~~chancellor~~ director, by rule adopted in accordance with Chapter

119. of the Revised Code, shall establish procedures and forms 30240  
whereby nonprofit entities may apply for grants; standards and 30241  
procedures for reviewing applications for and awarding grants; 30242  
procedures for distributing grants to recipients; procedures for 30243  
monitoring the use of grants by recipients; requirements, 30244  
procedures, and forms whereby grant recipients shall report upon 30245  
their use of grants; and standards and procedures for terminating 30246  
and requiring repayment of grants in the event of their improper 30247  
use. 30248

A state college or university or a private institution exempt 30249  
from regulation under Chapter 3332. of the Revised Code as 30250  
prescribed in section 3333.046 of the Revised Code and any agency 30251  
of state government may provide assistance, in any form, to any 30252  
nonprofit entity that receives a grant under this section. Such 30253  
assistance shall be solely for the purpose of assisting the 30254  
nonprofit entity in making proper use of the grant. 30255

A nonprofit entity that expends a grant under this section 30256  
for a capital project is not thereby subject to Chapter 123. or 30257  
153. of the Revised Code. An officer or employee of, or a person 30258  
who serves on a governing or advisory board or committee of, a 30259  
nonprofit entity that receives a grant under this section is not 30260  
thereby an officer or employee of a state college or university or 30261  
of the state. An officer or employee of a state college or 30262  
university or of the state who is assigned to assist a nonprofit 30263  
entity in making proper use of a grant does not, to the extent the 30264  
officer or employee provides such assistance, thereby hold an 30265  
incompatible office or employment, or have a direct or indirect 30266  
interest in a contract or expenditure of the entity. 30267

**Sec. 3333.043.** (A) As used in this section: 30268

(1) "Institution of higher education" means the state 30269  
universities listed in section 3345.011 of the Revised Code, 30270

municipal educational institutions established under Chapter 3349. 30271  
of the Revised Code, community colleges established under Chapter 30272  
3354. of the Revised Code, university branches established under 30273  
Chapter 3355. of the Revised Code, technical colleges established 30274  
under Chapter 3357. of the Revised Code, state community colleges 30275  
established under Chapter 3358. of the Revised Code, any 30276  
institution of higher education with a certificate of registration 30277  
from the state board of career colleges and schools, and any 30278  
institution for which the ~~chancellor of the Ohio board of regents~~ 30279  
director of higher education receives a notice pursuant to 30280  
division (C) of this section. 30281

(2) "Community service" has the same meaning as in section 30282  
3313.605 of the Revised Code. 30283

(B)(1) The board of trustees or other governing entity of 30284  
each institution of higher education shall encourage and promote 30285  
participation of students in community service through a program 30286  
appropriate to the mission, student population, and environment of 30287  
each institution. The program may include, but not be limited to, 30288  
providing information about community service opportunities during 30289  
student orientation or in student publications; providing awards 30290  
for exemplary community service; encouraging faculty members to 30291  
incorporate community service into students' academic experiences 30292  
wherever appropriate to the curriculum; encouraging recognized 30293  
student organizations to undertake community service projects as 30294  
part of their purposes; and establishing advisory committees of 30295  
students, faculty members, and community and business leaders to 30296  
develop cooperative programs that benefit the community and 30297  
enhance student experience. The program shall be flexible in 30298  
design so as to permit participation by the greatest possible 30299  
number of students, including part-time students and students for 30300  
whom participation may be difficult due to financial, academic, 30301  
personal, or other considerations. The program shall emphasize 30302

community service opportunities that can most effectively use the 30303  
skills of students, such as tutoring or literacy programs. The 30304  
programs shall encourage students to perform services that will 30305  
not supplant the hiring of, result in the displacement of, or 30306  
impair any existing employment contracts of any particular 30307  
employee of any private or governmental entity for which services 30308  
are performed. 30309

(2) The ~~chancellor of the Ohio board of regents~~ director of 30310  
higher education shall encourage all institutions of higher 30311  
education in the development of community service programs. With 30312  
the assistance of the Ohio commission on service and volunteerism 30313  
created in section 121.40 of the Revised Code, the ~~chancellor~~ 30314  
director shall make available information about higher education 30315  
community service programs to institutions of higher education and 30316  
to statewide organizations involved with or promoting 30317  
volunteerism, including information about model community service 30318  
programs, teacher training courses, and community service 30319  
curricula and teaching materials for possible use by institutions 30320  
of higher education in their programs. The ~~chancellor~~ director 30321  
shall encourage institutions of higher education to jointly 30322  
coordinate higher education community service programs through 30323  
consortia of institutions or other appropriate means of 30324  
coordination. 30325

(C) The board of trustees of any nonprofit institution with a 30326  
certificate of authorization issued pursuant to Chapter 1713. of 30327  
the Revised Code or the governing authority of a private 30328  
institution exempt from regulation under Chapter 3332. of the 30329  
Revised Code as prescribed in section 3333.046 of the Revised Code 30330  
may notify the ~~chancellor~~ director that it is making itself 30331  
subject to divisions (A) and (B) of this section. Upon receipt of 30332  
such a notice, these divisions shall apply to that institution. 30333

Sec. 3333.044. (A) The ~~chancellor of the Ohio board of~~ 30334  
~~regents~~ director of higher education may contract with any 30335  
consultants that are necessary for the discharge of the 30336  
~~chancellor's~~ director's duties under this chapter. 30337

(B) The ~~chancellor~~ director may purchase, upon the terms that 30338  
the ~~chancellor~~ director determines to be advisable, one or more 30339  
policies of insurance from insurers authorized to do business in 30340  
this state that insure consultants who have contracted with the 30341  
~~chancellor~~ director under division (A) of this section or members 30342  
of an advisory committee appointed under section 3333.04 of the 30343  
Revised Code, with respect to the activities of the consultants or 30344  
advisory committee members in the course of the performance of 30345  
their responsibilities as consultants or advisory committee 30346  
members. 30347

(C) Subject to the approval of the controlling board, the 30348  
~~chancellor~~ director may contract with any entities for the 30349  
discharge of the ~~chancellor's~~ director's duties and 30350  
responsibilities under any of the programs established pursuant to 30351  
sections 3333.12, 3333.122, 3333.21 to 3333.28, and 5120.55, and 30352  
Chapter 5910. of the Revised Code. The ~~chancellor~~ director shall 30353  
not enter into a contract under this division unless the proposed 30354  
contractor demonstrates that its primary purpose is to promote 30355  
access to higher education by providing student financial 30356  
assistance through loans, grants, or scholarships, and by 30357  
providing high quality support services and information to 30358  
students and their families with regard to such financial 30359  
assistance. 30360

Chapter 125. of the Revised Code does not apply to contracts 30361  
entered into pursuant to this section. In awarding contracts under 30362  
this division, the ~~chancellor~~ director shall consider factors such 30363  
as the cost of the administration of the contract, the experience 30364

of the contractor, and the contractor's ability to properly 30365  
execute the contract. 30366

**Sec. 3333.045.** As used in this section, "state university or 30367  
college" means any state university listed in section 3345.011 of 30368  
the Revised Code, the northeast Ohio medical university, any 30369  
community college under Chapter 3354. of the Revised Code, any 30370  
university branch district under Chapter 3355. of the Revised 30371  
Code, any technical college under Chapter 3357. of the Revised 30372  
Code, and any state community college under Chapter 3358. of the 30373  
Revised Code. 30374

The ~~chancellor of the Ohio board of regents~~ director of 30375  
higher education shall work with the attorney general, the auditor 30376  
of state, and the Ohio ethics commission to develop a model for 30377  
training members of the boards of trustees of all state 30378  
universities and colleges and members of the board of regents 30379  
regarding the authority and responsibilities of a board of 30380  
trustees or the board of regents. This model shall include a 30381  
review of fiduciary responsibilities, ethics, and fiscal 30382  
management. Use of this model by members of boards of trustees and 30383  
the board of regents shall be voluntary. 30384

**Sec. 3333.047.** With regard to any state student financial aid 30385  
program established in this chapter, Chapter 5910., or section 30386  
5919.34 of the Revised Code, the ~~chancellor of the Ohio board of~~ 30387  
~~regents~~ director of higher education shall conduct audits to: 30388

(A) Determine the validity of information provided by 30389  
students and parents regarding eligibility for state student 30390  
financial aid. If the ~~chancellor~~ director determines that 30391  
eligibility data has been reported incorrectly or inaccurately, 30392  
and where the ~~chancellor~~ director determines an adjustment to be 30393  
appropriate, the institution of higher education shall adjust the 30394

financial aid awarded to the student. 30395

(B) Ensure that institutions of higher education are in 30396  
compliance with the rules governing state student financial aid 30397  
programs. An institution that fails to comply with the rules in 30398  
the administration of any state student financial aid program 30399  
shall be fully liable to reimburse the state for the unauthorized 30400  
use of student financial aid funds. 30401

**Sec. 3333.048.** (A) Not later than one year after October 16, 30402  
2009, the ~~chancellor of the Ohio board of regents~~ director of 30403  
higher education and the superintendent of public instruction 30404  
jointly shall do the following: 30405

(1) In accordance with Chapter 119. of the Revised Code, 30406  
establish metrics and educator preparation programs for the 30407  
preparation of educators and other school personnel and the 30408  
institutions of higher education that are engaged in their 30409  
preparation. The metrics and educator preparation programs shall 30410  
be aligned with the standards and qualifications for educator 30411  
licenses adopted by the state board of education under section 30412  
3319.22 of the Revised Code and the requirements of the Ohio 30413  
teacher residency program established under section 3319.223 of 30414  
the Revised Code. The metrics and educator preparation programs 30415  
also shall ensure that educators and other school personnel are 30416  
adequately prepared to use the value-added progress dimension 30417  
prescribed by section 3302.021 of the Revised Code or the 30418  
alternative student academic progress measure if adopted under 30419  
division (C)(1)(e) of section 3302.03 of the Revised Code. 30420

(2) Provide for the inspection of institutions of higher 30421  
education desiring to prepare educators and other school 30422  
personnel. 30423

(B) Not later than one year after October 16, 2009, the 30424  
~~chancellor~~ director shall approve institutions of higher education 30425

engaged in the preparation of educators and other school personnel 30426  
that maintain satisfactory training procedures and records of 30427  
performance, as determined by the ~~chancellor~~ director. 30428

(C) If the metrics established under division (A)(1) of this 30429  
section require an institution of higher education that prepares 30430  
teachers to satisfy the standards of an independent accreditation 30431  
organization, the ~~chancellor~~ director shall permit each 30432  
institution to satisfy the standards of any applicable national 30433  
educator preparation accrediting agency recognized by the United 30434  
States department of education. 30435

(D) The metrics and educator preparation programs established 30436  
under division (A)(1) of this section may require an institution 30437  
of higher education, as a condition of approval by the ~~chancellor~~ 30438  
director, to make changes in the curricula of its preparation 30439  
programs for educators and other school personnel. 30440

Notwithstanding division ~~(D)~~(E) of section 119.03 and 30441  
division (A)(1) of section 119.04 of the Revised Code, any 30442  
metrics, educator preparation programs, rules, and regulations, or 30443  
any amendment or rescission of such metrics, educator preparation 30444  
programs, rules, and regulations, adopted under this section that 30445  
necessitate institutions offering preparation programs for 30446  
educators and other school personnel approved by the ~~chancellor~~ 30447  
director to revise the curricula of those programs shall not be 30448  
effective for at least one year after the first day of January 30449  
next succeeding the publication of the said change. 30450

Each institution shall allocate money from its existing 30451  
revenue sources to pay the cost of making the curricular changes. 30452

(E) The director may establish statewide minimum standards 30453  
for entry into all educator preparation programs approved under 30454  
this section. 30455

(F) The ~~chancellor~~ director shall notify the state board of 30456

the metrics and educator preparation programs established under 30457  
division (A)(1) of this section and the institutions of higher 30458  
education approved under division (B) of this section. The state 30459  
board shall publish the metrics, educator preparation programs, 30460  
and approved institutions with the standards and qualifications 30461  
for each type of educator license. 30462

~~(F)~~(G) The graduates of educator preparation programs 30463  
approved by the ~~chancellor~~ director shall be licensed by the state 30464  
board in accordance with the standards and qualifications adopted 30465  
under section 3319.22 of the Revised Code. 30466

**Sec. 3333.049.** Not later than July 1, 2016, the ~~chancellor of~~ 30467  
~~the Ohio board of regents~~ director of higher education shall 30468  
revise the requirements for reading endorsement programs offered 30469  
by institutions of higher education to align those requirements 30470  
with the reading competencies adopted by the state board of 30471  
education under section 3301.077 of the Revised Code. 30472

**Sec. 3333.0410.** The ~~chancellor of the Ohio board of regents~~ 30473  
director of higher education shall require each state institution 30474  
of higher education, as defined in section 3345.011 of the Revised 30475  
Code, when reporting student data to the ~~chancellor~~ director under 30476  
any provision of law, to use the student's data verification code 30477  
assigned under division (D)(2) of section 3301.0714 of the Revised 30478  
Code, if that code was included in the student's records submitted 30479  
to the institution by the student's high school or by another 30480  
state institution of higher education. 30481

**Sec. 3333.0411.** Not later than December 31, 2014, and 30482  
annually thereafter, the ~~chancellor of the Ohio board of regents~~ 30483  
director of higher education shall report for each approved 30484  
teacher preparation program, the number and percentage of all 30485  
graduates of the program who were rated at each of the performance 30486

levels prescribed by division (B)(1) of section 3319.112 of the Revised Code on an evaluation conducted in accordance with section 3319.111 of the Revised Code in the previous school year.

In no case shall the report identify any individual graduate. The department of education shall share any data necessary for the report with the ~~chancellor~~ director.

**Sec. 3333.0412.** No nonprofit institution that holds a certificate of authorization issued under Chapter 1713. of the Revised Code shall be liable for a breach of confidentiality arising from the institution's submission of student data or records to the ~~board of regents~~ director of higher education or any other state agency in compliance with any law, rule, or regulation, provided that the breach occurs as a result of one of the following:

(A) An action by a third party during and after the transmission of the data or records by the institution but prior to receipt of the data or records by the ~~board of regents~~ director of higher education or other state agency;

(B) An action by the ~~board of regents~~ director of higher education or the state agency.

This provision shall apply to the submission of any student data or records that are subject to any laws of this state or, to the extent permitted, any federal law, including the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g.

**Sec. 3333.0413.** Not later than December 31, 2014, the ~~chancellor of the Ohio board of regents~~ director of higher education shall make available, in a prominent location on the ~~chancellor's~~ director's web site, a complete inventory of

education programs that focus on workforce development and 30516  
training that includes both of the following: 30517

(A) Programs offered by state institutions of higher 30518  
education, as defined in section 3345.011 of the Revised Code, 30519  
adult career-technical institutions, and all private nonprofit and 30520  
for-profit postsecondary institutions operating in the state; 30521

(B) Programs registered with the apprenticeship council 30522  
established under Chapter 4139. of the Revised Code. 30523

The ~~chancellor~~ director may update this inventory as 30524  
necessary. 30525

Sec. 3333.0414. The director of the department of higher 30526  
education shall conduct a study of bachelor's degree programs 30527  
approved and offered under sections 3354.071, 3357.071, and 30528  
3358.071 of the Revised Code to determine the effects of the 30529  
programs on fulfilling the needs of students and local industry. 30530  
The director shall complete the study not later than December 31, 30531  
2018, and conduct and complete a second study as prescribed by 30532  
this section not later than December 31, 2020. 30533

The director shall submit each study to the general assembly, 30534  
in accordance with section 101.68 of the Revised Code, and the 30535  
governor. 30536

Sec. 3333.05. The ~~chancellor of the Ohio board of regents~~ 30537  
~~director of higher education~~ shall approve or disapprove proposed 30538  
official plans of community college districts, prepared and 30539  
submitted pursuant to sections 3354.01 to 3354.18 of the Revised 30540  
Code, and issue or decline to issue charters for operation of 30541  
community colleges, pursuant to section 3354.07 of the Revised 30542  
Code. 30543

The ~~chancellor~~ director shall approve an official plan, and 30544

issue a charter, only upon the following findings: 30545

(A) That the official plan and all past and proposed actions 30546  
of the community college district are in conformity to law; 30547

(B) That the proposed community college will not unreasonably 30548  
and wastefully duplicate existing educational services available 30549  
to students and prospective students residing in the community 30550  
college district; 30551

(C) That there is reasonable prospect of adequate current 30552  
operating revenue for the proposed community college from its 30553  
proposed opening date of operation; 30554

(D) That the proposed lands and facilities of the community 30555  
colleges will be adequate and efficient for the purposes of the 30556  
proposed community college; 30557

(E) That the proposed curricular programs defined in section 30558  
3354.01 of the Revised Code as "arts and sciences" and 30559  
"technical," or either, are the programs for which there is 30560  
substantial need in the territory of the district. 30561

The employment and separation of individual personnel in a 30562  
community college, and the establishing or abolishing of 30563  
individual courses of instruction, shall not be subject to the 30564  
specific and individual approval or disapproval of the ~~chancellor~~ 30565  
director, but shall occur in the discretion of the local 30566  
management of such college within the limitations of law, the 30567  
official plan, and the charter of such college. 30568

**Sec. 3333.06.** The ~~chancellor of the Ohio board of regents~~ 30569  
director of higher education shall prepare a state plan and do all 30570  
other things necessary for participation in federal acts relative 30571  
to the construction of higher educational academic facilities. 30572

Such plan shall provide for objective standards and methods 30573  
of determining the relative priorities for eligible projects for 30574

the construction of academic facilities submitted by institutions 30575  
of higher education within the state and for determining the 30576  
federal share of the development for each such project. 30577

The ~~chancellor~~ director shall provide for assigning 30578  
priorities in accordance with such criteria, standards, and 30579  
methods to eligible projects submitted to and approved by the 30580  
~~chancellor~~ director, shall recommend to the United States 30581  
secretary of education, in the order of such priority, 30582  
applications covering such eligible projects, and shall certify to 30583  
the secretary the federal share of the development cost of such 30584  
projects. 30585

The ~~chancellor~~ director shall provide a fair hearing to each 30586  
institution which has submitted a project as to the priority 30587  
assigned to such project by the ~~chancellor~~ director or as to any 30588  
other determination of the ~~chancellor~~ director adversely affecting 30589  
such institution. 30590

The ~~chancellor~~ director shall receive federal grants for the 30591  
proper and efficient administration of the state plan, and shall 30592  
provide for such fiscal control and fund accounting procedures as 30593  
may be necessary to ensure proper disbursement of, and accounting 30594  
for, federal funds paid to the ~~chancellor~~ director. 30595

The ~~chancellor~~ director shall make such reports in such form 30596  
and containing such information as may be reasonably required by 30597  
the secretary in the performance of the secretary's functions 30598  
under federal law relating to grants for the construction of 30599  
academic facilities. 30600

Each federal grant received by the ~~chancellor~~ director shall 30601  
be paid into the state treasury. 30602

**Sec. 3333.07.** (A) Colleges, universities, and other 30603  
institutions of higher education which receive state assistance, 30604

but are not supported primarily by the state, shall submit to the 30605  
~~chancellor of the Ohio board of regents~~ director of higher 30606  
education such accounting of the expenditure of state funds at 30607  
such time and in such form as the ~~chancellor~~ director prescribes. 30608

(B) No state institution of higher education shall establish 30609  
a new branch or academic center without the approval of the 30610  
~~chancellor~~ director. 30611

(C) No state institution of higher education shall offer a 30612  
new degree or establish a new degree program without the approval 30613  
of the ~~chancellor~~ director. No degree approval shall be given for 30614  
a technical education program unless such program is offered by a 30615  
state assisted university, a university branch, a technical 30616  
college, or a community college. 30617

(D) Any state college, university, or other state assisted 30618  
institution of higher education not complying with a 30619  
recommendation of the ~~chancellor~~ director pursuant to division (F) 30620  
or (G) of section 3333.04 of the Revised Code shall so notify the 30621  
~~chancellor~~ director in writing within one hundred twenty days 30622  
after receipt of the recommendation, stating the reasons why it 30623  
cannot or should not comply. 30624

(E) The officers, trustees, and employees of all institutions 30625  
of higher education which are state supported or state assisted 30626  
shall cooperate with the ~~chancellor~~ director in supplying 30627  
information regarding their institutions, and advising and 30628  
assisting the ~~chancellor~~ director on matters of higher education 30629  
in this state in every way possible when so requested by the 30630  
~~chancellor~~ director. 30631

(F) Persons associated with the public school systems in this 30632  
state, personnel of the state department of education, and members 30633  
of the state board of education shall provide such data about high 30634  
school students as are requested by the ~~chancellor~~ director to aid 30635

in the development of state higher education plans. 30636

**Sec. 3333.071.** Notwithstanding section 3345.16 of the Revised 30637  
Code, no expenditure shall be made for land for higher education 30638  
purposes by public institutions of higher education or agents of 30639  
such institutions from any fund without the approval of the 30640  
~~chancellor of the Ohio board of regents~~ director of higher 30641  
education and the controlling board. No state appropriation for 30642  
capital improvements shall be released by the controlling board 30643  
for the purchase of land or buildings from any organization or 30644  
corporation which has been established to benefit or assist the 30645  
institution, except that such releases may be made if the land is 30646  
to be used for a currently state-financed improvement. 30647

**Sec. 3333.08.** It is the declared policy of this state that 30648  
the availability of eminent domain on behalf of educational 30649  
institutions of higher education is in the public welfare. A 30650  
private college, university, or other institution of higher 30651  
education may therefore apply to the ~~chancellor of the Ohio board~~ 30652  
~~of regents~~ director of higher education for the right to 30653  
appropriate property when such institution is unable to agree with 30654  
the owner or owners of the subject property upon the price to be 30655  
paid for the property. The institution shall be one that any 30656  
educationally qualified member of the public who desires to attend 30657  
has, or can acquire, a right to be admitted upon equal terms 30658  
without discrimination. The institution shall certify to the 30659  
~~chancellor~~ director, in its application, that the use of the 30660  
property to be appropriated is to be for educational purposes, 30661  
including student housing and dining facilities, that reasonable 30662  
efforts have been made to purchase the property, and that it will 30663  
be used without discrimination against any person or group and be 30664  
equally available to all qualified persons. The institution also 30665  
shall submit to the ~~chancellor~~ director its plans for the use of 30666

the property and such other information as the ~~chancellor~~ director 30667  
may require. The ~~chancellor~~ director may, thereafter, and upon a 30668  
determination that the intended use is in the public interest, 30669  
approve the application by resolution. Upon such approval, the 30670  
institution may appropriate the property in the same manner as is 30671  
provided for the appropriation of property in Chapter 163. of the 30672  
Revised Code. 30673

**Sec. 3333.09.** "Public university or college," as used in this 30674  
section, means any ~~non-profit~~ nonprofit university or college 30675  
situated within this state which is open to the public on equal 30676  
terms and which is not affiliated with or controlled by an 30677  
organization which is not primarily educational in nature. Any 30678  
such university or college shall be considered to be serving a 30679  
public purpose. 30680

The ~~chancellor of the Ohio board of regents~~ director of 30681  
higher education may, upon the ~~chancellor's~~ director's 30682  
determination that such action would serve the interests of higher 30683  
education in this state, in terms of expansion of educational 30684  
opportunity in a major urban area and in terms of expansion of 30685  
educational service to a major urban community, accept conveyances 30686  
of land, situated within this state, from any public university or 30687  
college and enter into an agreement before or after such 30688  
conveyance to lease to such public university or college, upon 30689  
terms as may be prescribed by the ~~chancellor~~ director, such land 30690  
together with buildings constructed thereon and furniture, 30691  
fixtures, and equipment therein for use as an educational 30692  
facility. The lease shall be for a period not to exceed fifty 30693  
years, renewable for a like term, and shall provide that such 30694  
buildings be used solely for educational purposes and that the 30695  
~~chancellor~~ director may cancel such lease if such buildings are 30696  
used for other purposes. Such lease may contain provisions for the 30697  
sale of such property to the lessee, upon the consent of the 30698

~~chancellor~~ director, for a purchase price not less than the actual 30699  
cost to the ~~chancellor~~ director, less depreciation, computed at 30700  
the rate customarily applied to similar structures. The ~~chancellor~~ 30701  
director, through the department of administrative services, may 30702  
construct, equip, or remodel buildings on lands accepted by the 30703  
~~chancellor~~ director in the name of the state pursuant to this 30704  
section. Title to lands acquired under this section shall be taken 30705  
in the name of the state. 30706

Responsibility for the proper use, maintenance, and repair of 30707  
leased buildings shall rest upon the lessee. 30708

**Sec. 3333.10.** (A) As used in this section: 30709

(1) "Qualified institution of higher education" or 30710  
"institution" means a nonprofit educational institution, holding 30711  
an effective certificate of authorization issued under section 30712  
1713.02 of the Revised Code, operating in the state an eligible 30713  
program, and admitting students without discrimination by reason 30714  
of race, creed, color, or national origin. 30715

(2) "School of dentistry" means an accredited dental college 30716  
as defined under section 4715.10 of the Revised Code. 30717

(3) "Eligible program" means a medical school accredited by 30718  
the liaison committee on medical education or an osteopathic 30719  
medical school accredited by the American osteopathic association, 30720  
or such a school together with a school of dentistry. 30721

(B) In order to provide better for the public health and the 30722  
necessary enhancement of instruction in medicine and dentistry in 30723  
the state, and to encourage the means of such instruction with the 30724  
least economic cost to the people of the state, the ~~chancellor of~~ 30725  
~~the Ohio board of regents~~ director of higher education may enter 30726  
into agreements with qualified institutions of higher education 30727  
providing for the continued operation by the institution of 30728

eligible programs, conditioned upon continued payments by the 30729  
state to such institution for the purposes of such eligible 30730  
programs of amounts determined in the manner provided for the 30731  
state subsidy from time to time afforded to state universities on 30732  
the basis of comparable programs. Before entering into such 30733  
agreement, the ~~chancellor~~ director shall determine that the 30734  
institution is a qualified institution of higher education as 30735  
defined in division (A) of this section, and that the operation of 30736  
such eligible programs as provided for in such agreement and such 30737  
payments will contribute to the objectives stated in this section 30738  
and to the objectives of the master plan of higher education 30739  
formulated under section 3333.04 of the Revised Code. 30740

(C) Agreements under this section shall contain provisions to 30741  
the effect that: 30742

(1) The institution shall submit to the ~~chancellor~~ director 30743  
accountings for the expenditure of state payments in the manner 30744  
and at the times as are requested for state-assisted institutions 30745  
of higher education pursuant to division (A) of section 3333.07 of 30746  
the Revised Code. 30747

(2) The institution shall notify the ~~chancellor~~ director in 30748  
the manner provided for state-assisted institutions under division 30749  
(D) of section 3333.07 of the Revised Code with regard to program 30750  
recommendations by the ~~chancellor~~ director in the nature of those 30751  
provided for in divisions (F) and (G) of section 3333.04 of the 30752  
Revised Code. 30753

(3) The agreement shall terminate if the institution ceases 30754  
to be a qualified institution of higher education as determined by 30755  
the ~~chancellor~~ director in accordance with Chapter 119. of the 30756  
Revised Code. 30757

(D) Agreements under this section may make further provision 30758  
for any one or more of the following as the parties determine: 30759

(1) The duration of any such agreement, or additional provision for terminating the agreement;	30760 30761
(2) Additional conditions for the effectiveness or continued effectiveness of such agreement;	30762 30763
(3) Procedures for the amendment or supplementation of the agreement, including designation of the parties to approve or execute such amendments or supplements;	30764 30765 30766
(4) Such other provisions as may be deemed necessary or appropriate.	30767 30768
(E) In case any provision or part of this section or any provision, agreement, covenant, stipulation, obligation, act or action, or part thereof, made, assumed, or taken under or pursuant to this section, or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other provision of this section or any other provision, agreement, covenant, stipulation, obligation, action, or part thereof, made, assumed, or taken under or pursuant to this section, which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity of any application thereof affect any legal and valid application thereof, and each such provision, agreement, covenant, stipulation, obligation, act, or action, or part thereof, shall be deemed to be effective, operative, made, done, or entered into in the manner and to the full extent permitted by law to accomplish most nearly the intention thereof.	30769 30770 30771 30772 30773 30774 30775 30776 30777 30778 30779 30780 30781 30782 30783 30784 30785
(F) No agreement shall be entered into under this section with any institution which is not in compliance with section 3333.11 of the Revised Code.	30786 30787 30788
<b>Sec. 3333.11.</b> Each school or college of medicine or medical	30789

university supported in whole or in part by the state shall create 30790  
a curriculum for and maintain a department of family practice, the 30791  
purpose of which shall be to acquaint undergraduates with and to 30792  
train postgraduate physicians for the practice of family medicine. 30793  
The minimum requirements for the department shall include courses 30794  
of study in family care, including clinical experience, a program 30795  
of preceptorships, and a program of family practice residencies in 30796  
university or other hospital settings. 30797

Each program of family practice shall: 30798

(A) Be designated to advance the field of family practice; 30799

(B) Educate all medical students in family practice and 30800  
encourage students to enter it as a career; 30801

(C) Provide students an opportunity to study family practice 30802  
in various situations through preceptorships, seminars, model 30803  
family practice units within the medical school, classroom work, 30804  
hospital programs, or other means; 30805

(D) Develop residency and other training programs for family 30806  
practice in public and private hospitals, including those in 30807  
nonmetropolitan areas of the state; 30808

(E) The department shall be a full department co-equal with 30809  
all other major clinical departments and headed by a qualified 30810  
experienced family practitioner serving as chairperson of the 30811  
department of family practice and director of the family practice 30812  
residency program. 30813

Funds appropriated by the general assembly in support of 30814  
family practice programs shall not be disbursed until the 30815  
~~chancellor of the Ohio board of regents~~ director of higher 30816  
education has certified that the intent and requirements of this 30817  
section are being met. 30818

**Sec. 3333.12.** (A) As used in this section: 30819

(1) "Eligible student" means an undergraduate student who is:	30820
(a) An Ohio resident enrolled in an undergraduate program	30821
before the 2006-2007 academic year;	30822
(b) Enrolled in either of the following:	30823
(i) An accredited institution of higher education in this	30824
state that meets the requirements of Title VI of the Civil Rights	30825
Act of 1964 and is state-assisted, is nonprofit and has a	30826
certificate of authorization pursuant to Chapter 1713. of the	30827
Revised Code, has a certificate of registration from the state	30828
board of career colleges and schools and program authorization to	30829
award an associate or bachelor's degree, or is a private	30830
institution exempt from regulation under Chapter 3332. of the	30831
Revised Code as prescribed in section 3333.046 of the Revised	30832
Code. Students who attend an institution that holds a certificate	30833
of registration shall be enrolled in a program leading to an	30834
associate or bachelor's degree for which associate or bachelor's	30835
degree program the institution has program authorization issued	30836
under section 3332.05 of the Revised Code.	30837
(ii) A technical education program of at least two years	30838
duration sponsored by a private institution of higher education in	30839
this state that meets the requirements of Title VI of the Civil	30840
Rights Act of 1964.	30841
(c) Enrolled as a full-time student or enrolled as a less	30842
than full-time student for the term expected to be the student's	30843
final term of enrollment and is enrolled for the number of credit	30844
hours necessary to complete the requirements of the program in	30845
which the student is enrolled.	30846
(2) "Gross income" includes all taxable and nontaxable income	30847
of the parents, the student, and the student's spouse, except	30848
income derived from an Ohio academic scholarship, income earned by	30849
the student between the last day of the spring term and the first	30850

day of the fall term, and other income exclusions designated by 30851  
the ~~chancellor of the Ohio board of regents~~ director of higher 30852  
education. Gross income may be verified to the ~~chancellor~~ director 30853  
by the institution in which the student is enrolled using the 30854  
federal financial aid eligibility verification process or by other 30855  
means satisfactory to the ~~chancellor~~ director. 30856

(3) "Resident," "full-time student," "dependent," 30857  
"financially independent," and "accredited" shall be defined by 30858  
rules adopted by the ~~chancellor~~ director. 30859

(B) The ~~chancellor~~ director shall establish and administer an 30860  
instructional grant program and may adopt rules to carry out this 30861  
section. The general assembly shall support the instructional 30862  
grant program by such sums and in such manner as it may provide, 30863  
but the ~~chancellor~~ director may also receive funds from other 30864  
sources to support the program. If the amounts available for 30865  
support of the program are inadequate to provide grants to all 30866  
eligible students, preference in the payment of grants shall be 30867  
given in terms of income, beginning with the lowest income 30868  
category of gross income and proceeding upward by category to the 30869  
highest gross income category. 30870

An instructional grant shall be paid to an eligible student 30871  
through the institution in which the student is enrolled, except 30872  
that no instructional grant shall be paid to any person serving a 30873  
term of imprisonment. Applications for such grants shall be made 30874  
as prescribed by the ~~chancellor~~ director, and such applications 30875  
may be made in conjunction with and upon the basis of information 30876  
provided in conjunction with student assistance programs funded by 30877  
agencies of the United States government or from financial 30878  
resources of the institution of higher education. The institution 30879  
shall certify that the student applicant meets the requirements 30880  
set forth in divisions (A)(1)(b) and (c) of this section. 30881  
Instructional grants shall be provided to an eligible student only 30882

as long as the student is making appropriate progress toward a 30883  
nursing diploma or an associate or bachelor's degree. No student 30884  
shall be eligible to receive a grant for more than ten semesters, 30885  
fifteen quarters, or the equivalent of five academic years. A 30886  
grant made to an eligible student on the basis of less than 30887  
full-time enrollment shall be based on the number of credit hours 30888  
for which the student is enrolled and shall be computed in 30889  
accordance with a formula adopted by the ~~chancellor~~ director. No 30890  
student shall receive more than one grant on the basis of less 30891  
than full-time enrollment. 30892

An instructional grant shall not exceed the total 30893  
instructional and general charges of the institution. 30894

(C) The tables in this division prescribe the maximum grant 30895  
amounts covering two semesters, three quarters, or a comparable 30896  
portion of one academic year. Grant amounts for additional terms 30897  
in the same academic year shall be determined under division (D) 30898  
of this section. 30899

For a full-time student who is a dependent and enrolled in a 30900  
nonprofit educational institution that is not a state-assisted 30901  
institution and that has a certificate of authorization issued 30902  
pursuant to Chapter 1713. of the Revised Code, the amount of the 30903  
instructional grant for two semesters, three quarters, or a 30904  
comparable portion of the academic year shall be determined in 30905  
accordance with the following table: 30906

Private Institution 30907

Table of Grants 30908

Maximum Grant \$5,466 30909

Gross Income Number of Dependents 30910

	1	2	3	4	5 or	
					more	30911
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	30912
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	30913

more

\$0 - \$15,000 \$5,466 \$5,466 \$5,466 \$5,466 \$5,466 30912

\$15,001 - \$16,000 4,920 5,466 5,466 5,466 5,466 30913

\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	30914
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	30915
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	30916
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	30917
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	30918
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	30919
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	30920
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	30921
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	30922
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	30923
\$34,001 - \$35,000	444	888	984	1,080	1,344	30924
\$35,001 - \$36,000	--	444	888	984	1,080	30925
\$36,001 - \$37,000	--	--	444	888	984	30926
\$37,001 - \$38,000	--	--	--	444	888	30927
\$38,001 - \$39,000	--	--	--	--	444	30928

For a full-time student who is financially independent and  
enrolled in a nonprofit educational institution that is not a  
state-assisted institution and that has a certificate of  
authorization issued pursuant to Chapter 1713. of the Revised  
Code, the amount of the instructional grant for two semesters,  
three quarters, or a comparable portion of the academic year shall  
be determined in accordance with the following table:

Private Institution							30936
Table of Grants							30937
Maximum Grant \$5,466							30938
Gross Income	Number of Dependents						30939
	0	1	2	3	4	5 or more	30940
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	30941
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	30942
\$5,301 - \$5,800	4,362	5,196	5,466	5,466	5,466	5,466	30943
\$5,801 - \$6,300	3,828	4,914	5,196	5,466	5,466	5,466	30944
\$6,301 - \$6,800	3,288	4,650	4,914	5,196	5,466	5,466	30945

\$6,801 - \$7,300	2,736	4,380	4,650	4,914	5,196	5,466	30946
\$7,301 - \$8,300	2,178	4,104	4,380	4,650	4,914	5,196	30947
\$8,301 - \$9,300	1,626	3,822	4,104	4,380	4,650	4,914	30948
\$9,301 - \$10,300	1,344	3,546	3,822	4,104	4,380	4,650	30949
\$10,301 - \$11,800	1,080	3,408	3,546	3,822	4,104	4,380	30950
\$11,801 - \$13,300	984	3,276	3,408	3,546	3,822	4,104	30951
\$13,301 - \$14,800	888	3,228	3,276	3,408	3,546	3,822	30952
\$14,801 - \$16,300	444	2,904	3,228	3,276	3,408	3,546	30953
\$16,301 - \$19,300	--	2,136	2,628	2,952	3,276	3,408	30954
\$19,301 - \$22,300	--	1,368	1,866	2,358	2,676	3,000	30955
\$22,301 - \$25,300	--	1,092	1,368	1,866	2,358	2,676	30956
\$25,301 - \$30,300	--	816	1,092	1,368	1,866	2,358	30957
\$30,301 - \$35,300	--	492	540	672	816	1,314	30958

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution							30967
Table of Grants							30968
Maximum Grant \$4,632							30969
Gross Income	Number of Dependents						30970
	1	2	3	4	5 or more		30971
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632		30972
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632		30973
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632		30974
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632		30975
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632		30976
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182		30977

\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	30978
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	30979
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	30980
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	30981
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	30982
\$33,001 - \$34,000	750	852	906	1,134	1,416	30983
\$34,001 - \$35,000	372	750	852	906	1,134	30984
\$35,001 - \$36,000	--	372	750	852	906	30985
\$36,001 - \$37,000	--	--	372	750	852	30986
\$37,001 - \$38,000	--	--	--	372	750	30987
\$38,001 - \$39,000	--	--	--	--	372	30988

For a full-time student who is financially independent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution							30997
Table of Grants							30998
Maximum Grant \$4,632							30999
Gross Income	Number of Dependents						31000
	0	1	2	3	4	5 or more	31001
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	31002
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	31003
\$5,301 - \$5,800	3,684	4,410	4,632	4,632	4,632	4,632	31004
\$5,801 - \$6,300	3,222	4,158	4,410	4,632	4,632	4,632	31005
\$6,301 - \$6,800	2,790	3,930	4,158	4,410	4,632	4,632	31006
\$6,801 - \$7,300	2,292	3,714	3,930	4,158	4,410	4,632	31007
\$7,301 - \$8,300	1,854	3,462	3,714	3,930	4,158	4,410	31008
\$8,301 - \$9,300	1,416	3,246	3,462	3,714	3,930	4,158	31009

\$9,301 - \$10,300	1,134	3,024	3,246	3,462	3,714	3,930	31010
\$10,301 - \$11,800	906	2,886	3,024	3,246	3,462	3,714	31011
\$11,801 - \$13,300	852	2,772	2,886	3,024	3,246	3,462	31012
\$13,301 - \$14,800	750	2,742	2,772	2,886	3,024	3,246	31013
\$14,801 - \$16,300	372	2,466	2,742	2,772	2,886	3,024	31014
\$16,301 - \$19,300	--	1,800	2,220	2,520	2,772	2,886	31015
\$19,301 - \$22,300	--	1,146	1,584	1,986	2,268	2,544	31016
\$22,301 - \$25,300	--	930	1,146	1,584	1,986	2,268	31017
\$25,301 - \$30,300	--	708	930	1,146	1,584	1,986	31018
\$30,301 - \$35,300	--	426	456	570	708	1,116	31019

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution							31025
Table of Grants							31026
Maximum Grant \$2,190							31027
Gross Income	Number of Dependents						31028
	1	2	3	4	5 or more		31029
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190		31030
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190		31031
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190		31032
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190		31033
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190		31034
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974		31035
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740		31036
\$25,001 - \$28,000	648	864	1,080	1,320	1,542		31037
\$28,001 - \$31,000	522	648	864	1,080	1,320		31038
\$31,001 - \$32,000	420	522	648	864	1,080		31039
\$32,001 - \$33,000	384	420	522	648	864		31040
\$33,001 - \$34,000	354	384	420	522	648		31041

\$34,001 - \$35,000	174	354	384	420	522	31042
\$35,001 - \$36,000	--	174	354	384	420	31043
\$36,001 - \$37,000	--	--	174	354	384	31044
\$37,001 - \$38,000	--	--	--	174	354	31045
\$38,001 - \$39,000	--	--	--	--	174	31046

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution							31052
Table of Grants							31053
Maximum Grant \$2,190							31054
Gross Income	Number of Dependents						31055
	0	1	2	3	4	5 or more	31056
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	31057
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	31058
\$5,301 - \$5,800	1,740	2,082	2,190	2,190	2,190	2,190	31059
\$5,801 - \$6,300	1,542	1,968	2,082	2,190	2,190	2,190	31060
\$6,301 - \$6,800	1,320	1,866	1,968	2,082	2,190	2,190	31061
\$6,801 - \$7,300	1,080	1,758	1,866	1,968	2,082	2,190	31062
\$7,301 - \$8,300	864	1,638	1,758	1,866	1,968	2,082	31063
\$8,301 - \$9,300	648	1,530	1,638	1,758	1,866	1,968	31064
\$9,301 - \$10,300	522	1,422	1,530	1,638	1,758	1,866	31065
\$10,301 - \$11,800	420	1,356	1,422	1,530	1,638	1,758	31066
\$11,801 - \$13,300	384	1,308	1,356	1,422	1,530	1,638	31067
\$13,301 - \$14,800	354	1,290	1,308	1,356	1,422	1,530	31068
\$14,801 - \$16,300	174	1,164	1,290	1,308	1,356	1,422	31069
\$16,301 - \$19,300	--	858	1,050	1,182	1,308	1,356	31070
\$19,301 - \$22,300	--	540	750	948	1,062	1,200	31071
\$22,301 - \$25,300	--	432	540	750	948	1,062	31072
\$25,301 - \$30,300	--	324	432	540	750	948	31073

\$30,301 - \$35,300            --            192            210            264            324            522            31074

(D) For a full-time student enrolled in an eligible            31075  
institution for a semester or quarter in addition to the portion            31076  
of the academic year covered by a grant determined under division            31077  
(C) of this section, the maximum grant amount shall be a            31078  
percentage of the maximum prescribed in the applicable table of            31079  
that division. The maximum grant for a fourth quarter shall be            31080  
one-third of the maximum amount prescribed under that division.            31081  
The maximum grant for a third semester shall be one-half of the            31082  
maximum amount prescribed under that division.            31083

(E) No grant shall be made to any student in a course of            31084  
study in theology, religion, or other field of preparation for a            31085  
religious profession unless such course of study leads to an            31086  
accredited bachelor of arts, bachelor of science, associate of            31087  
arts, or associate of science degree.            31088

(F)(1) Except as provided in division (F)(2) of this section,            31089  
no grant shall be made to any student for enrollment during a            31090  
fiscal year in an institution with a cohort default rate            31091  
determined by the United States secretary of education pursuant to            31092  
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408,            31093  
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June            31094  
preceding the fiscal year, equal to or greater than thirty per            31095  
cent for each of the preceding two fiscal years.            31096

(2) Division (F)(1) of this section does not apply to the            31097  
following:            31098

(a) Any student enrolled in an institution that under the            31099  
federal law appeals its loss of eligibility for federal financial            31100  
aid and the United States secretary of education determines its            31101  
cohort default rate after recalculation is lower than the rate            31102  
specified in division (F)(1) of this section or the secretary            31103  
determines due to mitigating circumstances the institution may            31104  
continue to participate in federal financial aid programs. The            31105

~~chancellor~~ director shall adopt rules requiring institutions to 31106  
provide information regarding an appeal to the ~~chancellor~~ 31107  
director. 31108

(b) Any student who has previously received a grant under 31109  
this section who meets all other requirements of this section. 31110

(3) The ~~chancellor~~ director shall adopt rules for the 31111  
notification of all institutions whose students will be ineligible 31112  
to participate in the grant program pursuant to division (F)(1) of 31113  
this section. 31114

(4) A student's attendance at an institution whose students 31115  
lose eligibility for grants under division (F)(1) of this section 31116  
shall not affect that student's eligibility to receive a grant 31117  
when enrolled in another institution. 31118

(G) Institutions of higher education that enroll students 31119  
receiving instructional grants under this section shall report to 31120  
the ~~chancellor~~ director all students who have received 31121  
instructional grants but are no longer eligible for all or part of 31122  
such grants and shall refund any moneys due the state within 31123  
thirty days after the beginning of the quarter or term immediately 31124  
following the quarter or term in which the student was no longer 31125  
eligible to receive all or part of the student's grant. There 31126  
shall be an interest charge of one per cent per month on all 31127  
moneys due and payable after such thirty-day period. The 31128  
~~chancellor~~ director shall immediately notify the office of budget 31129  
and management and the legislative service commission of all 31130  
refunds so received. 31131

**Sec. 3333.121.** There is hereby established in the state 31132  
treasury the state need-based financial aid reconciliation fund, 31133  
which shall consist of refunds of instructional grant payments 31134  
made pursuant to section 3333.12 of the Revised Code and refunds 31135  
of state need-based financial aid payments made pursuant to 31136

section 3333.122 of the Revised Code. Revenues credited to the 31137  
fund shall be used by the ~~chancellor of the Ohio board of regents~~ 31138  
director of higher education to pay to higher education 31139  
institutions any outstanding obligations from the prior year owed 31140  
for the Ohio instructional grant program and the Ohio college 31141  
opportunity grant program that are identified through the annual 31142  
reconciliation and financial audit. Any amount in the fund that is 31143  
in excess of the amount certified to the director of budget and 31144  
management by the ~~chancellor~~ director of higher education as 31145  
necessary to reconcile prior year payments under the program shall 31146  
be transferred to the general revenue fund. 31147

**Sec. 3333.122.** (A) The ~~chancellor of the Ohio board of~~ 31148  
~~regents~~ director of higher education shall adopt rules to carry 31149  
out this section and as authorized under section 3333.123 of the 31150  
Revised Code. The rules shall include definitions of the terms 31151  
"resident," "expected family contribution," "full-time student," 31152  
"three-quarters-time student," "half-time student," 31153  
"one-quarter-time student," "state cost of attendance," and 31154  
"accredited" for the purpose of those sections. 31155

(B) Only an Ohio resident who meets both of the following is 31156  
eligible for a grant awarded under this section: 31157

(1) The resident has an expected family contribution of two 31158  
thousand one hundred ninety or less; 31159

(2) The resident enrolls in one of the following: 31160

(a) An undergraduate program, or a nursing diploma program 31161  
approved by the board of nursing under division (A)(5) of section 31162  
4723.06 of the Revised Code, at a state-assisted state institution 31163  
of higher education, as defined in section 3345.12 of the Revised 31164  
Code, that meets the requirements of Title VI of the Civil Rights 31165  
Act of 1964; 31166

(b) An undergraduate program, or a nursing diploma program 31167  
approved by the board of nursing under division (A)(5) of section 31168  
4723.06 of the Revised Code, at a private, nonprofit institution 31169  
in this state holding a certificate of authorization pursuant to 31170  
Chapter 1713. of the Revised Code; 31171

(c) An undergraduate program, or a nursing diploma program 31172  
approved by the board of nursing under division (A)(5) of section 31173  
4723.06 of the Revised Code, at a career college in this state 31174  
that holds a certificate of registration from the state board of 31175  
career colleges and schools under Chapter 3332. of the Revised 31176  
Code or at a private institution exempt from regulation under 31177  
Chapter 3332. of the Revised Code as prescribed in section 31178  
3333.046 of the Revised Code, if the program has a certificate of 31179  
authorization pursuant to Chapter 1713. of the Revised Code. 31180

(C)(1) The ~~chancellor~~ director shall establish and administer 31181  
a needs-based financial aid grants program based on the United 31182  
States department of education's method of determining financial 31183  
need. The program shall be known as the Ohio college opportunity 31184  
grant program. The general assembly shall support the needs-based 31185  
financial aid program by such sums and in such manner as it may 31186  
provide, but the ~~chancellor~~ director also may receive funds from 31187  
other sources to support the program. If, for any academic year, 31188  
the amounts available for support of the program are inadequate to 31189  
provide grants to all eligible students, the ~~chancellor~~ director 31190  
shall do one of the following: 31191

(a) Give preference in the payment of grants based upon 31192  
expected family contribution, beginning with the lowest expected 31193  
family contribution category and proceeding upward by category to 31194  
the highest expected family contribution category; 31195

(b) Proportionately reduce the amount of each grant to be 31196  
awarded for the academic year under this section; 31197

(c) Use an alternate formula for such grants that addresses 31198  
the shortage of available funds and has been submitted to and 31199  
approved by the controlling board. 31200

(2) The needs-based financial aid grant shall be paid to the 31201  
eligible student through the institution in which the student is 31202  
enrolled, except that no needs-based financial aid grant shall be 31203  
paid to any person serving a term of imprisonment. Applications 31204  
for the grants shall be made as prescribed by the ~~chancellor~~ 31205  
director, and such applications may be made in conjunction with 31206  
and upon the basis of information provided in conjunction with 31207  
student assistance programs funded by agencies of the United 31208  
States government or from financial resources of the institution 31209  
of higher education. The institution shall certify that the 31210  
student applicant meets the requirements set forth in division (B) 31211  
of this section. Needs-based financial aid grants shall be 31212  
provided to an eligible student only as long as the student is 31213  
making appropriate progress toward a nursing diploma or an 31214  
associate or bachelor's degree. No student shall be eligible to 31215  
receive a grant for more than ten semesters, fifteen quarters, or 31216  
the equivalent of five academic years. A grant made to an eligible 31217  
student on the basis of less than full-time enrollment shall be 31218  
based on the number of credit hours for which the student is 31219  
enrolled and shall be computed in accordance with a formula 31220  
adopted by rule issued by the ~~chancellor~~ director. No student 31221  
shall receive more than one grant on the basis of less than 31222  
full-time enrollment. 31223

(D)(1) Except as provided in division (D)(4) of this section, 31224  
no grant awarded under this section shall exceed the total state 31225  
cost of attendance. 31226

(2) Subject to divisions (D)(1), (3), and (4) of this 31227  
section, the amount of a grant awarded to a student under this 31228  
section shall equal the student's remaining state cost of 31229

attendance after the student's Pell grant and expected family 31230  
contribution are applied to the instructional and general charges 31231  
for the undergraduate program. However, for students enrolled in a 31232  
state university or college as defined in section 3345.12 of the 31233  
Revised Code or a university branch, the ~~chancellor~~ director may 31234  
provide that the grant amount shall equal the student's remaining 31235  
instructional and general charges for the undergraduate program 31236  
after the student's Pell grant and expected family contribution 31237  
have been applied to those charges, but, in no case, shall the 31238  
grant amount for such a student exceed any maximum that the 31239  
~~chancellor~~ director may set by rule. 31240

(3) For a student enrolled for a semester or quarter in 31241  
addition to the portion of the academic year covered by a grant 31242  
under this section, the maximum grant amount shall be a percentage 31243  
of the maximum specified in any table established in rules adopted 31244  
by the ~~chancellor~~ director as provided in division (A) of this 31245  
section. The maximum grant for a fourth quarter shall be one-third 31246  
of the maximum amount so prescribed. The maximum grant for a third 31247  
semester shall be one-half of the maximum amount so prescribed. 31248

(4) If a student is enrolled in a two-year institution of 31249  
higher education and is eligible for an education and training 31250  
voucher through the Ohio education and training voucher program 31251  
that receives federal funding under the John H. Chafee foster care 31252  
independence program, 42 U.S.C. 677, the amount of a grant awarded 31253  
under this section may exceed the total state cost of attendance 31254  
to additionally cover housing costs. 31255

(E) No grant shall be made to any student in a course of 31256  
study in theology, religion, or other field of preparation for a 31257  
religious profession unless such course of study leads to an 31258  
accredited bachelor of arts, bachelor of science, associate of 31259  
arts, or associate of science degree. 31260

(F)(1) Except as provided in division (F)(2) of this section, 31261

no grant shall be made to any student for enrollment during a 31262  
fiscal year in an institution with a cohort default rate 31263  
determined by the United States secretary of education pursuant to 31264  
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 31265  
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 31266  
preceding the fiscal year, equal to or greater than thirty per 31267  
cent for each of the preceding two fiscal years. 31268

(2) Division (F)(1) of this section does not apply in the 31269  
case of either of the following: 31270

(a) The institution pursuant to federal law appeals its loss 31271  
of eligibility for federal financial aid and the United States 31272  
secretary of education determines its cohort default rate after 31273  
recalculation is lower than the rate specified in division (F)(1) 31274  
of this section or the secretary determines due to mitigating 31275  
circumstances that the institution may continue to participate in 31276  
federal financial aid programs. The ~~chancellor~~ director shall 31277  
adopt rules requiring any such appellant to provide information to 31278  
the ~~chancellor~~ director regarding an appeal. 31279

(b) Any student who has previously received a grant pursuant 31280  
to any provision of this section, including prior to the section's 31281  
amendment by H.B. 1 of the 128th general assembly, effective July 31282  
17, 2009, and who meets all other eligibility requirements of this 31283  
section. 31284

(3) The ~~chancellor~~ director shall adopt rules for the 31285  
notification of all institutions whose students will be ineligible 31286  
to participate in the grant program pursuant to division (F)(1) of 31287  
this section. 31288

(4) A student's attendance at any institution whose students 31289  
are ineligible for grants due to division (F)(1) of this section 31290  
shall not affect that student's eligibility to receive a grant 31291  
when enrolled in another institution. 31292

(G) Institutions of higher education that enroll students receiving needs-based financial aid grants under this section shall report to the ~~chancellor~~ director all students who have received such needs-based financial aid grants but are no longer eligible for all or part of those grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day period. The ~~chancellor~~ director shall immediately notify the office of budget and management and the legislative service commission of all refunds so received.

**Sec. 3333.123.** (A) As used in this section:

(1) "The Ohio college opportunity grant program" means the program established under section 3333.122 of the Revised Code.

(2) "Rules for the Ohio college opportunity grant program" means the rules authorized in division (R) of section 3333.04 of the Revised Code for the implementation of the program.

(B) In adopting rules for the Ohio college opportunity grant program, the ~~chancellor of the Ohio board of regents~~ director of higher education may include provisions that give preferential or priority funding to low-income students who in their primary and secondary school work participate in or complete rigorous academic coursework, attain passing scores on the assessments prescribed in section 3301.0710 or 3301.0712 of the Revised Code, or meet other high academic performance standards determined by the ~~chancellor~~ director to reduce the need for remediation and ensure academic success at the postsecondary education level. Any such rules shall include a specification of procedures needed to certify student achievement of primary and secondary standards as well as the

timeline for implementation of the provisions authorized by this 31324  
section. 31325

**Sec. 3333.124.** There is hereby created in the state treasury 31326  
the Ohio college opportunity grant program reserve fund. ~~Not later~~ 31327  
~~than the first day of July~~ As soon as possible following the end 31328  
of each fiscal year, the ~~chancellor of the Ohio board of regents~~ 31329  
director of higher education shall certify to the director of 31330  
budget and management the unencumbered balance of the general 31331  
revenue fund appropriations made in the immediately preceding 31332  
fiscal year for purposes of the Ohio college opportunity grant 31333  
program created in section 3333.122 of the Revised Code. Upon 31334  
receipt of the certification, the director of budget and 31335  
management may transfer an amount not exceeding the certified 31336  
amount from the general revenue fund to the Ohio college 31337  
opportunity grant program reserve fund. Moneys in the Ohio college 31338  
opportunity grant program reserve fund shall be used to pay grant 31339  
obligations in excess of the general revenue fund appropriations 31340  
made for that purpose. 31341

The director may transfer any unencumbered balance from the 31342  
Ohio college opportunity grant program reserve fund to the general 31343  
revenue fund. 31344

If it is determined that general revenue fund appropriations 31345  
are insufficient to meet the obligations of the Ohio college 31346  
opportunity grant program in a fiscal year, the director may 31347  
transfer funds from the Ohio college opportunity grant program 31348  
reserve fund to the general revenue fund in order to meet those 31349  
obligations. The amount transferred is hereby appropriated. If the 31350  
funds transferred from the Ohio college opportunity grant program 31351  
reserve fund are not needed, the director may transfer the 31352  
unexpended balance from the general revenue fund back to the Ohio 31353  
college opportunity grant program reserve fund. 31354

Sec. 3333.13. (A) Money appropriated to the ~~chancellor of the~~ 31355  
~~Ohio board of regents~~ director of higher education for the 31356  
purposes of this division shall be paid at the times and in the 31357  
amounts necessary to meet all payments required to be made by the 31358  
~~chancellor~~ director to the Ohio public facilities commission 31359  
pursuant to leases or agreements made under division (B) of 31360  
section 154.21 of the Revised Code, as certified under division 31361  
(C) of this section, including supplements to such certifications. 31362

(B) The ~~chancellor~~ director shall include in the estimate of 31363  
proposed expenses submitted pursuant to section 126.02 of the 31364  
Revised Code the estimated amounts of all such payments to be made 31365  
by the ~~chancellor~~ director. The ~~chancellor~~ director shall include 31366  
the estimated amounts of all such payments to be made by the 31367  
~~chancellor~~ director in recommendations for appropriation required 31368  
by division (J) of section 3333.04 of the Revised Code. The 31369  
director of budget and management shall include in the state 31370  
budget estimates provided for in section 126.02 of the Revised 31371  
Code the estimated amount of all such payments to be made during 31372  
the next biennium, and this amount shall be included in the state 31373  
budget to be submitted by the governor to the general assembly 31374  
pursuant to section 107.03 of the Revised Code. 31375

(C) On the first day of July of each year, or as soon 31376  
thereafter as is practicable, the ~~chancellor or a vice chancellor~~ 31377  
director of higher education shall certify to the director of 31378  
budget and management the payments contracted to be made, during 31379  
the period of the then current appropriations made for the 31380  
purposes of division (A) of this section, to the commission by the 31381  
~~chancellor~~ director of higher education pursuant to leases and 31382  
agreements made under division (B) of section 154.21 of the 31383  
Revised Code. The certification shall state the amounts and dates 31384  
of payment required therefor and the amounts to be credited 31385  
pursuant to such leases and agreements to the higher education 31386

bond service trust fund and other special funds established 31387  
pursuant to Chapter 154. of the Revised Code. If the director of 31388  
budget and management finds such certification to be correct, the 31389  
director shall promptly add the director's certification thereto 31390  
and submit it to the treasurer of state. Such annual certification 31391  
shall be supplemented in similar manner upon the execution of each 31392  
new lease or agreement, any supplement to an existing lease or 31393  
agreement, or any amendment thereof, affecting the amounts of 31394  
those payments. 31395

**Sec. 3333.14.** Effective July 1, 1971, all public post high 31396  
school technical education programs shall be operated by technical 31397  
colleges, community colleges, university branches, state colleges, 31398  
state-affiliated universities and state universities. Subject to 31399  
rules and regulations adopted by the ~~chancellor of the Ohio board~~ 31400  
~~of regents~~ director of higher education, the board of trustees or 31401  
directors of one of the above such institutions shall adopt a plan 31402  
of transition governing each public post high school technical 31403  
education program not specifically identified or included in this 31404  
section which is located in the geographic region of such 31405  
institution as defined by the ~~chancellor~~ director. The plan of 31406  
transition shall provide for the dissolution of such technical 31407  
education programs either by transfer of a program's lands, 31408  
buildings, and equipment to one of the above such institutions or 31409  
by complete termination of the technical education program. 31410

**Sec. 3333.15.** If the board of trustees of a state university 31411  
fails to undertake appropriate action to establish a university 31412  
branch campus within one year from the enactment of a capital 31413  
improvement appropriation for the development of such university 31414  
branch facility, the ~~chancellor of the Ohio board of regents~~ 31415  
director of higher education may act as the ~~chancellor~~ director 31416  
deems necessary in place of the board of trustees, including 31417

securing the release of construction planning and construction 31418  
contract funds from the state controlling board. If the ~~chancellor~~ 31419  
director takes action to plan and construct a university branch in 31420  
accordance with this section, the officers and staff of such 31421  
university shall perform all necessary functions incident to the 31422  
planning and construction of such university branch as directed by 31423  
the ~~chancellor~~ director. 31424

**Sec. 3333.16.** As used in this section "state institution of 31425  
higher education" means an institution of higher education as 31426  
defined in section 3345.12 of the Revised Code. 31427

(A) The ~~chancellor of the Ohio board of regents~~ director of 31428  
higher education shall do all of the following: 31429

(1) Establish policies and procedures applicable to all state 31430  
institutions of higher education that ensure that students can 31431  
begin higher education at any state institution of higher 31432  
education and transfer coursework and degrees to any other state 31433  
institution of higher education without unnecessary duplication or 31434  
institutional barriers. The purpose of this requirement is to 31435  
allow students to attain their highest educational aspirations in 31436  
the most efficient and effective manner for the students and the 31437  
state. These policies and procedures shall require state 31438  
institutions of higher education to make changes or modifications, 31439  
as needed, to strengthen course content so as to ensure 31440  
equivalency for that course at any state institution of higher 31441  
education. 31442

(2) Develop and implement a universal course equivalency 31443  
classification system for state institutions of higher education 31444  
so that the transfer of students and the transfer and articulation 31445  
of equivalent courses or specified learning modules or units 31446  
completed by students are not inhibited by inconsistent judgment 31447  
about the application of transfer credits. Coursework completed 31448

within such a system at one state institution of higher education 31449  
and transferred to another institution shall be applied to the 31450  
student's degree objective in the same manner as equivalent 31451  
coursework completed at the receiving institution. 31452

(3) Develop a system of transfer policies that ensure that 31453  
graduates with associate degrees which include completion of 31454  
approved transfer modules shall be admitted to a state institution 31455  
of higher education, shall be able to compete for admission to 31456  
specific programs on the same basis as students native to the 31457  
institution, and shall have priority over out-of-state associate 31458  
degree graduates and transfer students. To assist a student in 31459  
advising and transferring, all state institutions of higher 31460  
education shall fully implement the information system for 31461  
advising and transferring selected by, contracted for, or 31462  
developed by the ~~chancellor~~ director. 31463

(4) Examine the feasibility of developing a transfer 31464  
marketing agenda that includes materials and interactive 31465  
technology to inform the citizens of Ohio about the availability 31466  
of transfer options at state institutions of higher education and 31467  
to encourage adults to return to colleges and universities for 31468  
additional education; 31469

(5) Study, in consultation with the state board of career 31470  
colleges and schools, and in light of existing criteria and any 31471  
other criteria developed by the articulation and transfer advisory 31472  
council, the feasibility of credit recognition and transferability 31473  
to state institutions of higher education for graduates who have 31474  
received associate degrees from a career college or school with a 31475  
certificate of registration from the state board of career 31476  
colleges and schools under Chapter 3332. of the Revised Code. 31477

(B) All provisions of the existing articulation and transfer 31478  
policy developed by the ~~Ohio board of regents~~ director shall 31479  
remain in effect except where amended by this section. 31480

<b>Sec. 3333.161.</b> (A) As used in this section:	31481
(1) "Articulation agreement" means an agreement between two or more state institutions of higher education to facilitate the transfer of students and credits between such institutions.	31482 31483 31484
(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.	31485 31486 31487
(3) "Two year college" includes a community college, state community college, technical college, and university branch.	31488 31489
(B) The <del>chancellor of the Ohio board of regents</del> <u>director of higher education</u> shall adopt rules establishing a statewide system for articulation agreements among state institutions of higher education for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between institutions to include all of the following:	31490 31491 31492 31493 31494 31495
(1) The development of a transfer module for teacher education that includes introductory level courses that are evaluated as appropriate by faculty employed by the state institutions of higher education that are parties to the articulation agreement;	31496 31497 31498 31499 31500
(2) A foundation of general studies courses that have been identified as part of the transfer module for teacher education and have been evaluated as appropriate for the preparation of teachers and consistent with the academic content standards adopted under section 3301.079 of the Revised Code;	31501 31502 31503 31504 31505
(3) A clear identification of university faculty who are partnered with two year college faculty;	31506 31507
(4) The publication of the articulation agreement that is available to all students, faculty, and staff.	31508 31509

**Sec. 3333.162.** (A) As used in this section, "state 31510  
institution of higher education" means an institution of higher 31511  
education as defined in section 3345.12 of the Revised Code. 31512

(B) By April 15, 2007, the ~~chancellor of the Ohio board of~~ 31513  
~~regents~~ director of higher education, in consultation with the 31514  
department of education, public adult and secondary 31515  
career-technical education institutions, and state institutions of 31516  
higher education, shall establish criteria, policies, and 31517  
procedures that enable students to transfer agreed upon technical 31518  
courses completed through an adult career-technical education 31519  
institution, a public secondary career-technical institution, or a 31520  
state institution of higher education to a state institution of 31521  
higher education without unnecessary duplication or institutional 31522  
barriers. The courses to which the criteria, policies, and 31523  
procedures apply shall be those that adhere to recognized industry 31524  
standards and equivalent coursework common to the secondary career 31525  
pathway and adult career-technical education system and regionally 31526  
accredited state institutions of higher education. Where 31527  
applicable, the policies and procedures shall build upon the 31528  
articulation agreement and transfer initiative course equivalency 31529  
system required by section 3333.16 of the Revised Code. 31530

**Sec. 3333.163.** (A) As used in this section, "state 31531  
institution of higher education" has the same meaning as in 31532  
section 3345.011 of the Revised Code. 31533

(B) Not later than April 15, 2008, the articulation and 31534  
transfer advisory council of the ~~chancellor of the Ohio board of~~ 31535  
~~regents~~ director of higher education shall recommend to the 31536  
~~chancellor~~ director standards for awarding course credit toward 31537  
degree requirements at state institutions of higher education 31538  
based on scores attained on advanced placement examinations. The 31539  
recommended standards shall include a score on each advanced 31540

placement examination that the council considers to be a passing 31541  
score for which course credit may be awarded. Upon adoption of the 31542  
standards by the ~~chancellor~~ director, each state institution of 31543  
higher education shall comply with the standards in awarding 31544  
course credit to any student enrolled in the institution who has 31545  
attained a passing score on an advanced placement examination. 31546

**Sec. 3333.164.** (A) As used in this section, "state 31547  
institution of higher education" has the same meaning as in 31548  
section 3345.011 of the Revised Code. 31549

(B) Not later than December 31, 2014, the ~~chancellor of the~~ 31550  
~~Ohio board of regents~~ director of higher education shall do all of 31551  
the following with regard to the awarding of college credit for 31552  
military training, experience, and coursework: 31553

(1) Develop a set of standards and procedures for state 31554  
institutions of higher education to utilize in the granting of 31555  
college credit for military training, experience, and coursework; 31556

(2) Create a military articulation and transfer assurance 31557  
guide for college credit that is earned through military training, 31558  
experience, and coursework. The ~~chancellor~~ director shall use the 31559  
current articulation and transfer policy adopted pursuant to 31560  
section 3333.16 of the Revised Code as a model in developing this 31561  
guide. 31562

(3) Create a web site that contains information related to 31563  
the awarding of college credit for military training, experience, 31564  
and coursework. The web site shall include both of the following: 31565

(a) Standardized resources that address frequently asked 31566  
questions regarding the awarding of such credit and related 31567  
issues; 31568

(b) A statewide database that shows how specified military 31569  
training, experience, and coursework translates to college credit. 31570

(4) Develop a statewide training program that prepares 31571  
faculty and staff of state institutions of higher education to 31572  
evaluate various military training, experience, and coursework and 31573  
to award appropriate equivalent credit. The training program shall 31574  
incorporate the best practices of awarding credit for military 31575  
experiences, including both the recommendations of the American 31576  
council on education and the standards developed by the council 31577  
for adult and experiential learning. 31578

(C) Beginning on July 1, 2015, state institutions of higher 31579  
education shall ensure that appropriate equivalent credit is 31580  
awarded for military training, experience, and coursework that 31581  
meet the standards developed by the ~~chancellor~~ director pursuant 31582  
to this section. 31583

**Sec. 3333.17.** The ~~chancellor of the Ohio board of regents~~ 31584  
director of higher education may enter into contracts with the 31585  
appropriate agency in a contiguous state whereby the agency 31586  
provides for charging Ohio residents enrolled in state-assisted 31587  
post-secondary educational institutions in the contiguous state, 31588  
tuition and fees at rates no higher than the rates charged to 31589  
students who are residents of that state, and whereby the 31590  
~~chancellor~~ director, as part of such contracts, may provide that 31591  
rates for tuition and fees charged to residents of the contiguous 31592  
state who are enrolled in state-assisted post-secondary 31593  
educational institutions in Ohio shall not exceed those charged 31594  
Ohio residents. 31595

State-assisted post-secondary educational institutions in 31596  
Ohio may enter into contracts with appropriate state-assisted 31597  
post-secondary educational institutions in a contiguous state 31598  
whereby the state-assisted post-secondary educational institution 31599  
provides for charging Ohio residents enrolled in the institution 31600  
in the contiguous state, tuition and fees at rates no higher than 31601

the rates charged to students who are residents of that state, and 31602  
whereby the Ohio state-assisted post-secondary institution, as 31603  
part of such contracts, may provide that rates for tuition and 31604  
fees charged to residents of the contiguous state who are enrolled 31605  
in the state-assisted post-secondary educational institutions in 31606  
Ohio shall not exceed those charged Ohio residents. 31607

The contracts entered into by the ~~chancellor~~ director or a 31608  
state-assisted post-secondary educational institution may limit 31609  
the type of academic program offered at the reciprocal rates. 31610  
Residents of contiguous states enrolled in for credit courses 31611  
taught at the main campus and identified off-campus sites at 31612  
state-assisted post-secondary educational institutions in Ohio 31613  
under such contracts shall be included in calculating the number 31614  
of full-time equivalent students for state subsidy purposes. The 31615  
~~chancellor~~ director and each state-assisted post-secondary 31616  
educational institution shall periodically assess the costs and 31617  
benefits of each such contract and the extent to which parity is 31618  
achieved between Ohio and the contiguous state with respect to 31619  
students benefiting from the contract. All Ohio state-assisted 31620  
post-secondary educational institutions participating in these 31621  
contracts shall report enrollments and other information annually 31622  
to the ~~chancellor~~ director. No contract shall be entered into 31623  
under this section without the approval of the ~~chancellor~~ 31624  
director. The ~~chancellor~~ director shall report the status of these 31625  
contracts to the controlling board annually. 31626

**Sec. 3333.171.** (A) The ~~chancellor of the Ohio board of~~ 31627  
~~regents~~ director of higher education may enter into a reciprocity 31628  
agreement with the midwestern higher education compact whereby the 31629  
agreement provides for both of the following: 31630

(1) A participating institution in Ohio may enroll residents 31631  
of a participating state in distance education programs at that 31632

institution without attaining prior approval from the appropriate 31633  
agency of that participating state. 31634

(2) A participating institution in another state may enroll 31635  
Ohio residents in distance education programs at that institution 31636  
without attaining prior approval from the ~~chancellor~~ director. 31637

(B) Under the terms of an agreement, the ~~chancellor~~ director 31638  
may do any of the following: 31639

(1) Apply on behalf of the state of Ohio to become an 31640  
eligible state to participate in the agreement; 31641

(2) Designate the ~~board~~ department of ~~regents~~ higher 31642  
education as the lead agency to ensure that Ohio meets the 31643  
eligibility requirements of the agreement, as determined by the 31644  
midwestern higher education compact; 31645

(3) Develop criteria and procedures for eligible institutions 31646  
in Ohio to apply to participate in the agreement and for their 31647  
continued participation in the agreement; 31648

(4) Assess and collect fees, pursuant to rules adopted by the 31649  
~~chancellor~~ director under Chapter 119. of the Revised Code, from 31650  
participating institutions in Ohio; 31651

(5) Collect annual data, as prescribed by the ~~chancellor~~ 31652  
director or as required by the midwestern higher education 31653  
compact, from participating institutions in Ohio; 31654

(6) Develop a student grievance process to resolve complaints 31655  
brought against participating institutions in Ohio in regard to 31656  
the distance education programs that are eligible under the terms 31657  
of the agreement; 31658

(7) Work collaboratively with the state board of career 31659  
colleges and schools to determine the eligibility of institutions 31660  
authorized by that agency under section 3332.05 of the Revised 31661  
Code for initial and continued participation in the agreement; 31662

(8) Perform other duties and responsibilities as required for participation in the agreement. 31663  
31664

(C) Any eligible institution in Ohio that wishes to participate in the agreement entered into under this section shall first attain approval for inclusion in the agreement from the ~~chancellor~~ director. Thereafter, a participating institution in Ohio shall attain approval from the ~~chancellor~~ director for any new distance education programs offered by that institution prior to enrolling residents of a participating state in such programs under the terms of the agreement. 31665  
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(D) All other post-secondary activity that requires the ~~chancellor's~~ director's approval and is not included under the terms of the agreement entered into under this section is subject to the ~~chancellor's~~ director's review and approval pursuant to Chapters 1713. and 3333. of the Revised Code. 31673  
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(E) The ~~chancellor~~ director may terminate the agreement entered into under this section or remove the ~~board of regents~~ department as the lead agency on the agreement, if the ~~chancellor~~ director determines that the agreement is not in the best interest of the state or the board. 31678  
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(F) For purposes of this section: 31683

(1) "Eligible institution in Ohio" is any of the following types of institutions, as long as it is degree-granting and is accredited by an accrediting agency recognized by the United States secretary of education: 31684  
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(a) A state institution of higher education as defined in section 3345.011 of the Revised Code; 31688  
31689

(b) An Ohio institution of higher education that has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 31690  
31691  
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(c) An Ohio institution of higher education authorized by the state board of career colleges and schools under section 3332.05 of the Revised Code.

(2) "Participating institution in Ohio" is any "eligible institution in Ohio" that has been approved by the ~~chancellor~~ director for participation in the agreement entered into under this section.

(3) "Participating institution in another state" is any institution of higher education that is located outside of Ohio that meets the eligibility requirements under the terms of a similar reciprocity agreement and is approved by the appropriate agency of that institution's home state to participate in an agreement entered into with the midwestern higher education compact, the New England board of higher education, the southern regional education board, or the western interstate commission for higher education.

**Sec. 3333.18.** The ~~chancellor of the Ohio board of regents~~ director of higher education may enter into contracts with the appropriate agency in a contiguous state whereby financial aids from the funds of each state may be used by qualified student recipients to attend approved post-secondary educational institutions in the other state. Approved institutions in Ohio are those that are state-assisted or are nonprofit and have received certificates of authorization pursuant to Chapter 1713. of the Revised Code, or are private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Eligible post-secondary educational institutions in the contiguous state shall be similarly approved by the appropriate agency of that state. In formulating and executing such contracts with a contiguous state, the ~~chancellor~~ director shall assure that the total cost to this state

approximates the total cost to the contiguous state. Any contract 31724  
entered into under this section shall be subject to the periodic 31725  
review of, and approval by, the controlling board. 31726

**Sec. 3333.19.** The ~~chancellor of the Ohio board of regents~~ 31727  
director of higher education may enter into agreements with the 31728  
appropriate agency in a foreign country or with an agency or 31729  
organization sponsoring foreign student exchanges under which the 31730  
agency or organization ensures that Ohio residents enrolled in 31731  
post-secondary educational institutions in the foreign country 31732  
will pay tuition and fees at rates no higher than the rates 31733  
charged to students who are residents of that country and under 31734  
which the ~~chancellor~~ director provides that rates for tuition and 31735  
fees charged to a comparable number of students from the foreign 31736  
country who are enrolled in state-assisted institutions of higher 31737  
education in Ohio are to be no higher than the rates charged to 31738  
students who are Ohio residents. Notwithstanding that an Ohio 31739  
resident is enrolled in a post-secondary educational institution 31740  
in a foreign country under one of these agreements, any such 31741  
student who was previously enrolled in a state-assisted 31742  
institution shall be counted as enrolled in such institution for 31743  
state subsidy purposes in a manner prescribed by rules the 31744  
~~chancellor~~ director shall adopt. 31745

**Sec. 3333.20.** (A) The ~~chancellor of the Ohio board of regents~~ 31746  
director of higher education shall adopt educational service 31747  
standards that shall apply to all community colleges, university 31748  
branches, technical colleges, and state community colleges 31749  
established under Chapters 3354., 3355., 3357., and 3358. of the 31750  
Revised Code, respectively. These standards shall provide for such 31751  
institutions to offer or demonstrate at least the following: 31752

- (1) An appropriate range of career or technical programs 31753  
31754

designed to prepare individuals for employment in specific careers	31755
at the technical or paraprofessional level;	31756
(2) Commitment to an effective array of developmental	31757
education services providing opportunities for academic skill	31758
enhancement;	31759
(3) Partnerships with industry, business, government, and	31760
labor for the retraining of the workforce and the economic	31761
development of the community;	31762
(4) Noncredit continuing education opportunities;	31763
(5) College transfer programs or the initial two years of a	31764
baccalaureate degree for students planning to transfer to	31765
institutions offering baccalaureate programs;	31766
(6) Linkages with high schools to ensure that graduates are	31767
adequately prepared for post-secondary instruction;	31768
(7) Student access provided according to a convenient	31769
schedule and program quality provided at an affordable price;	31770
(8) That student fees charged by any institution are as low	31771
as possible, especially if the institution is being supported by a	31772
local tax levy;	31773
(9) A high level of community involvement in the	31774
decision-making process in such critical areas as course delivery,	31775
range of services, fees and budgets, and administrative personnel.	31776
(B) The <del>chancellor</del> <u>director</u> shall consult with	31777
representatives of state-assisted colleges and universities, as	31778
defined in section 3333.041 of the Revised Code, in developing	31779
appropriate methods for achieving or maintaining the standards	31780
adopted pursuant to division (A) of this section.	31781
(C) In considering institutions that are co-located, the	31782
<del>chancellor</del> <u>director</u> shall apply the standards to them in two	31783
manners:	31784

(1) As a whole entity;	31785
(2) As separate entities, applying the standards separately to each.	31786 31787
When distributing any state funds among institutions based on the degree to which they meet the standards, the <del>chancellor</del> <u>director</u> shall provide to institutions that are co-located the higher amount produced by the two judgments under divisions (C)(1) and (2) of this section.	31788 31789 31790 31791 31792
<b>Sec. 3333.21.</b> As used in sections 3333.21 to 3333.23 of the Revised Code, "term" and "academic year" mean "term" and "academic year" as defined by the <del>chancellor of the Ohio board of regents</del> <u>director of higher education</u> .	31793 31794 31795 31796
The <del>chancellor</del> <u>director</u> shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code.	31797 31798 31799 31800 31801 31802 31803 31804 31805
To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time undergraduate student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted, is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code, is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or holds a certificate of registration and program authorization issued under section	31806 31807 31808 31809 31810 31811 31812 31813 31814 31815

3332.05 of the Revised Code and awards an associate or bachelor's degree. Students who attend an institution holding a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization to offer the program issued under section 3332.05 of the Revised Code.

"Resident" and "full-time student" shall be defined in rules adopted by the ~~chancellor~~ director.

The ~~chancellor~~ director shall award the scholarships on the basis of a formula designed by the ~~chancellor~~ director to identify students with the highest capability for successful college study. The formula shall weigh the factor of achievement, as measured by grade point average, and the factor of ability, as measured by performance on a competitive examination specified by the ~~chancellor~~ director. Students receiving scholarships shall be known as "Ohio academic scholars."

**Sec. 3333.22.** Each Ohio academic scholarship shall be awarded for an academic year and may be renewed for each of three additional academic years. The scholarship amount awarded to a scholar for an academic year shall be not less than two thousand dollars. A scholarship shall be renewed if the scholar maintains an academic record satisfactory to the ~~chancellor of the Ohio board of regents~~ director of higher education and meets any of the following conditions:

(A) The scholar is enrolled as a full-time undergraduate;

(B) The scholar was awarded an undergraduate degree in less than four academic years and is enrolled as a full-time graduate or professional student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted or is nonprofit and holds a certificate of authorization issued under section 1713.02 of the

Revised Code; 31847

(C) The scholar is a full-time student concurrently enrolled 31848  
as an undergraduate student and as a graduate or professional 31849  
student in an Ohio institution of higher education that meets the 31850  
requirements of division (B) of this section. 31851

Each amount awarded shall be paid in equal installments to 31852  
the scholar at the time of enrollment for each term of the 31853  
academic year for which the scholarship is awarded or renewed. No 31854  
scholar is eligible to receive an Ohio academic scholarship for 31855  
more than the equivalent of four academic years. 31856

If an Ohio academic scholar is temporarily unable to attend 31857  
school because of illness or other cause satisfactory to the 31858  
~~chancellor~~ director, the ~~chancellor~~ director may grant a leave of 31859  
absence for a designated period of time. If a scholar discontinues 31860  
full-time attendance at the scholar's school during a term because 31861  
of illness or other cause satisfactory to the ~~chancellor~~ director, 31862  
the scholar may either claim a prorated payment for the period of 31863  
actual attendance or waive payment for that term. A term for which 31864  
prorated payment is made shall be considered a full term for which 31865  
a scholarship was received. A term for which payment is waived 31866  
shall not be considered a term for which a scholarship was 31867  
received. 31868

Receipt of an Ohio academic scholarship shall not affect a 31869  
scholar's eligibility for the Ohio instructional grant program. 31870

**Sec. 3333.23.** At the end of each term, each Ohio academic 31871  
scholar shall request the registrar of the school to send a copy 31872  
of the scholar's scholastic record to the ~~chancellor of the Ohio~~ 31873  
~~board of regents~~ director of higher education. If the scholar's 31874  
record fails to meet the standards established by the ~~chancellor~~ 31875  
director, further payments shall be suspended until the scholar 31876  
demonstrates promise of successful progress in the academic 31877

program for which the award was made. The ~~chancellor~~ director may 31878  
revoke the scholarship if the scholar does not resume successful 31879  
academic progress within a reasonable time. 31880

**Sec. 3333.25.** There is hereby created the Ohio academic 31881  
scholarship payment fund, which shall be in the custody of the 31882  
treasurer of state but shall not be a part of the state treasury. 31883  
The fund shall consist of all moneys appropriated for the fund by 31884  
the general assembly and other moneys otherwise made available to 31885  
the fund. The payment fund shall be used for the payment of Ohio 31886  
academic scholarships or for additional scholarships to recognize 31887  
outstanding academic achievement and ability. The ~~chancellor of~~ 31888  
~~the Ohio board of regents~~ director of higher education shall 31889  
administer this section and establish rules for the distribution 31890  
and awarding of any additional scholarships. 31891

The ~~chancellor~~ director may direct the treasurer of state to 31892  
invest any moneys in the payment fund not currently needed for 31893  
scholarship payments, in any kinds of investments in which moneys 31894  
of the public employees retirement system may be invested. 31895

The instruments of title of all investments shall be 31896  
delivered to the treasurer of state or to a qualified trustee 31897  
designated by the treasurer of state as provided in section 135.18 31898  
of the Revised Code. The treasurer of state shall collect both 31899  
principal and investment earnings on all investments as they 31900  
become due and pay them into the fund. 31901

All deposits to the fund shall be made in financial 31902  
institutions of this state secured as provided in section 135.18 31903  
of the Revised Code. 31904

**Sec. 3333.26.** (A) Any citizen of this state who has resided 31905  
within the state for one year, who was in the active service of 31906  
the United States as a soldier, sailor, nurse, or marine between 31907

April 6, 1917, and November 11, 1918, and who has been honorably 31908  
discharged from that service, shall be admitted to any school, 31909  
college, or university that receives state funds in support 31910  
thereof, without being required to pay any tuition or 31911  
matriculation fee, but is not relieved from the payment of 31912  
laboratory or similar fees. 31913

(B)(1) As used in this division: 31914

(a) "Volunteer firefighter" has the meaning as in division 31915  
(B)(1) of section 146.01 of the Revised Code. 31916

(b) "Public service officer" means an Ohio firefighter, 31917  
volunteer firefighter, police officer, member of the state highway 31918  
patrol, employee designated to exercise the powers of police 31919  
officers pursuant to section 1545.13 of the Revised Code, or other 31920  
peace officer as defined by division (B) of section 2935.01 of the 31921  
Revised Code, or a person holding any equivalent position in 31922  
another state. 31923

(c) "Qualified former spouse" means the former spouse of a 31924  
public service officer, or of a member of the armed services of 31925  
the United States, who is the custodial parent of a minor child of 31926  
that marriage pursuant to an order allocating the parental rights 31927  
and responsibilities for care of the child issued pursuant to 31928  
section 3109.04 of the Revised Code. 31929

(d) "Operation enduring freedom" means that period of 31930  
conflict which began October 7, 2001, and ends on a date declared 31931  
by the president of the United States or the congress. 31932

(e) "Operation Iraqi freedom" means that period of conflict 31933  
which began March 20, 2003, and ends on a date declared by the 31934  
president of the United States or the congress. 31935

(f) "Combat zone" means an area that the president of the 31936  
United States by executive order designates, for purposes of 26 31937  
U.S.C. 112, as an area in which armed forces of the United States 31938

are or have engaged in combat. 31939

(2) Any resident of this state who is under twenty-six years 31940  
of age, or under thirty years of age if the resident has been 31941  
honorably discharged from the armed services of the United States, 31942  
who is the child of a public service officer killed in the line of 31943  
duty or of a member of the armed services of the United States 31944  
killed in the line of duty during operation enduring freedom or 31945  
operation Iraqi freedom, and who is admitted to any state 31946  
university or college as defined in division (A)(1) of section 31947  
3345.12 of the Revised Code, community college, state community 31948  
college, university branch, or technical college shall not be 31949  
required to pay any tuition or any student fee for up to four 31950  
academic years of education, which shall be at the undergraduate 31951  
level. 31952

A child of a member of the armed services of the United 31953  
States killed in the line of duty during operation enduring 31954  
freedom or operation Iraqi freedom is eligible for a waiver of 31955  
tuition and student fees under this division only if the student 31956  
is not eligible for a war orphans scholarship authorized by 31957  
Chapter 5910. of the Revised Code. In any year in which the war 31958  
orphans scholarship board reduces the percentage of tuition 31959  
covered by a war orphans scholarship below one hundred per cent 31960  
pursuant to division (A) of section 5910.04 of the Revised Code, 31961  
the waiver of tuition and student fees under this division for a 31962  
child of a member of the armed services of the United States 31963  
killed in the line of duty during operation enduring freedom or 31964  
operation Iraqi freedom shall be reduced by the same percentage. 31965

(3) Any resident of this state who is the spouse or qualified 31966  
former spouse of a public service officer killed in the line of 31967  
duty, and who is admitted to any state university or college as 31968  
defined in division (A)(1) of section 3345.12 of the Revised Code, 31969  
community college, state community college, university branch, or 31970

technical college, shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level.

(4) Any resident of this state who is the spouse or qualified former spouse of a member of the armed services of the United States killed in the line of duty while serving in a combat zone after May 7, 1975, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four years of academic education, which shall be at the undergraduate level. In order to qualify under division (B)(4) of this section, the spouse or qualified former spouse shall have been a resident of this state at the time the member was killed in the line of duty.

(C) Any institution that is not subject to division (B) of this section and that holds a valid certificate of registration issued under Chapter 3332. of the Revised Code, a valid certificate issued under Chapter 4709. of the Revised Code, or a valid license issued under Chapter 4713. of the Revised Code, or that is nonprofit and has a certificate of authorization issued under section 1713.02 of the Revised Code, or that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, which reduces tuition and student fees of a student who is eligible to attend an institution of higher education under the provisions of division (B) of this section by an amount indicated by the ~~chancellor of the Ohio board of regents~~ director of higher education shall be eligible to receive a grant in that amount from the ~~chancellor~~ director.

Each institution that enrolls students under division (B) of this section shall report to the ~~chancellor~~ director, by the first

day of July of each year, the number of students who were so 32003  
enrolled and the average amount of all such tuition and student 32004  
fees waived during the preceding year. The ~~chancellor~~ director 32005  
shall determine the average amount of all such tuition and student 32006  
fees waived during the preceding year. The average amount of the 32007  
tuition and student fees waived under division (B) of this section 32008  
during the preceding year shall be the amount of grants that 32009  
participating institutions shall receive under this division 32010  
during the current year, but no grant under this division shall 32011  
exceed the tuition and student fees due and payable by the student 32012  
prior to the reduction referred to in this division. The grants 32013  
shall be made for four years of undergraduate education of an 32014  
eligible student. 32015

**Sec. 3333.28.** (A) The ~~chancellor of the Ohio board of regents~~ 32016  
director of higher education shall establish the nurse education 32017  
assistance program, the purpose of which shall be to make loans to 32018  
students enrolled in prelicensure nurse education programs at 32019  
institutions approved by the board of nursing under section 32020  
4723.06 of the Revised Code and postlicensure nurse education 32021  
programs approved by the ~~chancellor~~ director under section 3333.04 32022  
of the Revised Code or offered by an institution holding a 32023  
certificate of authorization issued under Chapter 1713. of the 32024  
Revised Code. The board of nursing shall assist the ~~chancellor~~ 32025  
director in administering the program. 32026

(B) There is hereby created in the state treasury the nurse 32027  
education assistance fund, which shall consist of all money 32028  
transferred to it pursuant to section 4743.05 of the Revised Code. 32029  
The fund shall be used by the ~~chancellor~~ director for loans made 32030  
under division (A) of this section and for expenses of 32031  
administering the loan program. 32032

(C) Between July 1, 2005, and January 1, 2012, the ~~chancellor~~ 32033

director shall distribute money in the nurse education assistance fund in the following manner: 32034  
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(1)(a) Fifty per cent of available funds shall be awarded as loans to registered nurses enrolled in postlicensure nurse education programs described in division (A) of this section. To be eligible for a loan, the applicant shall provide the ~~chancellor~~ director with a letter of intent to practice as a faculty member at a prelicensure or postlicensure program for nursing in this state upon completion of the applicant's academic program. 32036  
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(b) If the borrower of a loan under division (C)(1)(a) of this section secures employment as a faculty member of an approved nursing education program in this state within six months following graduation from an approved nurse education program, the ~~chancellor~~ director may forgive the principal and interest of the student's loans received under division (C)(1)(a) of this section at a rate of twenty-five per cent per year, for a maximum of four years, for each year in which the borrower is so employed. A deferment of the service obligation, and other conditions regarding the forgiveness of loans may be granted as provided by the rules adopted under division (D)(7) of this section. 32043  
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(c) Loans awarded under division (C)(1)(a) of this section shall be awarded on the basis of the student's expected family contribution, with preference given to those applicants with the lowest expected family contribution. However, the ~~chancellor~~ director may consider other factors the ~~chancellor~~ director determines relevant in ranking the applications. 32054  
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(d) Each loan awarded to a student under division (C)(1)(a) of this section shall be not less than five thousand dollars per year. 32060  
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(2) Twenty-five per cent of available funds shall be awarded to students enrolled in prelicensure nurse education programs for 32063  
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registered nurses, as defined in section 4723.01 of the Revised Code. 32065  
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(3) Twenty-five per cent of available funds shall be awarded 32067  
to students enrolled in nurse education programs as determined by 32068  
the ~~chancellor~~ director, with preference given to programs aimed 32069  
at increasing enrollment in an area of need. 32070

After January 1, 2012, the ~~chancellor~~ director shall 32071  
determine the manner in which to distribute loans under this 32072  
section. 32073

(D) Subject to the requirements specified in division (C) of 32074  
this section, the ~~chancellor~~ director shall adopt rules in 32075  
accordance with Chapter 119. of the Revised Code establishing: 32076

(1) Eligibility criteria for receipt of a loan; 32077

(2) Loan application procedures; 32078

(3) The amounts in which loans may be made and the total 32079  
amount that may be loaned to an individual; 32080

(4) The total amount of loans that can be made each year; 32081

(5) The percentage of the money in the fund that must remain 32082  
in the fund at all times as a fund balance; 32083

(6) Interest and principal repayment schedules; 32084

(7) Conditions under which a portion of principal and 32085  
interest obligations incurred by an individual under the program 32086  
will be forgiven; 32087

(8) Conditions under which all or a portion of the principal 32088  
and interest obligations incurred by an individual who is deployed 32089  
on active duty outside of the state or who is the spouse of a 32090  
person deployed on active duty outside of the state may be 32091  
deferred or forgiven. 32092

(9) Ways that the program may be used to encourage 32093

individuals who are members of minority groups to enter the nursing profession; 32094  
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(10) Any other matters incidental to the operation of the program. 32096  
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(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the ~~chancellor~~ director under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section. 32098  
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(F) The obligation to repay all or a portion of the principal and interest on a loan made under this section may be deferred or forgiven if the recipient of the loan meets the criteria for deferment or forgiveness established by the ~~chancellor~~ director under the rule adopted under division (D)(8) of this section. 32106  
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(G) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.12, 3333.122, 3333.22, 3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the ~~chancellor~~ director may provide for taking assistance received under those sections into consideration when determining a student's eligibility for a loan under this section. 32111  
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(H) As used in this section, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 32118  
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**Sec. 3333.29.** (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 32122  
32123

of the Revised Code. 32124

(B) The ~~chancellor of the Ohio board of regents~~ director of 32125  
higher education shall establish, within the Ohio skills bank, a 32126  
mechanism to facilitate communication, cooperation, and 32127  
partnerships among state institutions of higher education with 32128  
nursing education programs and between state institutions of 32129  
higher education and hospitals in this state to meet regional and 32130  
statewide nursing education needs. 32131

**Sec. 3333.30.** The ~~chancellor of the Ohio board of regents~~ 32132  
director of higher education may enter into an agreement with 32133  
private entities to provide log-in access or an internet link to 32134  
free career information for students via the web site maintained 32135  
by the ~~chancellor~~ director. A log-in access or internet link 32136  
authorized under this section shall not be considered an 32137  
advertisement, endorsement, or sponsorship for purposes of the 32138  
regulation of state-controlled web sites under any section of the 32139  
Revised Code, any rule of the Administrative Code, or any other 32140  
policy or directive adopted or issued by the office of information 32141  
technology or any other state agency. 32142

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 32143  
purposes, status as a resident of Ohio shall be defined by the 32144  
~~chancellor of the Ohio board of regents~~ director of higher 32145  
education by rule promulgated pursuant to Chapter 119. of the 32146  
Revised Code. No adjudication as to the status of any person under 32147  
such rule, however, shall be required to be made pursuant to 32148  
Chapter 119. of the Revised Code. The term "resident" for these 32149  
purposes shall not be equated with the definition of that term as 32150  
it is employed elsewhere under the laws of this state and other 32151  
states, and shall not carry with it any of the legal connotations 32152  
appurtenant thereto. Rather, except as provided in divisions (B),  
(C), and ~~(D)~~(E) of this section, for such purposes, the rule 32153  
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promulgated under this section shall have the objective of 32155  
excluding from treatment as residents those who are present in the 32156  
state primarily for the purpose of attending a state-supported or 32157  
state-assisted institution of higher education, and may prescribe 32158  
presumptive rules, rebuttable or conclusive, as to such purpose 32159  
based upon the source or sources of support of the student, 32160  
residence prior to first enrollment, evidence of intention to 32161  
remain in the state after completion of studies, or such other 32162  
factors as the ~~chancellor~~ director deems relevant. 32163

(B) The rules of the ~~chancellor~~ director for determining 32164  
student residency shall grant residency status to a veteran and to 32165  
the veteran's spouse and any dependent of the veteran, if both of 32166  
the following conditions are met: 32167

(1) The veteran either: 32168

(a) Served one or more years on active military duty and was 32169  
honorably discharged or received a medical discharge that was 32170  
related to the military service; 32171

(b) Was killed while serving on active military duty or has 32172  
been declared to be missing in action or a prisoner of war. 32173

(2) If the veteran seeks residency status for tuition 32174  
surcharge purposes, the veteran has established domicile in this 32175  
state as of the first day of a term of enrollment in an 32176  
institution of higher education. If the spouse or a dependent of 32177  
the veteran seeks residency status for tuition surcharge purposes, 32178  
the veteran and the spouse or dependent seeking residency status 32179  
have established domicile in this state as of the first day of a 32180  
term of enrollment in an institution of higher education, except 32181  
that if the veteran was killed while serving on active military 32182  
duty, has been declared to be missing in action or a prisoner of 32183  
war, or is deceased after discharge, only the spouse or dependent 32184  
seeking residency status shall be required to have established 32185

domicile in accordance with this division. 32186

(C) The rules of the director for determining student 32187  
residency shall grant residency status to both of the following: 32188

(1) A veteran who is the recipient of federal veterans' 32189  
benefits under the "All-Volunteer Force Educational Assistance 32190  
Program" or "Post-9/11 Veterans Educational Assistance Program," 32191  
38 U.S.C. 3001 et seq., or any successor program, if the veteran 32192  
meets all of the following criteria: 32193

(a) The veteran served at least ninety days on active 32194  
military duty. 32195

(b) The veteran enrolls in a state institution of higher 32196  
education, as defined in section 3345.011 of the Revised Code, 32197  
within three years of discharge from that period of active 32198  
military duty. 32199

(c) The veteran resides in the state as of the first day of a 32200  
term of enrollment in the state institution of higher education. 32201

(2) A veteran's spouse or dependent who is the recipient of 32202  
transferred federal veterans' benefits under any of the programs 32203  
described in division (C)(1) of this section, if the spouse or 32204  
dependent meets both of the following criteria: 32205

(a) The spouse or dependent, whichever is applicable, enrolls 32206  
in a state institution of higher education within three years of 32207  
the veteran's discharge from a period of active military duty. In 32208  
order to qualify under this division, the period of active 32209  
military duty must have been at least ninety days. 32210

(b) The spouse or dependent, whichever is applicable, resides 32211  
in the state as of the first day of a term of enrollment in the 32212  
state institution of higher education. 32213

(D) The rules of the ~~chancellor~~ director for determining 32214  
student residency shall not deny residency status to a student who 32215

is either a dependent child of a parent, or the spouse of a person 32216  
who, as of the first day of a term of enrollment in an institution 32217  
of higher education, has accepted full-time employment and 32218  
established domicile in this state for reasons other than gaining 32219  
the benefit of favorable tuition rates. 32220

Documentation of full-time employment and domicile shall 32221  
include both of the following documents: 32222

(1) A sworn statement from the employer or the employer's 32223  
representative on the letterhead of the employer or the employer's 32224  
representative certifying that the parent or spouse of the student 32225  
is employed full-time in Ohio; 32226

(2) A copy of the lease under which the parent or spouse is 32227  
the lessee and occupant of rented residential property in the 32228  
state, a copy of the closing statement on residential real 32229  
property of which the parent or spouse is the owner and occupant 32230  
in this state or, if the parent or spouse is not the lessee or 32231  
owner of the residence in which the parent or spouse has 32232  
established domicile, a letter from the owner of the residence 32233  
certifying that the parent or spouse resides at that residence. 32234

Residency officers may also evaluate, in accordance with the 32235  
~~chancellor's~~ director's rule, requests for immediate residency 32236  
status from dependent students whose parents are not living and 32237  
whose domicile follows that of a legal guardian who has accepted 32238  
full-time employment and established domicile in the state for 32239  
reasons other than gaining the benefit of favorable tuition rates. 32240

~~(D)~~(E)(1) The rules of the ~~chancellor~~ director for 32241  
determining student residency shall grant residency status to a 32242  
person who, while a resident of this state for state subsidy and 32243  
tuition surcharge purposes, graduated from a high school in this 32244  
state or completed the final year of instruction at home as 32245  
authorized under section 3321.04 of the Revised Code, if the 32246

person enrolls in an institution of higher education and 32247  
establishes domicile in this state, regardless of the student's 32248  
residence prior to that enrollment. 32249

(2) The rules of the ~~chancellor~~ director for determining 32250  
student residency shall not grant residency status to an alien if 32251  
the alien is not also an immigrant or a nonimmigrant. 32252

~~(E)~~(F) As used in this section: 32253

(1) "Dependent," "domicile," "institution of higher 32254  
education," and "residency officer" have the meanings ascribed in 32255  
the ~~chancellor's~~ director's rules adopted under this section. 32256

(2) "Alien" means a person who is not a United States citizen 32257  
or a United States national. 32258

(3) "Immigrant" means an alien who has been granted the right 32259  
by the United States bureau of citizenship and immigration 32260  
services to reside permanently in the United States and to work 32261  
without restrictions in the United States. 32262

(4) "Nonimmigrant" means an alien who has been granted the 32263  
right by the United States bureau of citizenship and immigration 32264  
services to reside temporarily in the United States. 32265

**Sec. 3333.33.** (A) A community college established under 32266  
Chapter 3354. of the Revised Code, state community college 32267  
established under Chapter 3358. of the Revised Code, or technical 32268  
college established under Chapter 3357. of the Revised Code may 32269  
establish a tuition guarantee program, subject to approval of the 32270  
~~chancellor of the Ohio board of regents~~ director of higher 32271  
education. 32272

(B) The ~~chancellor~~ director shall establish guidelines for 32273  
the board of trustees of a community college, state community 32274  
college, or technical college to follow when developing a tuition 32275  
guarantee program and submitting applications to the ~~chancellor~~ 32276

director. 32277

**Sec. 3333.34.** (A) As used in this section: 32278

(1) "Pre-college stackable certificate" means a certificate 32279  
earned before an adult is enrolled in an institution of higher 32280  
education that can be transferred to college credit based on 32281  
standards established by the ~~chancellor of the Ohio board of~~ 32282  
~~regents~~ director of higher education and the department of 32283  
education. 32284

(2) "College-level certificate" means a certificate earned 32285  
while an adult is enrolled in an institution of higher education 32286  
that can be transferred to college credit based on standards 32287  
established by the ~~chancellor~~ director and the department of 32288  
education. 32289

(B) The ~~chancellor~~ director and the department of education 32290  
shall create a system of pre-college stackable certificates to 32291  
provide a clear and accessible path for adults seeking to advance 32292  
their education. The system shall do all of the following: 32293

(1) Be uniform across the state; 32294

(2) Be available from an array of providers, including adult 32295  
career centers, institutions of higher education, and employers; 32296

(3) Be structured to respond to the expectations of both the 32297  
workplace and higher education; 32298

(4) Be articulated in a way that ensures the most effective 32299  
interconnection of competencies offered in specialized training 32300  
programs; 32301

(5) Establish standards for earning pre-college certificates; 32302

(6) Establish transferability of pre-college certificates to 32303  
college credit. 32304

(C) The ~~chancellor~~ director shall develop college-level 32305

certificates that can be transferred to college credit in 32306  
different subject competencies. The certificates shall be based on 32307  
competencies and experience and not on classroom seat time. 32308

**Sec. 3333.342.** (A) The ~~chancellor of the Ohio board of~~ 32309  
~~regents~~ director of higher education may designate a "certificate 32310  
of value" for a certificate program at any adult career-technical 32311  
education institution or state institution of higher education, as 32312  
defined under section 3345.011 of the Revised Code, based on the 32313  
standards adopted under division (B) of this section. 32314

(B) The ~~chancellor~~ director shall develop standards for 32315  
designation of the certificates of value for certificate programs 32316  
at adult career-technical education institutions and state 32317  
institutions of higher education. The standards shall include at 32318  
least the following considerations: 32319

(1) The quality of the certificate program; 32320

(2) The ability to transfer agreed-upon technical courses 32321  
completed through an adult career-technical education institution 32322  
to a state institution of higher education without unnecessary 32323  
duplication or institutional barriers; 32324

(3) The extent to which the certificate program encourages a 32325  
student to obtain an associate's or bachelor's degree; 32326

(4) The extent to which the certificate program increases a 32327  
student's likelihood to complete other certificate programs or an 32328  
associate's or bachelor's degree; 32329

(5) The ability of the certificate program to meet the 32330  
expectations of the workplace and higher education; 32331

(6) The extent to which the certificate program is aligned 32332  
with the strengths of the regional economy; 32333

(7) The extent to which the certificate program increases the 32334  
amount of individuals who remain in or enter the state's 32335

workforce; 32336

(8) The extent of a certificate program's relationship with private companies in the state to fill potential job growth. 32337  
32338

(C) The designation of a certificate of value under this section shall expire six years after its designation date. 32339  
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(D) The ~~chancellor~~ director may revoke a designation prior to its expiration date if the ~~chancellor~~ director determines that the program no longer complies with the standards developed under division (B) of this section. 32341  
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(E) Any revocation of a certificate of value under this section shall become effective one hundred eighty days after the date the revocation was declared by the ~~chancellor~~ director. 32345  
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(F) Any adult career-technical education institution or state institution of higher education that desires to be eligible to receive a designation of certificate of value for one or more of its certificate programs shall comply with all records and data requests required by the ~~chancellor~~ director. 32348  
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**Sec. 3333.35.** The state board of education and the ~~chancellor of the Ohio board of regents~~ director of higher education shall strive to reduce unnecessary student remediation costs incurred by colleges and universities in this state, increase overall access for students to higher education, enhance the college credit plus program in accordance with Chapter 3365. of the Revised Code, and enhance the alternative resident educator licensure program in accordance with section 3319.26 of the Revised Code. 32353  
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**Sec. 3333.36.** If the ~~chancellor~~ director of higher education determines that sufficient funds are available from general revenue fund appropriations made to the ~~Ohio board of regents~~ department of higher education or to the ~~chancellor of the Ohio~~ 32362  
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~~board of regents~~ director, the ~~chancellor~~ director shall allocate 32366  
the following: 32367

(A) Up to seventy thousand dollars in each fiscal year to 32368  
make payments to the Columbus program in intergovernmental issues, 32369  
an Ohio internship program at Kent state university, for 32370  
scholarships of up to two thousand dollars for each student 32371  
enrolled in the program; 32372

(B) Up to one hundred sixty-five thousand dollars in each 32373  
fiscal year to make payments to the Washington center for 32374  
scholarships provided to undergraduates of Ohio's four-year public 32375  
and private institutions of higher education selected to 32376  
participate in the Washington center internship program. The 32377  
amount of a student's scholarship shall not exceed the amount 32378  
specified for such scholarships in the biennial operating 32379  
appropriations act. 32380

The ~~chancellor~~ director may utilize any general revenue funds 32381  
appropriated to the ~~board of regents~~ department or to the 32382  
~~chancellor~~ director that the ~~chancellor~~ director determines to be 32383  
available for purposes of this section. 32384

**Sec. 3333.37.** As used in sections 3333.37 to 3333.375 of the 32385  
Revised Code, the following words and terms have the following 32386  
meanings unless the context indicates a different meaning or 32387  
intent: 32388

(A) "Cost of attendance" means all costs of a student 32389  
incurred in connection with a program of study at an eligible 32390  
institution, as determined by the institution, including tuition; 32391  
instructional fees; room and board; books, computers, and 32392  
supplies; and other related fees, charges, and expenses. 32393

(B) "Eligible institution" means one of the following: 32394

(1) A state-assisted post-secondary educational institution 32395

within the state; 32396

(2) A nonprofit institution of higher education within the 32397  
state that holds a certificate of authorization issued under 32398  
Chapter 1713. of the Revised Code, that is accredited by the 32399  
appropriate regional and, when appropriate, professional 32400  
accrediting associations within whose jurisdiction it falls, is 32401  
authorized to grant a bachelor's degree or higher, and satisfies 32402  
other conditions as set forth in the policy guidelines; 32403

(3) A private institution exempt from regulation under 32404  
Chapter 3332. of the Revised Code as prescribed in section 32405  
3333.046 of the Revised Code. 32406

(C) "Eligible student" means either of the following: 32407

(1) An undergraduate student who meets all of the following: 32408

(a) Is a resident of this state; 32409

(b) Has graduated from any Ohio secondary school for which 32410  
the state board of education prescribes minimum standards in 32411  
accordance with section 3301.07 of the Revised Code; 32412

(c) Is attending and in good standing, or has been accepted 32413  
for attendance, at any eligible institution as a full-time student 32414  
to pursue a bachelor's degree. 32415

(2) A graduate student who is a resident of this state, and 32416  
is attending and in good standing, or has been accepted for 32417  
attendance, at any eligible institution. 32418

(D) "Fellowship" or "fellowship program" means the Ohio 32419  
priority needs fellowship created by sections 3333.37 to 3333.375 32420  
of the Revised Code. 32421

(E) "Full-time student" has the meaning as defined by rule of 32422  
the ~~chancellor of the Ohio board of regents~~ director of higher 32423  
education. 32424

(F) "Ohio outstanding scholar" means a student who is the 32425

recipient of a scholarship under sections 3333.37 to 3333.375 of 32426  
the Revised Code. 32427

(G) "Policy guidelines" means the rules adopted by the 32428  
~~chancellor~~ director pursuant to section 3333.374 of the Revised 32429  
Code. 32430

(H) "Priority needs fellow" means a student who is the 32431  
recipient of a fellowship under sections 3333.37 to 3333.375 of 32432  
the Revised Code. 32433

(I) "Priority needs field of study" means those academic 32434  
majors and disciplines as determined by the ~~chancellor~~ director 32435  
that support the purposes and intent of sections 3333.37 to 32436  
3333.375 of the Revised Code as described in section 3333.371 of 32437  
the Revised Code. 32438

(J) "Scholarship" or "scholarship program" means the Ohio 32439  
outstanding scholarship created by sections 3333.37 to 3333.375 of 32440  
the Revised Code. 32441

**Sec. 3333.372.** (A) There are hereby authorized the "Ohio 32442  
outstanding scholarship" and the "Ohio priority needs fellowship" 32443  
programs, which shall be established and administered by the 32444  
~~chancellor of the Ohio board of regents~~ director of higher 32445  
education for eligible students. The programs shall provide 32446  
scholarships to eligible undergraduate students and fellowships to 32447  
eligible graduate students, equal to the annual cost of attendance 32448  
at eligible institutions, to pursue baccalaureate degrees and 32449  
post-baccalaureate degrees in priority needs field of study 32450  
consistent with section 3333.371 of the Revised Code. 32451

(B) The scholarship and fellowship programs created under 32452  
sections 3333.37 to 3333.375 of the Revised Code and any necessary 32453  
administrative expenses shall be funded solely from the Ohio 32454  
outstanding scholarship and the Ohio priority needs fellowship 32455

programs payment funds established pursuant to section 3333.375 of 32456  
the Revised Code. 32457

(C) The scholarships shall be renewable for each of three 32458  
additional years for undergraduate study, and the fellowships 32459  
shall be renewable for each of two additional years for graduate 32460  
study, provided the Ohio outstanding scholar or priority needs 32461  
fellow remains an eligible student at an eligible institution. 32462

**Sec. 3333.373.** (A) The scholarship rules advisory committee 32463  
is hereby established. The committee shall consist of the 32464  
~~chancellor of the Ohio board of regents~~ director of higher 32465  
education or the ~~chancellor's~~ director's designee, the treasurer 32466  
of state or the treasurer of state's designee, the director of 32467  
development or the director's designee, one state senator 32468  
appointed by the president of the senate, one state representative 32469  
appointed by the speaker of the house of representatives, and two 32470  
public members appointed by the ~~chancellor~~ director of higher 32471  
education representing the interests of the state-assisted 32472  
eligible institutions and private nonprofit eligible institutions, 32473  
respectively. 32474

(B) The committee shall provide recommendations to the 32475  
~~chancellor~~ director of higher education as to rules, criteria, and 32476  
guidelines necessary and appropriate to implement the scholarship 32477  
and fellowship programs created by sections 3333.37 to 3333.375 of 32478  
the Revised Code. 32479

(C) The committee shall meet at least annually to review the 32480  
scholarship and fellowship programs guidelines; make 32481  
recommendations to amend, rescind, or modify the policy 32482  
guidelines; and approve scholarship and fellowship awards to 32483  
eligible students. 32484

(D) Sections 101.82 to 101.87 of the Revised Code do not 32485  
apply to this section. 32486

**Sec. 3333.374.** (A) After receipt of recommendations from the 32487  
scholarship rules advisory committee or if no recommendations are 32488  
received, the ~~chancellor of the Ohio board of regents~~ director of 32489  
higher education, with the approval of the treasurer of state, 32490  
shall adopt rules, in accordance with Chapter 119. of the Revised 32491  
Code, establishing policy guidelines for the implementation of the 32492  
scholarship and fellowship programs. 32493

(B) Nothing in this section or section 3333.373 of the 32494  
Revised Code shall prevent the ~~chancellor~~ director, with the 32495  
approval of the treasurer of state, from amending or rescinding 32496  
rules adopted pursuant to division (A) of this section, or from 32497  
adopting new rules, in accordance with Chapter 119. of the Revised 32498  
Code, from time to time as are necessary to further the purposes 32499  
of sections 3333.37 to 3333.375 of the Revised Code. 32500

**Sec. 3333.375.** (A)(1) There are hereby created the Ohio 32501  
outstanding scholarship and the Ohio priority needs fellowship 32502  
programs payment funds, which shall be in the custody of the 32503  
treasurer of state, but shall not be a part of the state treasury. 32504

(2) The payment funds shall consist solely of all moneys 32505  
returned to the treasurer of state, as issuer of certain 32506  
tax-exempt student loan revenue bonds, from all indentures of 32507  
trust, both presently existing and future, created as a result of 32508  
tax-exempt student loan revenue bonds issued under Chapter 3366. 32509  
of the Revised Code, and any moneys earned from allowable 32510  
investments of the payment funds under division (B) of this 32511  
section. 32512

(3) Except as provided in division (E) of this section, the 32513  
payment funds shall be used solely for scholarship and fellowships 32514  
awarded under sections 3333.37 to 3333.375 of the Revised Code by 32515  
the ~~chancellor of the Ohio board of regents~~ director of higher 32516

education and for any necessary administrative expenses incurred 32517  
by the ~~chancellor~~ director in administering the scholarship and 32518  
fellowship programs. 32519

(B) The treasurer of state may invest any moneys in the 32520  
payment funds not currently needed for scholarship and fellowship 32521  
payments in any kind of investments in which moneys of the public 32522  
employees retirement system may be invested under Chapter 145. of 32523  
the Revised Code. 32524

(C)(1) The instruments of title of all investments shall be 32525  
delivered to the treasurer of state or to a qualified trustee 32526  
designated by the treasurer of state as provided in section 135.18 32527  
of the Revised Code. 32528

(2) The treasurer of state shall collect both principal and 32529  
investment earnings on all investments as they become due and pay 32530  
them into the payment funds. 32531

(3) All deposits to the payment funds shall be made in public 32532  
depositories of this state and secured as provided in section 32533  
135.18 of the Revised Code. 32534

(D) On or before March 1, 2001, and on or before the first 32535  
day of March in each subsequent year, the treasurer of state shall 32536  
provide to the ~~chancellor of the Ohio board of regents~~ director a 32537  
statement indicating the moneys in the Ohio outstanding 32538  
scholarship and the Ohio priority needs fellowship programs 32539  
payment funds that are available for the upcoming academic year to 32540  
award scholarships and fellowships under sections 3333.37 to 32541  
3333.375 of the Revised Code. 32542

(E) The ~~chancellor~~ director may use funds the treasurer has 32543  
indicated as available pursuant to division (D) of this section to 32544  
support distribution of state need-based financial aid in 32545  
accordance with sections 3333.12 and 3333.122 of the Revised Code. 32546

**Sec. 3333.39.** The ~~chancellor of the Ohio board of regents~~ 32547  
director of higher education and the superintendent of public 32548  
instruction shall establish and administer the teach Ohio program 32549  
to promote and encourage citizens of this state to consider 32550  
teaching as a profession. The program shall include all of the 32551  
following: 32552

(A) A statewide program administered by a nonprofit 32553  
corporation that has been in existence for at least fifteen years 32554  
with demonstrated results in encouraging high school students from 32555  
economically disadvantaged groups to enter the teaching 32556  
profession. The ~~chancellor~~ director and superintendent jointly 32557  
shall select the nonprofit corporation. 32558

(B) The Ohio teaching fellows program established under 32559  
sections 3333.391 and 3333.392 of the Revised Code; 32560

(C) The Ohio teacher residency program established under 32561  
section 3319.223 of the Revised Code; 32562

(D) Alternative licensure procedures established under 32563  
section 3319.26 of the Revised Code; 32564

(E) Any other program as identified by the ~~chancellor~~ 32565  
director and the superintendent. 32566

**Sec. 3333.391.** (A) As used in this section and in section 32567  
3333.392 of the Revised Code: 32568

(1) "Academic year" shall be as defined by the ~~chancellor of~~ 32569  
~~the Ohio board of regents~~ director of higher education. 32570

(2) "Hard-to-staff school" and "hard-to-staff subject" shall 32571  
be as defined by the department of education. 32572

(3) "Parent" means the parent, guardian, or custodian of a 32573  
qualified student. 32574

(4) "Qualified service" means teaching at a qualifying 32575

school. 32576

(5) "Qualifying school" means a hard-to-staff school district 32577  
building or a school district building that has a persistently low 32578  
performance rating, as determined jointly by the ~~chancellor~~ 32579  
director and superintendent of public instruction, under section 32580  
3302.03 of the Revised Code at the time the recipient becomes 32581  
employed by the district. 32582

(B) If the ~~chancellor of the Ohio board of regents~~ director 32583  
of higher education determines that sufficient funds are available 32584  
from general revenue fund appropriations made to the ~~Ohio board of~~ 32585  
~~regents~~ director of higher education or to the ~~chancellor~~ 32586  
director, the ~~chancellor~~ director and the superintendent of public 32587  
instruction jointly may develop and agree on a plan for the Ohio 32588  
teaching fellows program to promote and encourage high school 32589  
seniors to enter and remain in the teaching profession. Upon 32590  
agreement of such a plan, the ~~chancellor~~ director shall establish 32591  
and administer the program in conjunction with the superintendent 32592  
and with the cooperation of teacher training institutions. Under 32593  
the program, the ~~chancellor~~ director annually shall provide 32594  
scholarships to students who commit to teaching in a qualifying 32595  
school for a minimum of four years upon graduation from a teacher 32596  
training program at a state institution of higher education or an 32597  
Ohio nonprofit institution of higher education that has a 32598  
certificate of authorization under Chapter 1713. of the Revised 32599  
Code. The scholarships shall be for up to four years at the 32600  
undergraduate level at an amount determined by the ~~chancellor~~ 32601  
director based on state appropriations. 32602

(C) The ~~chancellor~~ director shall adopt a competitive process 32603  
for awarding scholarships under the teaching fellows program, 32604  
which shall include minimum grade point average and scores on 32605  
national standardized tests for college admission. The process 32606  
shall also give additional consideration to all of the following: 32607

(1) A person who has participated in the program described in 32608  
division (A) of section 3333.39 of the Revised Code; 32609

(2) A person who plans to specialize in teaching students 32610  
with special needs; 32611

(3) A person who plans to teach in the disciplines of 32612  
science, technology, engineering, or mathematics. 32613

The ~~chancellor~~ director shall require that all applicants to 32614  
the teaching fellows program shall file a statement of service 32615  
status in compliance with section 3345.32 of the Revised Code, if 32616  
applicable, and that all applicants have not been convicted of, 32617  
plead guilty to, or adjudicated a delinquent child for any 32618  
violation listed in section 3333.38 of the Revised Code. 32619

(D) Teaching fellows shall complete the four-year teaching 32620  
commitment within not more than seven years after graduating from 32621  
the teacher training program. Failure to fulfill the commitment 32622  
shall convert the scholarship into a loan to be repaid under 32623  
section 3333.392 of the Revised Code. 32624

(E) The ~~chancellor~~ director shall adopt rules in accordance 32625  
with Chapter 119. of the Revised Code to administer this section 32626  
and section 3333.392 of the Revised Code. 32627

**Sec. 3333.392.** (A) Each recipient who accepts a scholarship 32628  
under the Ohio teaching fellows program created under section 32629  
3333.391 of the Revised Code, or the recipient's parent if the 32630  
recipient is younger than eighteen years of age, shall sign a 32631  
promissory note payable to the state in the event the recipient 32632  
does not satisfy the service requirement of division (D) of 32633  
section 3333.391 of the Revised Code or the scholarship is 32634  
terminated. The amount payable under the note shall be the amount 32635  
of total scholarships accepted by the recipient under the program 32636  
plus ten per cent interest accrued annually beginning on the first 32637

day of September after graduating from the teacher training 32638  
program or immediately after termination of the scholarship. The 32639  
period of repayment under the note shall be determined by the 32640  
~~chancellor of the Ohio board of regents~~ director of higher 32641  
education. The note shall stipulate that the obligation to make 32642  
payments under the note is canceled following completion of four 32643  
years of qualified service by the recipient in accordance with 32644  
division (D) of section 3333.391 of the Revised Code, or if the 32645  
recipient dies, becomes totally and permanently disabled, or is 32646  
unable to complete the required qualified service as a result of a 32647  
reduction in force at the recipient's school of employment before 32648  
the obligation under the note has been satisfied. 32649

(B) Repayment of the principal amount of the scholarship and 32650  
interest accrued shall be deferred while the recipient is enrolled 32651  
in an approved teaching program, while the recipient is seeking 32652  
employment to fulfill the service obligation, for a period not to 32653  
exceed six months, or while the recipient is engaged in qualified 32654  
service. 32655

(C) During the seven-year period following the recipient's 32656  
graduation from an approved teaching program, the ~~chancellor~~ 32657  
director shall deduct twenty-five per cent of the outstanding 32658  
balance that may be converted to a loan for each year the 32659  
recipient teaches at a qualifying school. 32660

(D) The ~~chancellor~~ director may terminate the scholarship, in 32661  
which case the scholarship shall be converted to a loan to be 32662  
repaid under division (A) of this section. 32663

(E) The scholarship shall be deemed terminated upon the 32664  
recipient's withdrawal from school or the recipient's failure to 32665  
meet the standards of the scholarship as determined by the 32666  
~~chancellor~~ director and shall be converted to a loan to be repaid 32667  
under division (A) of this section. 32668

(F) The ~~chancellor~~ director and the attorney general shall 32669  
collect payments on the converted loan in accordance with section 32670  
131.02 of the Revised Code. 32671

**Sec. 3333.43.** This section does not apply to any 32672  
baccalaureate degree program that is a cooperative education 32673  
program, as defined in section 3333.71 of the Revised Code. 32674

(A) The ~~chancellor of the Ohio board of regents~~ director of 32675  
higher education shall require all state institutions of higher 32676  
education that offer baccalaureate degrees, as a condition of 32677  
reauthorization for certification of each baccalaureate program 32678  
offered by the institution, to submit a statement describing how 32679  
each major for which the school offers a baccalaureate degree may 32680  
be completed within three academic years. The chronology of the 32681  
statement shall begin with the fall semester of a student's first 32682  
year of the baccalaureate program. 32683

(B) The statement required under this section may include, 32684  
but not be limited to, any of the following methods to contribute 32685  
to earning a baccalaureate degree in three years: 32686

(1) Advanced placement credit; 32687

(2) International baccalaureate program credit; 32688

(3) A waiver of degree and credit-hour requirements by 32689  
completion of courses that are widely available at community 32690  
colleges in the state or through online programs offered by state 32691  
institutions of higher education or private nonprofit institutions 32692  
of higher education holding certificates of authorization under 32693  
Chapter 1713. of the Revised Code, and through courses taken by 32694  
the student through the college credit plus program under Chapter 32695  
3365. of the Revised Code; 32696

(4) Completion of coursework during summer sessions; 32697

(5) A waiver of foreign-language degree requirements based on 32698

a proficiency examination specified by the institution. 32699

(C)(1) Not later than October 15, 2012, each state 32700  
institution of higher education shall provide statements required 32701  
under this section for ten per cent of all baccalaureate degree 32702  
programs offered by the institution. 32703

(2) Not later than June 30, 2014, each state institution of 32704  
higher education shall provide statements required under this 32705  
section for sixty per cent of all baccalaureate degree programs 32706  
offered by the institution. 32707

(D) Each state institution of higher education required to 32708  
submit statements under this section shall post its three-year 32709  
option on its web site and also provide that information to the 32710  
department of education. The department shall distribute that 32711  
information to the superintendent, high school principal, and 32712  
guidance counselor, or equivalents, of each school district, 32713  
community school established under Chapter 3314. of the Revised 32714  
Code, and STEM school established under Chapter 3326. of the 32715  
Revised Code. 32716

(E) Nothing in this section requires an institution to take 32717  
any action that would violate the requirements of any independent 32718  
association accrediting baccalaureate degree programs. 32719

**Sec. 3333.44.** The ~~chancellor of the Ohio board of regents~~ 32720  
director of higher education shall designate a postsecondary 32721  
globalization liaison to work with state institutions of higher 32722  
education, as defined in section 3345.011 of the Revised Code, 32723  
other state agencies, and representatives of the business 32724  
community to enhance the state's globalization efforts. 32725

The ~~chancellor~~ director may designate a person already 32726  
employed by the ~~chancellor~~ director as the liaison. 32727

**Sec. 3333.50.** The ~~Ohio board of regents~~ director of higher 32728

education, in consultation with the governor and the department of 32729  
development, shall develop a critical needs rapid response system 32730  
to respond quickly to critical workforce shortages in the state. 32731  
Not later than ninety days after a critical workforce shortage is 32732  
identified, the ~~chancellor of the board~~ director shall submit to 32733  
the governor a proposal for addressing the shortage through 32734  
initiatives of the ~~board~~ department of higher education or 32735  
institutions of higher education. 32736

**Sec. 3333.55.** (A) The health information and imaging 32737  
technology workforce development pilot project is hereby 32738  
established. Under the project, in fiscal years 2008 through 2010, 32739  
the ~~Ohio board of regents~~ director of higher education shall 32740  
design and implement a three-year pilot program to test, in the 32741  
vicinity of Clark, Greene, and Montgomery counties, how a P-16 32742  
public-private education and workforce development collaborative 32743  
may address each of the following goals: 32744

(1) Increase the number of students taking and mastering 32745  
high-level science, technology, engineering, or mathematics 32746  
courses and pursuing careers in those subjects, in all demographic 32747  
regions of the state; 32748

(2) Increase the number of students pursuing professional 32749  
careers in health information and imaging technology upon 32750  
receiving related technical education and professional experience, 32751  
in all demographic regions of the state; 32752

(3) Unify efforts among schools, career centers, 32753  
post-secondary programs, and employers in a region for career and 32754  
workforce development, preservation, and public education. 32755

(B) The project shall focus on enhancing P-16 education and 32756  
workforce development in the field of health information and 32757  
imaging technology through such activities as increased academic 32758  
intervention in related areas of study, after-school and summer 32759

intervention programs, tutoring, career and job fairs and other 32760  
promotional and recruitment activities, externships, professional 32761  
development, field trips, academic competitions, development of 32762  
related specialized study modules, development of honors programs, 32763  
and development and enhancement of dual high school and college 32764  
enrollment programs. 32765

(C) Project participants shall include Clark-Shawnee local 32766  
school district, Springfield city school district, Greene county 32767  
career center, Clark state community college, Central state 32768  
university, Wright state university, Cedarville university, 32769  
Wittenberg university, the university of Dayton, and private 32770  
employers in the health information and imaging technology 32771  
industry in the vicinity of Clark, Greene, and Montgomery 32772  
counties, selected by the ~~board of regents~~ director. 32773

For the third year of the project, the ~~board of regents~~ 32774  
director may add as participants the Dayton city school district 32775  
and Xenia city school district. 32776

(D) Wittenberg university shall be the lead coordinating 32777  
agent and Clark state community college shall be the fiscal agent 32778  
for the project. 32779

(E) The ~~board of regents~~ director shall create an advisory 32780  
council made up of representatives of the participating entities 32781  
to coordinate, monitor, and evaluate the project. The advisory 32782  
council shall submit an annual activity report to the ~~board of~~ 32783  
~~regents~~ director by a date specified by the ~~board of regents~~ 32784  
director. 32785

**Sec. 3333.58.** There is hereby created at Shawnee state 32786  
university the Ohio Appalachian center for higher education to 32787  
increase the educational attainment of the residents of Ohio's 32788  
Appalachian region, as defined in section 107.21 of the Revised 32789  
Code. The board of directors of the center shall consist of the 32790

following members:	32791
(A) The presidents of all of the following:	32792
(1) Shawnee state university;	32793
(2) Belmont technical college;	32794
(3) Hocking college;	32795
(4) Jefferson community college;	32796
(5) Zane state college;	32797
(6) Rio Grande community college;	32798
(7) Southern state community college;	32799
(8) Central Ohio technical college, Coshocton campus;	32800
(9) Washington state community college.	32801
(B) The president of Ohio university, or the president's designee;	32802 32803
(C) The dean of one of the Salem, Tuscarawas, or East Liverpool regional campuses of Kent state university, as designated by the president of Kent state university;	32804 32805 32806
(D) A representative of the <del>chancellor of the Ohio board of regents</del> <u>director of higher education</u> as designated by the <del>chancellor</del> <u>director</u> .	32807 32808 32809
<b>Sec. 3333.59.</b> (A) As used in this section:	32810
(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the <del>Ohio board of regents</del> <u>department of higher education</u> by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year.	32811 32812 32813 32814 32815 32816
(2) "Issuing authority" has the same meaning as in section	32817

154.01 of the Revised Code.	32818
(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.	32819 32820
(4) " <del>Chancellor Director</del> " means the <del>chancellor of the Ohio board of regents</del> <u>director of higher education.</u>	32821 32822
(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:	32823 32824 32825
(a) A community college as defined in section 3354.01 of the Revised Code;	32826 32827
(b) A technical college as defined in section 3357.01 of the Revised Code;	32828 32829
(c) A state community college as defined in section 3358.01 of the Revised Code.	32830 32831
(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:	32832 32833 32834
(a) A community college district as defined in section 3354.01 of the Revised Code;	32835 32836
(b) A technical college district as defined in section 3357.01 of the Revised Code;	32837 32838
(c) A state community college district as defined in section 3358.01 of the Revised Code.	32839 32840
(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.	32841 32842
(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires.	32843 32844
(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under	32845 32846

section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the 32847  
Revised Code, or for whose benefit and on whose behalf the issuing 32848  
authority proposes to issue obligations under section 154.25 of 32849  
the Revised Code, may adopt a resolution requesting the ~~chancellor~~ 32850  
director to enter into an agreement with the community or 32851  
technical college district and the primary paying agent or fiscal 32852  
agent for such obligations, providing for the withholding and 32853  
deposit of funds otherwise due the district or the community or 32854  
technical college it operates in respect of its allocated state 32855  
share of instruction, for the payment of bond service charges on 32856  
such obligations. 32857

The board of trustees shall deliver to the ~~chancellor~~ 32858  
director a copy of the resolution and any additional pertinent 32859  
information the ~~chancellor~~ director may require. 32860

The ~~chancellor~~ director and the office of budget and 32861  
management, and the issuing authority in the case of obligations 32862  
to be issued by the issuing authority, shall evaluate each request 32863  
received from a community or technical college district under this 32864  
section. The ~~chancellor~~ director, with the advice and consent of 32865  
the director of budget and management and the issuing authority in 32866  
the case of obligations to be issued by the issuing authority, 32867  
shall approve each request if all of the following conditions are 32868  
met: 32869

(1) Approval of the request will enhance the marketability of 32870  
the obligations for which the request is made; 32871

(2) The ~~chancellor~~ director and the office of budget and 32872  
management, and the issuing authority in the case of obligations 32873  
to be issued by the issuing authority, have no reason to believe 32874  
the requesting community or technical college district or the 32875  
community or technical college it operates will be unable to pay 32876  
when due the bond service charges on the obligations for which the 32877  
request is made, and bond service charges on those obligations are 32878

therefore not anticipated to be paid pursuant to this section from 32879  
the allocated state share of instruction for purposes of Section 32880  
17 of Article VIII, Ohio Constitution. 32881

(3) Any other pertinent conditions established in rules 32882  
adopted under division (H) of this section. 32883

(C) If the ~~chancellor~~ director approves the request of a 32884  
community or technical college district to withhold and deposit 32885  
funds pursuant to this section, the ~~chancellor~~ director shall 32886  
enter into a written agreement with the district and the primary 32887  
paying agent or fiscal agent for the obligations, which agreement 32888  
shall provide for the withholding of funds pursuant to this 32889  
section for the payment of bond service charges on those 32890  
obligations. The agreement may also include both of the following: 32891

(1) Provisions for certification by the district to the 32892  
~~chancellor~~ director, prior to the deadline for payment of the 32893  
applicable bond service charges, whether the district and the 32894  
community or technical college it operates are able to pay those 32895  
bond service charges when due; 32896

(2) Requirements that the district or the community or 32897  
technical college it operates deposits amounts for the payment of 32898  
those bond service charges with the primary paying agent or fiscal 32899  
agent for the obligations prior to the date on which the bond 32900  
service charges are due to the owners or holders of the 32901  
obligations. 32902

(D) Whenever a district or the community or technical college 32903  
it operates notifies the ~~chancellor~~ director that it will not be 32904  
able to pay the bond service charges when they are due, subject to 32905  
the withholding provisions of this section, or whenever the 32906  
applicable paying agent or fiscal agent notifies the ~~chancellor~~ 32907  
director that it has not timely received from a district or from 32908  
the college it operates the full amount needed for payment of the 32909

bond service charges when due to the holders or owners of such 32910  
obligations, the ~~chancellor~~ director shall immediately contact the 32911  
district or college and the paying agent or fiscal agent to 32912  
confirm that the district and the college are not able to make the 32913  
required payment by the date on which it is due. 32914

If the ~~chancellor~~ director confirms that the district and the 32915  
college are not able to make the payment and the payment will not 32916  
be made pursuant to a credit enhancement facility, the ~~chancellor~~ 32917  
director shall promptly pay to the applicable primary paying agent 32918  
or fiscal agent the lesser of the amount due for bond service 32919  
charges or the amount of the next periodic distribution scheduled 32920  
to be made to the district or to the college in respect of its 32921  
allocated state share of instruction. If this amount is 32922  
insufficient to pay the total amount then due the agent for the 32923  
payment of bond service charges, the ~~chancellor~~ director shall 32924  
continue to pay to the agent from each periodic distribution 32925  
thereafter, and until the full amount due the agent for unpaid 32926  
bond service charges is paid in full, the lesser of the remaining 32927  
amount due the agent for bond service charges or the amount of the 32928  
next periodic distribution scheduled to be made to the district or 32929  
college in respect of its allocated state share of instruction. 32930

(E) The ~~chancellor~~ director may make any payments under this 32931  
section by direct deposit of funds by electronic transfer. 32932

Any amount received by a paying agent or fiscal agent under 32933  
this section shall be applied only to the payment of bond service 32934  
charges on the obligations of the community or technical college 32935  
district or community or technical college subject to this section 32936  
or to the reimbursement of the provider of a credit enhancement 32937  
facility that has paid the bond service charges. 32938

(F) The ~~chancellor~~ director may make payments under this 32939  
section to paying agents or fiscal agents during any fiscal 32940  
biennium of the state only from and to the extent that money is 32941

appropriated to the ~~board of regents~~ department by the general 32942  
assembly for distribution during such biennium for the state share 32943  
of instruction and only to the extent that a portion of the state 32944  
share of instruction has been allocated to the community or 32945  
technical college district or community or technical college. 32946  
Obligations of the issuing authority or of a community or 32947  
technical college district to which this section is made 32948  
applicable do not constitute an obligation or a debt or a pledge 32949  
of the faith, credit, or taxing power of the state, and the 32950  
holders or owners of those obligations have no right to have 32951  
excises or taxes levied or appropriations made by the general 32952  
assembly for the payment of bond service charges on the 32953  
obligations, and the obligations shall contain a statement to that 32954  
effect. The agreement for or the actual withholding and payment of 32955  
money under this section does not constitute the assumption by the 32956  
state of any debt of a community or technical college district or 32957  
a community or technical college, and bond service charges on the 32958  
related obligations are not anticipated to be paid from the state 32959  
general revenue fund for purposes of Section 17 of Article VIII, 32960  
Ohio Constitution. 32961

(G) In the case of obligations subject to the withholding 32962  
provisions of this section, the issuing community or technical 32963  
college district, or the issuing authority in the case of 32964  
obligations issued by the issuing authority, shall appoint a 32965  
paying agent or fiscal agent who is not an officer or employee of 32966  
the district or college. 32967

(H) The ~~chancellor~~ director, with the advice and consent of 32968  
the office of budget and management, may adopt reasonable rules 32969  
not inconsistent with this section for the implementation of this 32970  
section to secure payment of bond service charges on obligations 32971  
issued by a community or technical college district or by the 32972  
issuing authority for the benefit of a community or technical 32973

college district or the community or technical college it 32974  
operates. Those rules shall include criteria for the evaluation 32975  
and approval or denial of community or technical college district 32976  
requests for withholding under this section. 32977

(I) The authority granted by this section is in addition to 32978  
and not a limitation on any other authorizations granted by or 32979  
pursuant to law for the same or similar purposes. 32980

**Sec. 3333.61.** The ~~chancellor of the Ohio board of regents~~ 32981  
director of higher education shall establish and administer the 32982  
Ohio innovation partnership, which shall consist of the choose 32983  
Ohio first scholarship program and the Ohio research scholars 32984  
program. Under the programs, the ~~chancellor~~ director, subject to 32985  
approval by the controlling board, shall make awards to state 32986  
universities or colleges for programs and initiatives that recruit 32987  
students and scientists in the fields of science, technology, 32988  
engineering, mathematics, medicine, and dentistry to state 32989  
universities or colleges, in order to enhance regional educational 32990  
and economic strengths and meet the needs of the state's regional 32991  
economies. Awards may be granted for programs and initiatives to 32992  
be implemented by a state university or college alone or in 32993  
collaboration with other state institutions of higher education, 32994  
nonpublic Ohio universities and colleges, or other public or 32995  
private Ohio entities. If the ~~chancellor~~ director makes an award 32996  
to a program or initiative that is intended to be implemented by a 32997  
state university or college in collaboration with other state 32998  
institutions of higher education or nonpublic Ohio universities or 32999  
colleges, the ~~chancellor~~ director may provide that some portion of 33000  
the award be received directly by the collaborating universities 33001  
or colleges consistent with all terms of the Ohio innovation 33002  
partnership. 33003

The choose Ohio first scholarship program shall assign a 33004

number of scholarships to state universities and colleges to 33005  
recruit Ohio residents as undergraduate, or as provided in section 33006  
3333.66 of the Revised Code graduate, students in the fields of 33007  
science, technology, engineering, mathematics, medicine, and 33008  
dentistry, or in science, technology, engineering, mathematics, 33009  
medical, or dental education. Choose Ohio first scholarships shall 33010  
be awarded to each participating eligible student as a grant to 33011  
the state university or college the student is attending and shall 33012  
be reflected on the student's tuition bill. Choose Ohio first 33013  
scholarships are student-centered grants from the state to 33014  
students to use to attend a university or college and are not 33015  
grants from the state to universities or colleges. 33016

Notwithstanding any other provision of this section or 33017  
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 33018  
four-year Ohio institution of higher education may submit a 33019  
proposal for choose Ohio first scholarships or Ohio research 33020  
scholars grants. If the ~~chancellor~~ director awards a nonpublic 33021  
institution scholarships or grants, the nonpublic institution 33022  
shall comply with all requirements of this section, sections 33023  
3333.62 to 3333.69 of the Revised Code, and the rules adopted 33024  
under this section that apply to state universities or colleges 33025  
awarded choose Ohio first scholarships or Ohio research scholars 33026  
grants. 33027

The Ohio research scholars program shall award grants to use 33028  
in recruiting scientists to the faculties of state universities or 33029  
colleges. 33030

The ~~chancellor~~ director shall adopt rules in accordance with 33031  
Chapter 119. of the Revised Code to administer the programs. 33032

**Sec. 3333.611.** (A) All of the following individuals shall 33033  
jointly develop a proposal for the creation of a primary care 33034  
medical student component of the choose Ohio first scholarship 33035

program operated under section 3333.61 of the Revised Code under 33036  
which scholarships are annually made available and awarded to 33037  
medical students who meet the requirements specified in division 33038  
(D) of this section: 33039

(1) The dean of the Ohio state university school of medicine; 33040

(2) The dean of the Case western reserve university school of 33041  
medicine; 33042

(3) The dean of the university of Toledo college of medicine; 33043

(4) The president and dean of the northeast Ohio medical 33044  
university; 33045

(5) The dean of the university of Cincinnati college of 33046  
medicine; 33047

(6) The dean of the Boonshoft school of medicine at Wright 33048  
state university; 33049

(7) The dean of the Ohio university college of osteopathic 33050  
medicine. 33051

(B) The individuals specified in division (A) of this section 33052  
shall consider including the following provisions in the proposal: 33053

(1) Establishing a scholarship of sufficient size to permit 33054  
annually not more than fifty medical students to receive 33055  
scholarships; 33056

(2) Specifying that a scholarship, once granted, may be 33057  
provided to a medical student for not more than four years. 33058

(C) The individuals specified in division (A) of this section 33059  
shall submit the proposal for the component to the ~~chancellor of~~ 33060  
~~the Ohio board of regents~~ director of higher education not later 33061  
than March 6, 2011. The ~~chancellor~~ director shall review the 33062  
proposal and determine whether to implement the component as part 33063  
of the program. 33064

(D) To be eligible for a scholarship made available under the component, a medical student shall meet all of the following requirements:

(1) Participate in identified patient centered medical home model training opportunities during medical school;

(2) Commit to a post-residency primary care practice in this state for not less than three years;

(3) Accept medicaid recipients as patients, without restriction and, as compared to other patients, in a proportion that is specified in the scholarship.

**Sec. 3333.612.** (A) All of the following individuals shall jointly develop a proposal for the creation of a primary care nursing student component of the choose Ohio first scholarship program operated under section 3333.61 of the Revised Code under which scholarships are annually made available and awarded to advanced practice nursing students who meet the requirements specified in division (D) of this section:

(1) The dean of the college of nursing at the university of Toledo;

(2) The dean of the Wright state university college of nursing and health;

(3) The dean of the college of nursing at Kent state university;

(4) The dean of the university of Akron college of nursing;

(5) The director of the school of nursing at Ohio university.

(B) The individuals specified in division (A) of this section shall consider including the following provisions in the proposal:

(1) Establishing a scholarship of sufficient size to permit annually not more than thirty advanced practice nursing students

to receive scholarships; 33094

(2) Specifying that a scholarship, once granted, may be 33095  
provided to an advanced practice nursing student for not more than 33096  
three years. 33097

(C) The individuals specified in division (A) of this section 33098  
shall submit the proposal for the component to the ~~chancellor of~~ 33099  
~~the Ohio board of regents~~ director of higher education not later 33100  
than six months after ~~the effective date of this section~~ September 33101  
6, 2010. The ~~chancellor~~ director shall review the proposal and 33102  
determine whether to implement the component as part of the 33103  
program. 33104

(D) To be eligible for a scholarship made available under the 33105  
component, an advanced practice nursing student shall meet all of 33106  
the following requirements: 33107

(1) Participate in identified patient centered medical home 33108  
model training opportunities during nursing school; 33109

(2) Commit to an advanced practice nursing primary care 33110  
practice in this state after completing nursing school for not 33111  
less than three years; 33112

(3) Accept medicaid recipients as patients, without 33113  
restriction and, as compared to other patients, in a proportion 33114  
that is specified in the scholarship. 33115

**Sec. 3333.613.** There is hereby created in the state treasury 33116  
the choose Ohio first scholarship reserve fund. ~~Not later than the~~ 33117  
~~first day of July~~ As soon as possible following the end of each 33118  
fiscal year, the ~~chancellor of the Ohio board of regents~~ director 33119  
of higher education shall certify to the director of budget and 33120  
management the unencumbered balance of the general revenue fund 33121  
appropriations made in the immediately preceding fiscal year for 33122  
purposes of the choose Ohio first scholarship program created in 33123

section 3333.61 of the Revised Code. Upon receipt of the 33124  
certification, the director of budget and management may transfer 33125  
an amount not exceeding the certified amount from the general 33126  
revenue fund to the choose Ohio first scholarship reserve fund. 33127  
Moneys in the choose Ohio first scholarship reserve fund shall be 33128  
used to pay scholarship obligations in excess of the general 33129  
revenue fund appropriations made for that purpose. 33130

The director may transfer any unencumbered balance from the 33131  
choose Ohio first scholarship reserve fund to the general revenue 33132  
fund. 33133

If it is determined that general revenue fund appropriations 33134  
are insufficient to meet the obligations for the choose Ohio first 33135  
scholarship in a fiscal year, the director may transfer funds from 33136  
the choose Ohio first scholarship reserve fund to the general 33137  
revenue fund in order to meet those obligations. The amount 33138  
transferred is hereby appropriated. If the funds transferred from 33139  
the choose Ohio first scholarship reserve fund are not needed, the 33140  
director may transfer the unexpended balance from the general 33141  
revenue fund back to the choose Ohio first scholarship reserve 33142  
fund. 33143

**Sec. 3333.62.** The ~~chancellor of the Ohio board of regents~~ 33144  
director of higher education shall establish a competitive process 33145  
for making awards under the choose Ohio first scholarship program 33146  
and the Ohio research scholars program. The ~~chancellor~~ director, 33147  
on completion of that process, shall make a recommendation to the 33148  
controlling board asking for approval of each award selected by 33149  
the ~~chancellor~~ director. 33150

Any state university or college may apply for one or more 33151  
awards under one or both programs. The state university or college 33152  
shall submit a proposal and other documentation required by the 33153

~~chancellor~~ director, in the form and manner prescribed by the 33154  
~~chancellor~~ director, for each award it seeks. A proposal may 33155  
propose an initiative to be implemented solely by the state 33156  
university or college or in collaboration with other state 33157  
institutions of higher education, nonpublic Ohio universities or 33158  
colleges, or other public or nonpublic Ohio entities. A single 33159  
proposal may seek an award under one or both programs. 33160

The ~~chancellor~~ director shall determine which proposals will 33161  
receive awards each fiscal year, and the amount of each award, on 33162  
the basis of the merit of each proposal, which the ~~chancellor~~ 33163  
director, subject to approval by the controlling board, shall 33164  
determine based on one or more of the following criteria: 33165

(A) The quality of the program that is the subject of the 33166  
proposal and the extent to which additional resources will enhance 33167  
its quality; 33168

(B) The extent to which the proposal is integrated with the 33169  
strengths of the regional economy; 33170

(C) The extent to which the proposal is integrated with 33171  
centers of research excellence within the private sector; 33172

(D) The amount of other institutional, public, or private 33173  
resources, whether monetary or nonmonetary, that the proposal 33174  
pledges to leverage; 33175

(E) The extent to which the proposal is collaborative with 33176  
other public or nonpublic Ohio institutions of higher education; 33177

(F) The extent to which the proposal is integrated with the 33178  
university's or college's mission and does not displace existing 33179  
resources already committed to the mission; 33180

(G) The extent to which the proposal facilitates a more 33181  
efficient utilization of existing faculty and programs; 33182

(H) The extent to which the proposal meets a statewide 33183

educational need;	33184
(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;	33185 33186
(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;	33187 33188
(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;	33189 33190 33191 33192 33193 33194
(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;	33195 33196 33197
(M) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner, for example, by facilitating students' completing two years at a two-year institution and two years at a state university or college;	33198 33199 33200 33201 33202
(N) The extent to which the proposal allows attendance at a state university or college of students who otherwise could not afford to attend;	33203 33204 33205
(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;	33206 33207 33208 33209
(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical	33210 33211 33212 33213

education; 33214

(Q) The extent to which the proposal ensures that a student 33215  
who is awarded a scholarship is appropriately qualified and 33216  
prepared to successfully complete a degree program in science, 33217  
technology, engineering, mathematics, or medicine or in science, 33218  
technology, engineering, mathematics, or medical education; 33219

(R) The extent to which the proposal will increase the number 33220  
of women participating in the choose Ohio first scholarship 33221  
program. 33222

**Sec. 3333.63.** The ~~chancellor of the Ohio board of regents~~ 33223  
director of higher education shall conduct at least one public 33224  
meeting annually, prior to deciding awards under the Ohio 33225  
innovation partnership. At the meeting, an employee of the 33226  
~~chancellor~~ director shall summarize the proposals submitted for 33227  
consideration, and each state university or college that has a 33228  
proposal pending shall have the opportunity to review the summary 33229  
of their proposal prepared by the ~~chancellor's~~ director's staff 33230  
and answer questions or respond to concerns about the proposal 33231  
raised by the ~~chancellor's~~ director's staff. 33232

**Sec. 3333.64.** The ~~chancellor of the Ohio board of regents~~ 33233  
director of higher education shall endeavor to make awards under 33234  
the choose Ohio first scholarship program and the Ohio research 33235  
scholars program such that the aggregate, statewide amount of 33236  
other institutional, public, and private money pledged to the 33237  
proposals in each fiscal year equals at least one hundred per cent 33238  
of the aggregate amount of the money awarded under both programs 33239  
that year. The ~~chancellor~~ director shall endeavor to make awards 33240  
under the choose Ohio first scholarship program in such a way that 33241  
at least fifty per cent of the students receiving the scholarships 33242  
are involved in a co-op or internship program in a private 33243

industry or a university laboratory. The value of institutional, 33244  
public, or private industry co-ops and internships shall count 33245  
toward the statewide aggregate amount of other institutional, 33246  
public, or private money specified in this paragraph. 33247

The ~~chancellor~~ director also shall endeavor to distribute 33248  
awards in such a way that all regions of the state benefit from 33249  
the economic development impact of the programs and shall 33250  
guarantee that students from all regions of the state are able to 33251  
participate in the scholarship program. 33252

**Sec. 3333.65.** The ~~chancellor of the Ohio board of regents~~ 33253  
director of higher education shall require each state university 33254  
or college that the controlling board approves to receive an award 33255  
under the Ohio innovation partnership to enter into an agreement 33256  
governing the use of the award. The agreement shall contain terms 33257  
the ~~chancellor~~ director determines to be necessary, which shall 33258  
include performance measures, reporting requirements, and an 33259  
obligation to fulfill pledges of other institutional, public, or 33260  
nonpublic resources for the proposal. 33261

The ~~chancellor~~ director may require a state university or 33262  
college that violates the terms of its agreement to repay the 33263  
award plus interest at the rate required by section 5703.47 of the 33264  
Revised Code to the ~~chancellor~~ director. 33265

If the ~~chancellor~~ director makes an award to a program or 33266  
initiative that is intended to be implemented by a state 33267  
university or college in collaboration with other state 33268  
institutions of higher education or nonpublic Ohio universities or 33269  
colleges, the ~~chancellor~~ director may enter into an agreement with 33270  
the collaborating universities or colleges that permits awards to 33271  
be received directly by the collaborating universities or colleges 33272  
consistent with the terms of the program or initiative. In that 33273  
case, the ~~chancellor~~ director shall incorporate into the agreement 33274

terms consistent with the requirements of this section. 33275  
33276

**Sec. 3333.66.** (A)(1) Except as provided in division (A)(2) of 33277  
this section, in each academic year, no student who receives a 33278  
choose Ohio first scholarship shall receive less than one thousand 33279  
five hundred dollars or more than one-half of the highest in-state 33280  
undergraduate instructional and general fees charged by all state 33281  
universities. For this purpose, if Miami university is 33282  
implementing the pilot tuition restructuring plan originally 33283  
recognized in Am. Sub. H.B. 95 of the 125th general assembly, that 33284  
university's instructional and general fees shall be considered to 33285  
be the average full-time in-state undergraduate instructional and 33286  
general fee amount after taking into account the Ohio resident and 33287  
Ohio leader scholarships and any other credit provided to all Ohio 33288  
residents. 33289

(2) The ~~chancellor of the Ohio board of regents~~ director of 33290  
higher education may authorize a state university or college or a 33291  
nonpublic Ohio institution of higher education to award a choose 33292  
Ohio first scholarship in an amount greater than one-half of the 33293  
highest in-state undergraduate instructional and general fees 33294  
charged by all state universities to either of the following: 33295

(a) Any undergraduate student who qualifies for a scholarship 33296  
and is enrolled in a program leading to a teaching profession in 33297  
science, technology, engineering, mathematics, or medicine; 33298

(b) Any graduate student who qualifies for a scholarship, if 33299  
any initiatives are selected for award under division (B) of this 33300  
section. 33301

(B) The ~~chancellor~~ director shall encourage state 33302  
universities and colleges, alone or in collaboration with other 33303  
state institutions of higher education, nonpublic Ohio 33304  
universities and colleges, or other public or private Ohio 33305

entities, to submit proposals under the choose Ohio first 33306  
scholarship program for initiatives that recruit either of the 33307  
following: 33308

(1) Ohio residents who enrolled in colleges and universities 33309  
in other states or other countries to return to Ohio and enroll in 33310  
state universities or colleges as graduate students in the fields 33311  
of science, technology, engineering, mathematics, and medicine, or 33312  
in the fields of science, technology, engineering, mathematics, or 33313  
medical education. If such proposals are submitted and meet the 33314  
~~chancellor's~~ director's competitive criteria for awards, the 33315  
~~chancellor~~ director, subject to approval by the controlling board, 33316  
shall give at least one of the proposals preference for an award. 33317

(2) Graduates, or undergraduates who will graduate in time to 33318  
participate in the program described in this division by the 33319  
subsequent school year, from an Ohio college or university who 33320  
received, or will receive, a degree in science, technology, 33321  
engineering, mathematics, or medicine to participate in a 33322  
graduate-level teacher education masters program in one of those 33323  
fields that requires the student to establish a domicile in the 33324  
state and to commit to teach for a minimum of three years in a 33325  
hard-to-staff school district in the state upon completion of the 33326  
master's degree program. The ~~chancellor~~ director may require a 33327  
college or university to give priority to qualified candidates who 33328  
graduated from a high school in this state. 33329

"Hard-to-staff" shall be as defined by the department of 33330  
education. 33331

(C) The general assembly intends that money appropriated for 33332  
the choose Ohio first scholarship program in each fiscal year be 33333  
used for scholarships in the following academic year. 33334

**Sec. 3333.67.** Each state university or college that receives 33335  
an award under the Ohio research scholars program shall deposit 33336

the amount it receives into a new or existing endowment fund. The 33337  
university or college shall maintain the amount received and use 33338  
income generated from that amount, and other institutional, 33339  
public, or nonpublic resources, to finance the proposal approved 33340  
by the ~~chancellor of the Ohio board of regents~~ director of higher 33341  
education and the controlling board. 33342

**Sec. 3333.68.** When making an award under the Ohio innovation 33343  
partnership, the ~~chancellor of the Ohio board of regents~~ director 33344  
of higher education, subject to approval by the controlling board, 33345  
may commit to giving a state university's or college's proposal 33346  
preference for future awards after the current fiscal year or 33347  
fiscal biennium. A proposal's eligibility for future awards 33348  
remains conditional on all of the following: 33349

(A) Future appropriations of the general assembly; 33350

(B) The university's or college's adherence to the agreement 33351  
entered into under section 3333.65 of the Revised Code, including 33352  
its fulfillment of pledges of other institutional, public, or 33353  
nonpublic resources; 33354

(C) With respect to the choose Ohio first scholarship 33355  
program, a demonstration that the students receiving the 33356  
scholarship are satisfied with the state universities or colleges 33357  
selected by the ~~chancellor~~ director to offer the scholarships. 33358

The ~~chancellor~~ director and the controlling board shall not 33359  
commit to awarding any proposal for more than five fiscal years at 33360  
a time. However, when a commitment for future awards expires, a 33361  
state university or college may reapply. 33362

**Sec. 3333.69.** The ~~chancellor of the Ohio board of regents~~ 33363  
director of higher education shall monitor each initiative for 33364  
which an award is granted under the Ohio innovation partnership to 33365  
ensure the following: 33366

(A) Fiscal accountability, so that the award is used in accordance with the agreement entered into under section 3333.65 of the Revised Code;

(B) Operating progress, so that the initiative is managed to achieve the goals stated in the proposal and in the agreement, and so that problems may be promptly identified and remedied;

(C) Desired outcomes, so that the initiative contributes to the programs' goals of enhancing regional educational and economic strengths and meeting regional economic needs.

**Sec. 3333.71.** As used in sections 3333.71 to 3333.79 of the Revised Code:

(A) "Cooperative education program" means a partnership between students, institutions of higher education, and employers that formally integrates students' academic study with work experience in cooperating employer organizations and that meets all of the following conditions:

(1) Alternates or combines periods of academic study and work experience in appropriate fields as an integral part of student education;

(2) Provides students with compensation from the cooperative employer in the form of wages or salaries for work performed;

(3) Evaluates each participating student's performance in the cooperative position, both from the perspective of the student's institution of higher education and the student's cooperative employer;

(4) Provides participating students with academic credit from the institution of higher education upon successful completion of their cooperative education;

(5) Is part of an overall degree or certificate program for which a percentage of the total program acceptable to the

~~chancellor of the Ohio board of regents~~ director of higher 33397  
education involves cooperative education. 33398

(B) "Internship program" means a partnership between 33399  
students, institutions of higher education, and employers that 33400  
formally integrates students' academic study with work or 33401  
community service experience and that does both of the following: 33402

(1) Offers internships of specified and definite duration; 33403

(2) Evaluates each participating student's performance in the 33404  
internship position, both from the perspective of the student's 33405  
institution of higher education and the student's internship 33406  
employer. 33407

An internship program may provide participating students with 33408  
academic credit upon successful completion of the internship, and 33409  
may provide students with compensation in the form of wages or 33410  
salaries, stipends, or scholarships. 33411

(C) "Nonpublic university or college" means a nonprofit 33412  
institution holding a certificate of authorization issued under 33413  
Chapter 1713. of the Revised Code. 33414

(D) "State institution of higher education" has the same 33415  
meaning as in section 3345.011 of the Revised Code. 33416

**Sec. 3333.72.** The ~~chancellor of the Ohio board of regents~~ 33417  
director of higher education shall establish and administer the 33418  
Ohio co-op/internship program to promote and encourage cooperative 33419  
education programs or internship programs at Ohio institutions of 33420  
higher education for the purpose of recruiting Ohio students to 33421  
stay in the state, and recruiting Ohio residents who left Ohio to 33422  
attend out-of-state institutions of higher education back to Ohio 33423  
institutions of higher education, to participate in high quality 33424  
academic programs that use cooperative education programs or 33425  
significant internship programs, in order to support the growth of 33426

Ohio's businesses by providing businesses with Ohio's most 33427  
talented students and providing Ohio graduates with job 33428  
opportunities with Ohio's growing companies. 33429

The ~~chancellor~~ director, subject to approval by the 33430  
controlling board, shall make awards to state institutions of 33431  
higher education for new or existing programs and initiatives 33432  
meeting the goals of the Ohio co-op/internship program. Awards may 33433  
be granted for programs and initiatives to be implemented by a 33434  
state institution of higher education alone or in collaboration 33435  
with other state institutions of higher education or nonpublic 33436  
Ohio universities and colleges. If the ~~chancellor~~ director makes 33437  
an award to a program or initiative that is intended to be 33438  
implemented by a state institution of higher education in 33439  
collaboration with other state institutions of higher education or 33440  
nonpublic Ohio universities or colleges, the ~~chancellor~~ director 33441  
may provide that some portion of the award be received directly by 33442  
the collaborating universities or colleges consistent with all 33443  
terms of the Ohio co-op/internship program. 33444

The Ohio co-op/internship program shall support the creation 33445  
and maintenance of high quality academic programs that utilize an 33446  
intensive cooperative education or internship program for students 33447  
at state institutions of higher education, or assign a number of 33448  
scholarships to institutions to recruit Ohio residents as students 33449  
in a high quality academic program, or both. If scholarships are 33450  
included in an award to an institution of higher education, the 33451  
scholarships shall be awarded to each participating eligible 33452  
student as a grant to the state institution of higher education 33453  
the student is attending and shall be reflected on the student's 33454  
tuition bill. 33455

Notwithstanding any other provision of this section or 33456  
sections 3333.73 to 3333.79 of the Revised Code, an Ohio four-year 33457

nonpublic university or college may submit a proposal as lead 33458  
applicant or co-lead applicant for an award under the Ohio 33459  
co-op/internship program if the proposal is to be implemented in 33460  
collaboration with a state institution of higher education. If the 33461  
~~chancellor~~ director grants a nonpublic university or college an 33462  
award, the nonpublic university or college shall comply with all 33463  
requirements of this section, sections 3333.73 to 3333.79 of the 33464  
Revised Code, and the rules adopted under this section that apply 33465  
to state institutions of higher education that receive awards 33466  
under the program. 33467

The ~~chancellor~~ director shall adopt rules in accordance with 33468  
Chapter 119. of the Revised Code to administer the Ohio 33469  
co-op/internship program. 33470

**Sec. 3333.73.** The ~~chancellor of the Ohio board of regents~~ 33471  
director of higher education shall establish a competitive process 33472  
for making awards under the Ohio co-op/internship program. The 33473  
~~chancellor~~ director, on completion of that process, shall make a 33474  
recommendation to the controlling board asking for approval of 33475  
each award selected by the ~~chancellor~~ director. 33476

The state institution of higher education shall submit a 33477  
proposal and other documentation required by the ~~chancellor~~ 33478  
director, in the form and manner prescribed by the ~~chancellor~~ 33479  
director, for each award it seeks. A proposal may propose an 33480  
initiative to be implemented solely by the state institution of 33481  
higher education or in collaboration with other state institutions 33482  
of higher education or nonpublic Ohio universities or colleges. 33483

The ~~chancellor~~ director shall determine which proposals will 33484  
receive awards each fiscal year, and the amount of each award, on 33485  
the basis of the merit of each proposal, which the ~~chancellor~~ 33486  
director, subject to approval by the controlling board, shall 33487  
determine based on one or more of the following criteria: 33488

(A) The extent to which the proposal will keep Ohio students in Ohio institutions of higher education;	33489 33490
(B) The extent to which the proposal will attract Ohio residents who left Ohio to attend out-of-state institutions of higher education to return to Ohio institutions of higher education;	33491 33492 33493 33494
(C) The extent to which the proposal will increase the number of Ohio graduates who remain in Ohio and enter Ohio's workforce;	33495 33496
(D) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;	33497 33498 33499
(E) The extent to which the proposal is integrated with the strengths of the regional economy;	33500 33501
(F) The extent to which the proposal supports the workforce policies of the governor's office of workforce transformation to meet the workforce needs of the state and to provide a student participating in the program with the skills needed for workplace success;	33502 33503 33504 33505 33506
(G) The extent to which the proposal facilitates the development of high quality academic programs with a cooperative education program or a significant internship program at state institutions of higher education;	33507 33508 33509 33510
(H) The extent to which the proposal is integrated with supporting private companies to fill potential job growth, is responsive to the needs of employers, aligns with the skills identified by employers as necessary to fill high-demand job openings, particularly job openings in targeted industry sectors as identified by the governor's office of workforce transformation;	33511 33512 33513 33514 33515 33516 33517
(I) The amount of other institutional, public, or private	33518

resources, whether monetary or nonmonetary, the proposal pledges	33519
to leverage that are in addition to the monetary cost-sharing	33520
requirement prescribed in section 3333.74 of the Revised Code;	33521
(J) The extent to which the proposal is collaborative with	33522
other Ohio institutions of higher education;	33523
(K) The extent to which the proposal is integrated with the	33524
institution's mission;	33525
(L) The extent to which the proposal meets a statewide	33526
educational need at the undergraduate or graduate level;	33527
(M) The demonstrated productivity or future capacity of the	33528
students to be recruited;	33529
(N) The extent to which the proposal will create additional	33530
capacity in a high quality academic program with a cooperative	33531
education program or significant internship program;	33532
(O) The extent to which the proposal will encourage students	33533
who received degrees from two-year institutions to pursue	33534
baccalaureate degrees;	33535
(P) The extent to which the proposal facilitates the	33536
completion of a baccalaureate degree in a cost-effective manner;	33537
(Q) The extent to which other institutional, public, or	33538
private resources that are pledged to the proposal, in addition to	33539
the monetary cost-sharing requirement prescribed in section	33540
3333.74 of the Revised Code, will be deployed to assist in	33541
sustaining the academic program of excellence;	33542
(R) The extent to which the proposal increases the likelihood	33543
that students will successfully complete their degree programs or	33544
certificate programs;	33545
(S) The extent to which the proposal ensures that a student	33546
participating in the high quality academic program funded by the	33547
Ohio co-op/internship program is appropriately qualified and	33548

prepared to successfully transition into professions in Ohio's 33549  
growing companies and industries. 33550

**Sec. 3333.731.** (A) The co-op/internship program advisory 33551  
committee is hereby created. The committee shall consist of the 33552  
following members: 33553

(1) Five members appointed by the governor, two of whom shall 33554  
represent academia, two of whom shall be representatives of 33555  
private industry, and one of whom shall be a member of the public; 33556

(2) The director of development, or the director's designee; 33557

(3) Five members appointed by the president of the senate, 33558  
three of whom shall be members of the senate, but not more than 33559  
two from the same political party, one of whom shall represent 33560  
academia, and one of whom shall be a member of the public; 33561

(4) Five members appointed by the speaker of the house of 33562  
representatives, three of whom shall be members of the house of 33563  
representatives, but not more than two from the same political 33564  
party, one of whom shall represent private industry, and one of 33565  
whom shall be a member of the public. 33566

(B) Members of the committee who are members of the general 33567  
assembly shall serve for terms of four years or until their 33568  
legislative terms end, whichever is sooner. The director of 33569  
development or the director's designee shall serve as an 33570  
ex-officio, voting member. Otherwise, initial members shall serve 33571  
the following terms: 33572

(1) Of the initial members appointed by the governor, the 33573  
member representing the public and one member representing 33574  
academia shall serve for terms of one year; one member 33575  
representing private industry shall serve for a term of two years; 33576  
and one member representing private industry and one member 33577  
representing academia shall serve for terms of three years. 33578

(2) The member representing academia and the representative of the public initially appointed by the president of the senate shall serve for terms of two years.

(3) The member representing private industry initially appointed by the speaker of the house of representatives shall serve for a term of one year.

(4) The representative of the public initially appointed by the speaker of the house of representatives shall serve for a term of three years.

Thereafter, terms shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall serve from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the same manner as provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member was appointed shall hold office for the remainder of that term. A member shall continue to serve after the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. The appointing authority may remove a member from the committee for failure to attend two consecutive meetings without showing good cause for the absences.

(C) The committee annually shall select a chairperson and a vice-chairperson. Only the members who represent academia and private industry may serve as chairperson and vice-chairperson. For this purpose, any committee member appointed as a member of the public who is a trustee, officer, employee, or student of an institution of higher education shall be included among the representatives of academia who may serve as chairperson or vice-chairperson, and any committee member appointed as a member of the public who is a director, officer, or employee of a private

business shall be included among the representatives of private 33611  
industry who may serve as chairperson or vice-chairperson. The 33612  
committee annually shall rotate the selection of the chairperson 33613  
between these two groups and shall select a member of the other 33614  
group to serve as vice-chairperson. 33615

The committee annually shall select one of its members to 33616  
serve as secretary to keep a record of the committee's 33617  
proceedings. 33618

(D) A majority vote of the members of the full committee is 33619  
necessary to take action on any matter. The committee may adopt 33620  
bylaws governing its operation, including bylaws that establish 33621  
the frequency of meetings. 33622

(E) Members of the committee shall serve without 33623  
compensation. 33624

(F) A member of the committee shall not participate in 33625  
discussions or votes concerning a proposed initiative or an actual 33626  
award under the Ohio co-op/internship program that involves an 33627  
institution of higher education of which the member is a trustee, 33628  
officer, employee, or student; an organization of which the member 33629  
is a trustee, director, officer, or employee; or a business of 33630  
which the member is a director, officer, or employee or a 33631  
shareholder of more than five per cent of the business' stock. 33632

(G) The committee shall advise the ~~chancellor of the Ohio~~ 33633  
~~board of regents~~ director of higher education on growing 33634  
industries well-suited for awards under the Ohio co-op/internship 33635  
program. The ~~chancellor~~ director shall consult with the committee 33636  
and request the committee's advice at each of the following times: 33637

(1) Prior to issuing each request for applications under the 33638  
program; 33639

(2) While the ~~chancellor~~ director is reviewing applications 33640  
and before deciding on awards to submit for the controlling 33641

board's approval; 33642

(3) After deciding on awards to submit for the controlling 33643  
board's approval and prior to submitting them. 33644

The committee shall advise the ~~chancellor~~ director on other 33645  
matters the ~~chancellor~~ director considers appropriate. 33646

(H) The ~~chancellor~~ director shall provide meeting space for 33647  
the committee. The committee shall be assisted in its duties by 33648  
the ~~chancellor's~~ director's staff. 33649

(I) Sections 101.82 to 101.87 of the Revised Code do not 33650  
apply to the committee. 33651

**Sec. 3333.74.** (A) Except as provided in division (B) of this 33652  
section, each award under the Ohio co-op/internship program shall 33653  
require a pledge of private funds equal to the following: 33654

(1) In the case of a program, initiative, or scholarships for 33655  
undergraduate students, at least one hundred per cent of the money 33656  
awarded; 33657

(2) In the case of a program, initiative, or scholarships for 33658  
graduate students, at least one hundred fifty per cent of the 33659  
money awarded. 33660

(B) The ~~chancellor of the Ohio board of regents~~ director of 33661  
higher education may waive the requirement of division (A) of this 33662  
section if the ~~chancellor~~ director finds that exceptional 33663  
circumstances exist to do so, provided that the ~~chancellor~~ 33664  
director reviews the proposal with the advisory committee 33665  
established under section 3333.731 of the Revised Code and 33666  
provides an explanation for the waiver to the controlling board. 33667

(C) The ~~chancellor~~ director shall endeavor to distribute 33668  
awards in such a way that a wide range of disciplines is supported 33669  
and that all regions of the state benefit from the economic 33670  
development impact of the program. 33671

**Sec. 3333.75.** The ~~chancellor of the Ohio board of regents~~ 33672  
director of higher education shall require each state institution 33673  
of higher education that the controlling board approves to receive 33674  
an award under the Ohio co-op/internship program to enter into an 33675  
agreement governing the use of the award. The agreement shall 33676  
contain terms the ~~chancellor~~ director determines to be necessary, 33677  
which shall include performance measures, reporting requirements, 33678  
and an obligation to fulfill pledges of other institutional, 33679  
public, or nonpublic resources for the proposal. 33680

The ~~chancellor~~ director may require a state institution of 33681  
higher education that violates the terms of its agreement to repay 33682  
the award plus interest at the rate required by section 5703.47 of 33683  
the Revised Code to the ~~chancellor~~ director. 33684

If the ~~chancellor~~ director makes an award to a program or 33685  
initiative that is intended to be implemented by a state 33686  
institution of higher education in collaboration with other state 33687  
institutions of higher education or nonpublic Ohio universities or 33688  
colleges, the ~~chancellor~~ director may enter into an agreement with 33689  
the collaborating universities or colleges that permits awards to 33690  
be received directly by the collaborating universities or colleges 33691  
consistent with the terms of the program or initiative. In that 33692  
case, the ~~chancellor~~ director shall incorporate into the agreement 33693  
terms consistent with the requirements of this section. 33694

33695

**Sec. 3333.76.** The ~~chancellor of the Ohio board of regents~~ 33696  
director of higher education shall encourage state institutions of 33697  
higher education, alone or in collaboration with other state 33698  
institutions of higher education or nonpublic Ohio universities 33699  
and colleges, to submit proposals under the Ohio co-op/internship 33700  
program for initiatives that recruit Ohio residents enrolled in 33701  
colleges and universities in other states or other countries to 33702

return to Ohio and enroll in state institutions of higher 33703  
education or nonpublic Ohio universities and colleges as graduate 33704  
students in a high quality academic program that uses a 33705  
cooperative education program, a significant internship program in 33706  
a private industry or institutional laboratory, or a similar model 33707  
involving a variation of cooperative education or internship 33708  
programs common to graduate education, and is in an educational 33709  
area, industry, or industry sector of need. 33710

The ~~chancellor~~ director may encourage state institutions of 33711  
higher education, alone or in collaboration with other state 33712  
institutions of higher education or nonpublic Ohio universities 33713  
and colleges, to submit proposals for initiatives that recruit 33714  
Ohio residents who have received baccalaureate degrees to remain 33715  
in Ohio and enroll in state institutions of higher education or 33716  
nonpublic Ohio universities and colleges as graduate students in a 33717  
high quality academic program of the type described in the 33718  
preceding paragraph. 33719

**Sec. 3333.77.** When making an award under the Ohio 33720  
co-op/internship program, the ~~chancellor of the Ohio board of~~ 33721  
~~regents~~ director of higher education, subject to approval by the 33722  
controlling board, may commit to giving a state institution of 33723  
higher education's proposal preference for future awards after the 33724  
current fiscal year or fiscal biennium. A proposal's eligibility 33725  
for future awards remains conditional on all of the following: 33726

(A) Future appropriations of the general assembly; 33727

(B) The institution's adherence to the agreement entered into 33728  
under section 3333.75 of the Revised Code, including its 33729  
fulfillment of pledges of other institutional, public, or 33730  
nonpublic resources; 33731

(C) A demonstration that the students participating in the 33732

programs and initiatives or receiving scholarships financed by the 33733  
awards are satisfied with the institutions selected by the 33734  
~~chancellor~~ director to offer the programs, initiatives, or 33735  
scholarships financed by the awards. 33736

The ~~chancellor~~ director and the controlling board shall not 33737  
commit to awarding any proposal for a period that exceeds five 33738  
fiscal years. However, when an award, or the commitment for an 33739  
award, expires, a state institution of higher education may apply 33740  
for a new award. 33741

**Sec. 3333.78.** The ~~chancellor of the Ohio board of regents~~ 33742  
director of higher education shall monitor each initiative for 33743  
which an award is granted under the Ohio co-op/internship program 33744  
to ensure the following: 33745

(A) Fiscal accountability, so that the award is used in 33746  
accordance with the agreement entered into under section 3333.75 33747  
of the Revised Code; 33748

(B) Operating progress, so that the initiative is managed to 33749  
achieve the goals stated in the proposal and in the agreement, and 33750  
so that problems may be promptly identified and remedied; 33751

(C) Desired outcomes, so that the initiative contributes to 33752  
the program's goal of retaining Ohio's students after graduation. 33753

**Sec. 3333.79.** (A) As used in this section, "minority" has the 33754  
same meaning as in section 184.17 of the Revised Code. The term 33755  
also includes an individual who is economically disadvantaged. 33756

(B) The ~~chancellor of the board of regents~~ director of higher 33757  
education shall conduct outreach activities in Ohio that seek to 33758  
include minorities in the Ohio co-op/internship program 33759  
established under section 3333.72 of the Revised Code. The 33760  
outreach activities shall include the following, when appropriate: 33761

(1) Identifying and partnering with historically black colleges and universities;	33762 33763
(2) Working with all institutions of higher education in the state to support minority faculty and students involved in cooperative and intern programs;	33764 33765 33766
(3) Developing a plan to contact by telephone minorities and other economically disadvantaged individuals to notify them of opportunities to participate in the co-op/internship program;	33767 33768 33769
(4) Identifying minority professional and trade associations and economic development assistance organizations and notifying them of the co-op/internship program;	33770 33771 33772
(5) Partnering with regional technology councils to foster local efforts to support minority participation in the co-op/internship program.	33773 33774 33775
(C) To the extent possible, outreach activities described in this section shall be conducted in conjunction with the EDGE program created in section 123.152 of the Revised Code.	33776 33777 33778
<b>Sec. 3333.82.</b> (A) <del>The chancellor of the Ohio board of regents</del> <u>director of higher education</u> shall establish a clearinghouse of digital texts, interactive distance learning courses, and other distance learning courses delivered via a computer-based method offered by school districts, community schools, STEM schools, state institutions of higher education, private colleges and universities, and other nonprofit and for-profit course providers for sharing with other school districts, community schools, STEM schools, state institutions of higher education, private colleges and universities, and individuals for the fee set pursuant to section 3333.84 of the Revised Code. The <u>director</u> shall not be responsible for the content of digital texts or courses offered through the clearinghouse; however, all such digital texts and	33779 33780 33781 33782 33783 33784 33785 33786 33787 33788 33789 33790 33791

courses shall be delivered only in accordance with technical 33792  
specifications approved by the ~~chancellor~~ director and on a common 33793  
statewide platform administered by the ~~chancellor~~ director. The 33794  
~~chancellor~~ director may provide professional development and 33795  
training on the use of the distance learning clearinghouse. 33796  
33797

The clearinghouse's distance learning program for students in 33798  
grades kindergarten to twelve shall be based on the following 33799  
principles: 33800

(1) All Ohio students shall have access to high quality 33801  
digital texts and distance learning courses at any point in their 33802  
educational careers. 33803

(2) All students shall be able to customize their education 33804  
using digital texts and distance learning courses offered through 33805  
the clearinghouse and no student shall be denied access to any 33806  
digital text or course in the clearinghouse in which the student 33807  
is eligible to enroll. 33808

(3) Students may take distance learning courses for all or 33809  
any portion of their curriculum requirements and may utilize a 33810  
combination of digital texts and distance learning courses and 33811  
courses taught in a traditional classroom setting. 33812

(4) Students may earn an unlimited number of academic credits 33813  
through distance learning courses. 33814

(5) Students may take distance learning courses at any time 33815  
of the calendar year. 33816

(6) Student advancement to higher coursework shall be based 33817  
on a demonstration of subject area competency instead of 33818  
completion of any particular number of hours of instruction. 33819

(B) To offer digital texts or a course through the 33820  
clearinghouse, a provider shall apply to the ~~chancellor~~ director 33821

in a form and manner prescribed by the ~~chancellor~~ director. The 33822  
application for each digital text or course shall describe the 33823  
digital text or course of study in as much detail as required by 33824  
the ~~chancellor~~ director, whether an instructor is provided, the 33825  
qualification and credentials of the instructor, the number of 33826  
hours of instruction, and any other information required by the 33827  
~~chancellor~~ director. The ~~chancellor~~ director may require course 33828  
providers to include in their applications information recommended 33829  
by the state board of education under former section 3353.30 of 33830  
the Revised Code. 33831

(C) The ~~chancellor~~ director shall review the technical 33832  
specifications of each application submitted under division (B) of 33833  
this section. In reviewing applications, the ~~chancellor~~ director 33834  
may consult with the department of education; however, the 33835  
responsibility to either approve or not approve a digital text or 33836  
course for the clearinghouse belongs to the ~~chancellor~~ director. 33837  
The ~~chancellor~~ director may request additional information from a 33838  
provider that submits an application under division (B) of this 33839  
section, if the ~~chancellor~~ director determines that such 33840  
information is necessary. The ~~chancellor~~ director may negotiate 33841  
changes in the proposal to offer a digital text or course, if the 33842  
~~chancellor~~ director determines that changes are necessary in order 33843  
to approve the digital text or course. 33844

(D) The ~~chancellor~~ director shall catalog each digital text 33845  
or course approved for the clearinghouse, through a print or 33846  
electronic medium, displaying the following: 33847

(1) Information necessary for a student and the student's 33848  
parent, guardian, or custodian and the student's school district, 33849  
community school, STEM school, college, or university to decide 33850  
whether to enroll in or subscribe to the course; 33851

(2) Instructions for enrolling in that digital text or 33852  
course, including deadlines for enrollment. 33853

(E) Any expenses related to the installation of a course into 33854  
the common statewide platform shall be borne by the course 33855  
provider. 33856

(F) The ~~chancellor~~ director may contract with an entity to 33857  
perform any or all of the ~~chancellor's~~ director's duties under 33858  
sections 3333.81 to 3333.88 of the Revised Code. 33859

**Sec. 3333.83.** (A) Each school district, community school, and 33860  
STEM school shall encourage students to take advantage of the 33861  
distance learning opportunities offered through the clearinghouse 33862  
and shall assist any student electing to participate in the 33863  
clearinghouse with the selection and scheduling of courses that 33864  
satisfy the district's or school's curriculum requirements and 33865  
promote the student's post-secondary college or career plans. 33866

(B) For each student enrolled in a school operated by a 33867  
school district or in a community school or STEM school who is 33868  
enrolling in a course provided through the clearinghouse by 33869  
another school district, community school, or STEM school, the 33870  
student's school district, community school, or STEM school shall 33871  
transmit the student's name to the course provider. 33872

The course provider may request from the student's school 33873  
district, community school, or STEM school other information from 33874  
the student's school record. The district or school shall provide 33875  
the requested information only in accordance with section 3319.321 33876  
of the Revised Code. 33877

(C) The student's school district, community school, or STEM 33878  
school shall determine the manner in which and facilities at which 33879  
the student shall participate in the course consistent with 33880  
specifications for technology and connectivity adopted by the 33881  
~~chancellor of the Ohio board of regents~~ director of higher 33882  
education. 33883

(D) A student may withdraw from a course prior to the end of 33884  
the course only by a date and in a manner prescribed by the 33885  
student's school district, community school, or STEM school. 33886

(E) A student who is enrolled in a school operated by a 33887  
school district or in a community school or STEM school and who 33888  
takes a course through the clearinghouse shall be counted in the 33889  
formula ADM of a school district under section 3317.03 of the 33890  
Revised Code as if the student were taking the course from the 33891  
student's school district, community school, or STEM school. 33892

**Sec. 3333.84.** (A) The fee charged for any digital ~~texts~~ text 33893  
or course offered through the clearinghouse shall be set by the 33894  
provider. 33895

(B) The ~~chancellor of the Ohio board of regents~~ director of 33896  
higher education shall prescribe the manner in which the fee for a 33897  
digital ~~texts~~ text or course shall be collected or deducted from 33898  
the school district, school, college or university, or individual 33899  
subscribing to the digital ~~texts~~ text or course and in which 33900  
manner the fee shall be paid to the provider. 33901

(C) The ~~chancellor~~ director may retain a percentage of the 33902  
fee charged for a digital ~~texts~~ text or course to offset the cost 33903  
of maintaining and operating the clearinghouse, including the 33904  
payment of compensation for an entity or a private entity that is 33905  
under contract with the ~~chancellor~~ director under division (F) of 33906  
section 3333.82 of the Revised Code. The percentage retained shall 33907  
be determined by the ~~chancellor~~ director. 33908

(D) Nothing in this section shall be construed to require the 33909  
school district, community school, or STEM school in which a 33910  
student is enrolled to pay the fee charged for a digital ~~texts~~ 33911  
text or course taken by the student. 33912

**Sec. 3333.86.** The ~~chancellor of the Ohio board of regents~~ 33913

director of higher education may determine the manner in which a 33914  
course included in the clearinghouse may be offered as an advanced 33915  
standing program as defined in section 3313.6013 of the Revised 33916  
Code, may be offered to students who are enrolled in nonpublic 33917  
schools or are instructed at home pursuant to section 3321.04 of 33918  
the Revised Code, or may be offered at times outside the normal 33919  
school day or school week, including any necessary additional fees 33920  
and methods of payment for a course so offered. 33921

**Sec. 3333.87.** The ~~chancellor of the Ohio board of regents~~ 33922  
director of higher education and the state board of education 33923  
jointly, and in consultation with the director of the governor's 33924  
office of 21st century education, shall adopt rules in accordance 33925  
with Chapter 119. of the Revised Code prescribing procedures for 33926  
the implementation of sections 3333.81 to 3333.86 of the Revised 33927  
Code. 33928

**Sec. 3333.90.** (A) The ~~chancellor of the Ohio board of regents~~ 33929  
director of higher education shall establish a course and program 33930  
sharing network that enables members of the university system of 33931  
Ohio and adult career centers to share curricula for existing 33932  
courses and academic programs with one another. The purpose of the 33933  
network shall be to increase course availability across the state 33934  
and to avoid unnecessary course duplication through the sharing of 33935  
existing curricula. 33936

(B) The ~~chancellor~~ director shall adopt rules to administer 33937  
the course and program sharing network established under this 33938  
section. 33939

(C) As used in this section, "member of the university system 33940  
of Ohio" has the same meaning as in section 3345.011 of the 33941  
Revised Code. 33942

**Sec. 3333.91.** Not later than December 31, 2014, the 33943

governor's office of workforce transformation, in collaboration 33944  
with the ~~chancellor of the Ohio board of regents~~ director of 33945  
higher education, the superintendent of public instruction, and 33946  
the department of job and family services, shall develop and 33947  
submit to the appropriate federal agency a single, state unified 33948  
plan for the adult basic and literacy education program 33949  
administered by the United States secretary of education, the 33950  
"Carl D. Perkins Vocational and Technical Education Act," 20 33951  
U.S.C. 2301, et seq., as amended, and the "Workforce Investment 33952  
Act of 1998," 29 U.S.C. 2801, et seq., as amended. Following the 33953  
plan's initial submission to the appropriate federal agency, the 33954  
governor's office of workforce transformation may update it as 33955  
necessary. If the plan is updated, the governor's office of 33956  
workforce transformation shall submit the updated plan to the 33957  
appropriate federal agency. 33958

Sec. 3333.92. (A) As used in this section, "OhioMeansJobs" 33959  
has the same meaning as in section 6301.01 of the Revised Code. 33960

(B)(1) Beginning January 1, 2016, each participant in an 33961  
adult basic and literacy education funded training or education 33962  
program shall create an account with OhioMeansJobs at the twelfth 33963  
week of the program. 33964

(2) Beginning January 1, 2016, each participant in an Ohio 33965  
technical center funded training or education program shall create 33966  
an account with OhioMeansJobs at the time of enrollment in the 33967  
program. 33968

(C) Division (B) of this section does not apply to any 33969  
individual who is legally prohibited from using a computer, has a 33970  
physical or visual impairment that makes the individual unable to 33971  
use a computer, or has a limited ability to read, write, speak, or 33972  
understand a language in which OhioMeansJobs is available. 33973

**Sec. 3334.08.** (A) Subject to division (B) of this section, in addition to any other powers conferred by this chapter, the Ohio tuition trust authority may do any of the following:

(1) Impose reasonable residency requirements for beneficiaries of tuition units;

(2) Impose reasonable limits on the number of tuition unit participants;

(3) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(4) Purchase insurance from insurers licensed to do business in this state providing for coverage against any loss in connection with the authority's property, assets, or activities or to further ensure the value of tuition units;

(5) Indemnify or purchase policies of insurance on behalf of members, officers, and employees of the authority from insurers licensed to do business in this state providing for coverage for any liability incurred in connection with any civil action, demand, or claim against a director, officer, or employee by reason of an act or omission by the director, officer, or employee that was not manifestly outside the scope of the employment or official duties of the director, officer, or employee or with malicious purpose, in bad faith, or in a wanton or reckless manner;

(6) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of the powers and duties of the authority;

(7) Promote, advertise, and publicize the Ohio college savings program and the variable college savings program;

(8) Adopt rules under section 111.15 of the Revised Code for the implementation of the Ohio college savings program;

(9) Contract, for the provision of all or part of the 34004  
services necessary for the management and operation of the Ohio 34005  
college savings program and the variable college savings program, 34006  
with a bank, trust company, savings and loan association, 34007  
insurance company, or licensed dealer in securities if the bank, 34008  
company, association, or dealer is authorized to do business in 34009  
this state and information about the contract is filed with the 34010  
controlling board pursuant to division (D)(6) of section 127.16 of 34011  
the Revised Code; provided, however, that any funds of the Ohio 34012  
college savings program and the variable college savings program 34013  
that are not needed for immediate use shall be deposited by the 34014  
treasurer of state in the same manner provided under Chapter 135. 34015  
of the Revised Code for public moneys of the state. All interest 34016  
earned on those deposits shall be credited to the Ohio college 34017  
savings program or the variable college savings program, as 34018  
applicable. 34019

(10) Contract for other services, or for goods, needed by the 34020  
authority in the conduct of its business, including but not 34021  
limited to credit card services; 34022

(11) Employ an executive director and other personnel as 34023  
necessary to carry out its responsibilities under this chapter, 34024  
and fix the compensation of these persons. All employees of the 34025  
authority shall be in the unclassified civil service and shall be 34026  
eligible for membership in the public employees retirement system. 34027  
In the hiring of the executive director, the Ohio tuition trust 34028  
authority shall obtain the advice and consent of the Ohio tuition 34029  
trust board created in section 3334.03 of the Revised Code, 34030  
provided that the executive director shall not be hired unless a 34031  
majority of the board votes in favor of the hiring. In addition, 34032  
the board may remove the executive director at any time subject to 34033  
the advice and consent of the ~~chancellor of the Ohio board of~~ 34034  
~~regents~~ director of higher education. 34035

(12) Contract with financial consultants, actuaries,	34036
auditors, and other consultants as necessary to carry out its	34037
responsibilities under this chapter;	34038
(13) Enter into agreements with any agency of the state or	34039
its political subdivisions or with private employers under which	34040
an employee may agree to have a designated amount deducted in each	34041
payroll period from the wages or salary due the employee for the	34042
purpose of purchasing tuition units pursuant to a tuition payment	34043
contract or making contributions pursuant to a variable college	34044
savings program contract;	34045
(14) Enter into an agreement with the treasurer of state	34046
under which the treasurer of state will receive, and credit to the	34047
Ohio tuition trust fund or variable college savings program fund,	34048
from any bank or savings and loan association authorized to do	34049
business in this state, amounts that a depositor of the bank or	34050
association authorizes the bank or association to withdraw	34051
periodically from the depositor's account for the purpose of	34052
purchasing tuition units pursuant to a tuition payment contract or	34053
making contributions pursuant to a variable college savings	34054
program contract;	34055
(15) Solicit and accept gifts, grants, and loans from any	34056
person or governmental agency and participate in any governmental	34057
program;	34058
(16) Impose limits on the number of units which may be	34059
purchased on behalf of or assigned or awarded to any beneficiary	34060
and on the total amount of contributions that may be made on	34061
behalf of a beneficiary;	34062
(17) Impose restrictions on the substitution of another	34063
individual for the original beneficiary under the Ohio college	34064
savings program;	34065
(18) Impose a limit on the age of a beneficiary, above which	34066

tuition units may not be purchased on behalf of that beneficiary; 34067

(19) Enter into a cooperative agreement with the treasurer of 34068  
state to provide for the direct disbursement of payments under 34069  
tuition payment or variable college savings program contracts; 34070

(20) Determine the other higher education expenses for which 34071  
tuition units or contributions may be used; 34072

(21) Terminate any tuition payment or variable college 34073  
savings program contract if no purchases or contributions are made 34074  
for a period of three years or more and there are fewer than a 34075  
total of five tuition units or less than a dollar amount set by 34076  
rule on account, provided that notice of a possible termination 34077  
shall be provided in advance, explaining any options to prevent 34078  
termination, and a reasonable amount of time shall be provided 34079  
within which to act to prevent a termination; 34080

(22) Maintain a separate account for each tuition payment or 34081  
variable college savings program contract; 34082

(23) Perform all acts necessary and proper to carry out the 34083  
duties and responsibilities of the authority pursuant to this 34084  
chapter. 34085

(B) The authority shall adopt rules under section 111.15 of 34086  
the Revised Code for the implementation and administration of the 34087  
variable college savings program. The rules shall provide 34088  
taxpayers with the maximum tax advantages and flexibility 34089  
consistent with section 529 of the Internal Revenue Code and 34090  
regulations adopted thereunder with regard to disposition of 34091  
contributions and earnings, designation of beneficiaries, and 34092  
rollover of account assets to other programs. 34093

(C) Except as otherwise specified in this chapter, the 34094  
provisions of Chapters ~~123.7, 125.7~~ and 4117. of the Revised Code 34095  
shall not apply to the authority and Chapter 125. of the Revised 34096  
Code shall not apply to contracts approved under the powers of the 34097

~~Ohio tuition trust authority board under section 3334.03 of the Revised Code. The department of administrative services shall, upon the request of the authority, act as the authority's agent for the purchase of equipment, supplies, insurance, or services, or the performance of administrative services pursuant to Chapter 125. of the Revised Code.~~

**Sec. 3337.10.** There is hereby established the Ohio university college of osteopathic medicine the purpose of which shall be to provide instruction in the practice of osteopathic medicine. The college shall be a component college of Ohio university. The clinical instruction portions of the medical program shall be provided through the facilities of existing osteopathic and joint staff hospitals. ~~The college shall have an advisory committee of ten members, which shall consist of the president of Ohio university or the president's designee and nine members appointed by the governor with the advice and consent of the senate. Within one hundred twenty days of November 17, 1975, the governor shall make initial appointments to the advisory committee. Of these, three shall be for terms ending two years after November 17, 1975, three shall be for terms ending four years after that date, and three shall be for terms ending six years after that date. Thereafter, terms of office shall be for six years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.~~

**Sec. 3345.022.** The board of trustees of any college or 34130  
university supported in part or in whole by state funds, or two or 34131  
more such boards, may enter into a contract, upon such terms as 34132  
shall be determined to be in the best interests of students, for 34133  
the provision of legal services to students through a group legal 34134  
services insurance plan approved by the superintendent of 34135  
insurance or through a prepaid legal services plan established by 34136  
attorneys admitted to the practice of law in this state. The fees 34137  
or charges to students who participate in the plan shall be 34138  
established by the board or boards and shall be sufficient to 34139  
defray the college's or university's cost of administering the 34140  
plan. No student shall be required to pay any such fee or charge 34141  
unless ~~he~~ the student elects to participate in the plan, and no 34142  
revenue from any other student fees or charges shall be used to 34143  
finance any portion of the cost of any plan or the college's or 34144  
university's cost of administering the plan. Legal representation 34145  
under the plan shall be limited to services determined by the 34146  
board to be reasonably related to student welfare, to the 34147  
advancement or successful completion of student education, or to 34148  
serve a public purpose within the powers of the college or 34149  
university. 34150

A plan shall not provide or pay for the cost of 34151  
representation of a student in an action against a state officer 34152  
or agency arising out of the performance of the duties of the 34153  
officer or agency, against a law enforcement officer arising out 34154  
of the performance of the duties of the officer, against a college 34155  
or university participating in the plan, against a student of such 34156  
a college or university, or against the director of higher 34157  
education or a member of the board of regents or of the board of 34158  
trustees, faculty, or staff of such a college or university, if 34159  
the cause of action arises out of the performance of the duties of 34160  
the office of the member or in the course of the member's 34161

employment by the college or university. As used in this section, 34162  
"law enforcement officer" means a sheriff, deputy sheriff, 34163  
constable, marshal, deputy marshal, municipal police officer, 34164  
state highway patrol trooper, or state university law enforcement 34165  
officer appointed under section 3345.04 of the Revised Code. 34166

**Sec. 3345.05.** (A) All registration fees, nonresident tuition 34167  
fees, academic fees for the support of off-campus instruction, 34168  
laboratory and course fees when so assessed and collected, student 34169  
health fees for the support of a student health service, all other 34170  
fees, deposits, charges, receipts, and income from all or part of 34171  
the students, all subsidy or other payments from state 34172  
appropriations, and all other fees, deposits, charges, receipts, 34173  
income, and revenue received by each state institution of higher 34174  
education, the Ohio state university hospitals and their ancillary 34175  
facilities, the Ohio agricultural research and development center, 34176  
and OSU extension shall be held and administered by the respective 34177  
boards of trustees of the state institution of higher education; 34178  
provided, that such fees, deposits, charges, receipts, income and 34179  
revenue, to the extent required by resolutions, trust agreements, 34180  
indentures, leases, and agreements adopted, made, or entered into 34181  
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 34182  
Revised Code, shall be held, administered, transferred, and 34183  
applied in accordance therewith. 34184

(B) The ~~Ohio board of regents~~ director of higher education 34185  
shall require annual reporting by the Ohio agricultural research 34186  
and development center and by each university and college 34187  
receiving state aid in such form and detail as determined by the 34188  
~~board~~ director of higher education in consultation with such 34189  
center, universities and colleges, and the director of budget and 34190  
management. 34191

(C) Notwithstanding any provision of the Revised Code to the 34192

contrary, the title to investments made by the board of trustees 34193  
of a state institution of higher education with funds derived from 34194  
any of the sources described in division (A) of this section shall 34195  
not be vested in the state or the political subdivision but shall 34196  
be held in trust by the board. Such investments shall be made 34197  
pursuant to an investment policy adopted by the board in public 34198  
session that requires all fiduciaries to discharge their duties 34199  
with the care, skill, prudence, and diligence under the 34200  
circumstances then prevailing that a prudent person acting in like 34201  
capacity and familiar with such matters would use in the conduct 34202  
of an enterprise of a like character and with like aims. The 34203  
policy also shall require at least the following: 34204

(1) A stipulation that investment of at least twenty-five per 34205  
cent of the average amount of the investment portfolio over the 34206  
course of the previous fiscal year be invested in securities of 34207  
the United States government or of its agencies or 34208  
instrumentalities, the treasurer of state's pooled investment 34209  
program, obligations of this state or any political subdivision of 34210  
this state, certificates of deposit of any national bank located 34211  
in this state, written repurchase agreements with any eligible 34212  
Ohio financial institution that is a member of the federal reserve 34213  
system or federal home loan bank, money market funds, or bankers 34214  
acceptances maturing in two hundred seventy days or less which are 34215  
eligible for purchase by the federal reserve system, as a reserve; 34216

(2) Eligible funds above those that meet the conditions of 34217  
division (C)(1) of this section may be pooled with other 34218  
institutional funds and invested in accordance with section 34219  
1715.52 of the Revised Code. 34220

(3) The establishment of an investment committee. 34221

(D) The investment committee established under division 34222  
(C)(3) of this section shall meet at least quarterly. The 34223  
committee shall review and recommend revisions to the board's 34224

investment policy and shall advise the board on its investments 34225  
made under division (C) of this section in an effort to assist it 34226  
in meeting its obligations as a fiduciary as described in division 34227  
(C) of this section. The committee shall be authorized to retain 34228  
the services of an investment advisor who meets both of the 34229  
following qualifications: 34230

(1) The advisor is either: 34231

(a) Licensed by the division of securities under section 34232  
1707.141 of the Revised Code; 34233

(b) Registered with the securities and exchange commission. 34234

(2) The advisor either: 34235

(a) Has experience in the management of investments of public 34236  
funds, especially in the investment of state-government investment 34237  
portfolios; 34238

(b) Is an eligible institution referenced in section 135.03 34239  
of the Revised Code. 34240

(E) As used in this section, "state institution of higher 34241  
education" means a state institution of higher education as 34242  
defined in section 3345.011 of the Revised Code. 34243

**Sec. 3345.06.** (A) Subject to divisions (B) and (C) of this 34244  
section, a graduate of the twelfth grade shall be entitled to 34245  
admission without examination to any college or university which 34246  
is supported wholly or in part by the state, but for unconditional 34247  
admission may be required to complete such units not included in 34248  
the graduate's high school course as may be prescribed, not less 34249  
than two years prior to the graduate's entrance, by the faculty of 34250  
the institution. 34251

(B) Beginning with the 2014-2015 academic year, each state 34252  
university listed in section 3345.011 of the Revised Code, except 34253  
for Central state university, Shawnee state university, and 34254

Youngstown state university, shall permit a resident of this state 34255  
who entered ninth grade for the first time on or after July 1, 34256  
2010, to begin undergraduate coursework at the university only if 34257  
the person has successfully completed the requirements for high 34258  
school graduation prescribed in division (C) of section 3313.603 34259  
of the Revised Code, unless one of the following applies: 34260

(1) The person has earned at least ten semester hours, or the 34261  
equivalent, at a community college, state community college, 34262  
university branch, technical college, or another post-secondary 34263  
institution except a state university to which division (B) of 34264  
this section applies, in courses that are college-credit-bearing 34265  
and may be applied toward the requirements for a degree. The 34266  
university shall grant credit for successful completion of those 34267  
courses pursuant to any applicable articulation and transfer 34268  
policy of the ~~Ohio board of regents~~ director of higher education 34269  
or any agreements the university has entered into in accordance 34270  
with policies and procedures adopted under section 3333.16, 34271  
3333.161, or 3333.162 of the Revised Code. The university may 34272  
count college credit that the student earned while in high school 34273  
through the college credit plus program under Chapter 3365. of the 34274  
Revised Code, or through other advanced standing programs, toward 34275  
the requirements of division (B)(1) of this section if the credit 34276  
may be applied toward a degree. 34277

(2) The person qualified to graduate from high school under 34278  
division (D) or (F) of section 3313.603 of the Revised Code and 34279  
has successfully completed the topics or courses that the person 34280  
lacked to graduate under division (C) of that section at any 34281  
post-secondary institution or at a summer program at the state 34282  
university. A state university may admit a person for enrollment 34283  
contingent upon completion of such topics or courses or summer 34284  
program. 34285

(3) The person met the high school graduation requirements by 34286

successfully completing the person's individualized education 34287  
program developed under section 3323.08 of the Revised Code. 34288

(4) The person is receiving or has completed the final year 34289  
of instruction at home as authorized under section 3321.04 of the 34290  
Revised Code, or has graduated from a nonchartered, nonpublic 34291  
school in Ohio, and demonstrates mastery of the academic content 34292  
and skills in reading, writing, and mathematics needed to 34293  
successfully complete introductory level coursework at an 34294  
institution of higher education and to avoid remedial coursework. 34295

(5) The person is a high school student participating in the 34296  
college credit plus program under Chapter 3365. of the Revised 34297  
Code or another advanced standing program. 34298

(C) A state university subject to division (B) of this 34299  
section may delay admission for or admit conditionally an 34300  
undergraduate student who has successfully completed the 34301  
requirements prescribed in division (C) of section 3313.603 of the 34302  
Revised Code if the university determines the student requires 34303  
academic remedial or developmental coursework. The university may 34304  
delay admission pending, or make admission conditional upon, the 34305  
student's successful completion of the academic remedial or 34306  
developmental coursework at a university branch, community 34307  
college, state community college, or technical college. 34308

(D) This section does not deny the right of a college of law, 34309  
medicine, or other specialized education to require college 34310  
training for admission, or the right of a department of music or 34311  
other art to require particular preliminary training or talent. 34312

**Sec. 3345.061.** (A) Ohio's two-year institutions of higher 34313  
education are respected points of entry for students embarking on 34314  
post-secondary careers and courses completed at those institutions 34315  
are transferable to state universities in accordance with 34316  
articulation and transfer agreements developed under sections 34317

3333.16, 3333.161, and 3333.162 of the Revised Code. 34318

(B) Beginning with undergraduate students who commence 34319  
undergraduate studies in the 2014-2015 academic year, no state 34320  
university listed in section 3345.011 of the Revised Code, except 34321  
Central state university, Shawnee state university, and Youngstown 34322  
state university, shall receive any state operating subsidies for 34323  
any academic remedial or developmental courses for undergraduate 34324  
students, including courses prescribed in division (C) of section 34325  
3313.603 of the Revised Code, offered at its main campus, except 34326  
as provided in divisions (B)(1) to (4) of this section. 34327

(1) In the 2014-2015 and 2015-2016 academic years, a state 34328  
university may receive state operating subsidies for academic 34329  
remedial or developmental courses for not more than three per cent 34330  
of the total undergraduate credit hours provided by the university 34331  
at its main campus. 34332

(2) In the 2016-2017 academic year, a state university may 34333  
receive state operating subsidies for academic remedial or 34334  
developmental courses for not more than fifteen per cent of the 34335  
first-year students who have graduated from high school within the 34336  
previous twelve months and who are enrolled in the university at 34337  
its main campus, as calculated on a full-time-equivalent basis. 34338

(3) In the 2017-2018 academic year, a state university may 34339  
receive state operating subsidies for academic remedial or 34340  
developmental courses for not more than ten per cent of the 34341  
first-year students who have graduated from high school within the 34342  
previous twelve months and who are enrolled in the university at 34343  
its main campus, as calculated on a full-time-equivalent basis. 34344

(4) In the 2018-2019 academic year, a state university may 34345  
receive state operating subsidies for academic remedial or 34346  
developmental courses for not more than five per cent of the 34347  
first-year students who have graduated from high school within the 34348

previous twelve months and who are enrolled in the university at 34349  
its main campus, as calculated on a full-time-equivalent basis. 34350

Each state university may continue to offer academic remedial 34351  
and developmental courses at its main campus beyond the extent for 34352  
which state operating subsidies may be paid under this division 34353  
and may continue to offer such courses beyond the 2018-2019 34354  
academic year. However, the university shall not receive any state 34355  
operating subsidies for such courses above the maximum amounts 34356  
permitted in this division. 34357

(C) Except as otherwise provided in division (B) of this 34358  
section, beginning with students who commence undergraduate 34359  
studies in the 2014-2015 academic year, state operating subsidies 34360  
for academic remedial or developmental courses offered by state 34361  
institutions of higher education may be paid only to Central state 34362  
university, Shawnee state university, Youngstown state university, 34363  
any university branch, any community college, any state community 34364  
college, or any technical college. 34365

(D) Each state university shall grant credit for academic 34366  
remedial or developmental courses successfully completed at an 34367  
institution described in division (C) of this section pursuant to 34368  
any applicable articulation and transfer agreements the university 34369  
has entered into in accordance with policies and procedures 34370  
adopted under section 3333.16, 3333.161, or 3333.162 of the 34371  
Revised Code. 34372

(E) The ~~chancellor of the Ohio board of regents~~ director of 34373  
higher education shall do all of the following: 34374

(1) Withhold state operating subsidies for academic remedial 34375  
or developmental courses provided by a state university as 34376  
required in order to conform to divisions (B) and (C) of this 34377  
section; 34378

(2) Adopt uniform statewide standards for academic remedial 34379

and developmental courses offered by all state institutions of higher education; 34380  
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(3) Encourage and assist in the design and establishment of academic remedial and developmental courses by institutions of higher education; 34382  
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(4) Define "academic year" for purposes of this section and section 3345.06 of the Revised Code; 34385  
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(5) Encourage and assist in the development of articulation and transfer agreements between state universities and other institutions of higher education in accordance with policies and procedures adopted under sections 3333.16, 3333.161, and 3333.162 of the Revised Code. 34387  
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(F) Not later than December 31, 2012, the presidents, or equivalent position, of all state institutions of higher education, or their designees, jointly shall establish uniform statewide standards in mathematics, science, reading, and writing each student enrolled in a state institution of higher education must meet to be considered in remediation-free status. The presidents also shall establish assessments, if they deem necessary, to determine if a student meets the standards adopted under this division. Each institution is responsible for assessing the needs of its enrolled students in the manner adopted by the presidents. The board of trustees or managing authority of each state institution of higher education shall adopt the remediation-free status standard, and any related assessments, into the institution's policies. 34392  
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The ~~chancellor~~ director shall assist in coordinating the work of the presidents under this division. The ~~chancellor~~ director shall monitor the standards in mathematics, science, reading, and writing established under division (F) of this section to ensure that the standards adequately demonstrate a student's 34406  
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remediation-free status. 34411

(G) Each year, not later than a date established by the 34412  
~~chancellor~~ director, each state institution of higher education 34413  
shall report to the governor, the general assembly, the ~~chancellor~~ 34414  
director, and the superintendent of public instruction all of the 34415  
following for the prior academic year: 34416

(1) The institution's aggregate costs for providing academic 34417  
remedial or developmental courses; 34418

(2) The amount of those costs disaggregated according to the 34419  
city, local, or exempted village school districts from which the 34420  
students taking those courses received their high school diplomas; 34421

(3) Any other information with respect to academic remedial 34422  
and developmental courses that the ~~chancellor~~ director considers 34423  
appropriate. 34424

(H) Not later than December 31, 2011, and the thirty-first 34425  
day of each December thereafter, the ~~chancellor~~ director and the 34426  
superintendent of public instruction shall issue a report 34427  
recommending policies and strategies for reducing the need for 34428  
academic remediation and developmental courses at state 34429  
institutions of higher education. 34430

(I) As used in this section, "state institution of higher 34431  
education" has the same meaning as in section 3345.011 of the 34432  
Revised Code. 34433

**Sec. 3345.32.** (A) As used in this section: 34434

(1) "State university or college" means the institutions 34435  
described in section 3345.27 of the Revised Code and the northeast 34436  
Ohio medical university. 34437

(2) "Resident" has the meaning specified by rule of the 34438  
~~chancellor of the Ohio board of regents~~ director of higher 34439  
education. 34440

(3) "Statement of selective service status" means a statement certifying one of the following:

(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;

(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:

(i) The individual is under eighteen or over twenty-six years of age.

(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.

(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.

(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by division (E) of this section.

(B) The ~~chancellor~~ director shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (E) of this section. Each statement of selective service status shall contain a section

wherein a male student born after December 31, 1959, certifies 34471  
that the student has registered with the selective service system 34472  
in accordance with the "Military Selective Service Act," 62 Stat. 34473  
604, 50 U.S.C. App. 453, as amended. For those students not 34474  
required to register with the selective service, as specified in 34475  
divisions (A)(2)(b)(i) to (iv) of this section, a section shall be 34476  
provided on the statement of selective service status for the 34477  
certification of nonregistration and for an explanation of the 34478  
reason for the exemption. The ~~chancellor~~ director may require that 34479  
such statements be accompanied by documentation specified by rule 34480  
of the ~~chancellor~~ director. 34481

(C) A state university or college that enrolls in any course, 34482  
class, or program a male student born after December 31, 1959, who 34483  
has not filed a statement of selective service status with the 34484  
university or college shall, regardless of the student's 34485  
residency, charge the student any tuition surcharge charged 34486  
students who are not residents of this state. 34487

(D) No male born after December 31, 1959, shall be eligible 34488  
to receive any loan, grant, scholarship, or other financial 34489  
assistance for educational expenses granted under section 3315.33, 34490  
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.391, 5910.03, 34491  
5910.032, or 5919.34 of the Revised Code, financed by an award 34492  
under the choose Ohio first scholarship program established under 34493  
section 3333.61 of the Revised Code, or financed by an award under 34494  
the Ohio co-op/internship program established under section 34495  
3333.72 of the Revised Code, unless that person has filed a 34496  
statement of selective service status with that person's 34497  
institution of higher education. 34498

(E) If an institution of higher education receives a 34499  
statement from an individual certifying that the individual has 34500  
registered with the selective service system in accordance with 34501  
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 34502

453, as amended, or that the individual is exempt from 34503  
registration for a reason other than that the individual is under 34504  
eighteen years of age, the institution shall not require the 34505  
individual to file any further statements. If it receives a 34506  
statement certifying that the individual is not required to 34507  
register because the individual is under eighteen years of age, 34508  
the institution shall require the individual to file a new 34509  
statement of selective service status each time the individual 34510  
seeks to enroll for a new academic term or makes application for a 34511  
new loan or loan guarantee or for any form of financial assistance 34512  
for educational expenses, until it receives a statement certifying 34513  
that the individual has registered with the selective service 34514  
system or is exempt from registration for a reason other than that 34515  
the individual is under eighteen years of age. 34516

Sec. 3345.35. Not later than January 1, 2016, and by the 34517  
first day of January of every fifth year thereafter, the board of 34518  
trustees of each state institution of higher education, as defined 34519  
in section 3345.011 of the Revised Code, shall evaluate all 34520  
courses and programs the institution offers based on enrollment 34521  
and student performance in each course or program. For courses 34522  
with low enrollment, as defined by the director of higher 34523  
education, the board of trustees shall evaluate the benefits of 34524  
collaboration with other institutions of higher education, based 34525  
on geographic region, to deliver the course. 34526

Each board of trustees shall submit its findings under this 34527  
section to the director not later than thirty days after the 34528  
completion of the evaluations. 34529

**Sec. 3345.421.** Not later than December 31, 2014, the board of 34530  
trustees of each state institution of higher education, as defined 34531  
in section 3345.011 of the Revised Code, shall do all of the 34532  
following: 34533

(A) Designate at least one person employed by the institution 34534  
to serve as the contact person for veterans and service member 34535  
affairs. Such a person shall assist and advise veterans and 34536  
service members on issues related to earning college credit for 34537  
military training, experience, and coursework. 34538

(B) Adopt a policy regarding the support and assistance the 34539  
institution will provide to veterans and service members. 34540

(C) Allow for the establishment of a student-led group on 34541  
campus for student service members and veterans and encourage 34542  
other service member- and veteran-friendly organizations. 34543

(D) Integrate existing career services to create and 34544  
encourage meaningful collaborative relationships between student 34545  
service members and veterans and alumni of the institution, that 34546  
links student service members and veterans with prospective 34547  
employers, and that provides student service members and veterans 34548  
with social opportunities; and, if the institution has career 34549  
services programs, encourage the responsible office to seek and 34550  
promote partnership opportunities for internships and employment 34551  
of student service members and veterans with state, local, 34552  
national, and international employers. 34553

(E) Survey student service members and veterans to identify 34554  
their needs and challenges and make the survey available to 34555  
faculty and staff at the state institution of higher education. 34556  
And periodically conduct follow-up surveys, at a frequency 34557  
determined by the board, to gauge the institution's progress 34558  
toward meeting identified needs and challenges. 34559

The ~~chancellor of the Ohio board of regents~~ director of 34560  
higher education shall provide guidance to state institutions of 34561  
higher education in their compliance with this section, including 34562  
the recommendation of standardized policies on support and 34563  
assistance to veterans and service members. 34564

The person or persons designated under division (A) of this 34565  
section shall not be a person currently designated by the 34566  
institution as a veterans administration certifying official. 34567

**Sec. 3345.45.** On or before January 1, 1994, the ~~Ohio board of~~ 34568  
~~regents~~ director of higher education jointly with all state 34569  
universities, as defined in section 3345.011 of the Revised Code, 34570  
shall develop standards for instructional workloads for full-time 34571  
and part-time faculty in keeping with the universities' missions 34572  
and with special emphasis on the undergraduate learning 34573  
experience. The standards shall contain clear guidelines for 34574  
institutions to determine a range of acceptable undergraduate 34575  
teaching by faculty. 34576

On or before June 30, 1994, the board of trustees of each 34577  
state university shall take formal action to adopt a faculty 34578  
workload policy consistent with the standards developed under this 34579  
section. Notwithstanding section 4117.08 of the Revised Code, the 34580  
policies adopted under this section are not appropriate subjects 34581  
for collective bargaining. Notwithstanding division (A) of section 34582  
4117.10 of the Revised Code, any policy adopted under this section 34583  
by a board of trustees prevails over any conflicting provisions of 34584  
any collective bargaining agreement between an employees 34585  
organization and that board of trustees. 34586

**Sec. 3345.48.** (A) As used in this section: 34587

(1) "Cohort" means a group of students who will complete 34588  
their bachelor's degree requirements and graduate from a state 34589  
university at the same time. A cohort may include transfer 34590  
students and other selected undergraduate student academic 34591  
programs as determined by the board of trustees of a state 34592  
university. 34593

(2) "Eligible student" means an undergraduate student who: 34594

(a) Is enrolled full-time in a bachelor's degree program at a state university;

(b) Is a resident of this state, as defined by the ~~chancellor of the Ohio board of regents~~ director of higher education under section 3333.31 of the Revised Code.

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of a state university may establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program.

If the board of trustees chooses to establish such a program, the board shall adopt rules for the program that include, but are not limited to, all of the following:

(1) The number of credit hours required to earn an undergraduate degree in each major;

(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to six per cent above what has been charged in the previous academic year one time for the first cohort enrolled under the tuition guarantee program. If the board of trustees determines that economic conditions or other circumstances require an increase for the first cohort of above six per cent, the board shall submit a request to increase the amount by a specified percentage to the ~~chancellor~~ director. The ~~chancellor~~ director, based on information the ~~chancellor~~ director requires from the board of trustees, shall approve or disapprove such a request. Thereafter, the board of trustees may increase the

guaranteed amount by up to the sum of the following above what has 34626  
been charged in the previous academic year one time per subsequent 34627  
cohort: 34628

(a) The average rate of inflation, as measured by the 34629  
consumer price index prepared by the bureau of labor statistics of 34630  
the United States department of labor (all urban consumers, all 34631  
items), for the previous sixty-month period; and 34632

(b) The percentage amount the general assembly restrains 34633  
increases on in-state undergraduate instructional and general fees 34634  
for the applicable fiscal year. If the general assembly does not 34635  
enact a limit on the increase of in-state undergraduate 34636  
instructional and general fees, then no limit shall apply under 34637  
this division for the cohort that first enrolls in any academic 34638  
year for which the general assembly does not prescribe a limit. 34639

If, beginning with the academic year that starts four years 34640  
after ~~the effective date of this section~~ September 29, 2013, the 34641  
board of trustees determines that the general and instructional 34642  
fees charged under the tuition guarantee have fallen significantly 34643  
lower than those of other state universities, the board of 34644  
trustees may submit a request to increase the amount charged to a 34645  
cohort by a specified percentage to the ~~chancellor~~ director, who 34646  
shall approve or disapprove such a request. 34647

(3) A benchmark by which the board sets annual increases in 34648  
general and instructional fees. This benchmark and any subsequent 34649  
change to the benchmark shall be subject to approval of the 34650  
~~chancellor~~ director. 34651

(4) Eligibility requirements for students to participate in 34652  
the program; 34653

(5) Student rights and privileges under the program; 34654

(6) Consequences to the university for students unable to 34655  
complete a degree program within four years, as follows: 34656

(a) For a student who could not complete the program in four 34657  
years due to a lack of available classes or space in classes 34658  
provided by the university, the university shall provide the 34659  
necessary course or courses for completion to the student free of 34660  
charge. 34661

(b) For a student who could not complete the program in four 34662  
years due to military service or other circumstances beyond a 34663  
student's control, as determined by the board of trustees, the 34664  
university shall provide the necessary course or courses for 34665  
completion to the student at the student's initial cohort rate. 34666

(c) For a student who did not complete the program in four 34667  
years for any other reason, as determined by the board of 34668  
trustees, the university shall provide the necessary course or 34669  
courses for completion to the student at a rate determined through 34670  
a method established by the board under division (B)(7) of this 34671  
section. 34672

(7) Guidelines for adjusting a student's annual charges if 34673  
the student, due to circumstances under the student's control, is 34674  
unable to complete a degree program within four years; 34675

(8) A requirement that the rules adopted under division (B) 34676  
of this section be published or posted in the university handbook, 34677  
course catalog, and web site. 34678

(C) If a board of trustees implements a program under this 34679  
section, the board shall submit the rules adopted under division 34680  
(B) of this section to the ~~chancellor~~ director for approval before 34681  
beginning implementation of the program. 34682

The ~~chancellor~~ director shall not unreasonably withhold 34683  
approval of a program if the program conforms in principle with 34684  
the parameters and guidelines of this section. 34685

(D) A board of trustees of a state university may establish 34686  
an undergraduate tuition guarantee program for nonresident 34687

students. 34688

(E) Within five years after ~~the effective date of this~~ 34689  
~~section September 29, 2013,~~ the ~~chancellor~~ director shall publish 34690  
on the ~~board of regents~~ director's web site a report that includes 34691  
all of the following: 34692

(1) The state universities that have adopted an undergraduate 34693  
tuition guarantee program under this section; 34694

(2) The details of each undergraduate tuition guarantee 34695  
program established under this section; 34696

(3) Comparative data, including general and instructional 34697  
fees, room and board, graduation rates, and retention rates, from 34698  
all state universities. 34699

**Sec. 3345.50.** Notwithstanding anything to the contrary in 34700  
sections 123.01 and 123.10 of the Revised Code, a state 34701  
university, a state community college, or the northeast Ohio 34702  
medical university not certified pursuant to section 123.24 of the 34703  
Revised Code may administer any capital facilities project for the 34704  
construction, reconstruction, improvement, renovation, 34705  
enlargement, or alteration of a public improvement under its 34706  
jurisdiction for which the total amount of funds expected to be 34707  
appropriated by the general assembly does not exceed four million 34708  
dollars without the supervision, control, or approval of the Ohio 34709  
facilities construction commission as specified in those sections, 34710  
if both of the following occur: 34711

(A) Within sixty days after the effective date of the section 34712  
of an act in which the general assembly initially makes an 34713  
appropriation for the project, the board of trustees of the 34714  
institution notifies the ~~chancellor of the Ohio board of regents~~ 34715  
director of higher education in writing of its intent to 34716  
administer the capital facilities project; 34717

(B) The board of trustees complies with the guidelines 34718  
established pursuant to section 153.16 of the Revised Code and all 34719  
laws that govern the selection of consultants, preparation and 34720  
approval of contract documents, receipt of bids, and award of 34721  
contracts with respect to the project. 34722

The ~~chancellor~~ director shall adopt rules in accordance with 34723  
Chapter 119. of the Revised Code that establish criteria for the 34724  
administration by any such institution of higher education of a 34725  
capital facilities project for which the total amount of funds 34726  
expected to be appropriated by the general assembly exceeds four 34727  
million dollars. The criteria, to be developed with the Ohio 34728  
facilities construction commission and higher education 34729  
representatives selected by the ~~chancellor~~ director, shall include 34730  
such matters as the adequacy of the staffing levels and expertise 34731  
needed for the institution to administer the project, past 34732  
performance of the institution in administering such projects, and 34733  
the amount of institutional or other nonstate money to be used in 34734  
financing the project. The ~~chancellor~~ director and the Ohio 34735  
facilities construction commission shall approve the request of 34736  
any such institution of higher education that seeks to administer 34737  
any such capital facilities project and meets the criteria set 34738  
forth in the rules and in the requirements of division (B) of this 34739  
section. 34740

**Sec. 3345.51.** (A) Notwithstanding anything to the contrary in 34741  
sections 123.20 and 123.21 of the Revised Code, a state 34742  
university, the northeast Ohio medical university, or a state 34743  
community college may administer any capital facilities project 34744  
for the construction, reconstruction, improvement, renovation, 34745  
enlargement, or alteration of a public improvement under its 34746  
jurisdiction for which funds are appropriated by the general 34747  
assembly without the supervision, control, or approval of the Ohio 34748  
facilities construction commission as specified in those sections, 34749

if all of the following occur: 34750

(1) The institution is certified by the commission under 34751  
section 123.24 of the Revised Code; 34752

(2) Within sixty days after the effective date of the section 34753  
of an act in which the general assembly initially makes an 34754  
appropriation for the project, the board of trustees of the 34755  
institution notifies the ~~chancellor of the Ohio board of regents~~ 34756  
director of higher education in writing of its request to 34757  
administer the capital facilities project and the ~~chancellor~~ 34758  
director approves that request pursuant to division (B) of this 34759  
section; 34760

(3) The board of trustees passes a resolution stating its 34761  
intent to comply with section 153.13 of the Revised Code and the 34762  
guidelines established pursuant to section 153.16 of the Revised 34763  
Code and all laws that govern the selection of consultants, 34764  
preparation and approval of contract documents, receipt of bids, 34765  
and award of contracts with respect to the project. 34766

(B) The ~~chancellor~~ director shall adopt rules in accordance 34767  
with Chapter 119. of the Revised Code that establish criteria for 34768  
the administration by any such institution of higher education of 34769  
a capital facilities project for which the general assembly 34770  
appropriates funds. The criteria, to be developed with the 34771  
commission and higher education representatives selected by the 34772  
~~chancellor~~ director, shall include such matters as the adequacy of 34773  
the staffing levels and expertise needed for the institution to 34774  
administer the project, past performance of the institution in 34775  
administering such projects, and the amount of institutional or 34776  
other nonstate money to be used in financing the project. The 34777  
~~chancellor~~ director shall approve the request of any such 34778  
institution of higher education that seeks to administer any such 34779  
capital facilities project and meets the criteria set forth in the 34780  
rules and the requirements of division (A) of this section. 34781

(C) Any institution that administers a capital facilities project under this section shall conduct biennial audits for the duration of the project to ensure that the institution is complying with Chapters 9., 123., and 153. of the Revised Code and that the institution is using its certification issued under section 123.24 of the Revised Code appropriately. The ~~chancellor~~ director, in consultation with higher education representatives selected by the ~~chancellor~~ director, shall adopt rules in accordance with Chapter 119. of the Revised Code that establish criteria for the conduct of the audits. The criteria shall include documentation necessary to determine compliance with Chapters 9., 123., and 153. of the Revised Code and a method to determine whether an institution is using its certification issued under section 123.24 of the Revised Code appropriately.

(D) The ~~chancellor~~ director, in consultation with higher education representatives selected by the ~~chancellor~~ director, shall adopt rules in accordance with Chapter 119. of the Revised Code establishing criteria for monitoring capital facilities projects administered by institutions under this section. The criteria shall include the following:

(1) Conditions under which the ~~chancellor~~ director may revoke the authority of an institution to administer a capital facilities project under this section, including the failure of an institution to maintain a sufficient number of employees who have successfully completed the certification program under section 123.24 of the Revised Code;

(2) A process for institutions to remedy any problems found by an audit conducted pursuant to division (C) of this section, including the improper use of state funds or violations of Chapter 9., 123., or 153. of the Revised Code.

(E) If the ~~chancellor~~ director revokes an institution's authority to administer a capital facilities project, the

commission shall administer the capital facilities project. The 34814  
~~chancellor~~ director also may require an institution, for which the 34815  
~~chancellor~~ director revoked authority to administer a capital 34816  
facilities project, to acquire a new local administration 34817  
competency certification pursuant to section 123.24 of the Revised 34818  
Code. 34819

**Sec. 3345.54.** (A) As used in this section: 34820

(1) "Auxiliary facilities" has the same meaning as in section 34821  
3345.12 of the Revised Code. 34822

(2) "Conduit entity" means an organization described in 34823  
section 501(c)(3) of the Internal Revenue Code qualified as a 34824  
public charity under section 509(a)(2) or 509(a)(3) of the 34825  
Internal Revenue Code, or any other appropriate legal entity 34826  
selected by the state institution, whose corporate purpose allows 34827  
it to perform the functions and obligations of a conduit entity 34828  
pursuant to the terms of a financing agreement. 34829

(3) "Conveyed property" means auxiliary facilities conveyed 34830  
by a state institution to a conduit entity pursuant to a financing 34831  
agreement. 34832

(4) "Financing agreement" means a contract described in 34833  
division (C) of this section. 34834

(5) "Independent funding source" means a private entity that 34835  
enters into a financing agreement with a conduit entity and a 34836  
state institution. 34837

(6) "State institution" means a state institution of higher 34838  
education as defined in section 3345.011 of the Revised Code. 34839

(B) The board of trustees of a state institution, with the 34840  
approval of the ~~chancellor of the Ohio board of regents~~ director 34841  
of higher education and the controlling board, may enter into a 34842  
financing agreement with a conduit entity and an independent 34843

funding source selected either through a competitive selection 34844  
process or by direct negotiations, and may convey to the conduit 34845  
entity title to any auxiliary facilities owned by the state 34846  
institution pursuant to the terms of a financing agreement. 34847

(C) A financing agreement under this section is a written 34848  
contract entered into among a state institution, a conduit entity, 34849  
and an independent funding source that provides for: 34850

(1) The conveyance of auxiliary facilities owned by a state 34851  
institution to the conduit entity for consideration deemed 34852  
adequate by the state institution; 34853

(2) The lease of the conveyed property by the conduit entity 34854  
to the independent funding source and leaseback of the conveyed 34855  
property to the conduit entity for a term not to exceed 34856  
ninety-nine years; 34857

(3) Such other terms and conditions that may be negotiated 34858  
and agreed upon by the parties, including, but not limited to, 34859  
terms regarding: 34860

(a) Payment to the state institution by the conduit entity of 34861  
revenues received by it from the operations of the conveyed 34862  
property in excess of the payments it is required to make to the 34863  
independent funding source under the lease-leaseback arrangement 34864  
described in division (C)(2) of this section; 34865

(b) Pledge, assignment, or creation of a lien in favor of the 34866  
independent funding source by the conduit entity of any revenues 34867  
derived from the conveyed property; 34868

(c) Reverter or conveyance of title to the conveyed property 34869  
to the state institution when the conveyed property is no longer 34870  
subject to a lease with the independent funding source. 34871

(4) Terms and conditions required by the ~~chancellor~~ director 34872  
or the controlling board as a condition of approval of the 34873

financing agreement. 34874

(D) The state institution and the conduit entity may enter 34875  
into such other management agreements or other contracts regarding 34876  
the conveyed property the parties deem appropriate, including 34877  
agreements pursuant to which the state institution may maintain or 34878  
administer the conveyed property and collect and disburse revenues 34879  
from the conveyed property on behalf of the conduit entity. 34880

(E) The parties may modify or extend the term of the 34881  
financing agreement with the approval of the ~~chancellor~~ director 34882  
and the controlling board. 34883

(F) The conveyed property shall retain its exemption from 34884  
property taxes and assessments as though title to the conveyed 34885  
property were held by the state institution during any part of a 34886  
tax year that title is held by the state institution or the 34887  
conduit entity and, if held by the conduit entity, remains subject 34888  
to the lease-leaseback arrangement described in division (C)(2) of 34889  
this section. However, as a condition of the continued exemption 34890  
of the conveyed property during the term of the lease-leaseback 34891  
arrangement the conduit entity shall apply for and maintain the 34892  
exemption as provided by law. 34893

(G) Nothing in this section is intended to abrogate, amend, 34894  
limit, or replace any existing authority state institutions may 34895  
have with respect to the conveyance, lease, lease-leaseback, 34896  
finance, or acquisition of auxiliary facilities including, but not 34897  
limited to, authority granted under sections 3345.07, 3345.11, and 34898  
3345.12 of the Revised Code. 34899

**Sec. 3345.692.** (A) Not later than September 15, 2010, and the 34900  
fifteenth day of September each year thereafter, a state 34901  
institution of higher education shall prepare and submit to the 34902  
~~chancellor of the board of regents~~ director of higher education a 34903  
report that describes the number and types of biobased products 34904

purchased under section 125.092 of the Revised Code and the amount 34905  
of money spent by the state institution of higher education for 34906  
those biobased products. 34907

(B) As used in this section, "state institution of higher 34908  
education" has the same meaning as in section 3345.011 of the 34909  
Revised Code. 34910

**Sec. 3345.70.** (A) Whenever the board of trustees of a state 34911  
university, as defined under section 3345.011 of the Revised Code, 34912  
declares that the university is in a state of fiscal exigency, the 34913  
board shall do all of the following until it declares that the 34914  
university is no longer in such a state: 34915

(1) File quarterly reports on an annualized budget, comparing 34916  
the budget to actual spending with projected expenses for the 34917  
remainder of the year. Such reports shall include narrative 34918  
explanations as appropriate. 34919

(2) Place all residence hall and meal fees in a rotary 34920  
account dedicated to the upkeep and maintenance of the dormitory 34921  
buildings and to fund meal programs; 34922

(3) Place moneys for the operation of residence hall and meal 34923  
programs in separately maintained auxiliary funds in the 34924  
university accounting system; 34925

(4) File the minutes from their board of trustees meetings 34926  
with the ~~board of regents~~ director of higher education within 34927  
thirty days of their meetings. 34928

(B) No state university described under division (A) of this 34929  
section shall do any of the following: 34930

(1) Use state funds for the purpose of providing grants or 34931  
scholarships to out-of-state students; 34932

(2) Use state funds to subsidize off-campus housing or 34933

subsidize transportation to and from off-campus housing. 34934

(C) The requirements of divisions (A)(2) and (3) of this 34935  
section are subject to the provisions of any applicable bond 34936  
proceedings as defined under division (A)(9) of section 3345.12 of 34937  
the Revised Code and to any applicable pledge made as authorized 34938  
by division (R) of section 3345.12 of the Revised Code. 34939

**Sec. 3345.72.** (A) The office of budget and management shall 34940  
work with the auditor of state, the ~~Ohio board of regents~~ director 34941  
of higher education, and two representatives of state universities 34942  
and colleges appointed by the ~~chancellor of the board of regents~~ 34943  
director to develop rules under this division, and shall adopt the 34944  
rules in accordance with section 111.15 of the Revised Code. One 34945  
of the ~~chancellor's~~ director's appointments shall represent a 34946  
four-year institution and one a two-year institution. The rules 34947  
shall include all of the following: 34948

(1) Criteria for determining when to declare a state 34949  
university or college under a fiscal watch, which criteria shall 34950  
include all of the following: 34951

(a) A requirement for the submission of a quarterly report 34952  
from each state university or college, within thirty days after 34953  
the end of each calendar quarter, to the ~~board of regents~~ director 34954  
of higher education, the director of budget and management, ~~the~~ 34955  
~~legislative budget office of~~ the legislative service commission, 34956  
and the chairpersons and ranking minority members of the finance 34957  
committees of the house of representatives and the senate; 34958

(b) A requirement that each state university and college 34959  
shall prepare at the end of each fiscal year a financial statement 34960  
consistent with audit requirements prescribed by the auditor of 34961  
state, and shall submit the financial statement to the auditor of 34962  
state within four months after the end of the fiscal year; 34963

(c) A requirement that the auditor of state shall send 34964  
written notice to the agencies and persons mentioned in division 34965  
(A)(1)(a) of this section if a state university or college fails 34966  
to submit its financial statement within the time required under 34967  
division (A)(1)(b) of this section; 34968

(d) A requirement that the auditor of state shall send 34969  
written notice to the agencies and persons mentioned in division 34970  
(A)(1)(a) of this section if an audit of a state university or 34971  
college reveals any of the following: 34972

(i) Substantive audit findings, such as an inability to make 34973  
timely payments to vendors, delays in pension retirement 34974  
contributions, or requests for advanced state funding; 34975

(ii) A significant variance between budgeted and actual 34976  
spending for a fiscal year; 34977

(iii) A significant operating budget deficit for a fiscal 34978  
year. 34979

(2) Actions to be taken by the board of trustees of a state 34980  
university or college while under a fiscal watch; 34981

(3) Criteria for determining when to declare the termination 34982  
of the fiscal watch of a state university or college; 34983

(4) The fiscal information to be reported to the ~~board of~~ 34984  
~~regents~~ director of higher education by each state university or 34985  
college under a fiscal watch for purposes of making determinations 34986  
under division (D) of this section and division (A) of section 34987  
3345.74 of the Revised Code, and the frequency and deadlines for 34988  
reporting this information. 34989

(B) The ~~board of regents~~ director shall adopt a resolution 34990  
declaring a state university or college to be in a state of fiscal 34991  
watch if the ~~board of regents~~ director determines that the 34992  
criteria adopted under division (A)(1) of this section are 34993

satisfied with respect to that state university or college. For 34994  
purposes of making this determination, the ~~board of regents~~ 34995  
director shall establish a financial tracking system and shall use 34996  
the system to regularly assess each state university or college 34997  
with respect to the criteria adopted under division (A)(1) of this 34998  
section. 34999

(C) While a state university or college is under a fiscal 35000  
watch, the board of trustees of the university or college shall 35001  
take the actions and report the fiscal information prescribed 35002  
under divisions (A)(2) and (4) of this section. 35003

(D) The ~~board of regents~~ director shall adopt a resolution 35004  
declaring the termination of the fiscal watch of a state 35005  
university or college if the ~~board of regents~~ director determines 35006  
that the criteria adopted under division (A)(3) of this section 35007  
are satisfied with respect to that state university or college. 35008

(E) In making assessments and determinations under division 35009  
(B) or (D) of this section, the ~~board of regents~~ director shall 35010  
use financial reports required under section 3345.05 of the 35011  
Revised Code or any other documents, records, or information 35012  
available to ~~it~~ the director or the auditor of state related to 35013  
the criteria adopted under division (A)(1) or (3) of this section. 35014  
In making determinations under division (D) of this section, the 35015  
~~board of regents~~ director shall also use the fiscal information 35016  
reported under division (C) of this section. 35017

(F) The ~~board of regents~~ director of higher education shall 35018  
certify each action taken under division (B) or (D) of this 35019  
section to the governor, the director of budget and management, 35020  
the speaker and minority leader of the house of representatives, 35021  
the president and minority leader of the senate, ~~the legislative~~ 35022  
~~budget office~~ of the legislative service commission, and the 35023  
chairpersons and ranking minority members of the finance 35024  
committees of the house and senate. 35025

(G) A determination by the ~~board of regents~~ director of higher education under this section that a fiscal watch exists or does not exist, or that a fiscal watch is terminated or is not terminated, is final and conclusive and not appealable.

(H) If a state university or college fails to submit the quarterly report required under division (A)(1) of this section within thirty days after the end of a calendar quarter, the ~~board of regents~~ director shall withhold payment of any instructional subsidies to the university or college until it submits the report. Upon submission of the report, the ~~board of regents~~ director shall pay the withheld subsidies to the university or college.

**Sec. 3345.73.** The office of budget and management shall work with the auditor of state, the ~~Ohio board of regents~~ director of higher education, and two representatives of state universities and colleges appointed by the ~~chancellor of the board of regents~~ director to develop rules under this section, and shall adopt the rules in accordance with section 111.15 of the Revised Code. One of the ~~chancellor's~~ director's appointments shall represent a four-year institution and one a two-year institution. The rules shall establish the following:

(A) The financial indicators and the standards for using those indicators that the ~~board of regents~~ director is to employ to determine whether a university or college under a fiscal watch is experiencing sufficient fiscal difficulties to warrant appointing a conservator under section 3345.74 of the Revised Code;

(B) The financial indicators and the standards for using those indicators that a governance authority established for a state university or college under section 3345.75 of the Revised Code is to employ to determine whether the university or college

is experiencing sufficient fiscal stability to warrant terminating 35057  
that governance authority in accordance with section 3345.76 of 35058  
the Revised Code. 35059

The indicators and standards adopted under this section shall 35060  
be designed so as to take into account at least the revenues, 35061  
expenditures, assets, liabilities, and fund balances of a state 35062  
university or college, and shall be designed so as to indicate the 35063  
financial performance and position of a state university or 35064  
college. 35065

**Sec. 3345.74.** (A) The ~~Ohio board of regents~~ director of 35066  
higher education at least annually shall apply the indicators and 35067  
standards adopted under division (A) of section 3345.73 of the 35068  
Revised Code to determine whether a state university or college 35069  
under a fiscal watch is experiencing sufficient fiscal 35070  
difficulties to warrant the appointment of a conservator under 35071  
this section. Upon making a determination that appointment of a 35072  
conservator is warranted, the ~~board of regents~~ director shall 35073  
request from the office of budget and management, which shall 35074  
provide, certification that sufficient fiscal difficulties exist 35075  
to warrant appointment of a conservator. The ~~board of regents~~ 35076  
director shall then certify this determination to the governor. 35077

Notwithstanding section 3333.021 of the Revised Code, that 35078  
section does not apply to certification by the ~~board of regents~~ 35079  
director under this section or to the declaration of a fiscal 35080  
watch under section 3345.72 of the Revised Code. 35081

A determination by the ~~board of regents~~ director under this 35082  
division that sufficient fiscal difficulties exist or do not exist 35083  
to warrant appointing a conservator is final and conclusive and 35084  
not appealable. 35085

(B) The governor may appoint a conservator for any state 35086  
university or college under a fiscal watch, upon certification by 35087

the ~~Ohio board of regents~~ director under division (A) of this 35088  
section that the appointment is warranted. The governor shall 35089  
consult with the speaker ~~and~~ and minority leader of the house of 35090  
representatives and the president and minority leader of the 35091  
senate before making the appointment. From the time a conservator 35092  
is appointed until the time the governor issues an order 35093  
terminating the governance authority under division (B) of section 35094  
3345.76 of the Revised Code, the governor may remove any member of 35095  
the board of trustees of the state university or college from 35096  
office and not fill the vacancy. 35097

(C) Upon appointment of a conservator under this section for 35098  
a state university or college, all of the following shall occur 35099  
effective immediately: 35100

(1) All duties, responsibilities, and powers of the board of 35101  
trustees of the university or college are suspended; 35102

(2) The management and control of the state university or 35103  
college is assumed by the conservator; 35104

(3) Notwithstanding any section of the Revised Code, all 35105  
duties, responsibilities, and powers assigned by law to the board 35106  
of trustees are assigned to the conservator, and the conservator 35107  
becomes the successor to, assumes the lawful obligations of, and 35108  
otherwise constitutes the continuation of the board of trustees 35109  
for purposes of all pending legal actions, contracts or other 35110  
agreements, and obligations of the university or college; 35111

(4) Wherever the board of trustees is referred to in any 35112  
contract or legal document, the reference is deemed to refer to 35113  
the conservator. No validation, cure, right, privilege, remedy, 35114  
obligation, or liability is lost or impaired by reason of the 35115  
assumption of the board's authority by the conservator under this 35116  
section and any such validation, cure, right, privilege, remedy, 35117  
obligation, or liability shall be administered by the conservator. 35118

No action or proceeding pending on the effective date of the 35119  
assumption by the conservator of the board's authority is affected 35120  
by that assumption and any such action or proceeding shall be 35121  
prosecuted or defended in the name of the conservator. 35122

(5) The conservator assumes custody of all equipment, 35123  
records, files, effects, and all other property real or personal 35124  
of the state university or college; 35125

(6) All authority and duties of the president or chief 35126  
executive officer, and the pay of the president or chief executive 35127  
officer, are suspended. 35128

(D) The conservator for a state university or college shall 35129  
conduct a preliminary performance evaluation of the president or 35130  
chief executive officer of the university or college and provide a 35131  
copy of findings and any recommendations to the governance 35132  
authority established for the university or college under section 35133  
3345.75 of the Revised Code. 35134

(E) A conservator appointed under this section shall be 35135  
immune, indemnified, and held harmless from civil liability, 35136  
including any cause of action, legal, equitable, or otherwise, for 35137  
any action taken or duties performed by the conservator in good 35138  
faith and in furtherance of the performance of the duties of the 35139  
conservator under this section. 35140

(F) The governor shall set the compensation for a conservator 35141  
appointed for a state university or college. The expenses and 35142  
compensation of the conservator and others employed by the 35143  
conservator shall be paid out of the operating funds and revenues 35144  
of that university or college. 35145

**Sec. 3345.75.** (A) Not later than thirty days after the date 35146  
of the appointment of a conservator for a state university or 35147  
college under section 3345.74 of the Revised Code, the governor 35148

shall appoint, with the advice and consent of the senate, a 35149  
governance authority for the university or college consisting of 35150  
five members. The members shall serve at the pleasure of the 35151  
governor and any vacancies shall be filled in the same manner as 35152  
an original appointment. 35153

The governor shall designate one of the members of the 35154  
governance authority as the chairperson and shall call the first 35155  
meeting of the authority. A majority of the members of a 35156  
governance authority constitutes a quorum and the affirmative vote 35157  
of a majority of the members shall be necessary for any action 35158  
taken by an authority. Meetings of a governance authority shall be 35159  
called in the manner and at the times prescribed by the authority, 35160  
but the authority shall meet at least four times annually and at 35161  
other times necessary for the best interest of the university or 35162  
college. A governance authority may adopt procedures for the 35163  
conduct of its business. 35164

The members of a governance authority shall not receive 35165  
compensation for their services, but shall be paid their 35166  
reasonable and necessary expenses while engaged in the discharge 35167  
of their official duties. 35168

(B)(1) A governance authority established under this section 35169  
shall appoint an executive director who shall serve at the 35170  
pleasure of the authority and with the compensation and other 35171  
terms and conditions established by it. With the approval of the 35172  
chairperson of the authority, the executive director may appoint 35173  
additional personnel as the director considers appropriate. The 35174  
executive director shall oversee the day-to-day operation of the 35175  
university or college under the direction and supervision of the 35176  
authority. 35177

(2) The governance authority shall conduct a final 35178  
performance evaluation of the president or chief executive officer 35179  
of the university or college. Following the evaluation, the 35180

governance authority may reinstate any duties, authority, or pay 35181  
previously suspended under division (C)(6) of section 3345.74 of 35182  
the Revised Code, or may terminate the president or chief 35183  
executive officer in accordance with the terms of the person's 35184  
employment contract. 35185

(C) Upon appointment of all members of a governance authority 35186  
under this section and upon the effective date for the 35187  
commencement of the duties of the executive director appointed by 35188  
that authority under this section, all authority, 35189  
responsibilities, duties, and references assumed by or conferred 35190  
upon the conservator under divisions (C)(2) to (6) of section 35191  
3345.74 of the Revised Code terminate and all of the following 35192  
shall occur, effective immediately: 35193

(1) The management and control of the state university or 35194  
college is assumed by the governance authority; 35195

(2) Notwithstanding any section of the Revised Code, all 35196  
duties, responsibilities, and powers assigned by law to the board 35197  
of trustees or to the conservator are assigned to the governance 35198  
authority and the governance authority becomes the successor to, 35199  
assumes the lawful obligations of, and otherwise constitutes the 35200  
continuation of the board of trustees and the conservator for 35201  
purposes of all pending legal actions, contracts or other 35202  
agreements, and obligations of the university or college; 35203

(3) Wherever the board of trustees or conservator is referred 35204  
to in any contract or legal document, the reference is deemed to 35205  
refer to the governance authority. No validation, cure, right, 35206  
privilege, remedy, obligation, or liability is lost or impaired by 35207  
reason of the assumption of the authority of the board of trustees 35208  
and the conservator by the governance authority under this section 35209  
and any such validation, cure, right, privilege, remedy, 35210  
obligation, or liability shall be administered by the governance 35211  
authority. No action or proceeding pending on the effective date 35212

of the assumption by the governance authority of the authority of 35213  
the board of trustees and the conservator is affected by that 35214  
assumption and any such action or proceeding shall be prosecuted 35215  
or defended in the name of the governance authority. 35216

(4) The governance authority assumes custody of all 35217  
equipment, records, files, effects, and all other property real or 35218  
personal of the state university or college. 35219

(D) A governance authority and executive director appointed 35220  
under this section shall be immune, indemnified, and held harmless 35221  
from civil liability, including any cause of action, legal, 35222  
equitable, or otherwise, for any action taken or duties performed 35223  
by the governance authority and executive director in good faith 35224  
and in furtherance of the performance of the duties of the 35225  
governance authority and executive director under this section. 35226

(E) The expenses of a governance authority and the expenses 35227  
and compensation of an executive director appointed for a state 35228  
university or college under this section and others employed by 35229  
the executive director under this section shall be paid out of the 35230  
operating funds and revenues of that university or college. 35231

(F) A governance authority appointed under this section shall 35232  
prepare, in accordance with rules adopted by the office of budget 35233  
and management, and submit to the ~~board of regents~~ director of 35234  
higher education, the governor, the speaker and minority leader of 35235  
the house of representatives, and the president and minority 35236  
leader of the senate a quarterly report setting forth all of the 35237  
following: 35238

(1) The general condition of the university or college; 35239

(2) The amounts of receipts and disbursements and the items 35240  
for which the disbursements were made; 35241

(3) The numbers of professors, officers, teachers, and other 35242  
employees and the position and compensation of each and the 35243

numbers of students by courses of instruction; 35244

(4) An estimate of expenses for the ensuing quarter; 35245

(5) A statement of the general progress of the university or 35246  
college with indication of any improvements and specification of 35247  
any experiments with institutional reform and the costs and 35248  
results of those experiments; 35249

(6) Any other matters the governance authority considers 35250  
useful to report. 35251

(G) The attorney general shall be the legal adviser to the 35252  
conservator and the governance authority, and the attorney general 35253  
may employ special counsel to aid the conservator or governance 35254  
authority with respect to any legal matter on behalf of the 35255  
institution. The conservator and the governance authority may as 35256  
otherwise provided by law request the attorney general to bring or 35257  
defend suits or proceedings in the name of the institution. 35258

**Sec. 3345.76.** (A) A governance authority appointed for a 35259  
state university or college under section 3345.75 of the Revised 35260  
Code at least annually shall apply the indicators and standards 35261  
adopted under division (B) of section 3345.73 of the Revised Code 35262  
to determine whether the university or college is experiencing 35263  
sufficient fiscal stability to warrant terminating that governance 35264  
authority in accordance with this section. Upon making a 35265  
determination that termination of the governance authority is 35266  
warranted, the governance authority shall certify this 35267  
determination to the governor. 35268

A determination by a governance authority under this division 35269  
that sufficient fiscal stability exists or does not exist to 35270  
warrant terminating that governance authority is final and 35271  
conclusive and not appealable. 35272

(B) The governor may issue an order, effective as provided 35273

under division (D) of this section, terminating the governance 35274  
authority appointed under section 3345.75 of the Revised Code, 35275  
upon the occurrence of either of the following: 35276

(1) Certification by the governance authority for that state 35277  
university or college the termination of that governance authority 35278  
is warranted; 35279

(2) A finding that in the governor's opinion termination of 35280  
the governance authority is in the best interests of the state, 35281  
that state university or college, and the students of that state 35282  
university or college. 35283

(C) Upon issuance of an order under division (B) of this 35284  
section, the governor shall fill each vacancy on the board of 35285  
trustees of the university or college for the unexpired portion of 35286  
the member's term or, if the term for the member has already 35287  
expired, for the unexpired portion of the succeeding term. 35288

(D) Thirty days after the date on which the ~~Ohio board of~~ 35289  
~~regents~~ director of higher education determines that all vacancies 35290  
on the board of trustees have been filled, all authority, 35291  
responsibilities, duties, and references assumed by or conferred 35292  
upon the governance authority of that university or college under 35293  
division (C) of section 3345.75 of the Revised Code terminate and 35294  
all of the following shall occur: 35295

(1) The management and control of the state university or 35296  
college by the board of trustees shall be resumed; 35297

(2) The board becomes the successor to, assumes the lawful 35298  
obligations of, and otherwise constitutes the continuation of the 35299  
conservator and the governance authority for purposes of all 35300  
pending legal actions, contracts or other agreements, and 35301  
obligations of the university or college; 35302

(3) Wherever the conservator or the governance authority is 35303  
referred to in any contract or legal document, the reference is 35304

deemed to refer to the board of trustees. No validation, cure, 35305  
right, privilege, remedy, obligation, or liability is lost or 35306  
impaired by reason of the resumption by the board of trustees of 35307  
the authority of the conservator and the governance authority, and 35308  
any such validation, cure, right, privilege, remedy, obligation, 35309  
or liability shall be administered by the board of trustees. No 35310  
action or proceeding pending on the effective date of the 35311  
resumption by the board of trustees of the authority of the 35312  
conservator and the governance authority is affected by that 35313  
resumption, and any such action or proceeding shall be prosecuted 35314  
or defended in the name of the board of trustees. 35315

(4) The board of trustees resumes custody of all equipment, 35316  
records, files, effects, and all other property real or personal 35317  
of the state university or college; 35318

(5) Employment of the executive director appointed for the 35319  
university or college under section 3345.75 of the Revised Code is 35320  
terminated; 35321

(6) The duties, authority, and pay of the president or chief 35322  
executive officer of the university or college suspended under 35323  
division (C)(6) of section 3345.74 and not reinstated under 35324  
division (B)(2) of section 3345.75 of the Revised Code are 35325  
reinstated to the person holding that position, unless otherwise 35326  
provided for by the board of trustees. 35327

**Sec. 3345.81.** Not later than June 30, 2014, the board of 35328  
trustees of each institution of higher education, as defined by 35329  
section 3345.12 of the Revised Code, shall adopt an 35330  
institution-specific strategic completion plan designed to 35331  
increase the number of degrees and certificates awarded to 35332  
students. The plan shall be consistent with the mission and 35333  
strategic priorities of the institution, include measureable 35334  
student completion goals, and align with the state's workforce 35335

development priorities. Upon adoption by the board of trustees, 35336  
each institution of higher education shall provide a copy of its 35337  
plan to the ~~chancellor of the Ohio board of regents~~ director of 35338  
higher education. 35339

The board of trustees of each institution of higher education 35340  
shall update its plan at least once every two years and provide a 35341  
copy of their updated plan to the ~~chancellor~~ director upon 35342  
adoption. 35343

**Sec. 3354.01.** As used in sections 3354.01 to 3354.18~~7~~ 35344  
~~inclusive,~~ of the Revised Code: 35345

(A) "Community college district" means a political 35346  
subdivision of the state and a body corporate with all the powers 35347  
of a corporation, comprised of the territory of one or more 35348  
contiguous counties having together a total population of not less 35349  
than seventy-five thousand preceding the establishment of such 35350  
district, and organized for the purpose of establishing, owning, 35351  
and operating a community college within the territory of such 35352  
district. 35353

(B) "Contiguous counties" means counties so located that each 35354  
such county shares at least one boundary in common with at least 35355  
one other such county in the group of counties referred to as 35356  
being "contiguous." 35357

(C) "Community college" means a public institution of 35358  
education beyond the high school organized for the principal 35359  
purpose of providing for the people of the community college 35360  
district wherein such college is situated the instructional 35361  
programs defined in this section as "arts and sciences" and 35362  
"technical," or either, and may include the "adult-education" 35363  
program as defined in this section~~7~~. Except for bachelor's 35364  
programs offered under section 3354.071 of the Revised Code, 35365

instructional programs shall not exceeding exceed two years<sup>+</sup> in 35366  
duration. 35367

A university maintained and operated by a municipality 35368  
located in a county having a total population equal to the 35369  
requirement for a community college district as set forth in 35370  
division (A) of section 3354.01 of the Revised Code and is found 35371  
by the ~~Ohio board of regents~~ director of higher education to offer 35372  
instructional programs which are needed in the community and which 35373  
are equivalent to those required of community colleges shall be, 35374  
for the purposes of receiving state or federal financial aid only, 35375  
considered a community college and shall receive the same state 35376  
financial assistance granted to community colleges but only in 35377  
respect to students enrolled in their first and second year of 35378  
post high school education in the kinds of instructional programs 35379  
offered by the municipal university. 35380

(D) "Arts and sciences program" means a both of the 35381  
following: 35382

(1) A curricular program of two years or less duration, 35383  
provided within a community college, planned and intended to 35384  
enable students to gain academic credit for courses generally 35385  
comparable to courses offered in the first two years in accredited 35386  
colleges and universities in the state, and designed either to 35387  
enable students to transfer to such colleges and universities for 35388  
the purpose of earning baccalaureate degrees or to enable students 35389  
to terminate academic study after two years with a proportionate 35390  
recognition of academic achievement. 35391

(2) A bachelor's degree program approved and offered under 35392  
section 3354.071 of the Revised Code. 35393

(E) "Adult-education program" means the dissemination of post 35394  
high school educational service and knowledge, by a community 35395  
college, for the occupational, cultural, or general educational 35396

benefit of adult persons, such educational service and knowledge 35397  
not being offered for the primary purpose of enabling such persons 35398  
to obtain academic credit or other formal academic recognition. 35399

(F) "Charter amendment" means a change in the official plan 35400  
of a community college for the purpose of acquiring additional 35401  
lands or structures, disposing of or transferring lands or 35402  
structures, erection of structures, or creating or abolishing of 35403  
one or more academic departments corresponding to generally 35404  
recognized fields of academic study. 35405

(G) "Technical program" means a post high school curricular 35406  
program of two years or less duration, provided within a community 35407  
college, planned and intended to enable students to gain academic 35408  
credit for courses designed to prepare such students to meet the 35409  
occupational requirements of the community. 35410

(H) "Operating costs" means all expenses for all purposes of 35411  
the community college district except expenditures for permanent 35412  
improvements having an estimated life of usefulness of five years 35413  
or more as certified by the fiscal officer of the community 35414  
college district. 35415

Sec. 3354.071. (A) The board of trustees of any community 35416  
college established under this chapter may apply to the director 35417  
of higher education for approval to offer bachelor's degree 35418  
programs in subject areas that are not either of the following: 35419

(1) The same or substantially similar subject areas currently 35420  
offered at any state university, either on its main campus or a 35421  
regional campus, or university branch, that is within thirty miles 35422  
of the main campus of the community college, as determined by the 35423  
director; 35424

(2) The same or substantially similar subject areas that a 35425  
state university plans to offer on its main campus, regional 35426

campus, or university branch within one year of the date the 35427  
community college submits its application for approval to the 35428  
director. 35429

Before granting approval to a program under this section, the 35430  
director shall determine and certify that there is a demonstrated 35431  
need for such a program in the geographic area of the community 35432  
college. If the director grants approval, the community college 35433  
may offer such programs and award the appropriate bachelor's 35434  
degrees to students upon completion of the programs. 35435

(B) As used in this section: 35436

(1) "State university" has the same meaning as in section 35437  
3345.011 of the Revised Code. 35438

(2) "University branch" has the same meaning as in section 35439  
3355.01 of the Revised Code. 35440

**Sec. 3354.09.** The board of trustees of a community college 35441  
district may: 35442

(A) Own and operate a community college, pursuant to an 35443  
official plan prepared and approved in accordance with section 35444  
3354.07 of the Revised Code, or enter into a contract with a 35445  
generally accredited public university or college for operation of 35446  
such community college by such university or college pursuant to 35447  
an official plan prepared and approved in accordance with section 35448  
3354.07 of the Revised Code; 35449

(B) Hold, encumber, control, acquire by donation, purchase, 35450  
or condemnation, construct, own, lease, use, and sell real and 35451  
personal property as is necessary for the conduct of the program 35452  
of the community college on whatever terms and for whatever 35453  
consideration may be appropriate for the purpose of the college; 35454

(C) Accept gifts, grants, bequests, and devises absolutely or 35455  
in trust for support of the college during the existence of the 35456

college; 35457

(D) Appoint the administrative officers, faculty, and staff, 35458  
necessary and proper for such community college, and fix their 35459  
compensation except in instances in which the board of trustees 35460  
has delegated such powers to a college or university operating 35461  
such community college pursuant to a contract entered into by the 35462  
board of trustees of the district; 35463

(E) Provide for a community college necessary lands, 35464  
buildings or other structures, equipment, means, and appliances; 35465

(F) Develop and adopt, pursuant to the official plan, the 35466  
curricular programs identified in section 3354.01 of the Revised 35467  
Code as arts and sciences programs and technical programs, or 35468  
either. Such programs may include adult-education programs. 35469

(G) Except as provided in sections 3333.17 and 3333.32 of the 35470  
Revised Code, establish schedules of fees and tuition for students 35471  
who are residents of the district, residents of Ohio but not of 35472  
the district, and students who are nonresidents of Ohio. The 35473  
establishment of rules governing the determination of residence 35474  
shall be subject to approval of the ~~Ohio board of regents~~ director 35475  
of higher education. Students who are nonresidents of Ohio shall 35476  
be required to pay higher rates of fees and tuition than the rates 35477  
required of students who are residents of Ohio but not of the 35478  
district, and students who are residents of the district shall pay 35479  
a smaller tuition and fee rate than the rate for either category 35480  
of nonresident students. 35481

(H) Authorize, approve, ratify, or confirm any agreement 35482  
relating to any such community college with the United States 35483  
government, acting through any agency of such government 35484  
designated or created to aid in the financing of such projects, or 35485  
with any person or agency offering grants in aid in financing such 35486  
educational facilities or the operation of such facilities except 35487

as prohibited in division (K) of this section. 35488

Such agreement may include a provision for repayment of 35489  
advances, grants, or loans made to any community college district 35490  
from funds which may become available to it. 35491

When the United States government or its agent makes a grant 35492  
of money to any community college district to aid in paying the 35493  
cost of any projects of such district, or enters into an agreement 35494  
with the community college district for the making of any such 35495  
grant of money, the amount thereof is deemed appropriated for such 35496  
purpose by the community college district and is deemed in process 35497  
of collection within the meaning of section 5705.41 of the Revised 35498  
Code. 35499

(I) Grant appropriate certificates of achievement or degrees 35500  
to students successfully completing the community college 35501  
programs; 35502

(J) Prescribe rules for the effective operation of a 35503  
community college and exercise such other powers as are necessary 35504  
for the efficient management of such college; 35505

(K) Receive and expend gifts or grants from the state for the 35506  
payment of operating costs, for the acquisition, construction, or 35507  
improvement of buildings or other structures, or for the 35508  
acquisition or use of land. In no event shall state gifts or 35509  
grants be expended for the support of adult-education programs. 35510  
Gifts or grants from the state for operating costs shall not in 35511  
any biennium exceed the amount recommended by the ~~Ohio board of~~ 35512  
~~regents~~ director of higher education to the governor as provided 35513  
in Chapter 3333. of the Revised Code. Such gifts or grants shall 35514  
be distributed to such districts in equal quarter-annual payments, 35515  
unless otherwise provided or authorized in any act appropriating 35516  
moneys for such purposes, on or before the last day of February, 35517  
May, August, and November in each year. 35518

(L) Retain consultants in the fields of education, planning, 35519  
architecture, law, engineering, or other fields of professional 35520  
skill; 35521

(M) Purchase: 35522

(1) A policy or policies of insurance insuring the district 35523  
against loss of or damage to property, whether real, personal, or 35524  
mixed, which is owned by the district or leased by it as lessee or 35525  
which is in the process of construction by or for the district; 35526

(2) A policy or policies of fidelity insurance in such 35527  
amounts and covering such trustees, officers, and employees of the 35528  
district as it considers necessary or desirable; 35529

(3) A policy or policies of liability insurance from an 35530  
insurer or insurers licensed to do business in this state insuring 35531  
its members, officers, and employees against all civil liability 35532  
arising from an act or omission by the member, officer, or 35533  
employee when the member, officer, or employee is not acting 35534  
manifestly outside the scope of employment or official 35535  
responsibilities with the institution, with malicious purpose or 35536  
bad faith, or in a wanton or reckless manner, or may otherwise 35537  
provide for the indemnification of such persons against such 35538  
liability. All or any portion of the cost, premium, or charge for 35539  
such a policy or policies or indemnification payment may be paid 35540  
from any funds under the institution's control. The policy or 35541  
policies of liability insurance or the indemnification policy of 35542  
the institution may cover any risks including, but not limited to, 35543  
damages resulting from injury to property or person, professional 35544  
liability, and other special risks, including legal fees and 35545  
expenses incurred in the defense or settlement of claims for such 35546  
damages. 35547

(4) A policy or policies of insurance insuring the district 35548  
against any liabilities to which it may be subject on account of 35549

damage or injury to persons or property, including liability for 35550  
wrongful death. 35551

(N) Designate one or more employees of the institution as 35552  
state university law enforcement officers, to serve and have 35553  
duties as prescribed in section 3345.04 of the Revised Code. 35554

Any instrument by which real property is acquired pursuant to 35555  
this section shall identify the agency of the state that has the 35556  
use and benefit of the real property as specified in section 35557  
5301.012 of the Revised Code. 35558

**Sec. 3357.01.** As used in this chapter: 35559

(A) "Technical college" means an institution of education 35560  
beyond the high school, including an institution of higher 35561  
education, organized for the principal purpose of providing for 35562  
the residents of the technical college district, wherein such 35563  
college is situated, any one or more of the instructional programs 35564  
defined in this section as "technical college," or 35565  
"adult-education technical programs," normally not exceeding two 35566  
years' duration and not leading to a baccalaureate degree, except 35567  
as provided in section 3357.071 of the Revised Code. 35568

(B) "Technical college district" means a political 35569  
subdivision of the state and a body corporate with all the powers 35570  
of a corporation, comprised of the territory of a city school 35571  
district or a county, or two or more contiguous school districts 35572  
or counties, which meets the standards prescribed by the ~~Ohio~~ 35573  
~~board of regents~~ director of higher education pursuant to section 35574  
3357.02 of the Revised Code, and which is organized for the 35575  
purpose of establishing, owning, and operating one or more 35576  
technical colleges within the territory of such district. 35577

(C) "Contiguous school districts or counties" means school 35578  
districts or counties so located that each such school district or 35579

county shares at least one boundary or a portion thereof in common 35580  
with at least one other such school district or county in the 35581  
group of school districts or counties referred to as being 35582  
"contiguous." 35583

(D) "Technical college program" means a post high school 35584  
curricular program provided within a technical college, planned 35585  
and intended to qualify students, after satisfactory completion of 35586  
such a program normally two years in duration, to pursue careers 35587  
in which they provide immediate technical assistance to 35588  
professional or managerial persons generally required to hold 35589  
baccalaureate or higher academic degrees in technical or 35590  
professional fields. The technical and professional fields 35591  
referred to in this section include, but are not limited to, 35592  
engineering and physical, medical, or other sciences. 35593

(E) "Adult-education technical program" means the 35594  
dissemination of post high school technical education service and 35595  
knowledge, for the occupational, or general educational benefit of 35596  
adult persons. 35597

(F) "Charter amendment" means a change in the official plan 35598  
of a technical college for the purpose of acquiring additional 35599  
lands or structures, disposing of or transferring lands or 35600  
structures, erecting structures, creating or abolishing technical 35601  
college or adult education technical curricular programs. 35602

(G) "Baccalaureate-oriented associate degree program" means a 35603  
curricular program of not more than two years' duration that is 35604  
planned and intended to enable students to gain academic credit 35605  
for courses comparable to first- and second-year courses offered 35606  
by accredited colleges and universities. The purpose of 35607  
baccalaureate-oriented associate degree coursework in technical 35608  
colleges is to enable students to transfer to colleges and 35609  
universities and earn baccalaureate degrees or to enable students 35610  
to terminate academic study after two years with a proportionate 35611

recognition of academic achievement through receipt of an 35612  
associate degree. 35613

Sec. 3357.071. (A) The board of trustees of any technical 35614  
college established under this chapter may apply to the director 35615  
of higher education for approval to offer bachelor's degree 35616  
programs in subject areas that are not either of the following: 35617

(1) The same or substantially similar subject areas currently 35618  
offered at any state university, either on its main campus or a 35619  
regional campus, or university branch, that is within thirty miles 35620  
of the main campus of the technical college, as determined by the 35621  
director; 35622

(2) The same or substantially similar subject areas that a 35623  
state university plans to offer on its main campus, regional 35624  
campus, or university branch within one year of the date the 35625  
technical college submits its application for approval to the 35626  
director. 35627

Before granting approval to a program under this section, the 35628  
director shall determine and certify that there is a demonstrated 35629  
need for such a program in the geographic area of the technical 35630  
college. If the director grants approval, the technical college 35631  
may offer such programs and award the appropriate bachelor's 35632  
degrees to students upon completion of the programs. 35633

(B) As used in this section: 35634

(1) "State university" has the same meaning as in section 35635  
3345.011 of the Revised Code. 35636

(2) "University branch" has the same meaning as in section 35637  
3355.01 of the Revised Code. 35638

**Sec. 3357.09.** The board of trustees of a technical college 35639  
district may: 35640

(A) Own and operate a technical college, pursuant to an official plan prepared and approved in accordance with section 3357.07 of the Revised Code;

(B) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the technical college on whatever terms and for whatever consideration may be appropriate for the purposes of the institution;

(C) Accept gifts, grants, bequests, and devises absolutely or in trust for support of the technical college;

(D) Appoint the president, faculty, and such other employees as necessary and proper for such technical college, and fix their compensation;

(E) Provide for a technical college necessary lands, buildings or other structures, equipment, means, and appliances;

(F) Develop and adopt, pursuant to the official plan, any one or more of the curricular programs identified in section 3357.01 of the Revised Code as technical-college programs, or adult-education technical programs, and bachelor's degree programs approved and offered under section 3357.071 of the Revised Code;

(G) Except as provided in sections 3333.17 and 3333.32 of the Revised Code, establish schedules of fees and tuition for: students who are residents of the district; students who are residents of Ohio but not of the district; students who are nonresidents of Ohio. The establishment of rules governing the determination of residence shall be subject to approval of the ~~Ohio board of regents~~ director of higher education. Students who are nonresidents of Ohio shall be required to pay higher rates of fees and tuition than the rates required of students who are residents of Ohio but not of the district, and students who are

residents of the district shall pay smaller tuition and fee rates 35672  
than the rates for either of the above categories of nonresident 35673  
students, except that students who are residents of Ohio but not 35674  
of the district shall be required to pay higher fees and tuition 35675  
than students who are residents of the district only when a 35676  
district tax levy has been adopted and is in effect under the 35677  
authority of section 3357.11, 5705.19, or 5705.191 of the Revised 35678  
Code. 35679

(H) Authorize, approve, ratify, or confirm, with approval of 35680  
the ~~Ohio board of regents~~ director of higher education, any 35681  
agreement with the United States government, acting through any 35682  
agency designated to aid in the financing of technical college 35683  
projects, or with any person, organization, or agency offering 35684  
grants-in-aid for technical college facilities or operation; 35685

(I) Receive assistance for the cost of equipment and for the 35686  
operation of such technical colleges from moneys appropriated for 35687  
technical education or for matching of Title VIII of the "National 35688  
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 35689  
Moneys shall be distributed by the ~~Ohio board of regents~~ director 35690  
of higher education in accordance with rules which the ~~board~~ 35691  
director shall establish governing its allocations to technical 35692  
colleges chartered under section 3357.07 of the Revised Code. 35693

(J) Grant appropriate associate degrees to students 35694  
successfully completing the technical college programs, 35695  
appropriate bachelor's degrees to students successfully completing 35696  
bachelor's degree programs, and certificates of achievement to 35697  
those students who complete other programs; 35698

(K) Prescribe rules for the effective operation of a 35699  
technical college, and exercise such other powers as are necessary 35700  
for the efficient management of such college; 35701

(L) Enter into contracts and conduct technical college 35702

programs or technical courses outside the technical college 35703  
district; 35704

(M) Enter into contracts with the board of education of any 35705  
local, exempted village, or city school district or the governing 35706  
board of any educational service center to permit the school 35707  
district or service center to use the facilities of the technical 35708  
college district; 35709

(N) Designate one or more employees of the institution as 35710  
state university law enforcement officers, to serve and have 35711  
duties as prescribed in section 3345.04 of the Revised Code; 35712

(O) Subject to the approval of the ~~Ohio board of regents~~ 35713  
director of higher education, offer technical college programs or 35714  
technical courses for credit at locations outside the technical 35715  
college district. For purposes of computing state aid, students 35716  
enrolled in such courses shall be deemed to be students enrolled 35717  
in programs and courses at off-campus locations in the district. 35718

(P) Purchase a policy or policies of liability insurance from 35719  
an insurer or insurers licensed to do business in this state 35720  
insuring its members, officers, and employees against all civil 35721  
liability arising from an act or omission by the member, officer, 35722  
or employee, when the member, officer, or employee is not acting 35723  
manifestly outside the scope of the member's, officer's, or 35724  
employee's employment or official responsibilities with the 35725  
institution, with malicious purpose or bad faith, or in a wanton 35726  
or reckless manner, or may otherwise provide for the 35727  
indemnification of such persons against such liability. All or any 35728  
portion of the cost, premium, or charge for such a policy or 35729  
policies or indemnification payment may be paid from any funds 35730  
under the institution's control. The policy or policies of 35731  
liability insurance or the indemnification policy of the 35732  
institution may cover any risks including, but not limited to, 35733  
damages resulting from injury to property or person, professional 35734

liability, and other special risks, including legal fees and 35735  
expenses incurred in the defense or settlement of claims for such 35736  
damages. 35737

Any instrument by which real property is acquired pursuant to 35738  
this section shall identify the agency of the state that has the 35739  
use and benefit of the real property as specified in section 35740  
5301.012 of the Revised Code. 35741

**Sec. 3357.19.** The ~~Ohio board of regents~~ director of higher 35742  
education shall: 35743

(A) Promulgate rules, regulations, and standards in 35744  
conformity with Chapter 119. of the Revised Code relative to the 35745  
qualifications of teaching personnel in technical colleges, and 35746  
require conformity to all such rules, regulations, and standards 35747  
as a condition upon the issuance of a charter to any technical 35748  
college and upon the continued operation of such colleges; 35749

(B) Promulgate rules, regulations, and standards relative to 35750  
the quality and content of instructional courses in technical 35751  
colleges, and relative to the awarding of certificates of 35752  
achievement or ~~associate~~ degrees to students in such colleges, and 35753  
require conformity to all such rules, regulations, and standards 35754  
as a condition upon the issuance of a charter to any technical 35755  
college and upon the continued operation of such college; 35756

(C) Conduct studies and examinations of the operation and 35757  
facilities of technical colleges, and require reports from such 35758  
colleges, from time to time as the ~~board~~ director deems necessary, 35759  
and revoke or suspend pursuant to Chapter 119. of the Revised 35760  
Code, the charter of any technical college found to be in 35761  
substantial violation of law, of rules, regulations, or standards 35762  
of the ~~board~~ director, or of the approved official plan of such 35763  
college; 35764

(D) Employ such professional, administrative, clerical, or 35765  
secretarial personnel as may be found necessary to assist the 35766  
~~board~~ director in the performance of ~~its~~ the director's duties; 35767

(E) Perform biennial examinations of the budget requirements 35768  
of the technical colleges in the state, and present 35769  
recommendations to the governor with respect to such budget 35770  
requirements; 35771

(F) Perform research studies relative to technical college 35772  
education. 35773

**Sec. 3358.01.** As used in sections 3358.01 to 3358.10 of the 35774  
Revised Code: 35775

(A) "State community college district" means a political 35776  
subdivision composed of the territory of a county, or of two or 35777  
more contiguous counties, in either case having a total population 35778  
of at least one hundred fifty thousand, and organized for the 35779  
purpose of establishing, owning, and operating a state community 35780  
college within the district or a political subdivision created 35781  
pursuant to division (A) of section 3358.02 of the Revised Code. 35782

(B) "State community college" means a two-year institution, 35783  
offering a baccalaureate-oriented program, technical education 35784  
program, or an adult continuing education program. The extent to 35785  
which the college offers baccalaureate-oriented and technical 35786  
programs shall be determined in its charter. However, a state 35787  
community college may offer bachelor's degree programs pursuant to 35788  
section 3358.071 of the Revised Code. 35789

(C) "Baccalaureate-oriented program" means a curricular 35790  
program of not more than two years' duration that is planned and 35791  
intended to enable students to gain academic credit for courses 35792  
comparable to first- and second-year courses offered by accredited 35793  
colleges and universities. The purpose of baccalaureate-oriented 35794

coursework in state community colleges is to enable students to 35795  
transfer to colleges and universities and earn baccalaureate 35796  
degrees or to enable students to terminate academic study after 35797  
two years with a proportionate recognition of academic achievement 35798  
through receipt of an associate degree. 35799

(D) "Technical education program" means a post high school 35800  
program of not more than two years' duration that is planned and 35801  
intended to prepare students to pursue employment or improve 35802  
technical knowledge in careers generally but not exclusively at 35803  
the semiprofessional level. Technical education programs include, 35804  
but are not limited to, programs in the technologies of business, 35805  
engineering, health, natural science, and public service and are 35806  
programs which, after two years of academic study, result in 35807  
proportionate recognition of academic achievement through receipt 35808  
of an associate degree. 35809

(E) "Adult continuing education program" means the offering 35810  
of short courses, seminars, workshops, exhibits, performances, and 35811  
other educational activities for the general educational or 35812  
occupational benefit of adults. 35813

Sec. 3358.071. (A) The board of trustees of any state 35814  
community college established under this chapter may apply to the 35815  
director of higher education for approval to offer bachelor's 35816  
degree programs in subject areas that are not either of the 35817  
following: 35818

(1) The same or substantially similar subject areas currently 35819  
offered at any state university, either on its main campus or a 35820  
regional campus, or university branch, that is within thirty miles 35821  
of the main campus of the state community college, as determined 35822  
by the director; 35823

(2) The same or substantially similar subject areas that a 35824  
state university plans to offer on its main campus, regional 35825

campus, or university branch within one year of the date the state 35826  
community college submits its application for approval to the 35827  
director. 35828

Before granting approval to a program under this section, the 35829  
director shall determine and certify that there is a demonstrated 35830  
need for such a program in the geographic area of the state 35831  
community college. If the director grants approval, the state 35832  
community college may offer such programs and award the 35833  
appropriate bachelor's degrees to students upon completion of the 35834  
programs. 35835

(B) As used in this section: 35836

(1) "State university" has the same meaning as in section 35837  
3345.011 of the Revised Code. 35838

(2) "University branch" has the same meaning as in section 35839  
3355.01 of the Revised Code. 35840

**Sec. 3358.08.** The board of trustees of a state community 35841  
college district may: 35842

(A) Own and operate a state community college; 35843

(B) Hold, encumber, control, acquire by donation, purchase or 35844  
condemn, construct, own, lease, use, and sell, real and personal 35845  
property as necessary for the conduct of the program of the state 35846  
community college on whatever terms and for whatever consideration 35847  
may be appropriate for the purpose of the institution; 35848

(C) Accept gifts, grants, bequests, and devises absolute or 35849  
in trust for support of the state community college; 35850

(D) Employ a president, and appoint or approve the 35851  
appointment of other necessary administrative officers, full-time 35852  
faculty members, and operating staff. The board may delegate the 35853  
appointment of operating staff and part-time faculty members to 35854  
the college president. The board shall fix the rate of 35855

compensation of the president and all officers and full-time 35856  
employees as are necessary and proper for state community 35857  
colleges. 35858

(E) Provide for the state community college necessary lands, 35859  
buildings, or other structures, equipment, means, and appliances; 35860

(F) Establish within the maximum amounts permitted by law, 35861  
schedules of fees and tuition for students who are Ohio residents 35862  
and students who are not; 35863

(G) Grant appropriate ~~associate~~ degrees to students 35864  
successfully completing the state community college's programs, 35865  
and certificates of achievement to students who complete other 35866  
programs; 35867

(H) Prescribe policies for the effective operation of the 35868  
state community college and exercise such other powers as are 35869  
necessary for the efficient management of the college; 35870

(I) Enter into contracts with neighboring colleges and 35871  
universities for the conduct of state community college programs 35872  
or technical courses outside the state community college district; 35873

(J) Purchase: 35874

(1) A policy or policies of insurance insuring the district 35875  
against loss or damage to property, whether real, personal, or 35876  
mixed, which is owned by the district or leased by it as lessee or 35877  
which is in the process of construction by or for the district; 35878

(2) A policy or policies of fidelity insurance in such 35879  
amounts and covering such trustees, officers, and employees of the 35880  
district as the board may consider necessary or desirable; 35881

(3) A policy or policies of liability insurance from an 35882  
insurer or insurers licensed to do business in this state insuring 35883  
its members, officers, and employees against all civil liability 35884  
arising from an act or omission by the member, officer, or 35885

employee, when the member, officer, or employee is not acting 35886  
manifestly outside the scope of employment or official 35887  
responsibilities with the institution, with malicious purpose or 35888  
bad faith, or in a wanton or reckless manner, or may otherwise 35889  
provide for the indemnification of such persons against such 35890  
liability. All or any portion of the cost, premium, or charge for 35891  
such a policy or policies or indemnification payment may be paid 35892  
from any funds under the institution's control. The policy or 35893  
policies of liability insurance or the indemnification policy of 35894  
the institution may cover any risks including, but not limited to, 35895  
damages resulting from injury to property or person, professional 35896  
liability, and other special risks, including legal fees and 35897  
expenses incurred in the defense or settlement claims of such 35898  
damages. 35899

(4) A policy or policies of insurance insuring the district 35900  
against any liabilities to which it may be subject on account of 35901  
damage or injury to persons or property, including liability for 35902  
wrongful death. 35903

Any instrument by which real property is acquired pursuant to 35904  
this section shall identify the agency of the state that has the 35905  
use and benefit of the real property as specified in section 35906  
5301.012 of the Revised Code. 35907

**Sec. 3365.02.** (A) There is hereby established the college 35908  
credit plus program under which, beginning with the 2015-2016 35909  
school year, a secondary grade student who is a resident of this 35910  
state may enroll at a college, on a full- or part-time basis, and 35911  
complete nonsectarian, nonremedial courses for high school and 35912  
college credit. The program shall govern arrangements in which a 35913  
secondary grade student enrolls in a college and, upon successful 35914  
completion of coursework taken under the program, receives 35915  
transcripted credit from the college, ~~except for any of the.~~ The 35916

following are not governed by the college credit plus program: 35917

(1) An agreement governing an early college high school 35918  
program that meets any of the exemption criteria under division 35919  
(E) of section 3313.6013 of the Revised Code; 35920

(2) An advanced placement course or international 35921  
baccalaureate diploma course, as described in divisions (A)(2) and 35922  
(3) of section 3313.6013 of the Revised Code; 35923

(3) ~~Until July 1, 2016, a~~ A career-technical education 35924  
program that is approved by the department of education under 35925  
section 3317.161 of the Revised Code and grants articulated credit 35926  
to students participating in that program. However, any portion of 35927  
an approved program that results in the conferral of transcribed 35928  
credit upon the completion of the course shall be governed by the 35929  
college credit plus program. 35930

(B) Any student enrolled in a public or nonpublic secondary 35931  
school in the student's ninth, tenth, eleventh, or twelfth grade; 35932  
any student enrolled in a nonchartered nonpublic secondary school 35933  
in the student's ninth, tenth, eleventh, or twelfth grade; and any 35934  
student who has been excused from the compulsory attendance law 35935  
for the purpose of home instruction under section 3321.04 of the 35936  
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 35937  
twelfth grade student, may participate in the program, if the 35938  
student meets the applicable eligibility criteria in section 35939  
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 35940  
school student chooses to participate in the program, that student 35941  
shall be subject to the same requirements as a home-instructed 35942  
student who chooses to participate in the program under this 35943  
chapter. 35944

(C) All public secondary schools and all public colleges 35945  
shall participate in the program and are subject to the 35946  
requirements of this chapter. Any nonpublic secondary school or 35947

private college that chooses to participate in the program shall 35948  
also be subject to the requirements of this chapter. 35949

(D) The ~~chancellor of the Ohio board of regents~~ director of 35950  
higher education, in accordance with Chapter 119. of the Revised 35951  
Code and in consultation with the superintendent of public 35952  
instruction, shall adopt rules governing the program. 35953

**Sec. 3365.07.** The department of education shall calculate and 35954  
pay state funds to colleges for participants in the college credit 35955  
plus program under division (B) of section 3365.06 of the Revised 35956  
Code pursuant to this section. For a nonpublic secondary school 35957  
participant, a nonchartered nonpublic secondary school 35958  
participant, or a home-instructed participant, the department 35959  
shall pay state funds pursuant to this section only if that 35960  
participant is awarded funding according to rules adopted by the 35961  
~~chancellor of the Ohio board of regents~~ director of higher 35962  
education, in consultation with the superintendent of public 35963  
instruction, pursuant to section 3365.071 of the Revised Code. The 35964  
program shall be the sole mechanism by which state funds are paid 35965  
to colleges for students to earn ~~college-level~~ transcribed credit 35966  
for college courses while enrolled in both a secondary school and 35967  
a college, with the exception of ~~the programs listed~~ state funds 35968  
paid to colleges according to an agreement described in division 35969  
(A)(1) of section 3365.02 of the Revised Code. 35970

(A) For each public or nonpublic secondary school participant 35971  
enrolled in a public college: 35972

(1) If no agreement has been entered into under division 35973  
(A)(2) of this section, both of the following shall apply: 35974

(a) The department shall pay to the college the applicable 35975  
amount as follows: 35976

(i) For a participant enrolled in a college course delivered 35977

on the college campus, at another location operated by the 35978  
college, or online, the default ceiling amount; 35979

(ii) For a participant enrolled in a college course delivered 35980  
at the participant's secondary school but taught by college 35981  
faculty, fifty per cent of the default ceiling amount; 35982

(iii) For a participant enrolled in a college course 35983  
delivered at the participant's secondary school and taught by a 35984  
high school teacher who has met the credential requirements 35985  
established for purposes of the program in rules adopted by the 35986  
~~chancellor of the Ohio board of regents~~ director of higher 35987  
education, the default floor amount. 35988

(b) The participant's secondary school shall pay for 35989  
textbooks, and the college shall waive payment of all other fees 35990  
related to participation in the program. 35991

(2) The governing entity of a participant's secondary school 35992  
and the college may enter into an agreement to establish an 35993  
alternative payment structure for tuition, textbooks, and fees. 35994  
Under such an agreement, payments for each participant made by the 35995  
department shall be not less than the default floor amount, unless 35996  
approved by the ~~chancellor~~ director of higher education, and not 35997  
more than the default ceiling amount. The ~~chancellor~~ director 35998  
shall approve an agreement that includes a payment below the 35999  
default floor amount, as long as the provisions of the agreement 36000  
comply with all other requirements of this chapter to ensure 36001  
program quality. If no agreement is entered into under division 36002  
(A)(2) of this section, both of the following shall apply: 36003

(a) The department shall pay to the college the applicable 36004  
default amounts prescribed by division (A)(1)(a) of this section, 36005  
depending upon the method of delivery and instruction. 36006

(b) In accordance with division (A)(1)(b) of this section, 36007  
the participant's secondary school shall pay for textbooks, and 36008

the college shall waive payment of all other fees related to 36009  
participation in the program. 36010

(3) No participant that is enrolled in a public college shall 36011  
be charged for any tuition, textbooks, or other fees related to 36012  
participation in the program. 36013

(B) For each public secondary school participant enrolled in 36014  
a private college: 36015

(1) If no agreement has been entered into under division 36016  
(B)(2) of this section, the department shall pay to the college 36017  
the applicable amount calculated in the same manner as in division 36018  
(A)(1)(a) of this section. 36019

(2) The governing entity of a participant's secondary school 36020  
and the college may enter into an agreement to establish an 36021  
alternative payment structure for tuition, textbooks, and fees. 36022  
Under such an agreement, payments shall be not less than the 36023  
default floor amount, unless approved by the ~~chancellor~~ director 36024  
of higher education, and not more than the default ceiling amount. 36025

If an agreement is entered into under division (B)(2) of this 36026  
section, both of the following shall apply: 36027

(a) The department shall make a payment to the college for 36028  
each participant that is equal to the default floor amount, unless 36029  
approved by the ~~chancellor~~ director to pay an amount below the 36030  
default floor amount. The ~~chancellor~~ director shall approve an 36031  
agreement that includes a payment below the default floor amount, 36032  
as long as the provisions of the agreement comply with all other 36033  
requirements of this chapter to ensure program quality. 36034

(b) Payment for costs for the participant that exceed the 36035  
amount paid by the department pursuant to division (B)(2)(a) of 36036  
this section shall be negotiated by the school and the college. 36037  
The agreement may include a stipulation permitting the charging of 36038  
a participant. 36039

However, under no circumstances shall: 36040

(i) Payments for a participant made by the department under 36041  
~~this~~ division (B)(2) of this section exceed the default ceiling 36042  
amount; 36043

(ii) The amount charged to a participant under division 36044  
(B)(2) of this section exceed the difference between the maximum 36045  
per participant charge amount and the default floor amount; 36046

(iii) The sum of the payments made by the department for a 36047  
participant and the amount charged to that participant under 36048  
division (B)(2) of this section exceed the following amounts, as 36049  
applicable: 36050

(I) For a participant enrolled in a college course delivered 36051  
on the college campus, at another location operated by the 36052  
college, or online, the maximum per participant charge amount; 36053

(II) For a participant enrolled in a college course delivered 36054  
at the participant's secondary school but taught by college 36055  
faculty, one hundred twenty-five dollars; 36056

(III) For a participant enrolled in a college course 36057  
delivered at the participant's secondary school and taught by a 36058  
high school teacher who has met the credential requirements 36059  
established for purposes of the program in rules adopted by the 36060  
~~chancellor of the Ohio board of regents~~ director of higher 36061  
education, one hundred dollars. 36062

(iv) A participant that is identified as economically 36063  
disadvantaged according to rules adopted by the department be 36064  
charged under division (B)(2) of this section for any tuition, 36065  
textbooks, or other fees related to participation in the program. 36066

(C) For each nonpublic secondary school participant enrolled 36067  
in a private or eligible out-of-state college, the department 36068  
shall pay to the college the applicable amount calculated in the 36069

same manner as in division (A)(1)(a) of this section. Payment for 36070  
costs for the participant that exceed the amount paid by the 36071  
department shall be negotiated by the governing body of the 36072  
nonpublic secondary school and the college. 36073

However, under no circumstances shall: 36074

(1) The payments for a participant made by the department 36075  
under this division exceed the default ceiling amount. 36076

(2) Any nonpublic secondary school participant, who is 36077  
enrolled in that secondary school with a scholarship awarded under 36078  
either the educational choice scholarship pilot program, as 36079  
prescribed by sections 3310.01 to 3310.17, or the pilot project 36080  
scholarship program, as prescribed by sections 3313.974 to 36081  
3313.979 of the Revised Code, and who qualifies as a low-income 36082  
student under either of those programs, be charged for any 36083  
tuition, textbooks, or other fees related to participation in the 36084  
college credit plus program. 36085

(D) For each nonchartered nonpublic secondary school 36086  
participant and each home-instructed participant enrolled in a 36087  
public, private, or eligible out-of-state college, the department 36088  
shall pay to the college the default ceiling amount, if that 36089  
participant is enrolled in a college course delivered on the 36090  
college campus, at another location operated by the college, or 36091  
online. 36092

(E) Not later than thirty days after the end of each term, 36093  
each college expecting to receive payment for the costs of a 36094  
participant under this section shall notify the department of the 36095  
number of enrolled credit hours for each participant. 36096

(F) Each January and July, or as soon as possible thereafter, 36097  
the department shall make the applicable payments under this 36098  
section to each college, which provided proper notification to the 36099  
department under division (E) of this section, for the number of 36100

enrolled credit hours for participants enrolled in the college 36101  
under division (B) of section 3365.06 of the Revised Code. The 36102  
department shall not make any payments to a college under this 36103  
section if a participant withdrew from a course prior to the date 36104  
on which a withdrawal from the course would have negatively 36105  
affected the participant's transcribed grade, as prescribed by 36106  
the college's established withdrawal policy. 36107

(1) Payments made for public secondary school participants 36108  
under this section shall be deducted from the school foundation 36109  
payments made to the participant's school district or, if the 36110  
participant is enrolled in a community school, a STEM school, or a 36111  
college-preparatory boarding school, from the payments made to 36112  
that school under section 3314.08, 3326.33, or 3328.34 of the 36113  
Revised Code. If the participant is enrolled in a joint vocational 36114  
school district, a portion of the amount shall be deducted from 36115  
the payments to the joint vocational school district and a portion 36116  
shall be deducted from the payments to the participant's city, 36117  
local, or exempted village school district in accordance with the 36118  
full-time equivalency of the student's enrollment in each 36119  
district. Amounts deducted under division (F)(1) of this section 36120  
shall be calculated in accordance with rules adopted by the 36121  
~~chancellor~~ director of higher education, in consultation with the 36122  
state superintendent, pursuant to division (B) of section 3365.071 36123  
of the Revised Code. 36124

(2) Payments made for nonpublic secondary school 36125  
participants, nonchartered nonpublic secondary school 36126  
participants, and home-instructed participants under this section 36127  
shall be deducted from moneys appropriated by the general assembly 36128  
for such purpose. Payments shall be allocated and distributed in 36129  
accordance with rules adopted by the ~~chancellor~~ director, in 36130  
consultation with the state superintendent, pursuant to division 36131  
(A) of section 3365.071 of the Revised Code. 36132

(G) Any public college that enrolls a student under division 36133  
(B) of section 3365.06 of the Revised Code may include that 36134  
student in the calculation used to determine its state share of 36135  
instruction funds appropriated to the Ohio board of regents by the 36136  
general assembly. 36137

**Sec. 3365.15.** ~~The chancellor of the Ohio board of regents~~ 36138  
director of higher education and the superintendent of public 36139  
instruction jointly shall do all of the following: 36140

(A) Adopt data reporting guidelines specifying the types of 36141  
data that public and participating nonpublic secondary schools and 36142  
public and participating private colleges, including eligible 36143  
out-of-state colleges participating in the program, must annually 36144  
collect, report, and track under division (G) of section 3365.04 36145  
and division (H) of section 3365.05 of the Revised Code. The types 36146  
of data shall include all of the following: 36147

(1) For each secondary school and college: 36148

(a) The number of participants disaggregated by grade level, 36149  
socioeconomic status, race, gender, and disability; 36150

(b) The number of completed courses and credit hours, 36151  
disaggregated by the college in which participants were enrolled; 36152

(c) The number of courses in which participants enrolled, 36153  
disaggregated by subject area and level of difficulty. 36154

(2) For each secondary school, the number of students who 36155  
were denied participation in the program under division (A)(1)(a) 36156  
or (C) of section 3365.03 or section 3365.031 or 3365.032 of the 36157  
Revised Code. Each participating nonpublic secondary school shall 36158  
also include the number of students who were denied participation 36159  
due to the student not being awarded funding by the department of 36160  
education pursuant to section 3365.071 of the Revised Code. 36161

(3) For each college: 36162

(a) The number of students who applied to enroll in the college under the program but were not granted admission; (b) The average number of completed courses per participant; (c) The average grade point average for participants in college courses under the program.

The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.

(B) Annually compile the data required under division (A) of this section. Not later than the thirty-first day of December of each year, the data from the previous school year shall be posted in a prominent location on both the ~~board of regents'~~ director of higher education's and the department of education's web sites.

(C) Submit a biennial report detailing the status of the college credit plus program, including an analysis of quality assurance measures related to the program, to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives. The first report shall be submitted not later than December 31, 2017, and each subsequent report shall be submitted not later than the thirty-first day of December every two years thereafter.

(D) Establish a college credit plus advisory committee to assist in the development of performance metrics and the monitoring of the program's progress. At least one member of the advisory committee shall be a school guidance counselor.

The ~~chancellor~~ director shall also, in consultation with the superintendent, create a standard packet of information for the college credit plus program directed toward students and parents that are interested in the program.

**Sec. 3701.045.** (A) The department of health, in consultation with the children's trust fund board established under section 3109.15 of the Revised Code and any bodies acting as child fatality review boards on October 5, 2000, shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for county or regional child fatality review boards to follow in conducting a review of the death of a child. The rules shall do all of the following:

(1) Establish the format for the annual reports required by section 307.626 of the Revised Code;

(2) Establish guidelines for a county or regional child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(3) Establish guidelines for a county or regional child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(5) Establish guidelines, materials, and training to help educate members of county or regional child fatality review boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code.

(B) On or before the thirtieth day of September of each year, 36224  
the department of health and the children's trust fund board 36225  
jointly shall prepare and publish a report organizing and setting 36226  
forth the data from the department of health child death review 36227  
database or the national child death review database, data in all 36228  
the reports provided by county or regional child fatality review 36229  
boards in their annual reports for the previous calendar year, and 36230  
recommendations for any changes to law and policy that might 36231  
prevent future deaths. The department and the children's trust 36232  
fund board jointly shall provide a copy of the report to the 36233  
governor, the speaker of the house of representatives, the 36234  
president of the senate, the minority leaders of the house of 36235  
representatives and the senate, each county or regional child 36236  
fatality review board, and each county or regional family and 36237  
children first council. 36238

**Sec. 3701.65.** (A) There is hereby created in the state 36239  
treasury the "choose life" fund. The fund shall consist of the 36240  
contributions that are paid to the registrar of motor vehicles by 36241  
applicants who voluntarily elect to obtain "choose life" license 36242  
plates pursuant to section 4503.91 of the Revised Code and any 36243  
money returned to the fund under division (E)(1)(d) of this 36244  
section. All investment earnings of the fund shall be credited to 36245  
the fund. 36246

(B)(1) At least annually, the director of health shall 36247  
distribute the money in the fund to any private, nonprofit 36248  
organization that is eligible to receive funds under this section 36249  
and that applies for funding under division (C) of this section. 36250

(2) The director shall ~~distribute~~ allocate the funds ~~based on~~ 36251  
~~the county in which the organization applying for funding is~~ 36252  
~~located and~~ to each county in proportion to the number of "choose 36253  
life" license plates issued during the preceding year to vehicles 36254

registered in each county. The director shall distribute funds 36255  
allocated for a county ~~to one or more eligible organizations~~ 36256  
~~located in contiguous counties if no eligible organization located~~ 36257  
~~within the county applies for funding. Within each county,~~ 36258  
~~eligible organizations that apply for funding shall share equally~~ 36259  
~~in the funds available for distribution to organizations located~~ 36260  
~~within that county as follows:~~ 36261

(a) To one or more eligible organizations located within the 36262  
county; 36263

(b) If no eligible organization located within the county 36264  
applies for funding, to one or more eligible organizations located 36265  
in contiguous counties; 36266

(c) If no eligible organization located within the county or 36267  
a contiguous county applies for funding, to one or more eligible 36268  
organizations within any other county. 36269

(3) The director shall ensure that any funds allocated for a 36270  
county are distributed equally among eligible organizations that 36271  
apply for funding within the county. 36272

(C) Any organization seeking funds under this section 36273  
annually shall apply for distribution of the funds based on the 36274  
county in which the organization is located. An organization also 36275  
may apply for funding in a ~~contiguous~~ county in which it is not 36276  
located if it demonstrates that it provides services for pregnant 36277  
women residing in that ~~contiguous~~ county. The director shall 36278  
develop an application form and may determine the schedule and 36279  
procedures that an organization shall follow when annually 36280  
applying for funds. The application shall inform the applicant of 36281  
the conditions for receiving and using funds under division (E) of 36282  
this section. The application shall require evidence that the 36283  
organization meets all of the following requirements: 36284

(1) Is a private, nonprofit organization; 36285

(2) Is committed to counseling pregnant women about the option of adoption;	36286 36287
(3) Provides services within the state to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women;	36288 36289 36290
(4) Does not charge women for any services received;	36291
(5) Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;	36292 36293 36294 36295
(6) Does not discriminate in its provision of any services on the basis of race, religion, color, age, marital status, national origin, handicap, gender, or age;	36296 36297 36298
<u>(7) If the organization is applying for funding in a county in which it is not located, provides services for pregnant women residing in that county.</u>	36299 36300 36301
(D) The director shall not distribute funds to an organization that does not provide verifiable evidence of the requirements specified in the application under division (C) of this section and shall not provide additional funds to any organization that fails to comply with division (E) of this section in regard to its previous receipt of funds under this section.	36302 36303 36304 36305 36306 36307 36308
(E)(1) An organization receiving funds under this section shall do all of the following:	36309 36310
(a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants awaiting placement with adoptive parents, including clothing, housing, medical care, food, utilities, and transportation;	36311 36312 36313 36314 36315

(b) Use not more than forty per cent of the funds distributed to it for counseling, training, or advertising;

(c) Not use any of the funds distributed to it for administrative expenses, legal expenses, or capital expenditures;

(d) Annually return to the fund created under division (A) of this section any unused money that exceeds ten per cent of the money distributed to the organization.

(2) The organization annually shall submit to the director an audited financial statement verifying its compliance with division (E)(1) of this section.

(F) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules to implement this section.

It is not the intent of the general assembly that the department create a new position within the department to implement and administer this section. It is the intent of the general assembly that the implementation and administration of this section be accomplished by existing department personnel.

Sec. 3701.70. (A) The director of health shall establish guidelines for a state-level review of deaths of children under eighteen years of age who, at the time of death, were residents of this state.

(B) The purpose of a review conducted pursuant to guidelines adopted under this section is to decrease the incidence of preventable child deaths by doing all of the following:

(1) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities that serve families and children;

(2) Maintaining a comprehensive database of child deaths that occur in this state in order to develop an understanding of the causes and incidence of those deaths;

(3) Recommending and developing plans for implementing state and local service and program changes and changes to the groups, professions, agencies, or entities that serve families and children that might prevent child deaths. 36346  
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(C) The guidelines shall provide that the director may not conduct a review while an investigation of the child's death or prosecution of a person for causing the death is pending, unless the prosecuting attorney agrees to allow the review. At the director's request, the law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney, on the conclusion of the prosecution, shall notify the director of the conclusion. 36350  
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**Sec. 3701.701.** (A)(1) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, any individual, public children services agency, private child placing agency, or agency that provides services specifically to individuals or families, law enforcement agency, or other public or private entity that provided services to a child whose death is being reviewed by the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, on the request of the director, shall submit to the director a summary sheet of information. 36358  
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(a) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the child's medical record created by the health care entity. 36368  
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(b) With respect to a request made to any other individual or entity, the summary sheet shall contain only information available and reasonably drawn from any record involving the child that the individual or entity develops in the normal course of business. 36372  
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(c) On the request of the director, an individual or entity 36376

may, at the individual's or entity's discretion, make any 36377  
additional information, documents, or reports available to the 36378  
director. 36379

(2) Notwithstanding section 3701.243 and any other section of 36380  
the Revised Code pertaining to confidentiality, in the case of a 36381  
child one year of age or younger whose death is being reviewed by 36382  
the director, on the request of the director, a health care entity 36383  
that provided services to the child's mother shall submit to the 36384  
director a summary sheet of information available and reasonably 36385  
drawn from the mother's medical record created by the health care 36386  
entity. Before submitting the summary sheet, the health care 36387  
entity shall attempt to obtain the mother's consent to do so, but 36388  
lack of consent shall not preclude the entity from submitting the 36389  
summary sheet. 36390

(3) For purposes of the review, the director shall have 36391  
access to confidential information provided to the director under 36392  
this section or division (H)(4) of section 2151.421 of the Revised 36393  
Code, and the director shall preserve the confidentiality of that 36394  
information. 36395

(B) Notwithstanding division (A) of this section, no person, 36396  
entity, law enforcement agency, or prosecuting attorney shall 36397  
provide any information regarding the death of a child to the 36398  
director pursuant to guidelines established under section 3701.70 36399  
of the Revised Code while an investigation of the death or 36400  
prosecution of a person for causing the death is pending, unless 36401  
the prosecuting attorney agrees to allow the review. 36402

**Sec. 3701.702.** (A) An individual or public or private entity 36403  
providing information, documents, or reports to the director of 36404  
health pursuant to guidelines established under section 3701.70 of 36405  
the Revised Code is immune from civil liability for injury, death, 36406  
or loss to person or property that otherwise might be incurred or 36407

imposed as a result of providing the information, document, or reports to the director. 36408  
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(B) Each person participating in a review conducted pursuant to guidelines established under section 3701.70 of the Revised Code is immune from civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the person's participation in the review. 36410  
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**Sec. 3701.703.** (A) Except as provided in division (B) of this section and sections 5153.171 to 5153.173 of the Revised Code, any information, document, or report presented to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, all statements made by persons participating in a review conducted pursuant to those guidelines, and all work products of the director are confidential and shall be used by the director only in the exercise of the proper functions of the department of health. 36415  
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(B) The director may disclose the confidential information described in division (A) of this section to a fetal and infant mortality review team. 36424  
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(C) No person shall knowingly permit or encourage the unauthorized dissemination of the confidential information described in division (A) of this section. 36427  
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(D) Whoever violates division (C) of this section is guilty of a misdemeanor of the second degree. 36430  
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**Sec. 3701.834.** There is hereby created in the state treasury the public health emergency preparedness fund. All federal funds the department of health receives to conduct public health emergency preparedness and response activities shall be credited to the fund. The department shall use money in the fund to pay 36432  
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expenses related to public health emergency preparedness and 36437  
response activities. 36438

**Sec. 3702.74.** (A) A primary care physician who has signed a 36439  
letter of intent under section 3702.73 of the Revised Code and the 36440  
director of health may enter into a contract for the physician's 36441  
participation in the physician loan repayment program. The 36442  
physician's employer or other funding source may also be a party 36443  
to the contract. 36444

(B) The contract shall include all of the following 36445  
obligations: 36446

(1) The primary care physician agrees to provide primary care 36447  
services in the health resource shortage area identified in the 36448  
letter of intent for the number of hours and duration specified in 36449  
the contract; 36450

(2) When providing primary care services in the health 36451  
resource shortage area, the primary care physician agrees to do 36452  
all of the following: 36453

(a) Provide primary care services in an outpatient or 36454  
ambulatory setting approved by the department of health; 36455

(b) Provide primary care services without regard to a 36456  
patient's ability to pay; 36457

(c) Meet the requirements for a medicaid provider agreement 36458  
and enter into the agreement with the department of medicaid to 36459  
provide primary care services to medicaid recipients. 36460

(3) The department of health agrees, as provided in section 36461  
3702.75 of the Revised Code, to repay, so long as the primary care 36462  
physician performs the service obligation agreed to under division 36463  
(B)(1) of this section, all or part of the principal and interest 36464  
of a government or other educational loan taken by the primary 36465

care physician for expenses described in section 3702.75 of the Revised Code; 36466  
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(4) The primary care physician agrees to pay the department of health an amount established by rules adopted under section 3702.79 of the Revised Code if the physician fails to complete the service obligation agreed to under division (B)(1) of this section. 36468  
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(C) The contract shall include the following terms as agreed upon by the parties: 36473  
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(1) The primary care physician's required length of service in the health resource shortage area, which must be at least two years; 36475  
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(2) The number of weekly hours the primary care physician will be engaged in full-time practice or part-time practice in the health resource shortage area; 36478  
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(3) The maximum amount that the department will repay on behalf of the primary care physician; 36481  
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(4) The extent to which the primary care physician's teaching activities will be counted toward the physician's full-time practice or part-time practice hours under the contract. 36483  
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(D) If the amount specified in division (C)(3) of this section includes federal funds ~~from the bureau of clinician recruitment and service in the United States department of health and human services~~, the amount of state funds repaid on the individual's behalf shall be the same as the amount of those federal funds. 36486  
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**Sec. 3702.91.** (A) As used in this section: 36492

(1) "Full-time practice" and "part-time practice" have the same meanings as in section 3702.71 of the Revised Code; 36493  
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(2) "Teaching activities" means ~~supervising~~ providing 36495  
clinical education to dental students and dental residents and 36496  
dental health profession students at the service site specified in 36497  
the ~~letter of intent~~ contract described in division (B) of this 36498  
section ~~3702.90 of the Revised Code.~~ 36499

(B) An individual who has signed a letter of intent may enter 36500  
into a contract with the director of health for participation in 36501  
the dentist loan repayment program. The dentist's employer or 36502  
other funding source may also be a party to the contract. 36503

(C) The contract shall include all of the following 36504  
obligations: 36505

(1) The individual agrees to provide dental services in the 36506  
dental health resource shortage area identified in the letter of 36507  
intent for the number of hours and duration specified in the 36508  
contract. 36509

(2) When providing dental services in the dental health 36510  
resource shortage area, the individual agrees to do all of the 36511  
following: 36512

(a) Provide dental services in a service site approved by the 36513  
department of health; 36514

(b) Provide dental services without regard to a patient's 36515  
ability to pay; 36516

(c) Meet the requirements for a medicaid provider agreement 36517  
and enter into the agreement with the department of medicaid to 36518  
provide dental services to medicaid recipients. 36519

(3) The department of health agrees, as provided in section 36520  
3702.85 of the Revised Code, to repay, so long as the individual 36521  
performs the service obligation agreed to under division (C)(1) of 36522  
this section, all or part of the principal and interest of a 36523  
government or other educational loan taken by the individual for 36524

expenses described in section 3702.85 of the Revised Code. 36525

(4) The individual agrees to pay the department of health an 36526  
amount established by rules adopted under section 3702.86 of the 36527  
Revised Code, if the individual fails to complete the service 36528  
obligation agreed to under division (C)(1) of this section. 36529

(D) The contract shall include the following terms as agreed 36530  
upon by the parties: 36531

(1) The individual's required length of service in the dental 36532  
health resource shortage area, which must be at least two years; 36533

(2) The number of weekly hours the individual will be engaged 36534  
in full-time practice or part-time practice; 36535

(3) The maximum amount that the department will repay on 36536  
behalf of the individual; 36537

(4) The extent to which the individual's teaching activities 36538  
will be counted toward the individual's full-time practice or 36539  
part-time practice hours under the contract. 36540

(E) If the amount specified in division (D)(3) of this 36541  
section includes federal funds ~~from the bureau of clinician~~ 36542  
~~recruitment and service in the United States department of health~~ 36543  
~~and human services~~, the amount of state funds repaid on the 36544  
individual's behalf shall be the same as the amount of those 36545  
federal funds. 36546

**Sec. 3704.05.** (A) No person shall cause, permit, or allow 36547  
emission of an air contaminant in violation of any rule adopted by 36548  
the director of environmental protection under division (E) of 36549  
section 3704.03 of the Revised Code unless the person is the 36550  
holder of a variance that is issued under division (H) of that 36551  
section and consistent with the federal Clean Air Act permitting 36552  
the emission of the contaminant in excess of that permitted by the 36553  
rule or the person is the holder of an operating permit that 36554

includes a compliance schedule issued pursuant to rules adopted 36555  
under division (G) of section 3704.03 of the Revised Code. 36556

(B) No person who is the holder of a variance issued under 36557  
division (H) of section 3704.03 of the Revised Code shall cause, 36558  
permit, or allow emission of an air contaminant or contaminants 36559  
listed therein in violation of the conditions of the variance or 36560  
fail to obey an order of the director issued under authority of 36561  
that division. 36562

(C) No person who is the holder of a permit issued under 36563  
division (F) or (G) of section 3704.03 of the Revised Code shall 36564  
violate any of its terms or conditions. 36565

(D) No person shall fail to install and maintain monitoring 36566  
devices or to submit reports or other information as may be 36567  
required under division (I) of section 3704.03 of the Revised 36568  
Code. 36569

(E) No person to whom a permit or variance has been issued 36570  
shall refuse entry to an authorized representative of the director 36571  
or the environmental protection agency as provided in division 36572  
~~(M)~~(L) of section 3704.03 of the Revised Code or hinder or thwart 36573  
the person in making an investigation. 36574

(F) No person shall fail to submit plans and specifications 36575  
as required by section 3704.03 of the Revised Code. 36576

(G) No person shall violate any order, rule, or determination 36577  
of the director issued, adopted, or made under this chapter. 36578

(H) No person shall do any of the following: 36579

(1) Falsify any plans, specifications, data, reports, 36580  
records, or other information required to be kept or submitted to 36581  
the director by this chapter or rules adopted under it; 36582

(2) Make any false material statement, representation, or 36583  
certification in any form, notice, or report required by the Title 36584

V permit program; 36585

(3) Render inaccurate any monitoring device required by a 36586  
Title V permit. 36587

Violation of division (H)(1), (2), or (3) of this section is 36588  
not also falsification under section 2921.13 of the Revised Code. 36589

(I) No person shall knowingly falsify an inspection 36590  
certificate submitted to another under section 3704.14 or Chapter 36591  
4503. of Revised Code. Violation of this division is not also 36592  
falsification under section 2921.13 of the Revised Code. 36593

(J) No person shall do either of the following: 36594

(1) With regard to the Title V permit program, fail to pay 36595  
any administrative penalty assessed in accordance with rules 36596  
adopted under division (S) of section 3704.03 of the Revised Code 36597  
or any fee assessed under section 3745.11 of the Revised Code; 36598

(2) Violate any applicable requirement of a Title V permit or 36599  
any permit condition, except for an emergency as defined in 40 36600  
C.F.R. 70.6 (g), or filing requirement of the Title V permit 36601  
program, any duty to allow or carry out inspection, entry, or 36602  
monitoring activities, or any rule adopted or order issued by the 36603  
director pursuant to the Title V permit program. 36604

(K) On and after the three hundred sixty-sixth day following 36605  
the administrator's final approval of the Title V permit program, 36606  
or on and after the three hundred sixty-sixth day following the 36607  
commencement of operation of a new major source required to comply 36608  
with section 112(g) or part C or D of Title I of the federal Clean 36609  
Air Act, whichever is later, no person shall operate any such 36610  
source that is required to obtain a Title V permit under section 36611  
3704.036 of the Revised Code or rules adopted under it unless such 36612  
a permit has been issued authorizing operation of the source or 36613  
unless a complete and timely application for the issuance, 36614  
renewal, or modification of a Title V permit for the source has 36615

been submitted to the director under that section. 36616

**Sec. 3704.14.** (A)(1) If the director of environmental 36617  
protection determines that implementation of a motor vehicle 36618  
inspection and maintenance program is necessary for the state to 36619  
effectively comply with the federal Clean Air Act after June 30, 36620  
~~2011~~ 2015, the director may provide for the implementation of the 36621  
program in those counties in this state in which such a program is 36622  
federally mandated. Upon making such a determination, the director 36623  
of environmental protection may request the director of 36624  
administrative services to extend the terms of the contract that 36625  
was entered into under the authority of Am. Sub. H.B. ~~± 153~~ of the 36626  
~~128th~~ 129th general assembly. Upon receiving the request, the 36627  
director of administrative services shall extend the contract, 36628  
beginning on July 1, ~~2011~~ 2015, in accordance with this section. 36629  
The contract shall be extended for a period of up to ~~twelve~~ 36630  
twenty-four months with the contractor who conducted the motor 36631  
vehicle inspection and maintenance program under that contract. 36632

(2) Prior to the expiration of the contract extension that is 36633  
authorized by division (A)(1) of this section, the director of 36634  
environmental protection shall request the director of 36635  
administrative services to enter into a contract with a vendor to 36636  
operate a decentralized motor vehicle inspection and maintenance 36637  
program in each county in this state in which such a program is 36638  
federally mandated through June 30, ~~2015~~ 2019, with an option for 36639  
the state to renew the contract for a period of up to twenty-four 36640  
months through June 30, ~~2017~~ 2021. The contract shall ensure that 36641  
the decentralized motor vehicle inspection and maintenance program 36642  
achieves at least the same emission reductions as achieved by the 36643  
program operated under the authority of the contract that was 36644  
extended under division (A)(1) of this section. The director of 36645  
administrative services shall select a vendor through a 36646  
competitive selection process in compliance with Chapter 125. of 36647

the Revised Code. 36648

(3) Notwithstanding any law to the contrary, the director of 36649  
administrative services shall ensure that a competitive selection 36650  
process regarding a contract to operate a decentralized motor 36651  
vehicle inspection and maintenance program in this state 36652  
incorporates the following, which shall be included in the 36653  
contract: 36654

(a) For purposes of expanding the number of testing locations 36655  
for consumer convenience, a requirement that the vendor utilize 36656  
established local businesses, auto repair facilities, or leased 36657  
properties to operate state-approved inspection and maintenance 36658  
testing facilities; 36659

(b) A requirement that the vendor selected to operate the 36660  
program provide notification of the program's requirements to each 36661  
owner of a motor vehicle that is required to be inspected under 36662  
the program. The contract shall require the notification to be 36663  
provided not later than sixty days prior to the date by which the 36664  
owner of the motor vehicle is required to have the motor vehicle 36665  
inspected. The director of environmental protection and the vendor 36666  
shall jointly agree on the content of the notice. However, the 36667  
notice shall include at a minimum the locations of all inspection 36668  
facilities within a specified distance of the address that is 36669  
listed on the owner's motor vehicle registration; 36670

(c) A requirement that the vendor comply with testing 36671  
methodology and supply the required equipment approved by the 36672  
director of environmental protection as specified in the 36673  
competitive selection process in compliance with Chapter 125. of 36674  
the Revised Code. 36675

(4) A decentralized motor vehicle inspection and maintenance 36676  
program operated under this section shall comply with division (B) 36677  
of this section. The director of environmental protection shall 36678

administer the decentralized motor vehicle inspection and 36679  
maintenance program operated under this section. 36680

(B) The decentralized motor vehicle inspection and 36681  
maintenance program authorized by this section, at a minimum, 36682  
shall do all of the following: 36683

(1) Comply with the federal Clean Air Act; 36684

(2) Provide for the issuance of inspection certificates; 36685

(3) Provide for a new car exemption for motor vehicles four 36686  
years old or newer and provide that a new motor vehicle is exempt 36687  
for four years regardless of whether legal title to the motor 36688  
vehicle is transferred during that period. 36689

(C) The director of environmental protection shall adopt 36690  
rules in accordance with Chapter 119. of the Revised Code that the 36691  
director determines are necessary to implement this section. The 36692  
director may continue to implement and enforce rules pertaining to 36693  
the motor vehicle inspection and maintenance program previously 36694  
implemented under former section 3704.14 of the Revised Code as 36695  
that section existed prior to its repeal and reenactment by Am. 36696  
Sub. H.B. 66 of the 126th general assembly, provided that the 36697  
rules do not conflict with this section. 36698

(D) There is hereby created in the state treasury the auto 36699  
emissions test fund, which shall consist of money received by the 36700  
director from any cash transfers, state and local grants, and 36701  
other contributions that are received for the purpose of funding 36702  
the program established under this section. The director of 36703  
environmental protection shall use money in the fund solely for 36704  
the implementation, supervision, administration, operation, and 36705  
enforcement of the motor vehicle inspection and maintenance 36706  
program established under this section. Money in the fund shall 36707  
not be used for either of the following: 36708

(1) To pay for the inspection costs incurred by a motor 36709

vehicle dealer so that the dealer may provide inspection 36710  
certificates to an individual purchasing a motor vehicle from the 36711  
dealer when that individual resides in a county that is subject to 36712  
the motor vehicle inspection and maintenance program; 36713

(2) To provide payment for more than one free passing 36714  
emissions inspection or a total of three emissions inspections for 36715  
a motor vehicle in any three-hundred-sixty-five-day period. The 36716  
owner or lessee of a motor vehicle is responsible for inspection 36717  
fees that are related to emissions inspections beyond one free 36718  
passing emissions inspection or three total emissions inspections 36719  
in any three-hundred-sixty-five-day period. Inspection fees that 36720  
are charged by a contractor conducting emissions inspections under 36721  
a motor vehicle inspection and maintenance program shall be 36722  
approved by the director of environmental protection. 36723

(E) The motor vehicle inspection and maintenance program 36724  
established under this section expires upon the termination of all 36725  
contracts entered into under this section and shall not be 36726  
implemented beyond the final date on which termination occurs. 36727

**Sec. 3705.08.** (A) The director of health, by rule, shall 36728  
prescribe the form of records and certificates required by this 36729  
chapter. Records and certificates shall include the items and 36730  
information prescribed by the director, including the items 36731  
recommended by the national center for health statistics of the 36732  
United States department of health and human services, subject to 36733  
approval of and modification by the director. 36734

(B) All birth certificates shall include a statement setting 36735  
forth the names of the child's parents and a line for the mother's 36736  
and the father's signature. 36737

(C) All death certificates shall include, in the medical 36738  
certification portion of the certificate, a space to indicate, if 36739  
the deceased individual is female and the manner of death is 36740

determined to be a suspicious or violent death, whether any of the 36741  
following conditions apply to the individual: 36742

(1) Not pregnant within the past year; 36743

(2) Pregnant at the time of death; 36744

(3) Not pregnant, but had been pregnant within forty-two days 36745  
prior to the time of death; 36746

(4) Not pregnant, but had been pregnant within forty-three 36747  
days to one year prior to the time of death; 36748

(5) Unknown whether pregnant within the past year. 36749

(D)(1) The director shall prescribe methods, forms, and 36750  
blanks and shall furnish necessary postage, forms, and blanks for 36751  
obtaining registration of births, deaths, and other vital 36752  
statistics in each registration district, and for preserving the 36753  
records of the office of vital statistics, and no forms or blanks 36754  
shall be used other than those prescribed by the director. 36755

(2) All birth, fetal death, and death records and 36756  
certificates shall be ~~printed legibly or typewritten in unfading~~ 36757  
~~black ink and~~ signed. Except as provided in division (G) of 36758  
section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124, 36759  
division (D) of section 3705.15, or section 3705.16 of the Revised 36760  
Code, ~~a signature required on~~ a birth, fetal death, or death 36761  
certificate shall be ~~written~~ signed by the person required to sign 36762  
~~and a facsimile signature shall not be used~~ the certificate. 36763

(3) All vital records shall contain the date received for 36764  
registration. 36765

(4) Information and signatures required in certificates, 36766  
records, or reports authorized by this chapter may be filed and 36767  
registered by photographic, electronic, or other means as 36768  
prescribed by the director. 36769

**Sec. 3714.051.** (A)(1) Not later than one hundred eighty days 36770  
after ~~the effective date of this section~~ December 22, 2005, and in 36771  
accordance with rules adopted under section 3714.02 of the Revised 36772  
Code, the director of environmental protection shall establish a 36773  
program for the issuance of permits to install for new 36774  
construction and demolition debris facilities. 36775

(2) On and after ~~the effective date of this section~~ December 36776  
22, 2005, no person shall establish a new construction and 36777  
demolition debris facility without first obtaining a permit to 36778  
install issued by the board of health of the health district in 36779  
which the facility is or is to be located or from the director if 36780  
the facility is or is to be located in a health district that is 36781  
not on the approved list under section 3714.09 of the Revised Code 36782  
or if a board of health requests the director to issue the permit 36783  
to install under division (G) of this section. 36784

(B) The director, the director's authorized representative, a 36785  
board of health, or an authorized representative of the board may 36786  
assist an applicant for a permit to install during the permitting 36787  
process by providing guidance and technical assistance. 36788

(C) An applicant for a permit to install shall submit an 36789  
application to a board of health or the director, as applicable, 36790  
on a form that the director prescribes. The applicant shall 36791  
include with the application all of the following: 36792

(1) The name and address of the applicant, of all partners if 36793  
the applicant is a partnership or of all officers and directors if 36794  
the applicant is a corporation, and of any other person who has a 36795  
right to control or in fact controls management of the applicant 36796  
or the selection of officers, directors, or managers of the 36797  
applicant; 36798

(2) The designs and plans for the construction and demolition 36799  
debris facility that include the location or proposed location of 36800

the facility, design and construction plans and specifications, 36801  
anticipated beginning and ending dates for work performed, and any 36802  
other related information that the director requires by rule; 36803

(3) The information required under section 3714.052 of the 36804  
Revised Code; 36805

(4) An application fee of two thousand dollars. A board of 36806  
health shall deposit money collected under division (C)(4) of this 36807  
section into the special fund of the health district created under 36808  
section 3714.07 of the Revised Code. The director shall transmit 36809  
money collected under division (C)(4) of this section to the 36810  
treasurer of state to be credited to the ~~construction and~~ 36811  
~~demolition debris facility oversight~~ waste management fund created 36812  
in ~~that~~ section 3734.061 of the Revised Code. Not later than six 36813  
months after a facility that is issued a permit to install begins 36814  
accepting construction and demolition debris for disposal, a board 36815  
of health or the director, as applicable, shall refund the 36816  
application fee received under division (C)(4) of this section to 36817  
the person that submitted the application for the permit to 36818  
install. 36819

(5) Any other information required by the director in 36820  
accordance with rules adopted under section 3714.02 of the Revised 36821  
Code. 36822

(D) A permit to install may be issued with terms and 36823  
conditions that a board of health or the director, as applicable, 36824  
finds necessary to ensure that the facility will comply with this 36825  
chapter and rules adopted under it and to protect public health 36826  
and safety and the environment. 36827

(E) A permit to install shall expire after a time period 36828  
specified by the director or board of health, as applicable, in 36829  
accordance with rules adopted under section 3714.02 of the Revised 36830  
Code unless the applicant has undertaken a continuing program of 36831

construction or has entered into a binding contractual obligation 36832  
to undertake and complete a continuing program of construction 36833  
within a reasonable time, in which case the director or board, as 36834  
applicable, may extend the expiration date of a permit to install 36835  
upon request of the applicant. 36836

(F) The director or a board of health, as applicable, may 36837  
issue, deny, modify, suspend, or revoke a permit to install in 36838  
accordance with rules. 36839

(G) A board of health shall notify the director of its 36840  
receipt of an application for a permit to install. A board of 36841  
health, or its authorized representative, may request the director 36842  
to review an application, or part of an application, for a permit 36843  
to install and also may request that the director issue or deny it 36844  
when the board determines that additional expertise is required. 36845  
The director shall comply with such a request. 36846

Upon a board of health's issuance of a permit to install for 36847  
a new construction and demolition debris facility under this 36848  
section, the board shall mail a copy of the permit to the director 36849  
together with approved plans, specifications, and information 36850  
regarding the facility. 36851

**Sec. 3714.07.** (A)(1) For the purpose of assisting boards of 36852  
health and the environmental protection agency in administering 36853  
and enforcing this chapter and rules adopted under it, there is 36854  
hereby levied a fee of thirty cents per cubic yard or sixty cents 36855  
per ton, as applicable, on both of the following: 36856

(a) The disposal of construction and demolition debris at a 36857  
construction and demolition debris facility that is licensed under 36858  
this chapter or at a solid waste facility that is licensed under 36859  
Chapter 3734. of the Revised Code; 36860

(b) The disposal of asbestos or asbestos-containing materials 36861

or products at a construction and demolition debris facility that 36862  
is licensed under this chapter or at a solid waste facility that 36863  
is licensed under Chapter 3734. of the Revised Code. 36864

(2) The owner or operator of a construction and demolition 36865  
debris facility or a solid waste facility shall determine if cubic 36866  
yards or tons will be used as the unit of measurement. If basing 36867  
the fee on cubic yards, the owner or operator shall utilize either 36868  
the maximum cubic yard capacity of the container, or the hauling 36869  
volume of the vehicle, that transports the construction and 36870  
demolition debris to the facility or the cubic yards actually 36871  
logged for disposal by the owner or operator in accordance with 36872  
rules adopted under section 3714.02 of the Revised Code. If basing 36873  
the fee on tonnage, the owner or operator shall use certified 36874  
scales to determine the tonnage of construction and demolition 36875  
debris that is disposed of. 36876

(3) The owner or operator of a construction and demolition 36877  
debris facility or a solid waste facility shall calculate the 36878  
amount of money generated from the fee levied under division 36879  
(A)(1) of this section and shall hold that amount as a trustee for 36880  
the health district having jurisdiction over the facility, if that 36881  
district is on the approved list under section 3714.09 of the 36882  
Revised Code, or for the state. The owner or operator shall 36883  
prepare and file with the appropriate board of health or the 36884  
director of environmental protection monthly returns indicating 36885  
the total volume or weight, as applicable, of construction and 36886  
demolition debris and asbestos or asbestos-containing materials or 36887  
products disposed of at the facility and the total amount of money 36888  
generated during that month from the fee levied under division 36889  
(A)(1) of this section on the disposal of construction and 36890  
demolition debris and asbestos or asbestos-containing materials or 36891  
products. Not later than thirty days after the last day of the 36892  
month to which the return applies, the owner or operator shall 36893

mail to the board of health or the director the return for that 36894  
month together with the amount of money calculated under division 36895  
(A)(3) of this section on the disposal of construction and 36896  
demolition debris and asbestos or asbestos-containing materials or 36897  
products during that month or may submit the return and money 36898  
electronically in a manner approved by the director. The owner or 36899  
operator may request, in writing, an extension of not more than 36900  
thirty days after the last day of the month to which the return 36901  
applies. A request for extension may be denied. If the owner or 36902  
operator submits the money late, the owner or operator shall pay a 36903  
penalty of ten per cent of the amount of the money due for each 36904  
month that it is late. 36905

(4) Of the money that is submitted by a construction and 36906  
demolition debris facility or a solid waste facility on a per 36907  
cubic yard or per ton basis under this section, a board of health 36908  
shall transmit three cents per cubic yard or six cents per ton, as 36909  
applicable, to the director not later than forty-five days after 36910  
the receipt of the money. The money retained by a board of health 36911  
under this section shall be paid into a special fund, which is 36912  
hereby created in each health district, and used solely for the 36913  
following purposes: 36914

(a) To administer and enforce this chapter and rules adopted 36915  
under it; 36916

(b) To abate abandoned accumulations of construction and 36917  
demolition debris as provided in section 3714.074 of the Revised 36918  
Code. 36919

The director shall transmit all money received under this 36920  
section to the treasurer of state to be ~~credited~~ deposited in the 36921  
state treasury to the ~~construction and demolition debris facility~~ 36922  
~~oversight~~ credit of the waste management fund, which is hereby 36923  
created in the ~~state treasury~~ section 3734.061 of the Revised 36924  
Code. ~~The fund shall be administered by the director, and money~~ 36925

~~eredit~~ to the fund shall be used exclusively for the 36926  
administration and enforcement of this chapter and rules adopted 36927  
~~under it.~~ 36928

(B) The board of health of a health district or the director 36929  
may enter into an agreement with the owner or operator of a 36930  
construction and demolition debris facility or a solid waste 36931  
facility for the quarterly payment of money generated from the 36932  
disposal fee as calculated in division (A)(3) of this section. The 36933  
board of health shall notify the director of any such agreement. 36934  
Not later than forty-five days after receipt of the quarterly 36935  
payment, the board of health shall transmit the amount established 36936  
in division (A)(4) of this section to the director. The money 36937  
retained by the board of health shall be deposited in the special 36938  
fund of the district as required under that division. Upon receipt 36939  
of the money from a board of health, the director shall transmit 36940  
the money to the treasurer of state to be credited to the 36941  
~~construction and demolition debris facility oversight~~ waste 36942  
management fund. 36943

(C) If a construction and demolition debris facility or a 36944  
solid waste facility is located within the territorial boundaries 36945  
of a municipal corporation or the unincorporated area of a 36946  
township, the municipal corporation or township may appropriate up 36947  
to four cents per cubic yard or up to eight cents per ton of the 36948  
disposal fee required to be paid by the facility under division 36949  
(A)(1) of this section for the same purposes that a municipal 36950  
corporation or township may levy a fee under division (C) of 36951  
section 3734.57 of the Revised Code. 36952

The legislative authority of the municipal corporation or 36953  
township may appropriate the money from the fee by enacting an 36954  
ordinance or adopting a resolution establishing the amount of the 36955  
fee to be appropriated. Upon doing so, the legislative authority 36956  
shall mail a certified copy of the ordinance or resolution to the 36957

board of health of the health district in which the construction 36958  
and demolition debris facility or the solid waste facility is 36959  
located or, if the facility is located in a health district that 36960  
is not on the approved list under section 3714.09 of the Revised 36961  
Code, to the director. Upon receipt of the copy of the ordinance 36962  
or resolution and not later than forty-five days after receipt of 36963  
money generated from the fee, the board or the director, as 36964  
applicable, shall transmit to the treasurer or other appropriate 36965  
officer of the municipal corporation or clerk of the township that 36966  
portion of the money generated from the disposal fee by the owner 36967  
or operator of the facility that is required by the ordinance or 36968  
resolution to be paid to that municipal corporation or township. 36969

Money received by the treasurer or other appropriate officer 36970  
of a municipal corporation under this division shall be paid into 36971  
the general fund of the municipal corporation. Money received by 36972  
the clerk of a township under this division shall be paid into the 36973  
general fund of the township. The treasurer or other officer of 36974  
the municipal corporation or the clerk of the township, as 36975  
appropriate, shall maintain separate records of the money received 36976  
under this division. 36977

The legislative authority of a municipal corporation or 36978  
township may cease appropriating money under this division by 36979  
repealing the ordinance or resolution that was enacted or adopted 36980  
under this division. 36981

The director shall adopt rules in accordance with Chapter 36982  
119. of the Revised Code establishing requirements for prorating 36983  
the amount of the fee that may be appropriated under this division 36984  
by a municipal corporation or township in which only a portion of 36985  
a construction and demolition debris facility is located within 36986  
the territorial boundaries of the municipal corporation or 36987  
township. 36988

(D) The board of county commissioners of a county in which a 36989

construction and demolition debris facility or a solid waste 36990  
facility is located may appropriate up to three cents per cubic 36991  
yard or up to six cents per ton of the disposal fee required to be 36992  
paid by the facility under division (A)(1) of this section for the 36993  
same purposes that a solid waste management district may levy a 36994  
fee under division (B) of section 3734.57 of the Revised Code. 36995

The board of county commissioners may appropriate the money 36996  
from the fee by adopting a resolution establishing the amount of 36997  
the fee to be appropriated. Upon doing so, the board of county 36998  
commissioners shall mail a certified copy of the resolution to the 36999  
board of health of the health district in which the construction 37000  
and demolition debris facility or the solid waste facility is 37001  
located or, if the facility is located in a health district that 37002  
is not on the approved list under section 3714.09 of the Revised 37003  
Code, to the director. Upon receipt of the copy of the resolution 37004  
and not later than forty-five days after receipt of money 37005  
generated from the fee, the board of health or the director, as 37006  
applicable, shall transmit to the treasurer of the county that 37007  
portion of the money generated from the disposal fee by the owner 37008  
or operator of the facility that is required by the resolution to 37009  
be paid to that county. 37010

Money received by a county treasurer under this division 37011  
shall be paid into the general fund of the county. The county 37012  
treasurer shall maintain separate records of the money received 37013  
under this division. 37014

A board of county commissioners may cease appropriating money 37015  
under this division by repealing the resolution that was adopted 37016  
under this division. 37017

(E)(1) This section does not apply to the disposal of 37018  
construction and demolition debris at a solid waste facility that 37019  
is licensed under Chapter 3734. of the Revised Code if there is no 37020  
construction and demolition debris facility licensed under this 37021

chapter within thirty-five miles of the solid waste facility as 37022  
determined by a facility's property boundaries. 37023

(2) This section does not apply to the disposal of 37024  
construction and demolition debris at a solid waste facility that 37025  
is licensed under Chapter 3734. of the Revised Code if the owner 37026  
or operator of the facility chooses to collect fees on the 37027  
disposal of the construction and demolition debris and asbestos or 37028  
asbestos-containing materials or products that are identical to 37029  
the fees that are collected under Chapters 343. and 3734. of the 37030  
Revised Code on the disposal of solid wastes at that facility. 37031

(3) This section does not apply to the disposal of source 37032  
separated materials that are exclusively composed of reinforced or 37033  
nonreinforced concrete, asphalt, clay tile, building or paving 37034  
brick, or building or paving stone at a construction and 37035  
demolition debris facility that is licensed under this chapter 37036  
when either of the following applies: 37037

(a) The materials are placed within the limits of 37038  
construction and demolition debris placement at the facility as 37039  
specified in the license issued to the facility under section 37040  
3714.06 of the Revised Code, are not placed within the unloading 37041  
zone of the facility, and are used as a fire prevention measure in 37042  
accordance with rules adopted by the director under section 37043  
3714.02 of the Revised Code. 37044

(b) The materials are not placed within the unloading zone of 37045  
the facility or within the limits of construction and demolition 37046  
debris placement at the facility as specified in the license 37047  
issued to the facility under section 3714.06 of the Revised Code, 37048  
but are used as fill material, either alone or in conjunction with 37049  
clean soil, sand, gravel, or other clean aggregates, in legitimate 37050  
fill operations for construction purposes at the facility or to 37051  
bring the facility up to a consistent grade. 37052

Sec. 3714.08. (A) At least annually, the board of health of a health district or the director of environmental protection shall cause each construction and demolition debris facility for which the board or the director, as appropriate, issued a license under section 3714.06 of the Revised Code to be inspected and shall cause a record to be made of each inspection. The board or the director shall require each such facility to be in substantial compliance with this chapter and rules adopted under it.

(B) Within thirty days after the issuance of a license, the board of health shall certify to the director of environmental protection that the construction and demolition debris facility has been inspected and is in substantial compliance with this chapter and rules adopted under it. Each board of health shall provide the director with such other information as ~~he~~ the director may require from time to time.

(C) The board of health or its authorized representative and the director or ~~his~~ the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times upon any public or private property, real or personal, to inspect or investigate, obtain samples, and examine or copy records to determine compliance with this chapter and rules adopted under it. The board of health or its authorized representative or the director or ~~his~~ the director's authorized representative may apply for, and any judge of a court of record may issue, an appropriate search warrant necessary to achieve the purposes of this chapter and rules adopted under it within the court's territorial jurisdiction. If entry is refused or inspection or investigation is refused, hindered, or thwarted, the board of health or the director may suspend or revoke the construction and demolition debris facility's license.

(D) If the entry authorized by division (C) of this section 37084  
is refused or if the inspection or investigation so authorized is 37085  
refused, hindered, or thwarted by intimidation or otherwise and if 37086  
the director, the board of health, or authorized representative of 37087  
either applies for and obtains a search warrant under division (C) 37088  
of this section to conduct the inspection or investigation, the 37089  
owner or operator of the premises where entry was refused or 37090  
inspection or investigation was refused, hindered, or thwarted is 37091  
liable to the director or board of health for the reasonable costs 37092  
incurred by either for ~~the~~ all of the following: 37093

(1) The regular salaries and fringe benefit costs of 37094  
personnel assigned to conduct the inspection or investigation from 37095  
the time the entry, inspection, or investigation was refused, 37096  
hindered, or thwarted until the search warrant is executed; ~~for~~ 37097  
~~the~~ 37098

(2) The salary, fringe benefits, and travel expenses of the 37099  
attorney general, prosecuting attorney of the county, or city 37100  
director of law, or an authorized assistant, incurred in obtaining 37101  
the search warrant; ~~and for expenses~~ 37102

(3) Expenses necessarily incurred for the assistance of local 37103  
law enforcement officers in executing the search warrant. ~~In~~ 37104

In the application for a search warrant, the director or 37105  
board of health may request and the court, in its order granting 37106  
the search warrant, may order the owner or operator of the 37107  
premises to reimburse the director or board of health for such of 37108  
those costs as the court finds reasonable. From moneys recovered 37109  
under this division, the director shall reimburse the attorney 37110  
general for the costs incurred by ~~him~~ the attorney general or ~~his~~ 37111  
the attorney general's authorized assistant in connection with 37112  
proceedings for obtaining the search warrant, shall reimburse the 37113  
political subdivision in which the premises is located for the 37114  
assistance of its law enforcement officers in executing the search 37115

warrant, and shall deposit the remainder in the state treasury to 37116  
the credit of the ~~construction and demolition debris facility~~ 37117  
~~oversight~~ waste management fund created in section ~~3714.07~~ 37118  
3734.061 of the Revised Code. From moneys recovered under this 37119  
division, the board of health shall reimburse the prosecuting 37120  
attorney of the county or the city director of law for the costs 37121  
incurred by ~~him~~ the prosecuting attorney or the city director of 37122  
law or ~~his~~ the authorized assistant of the prosecuting attorney or 37123  
the city director of law in connection with proceedings for 37124  
obtaining the search warrant, shall reimburse the political 37125  
subdivision in which the premises is located for the assistance of 37126  
its law enforcement officers in executing the search warrant, and 37127  
shall deposit the remainder of any such moneys to the credit of 37128  
the special fund of the health district created in section 3714.07 37129  
of the Revised Code. 37130

**Sec. 3714.09.** (A) The director of environmental protection 37131  
shall place each health district that is on the approved list 37132  
under division (A) or (B) of section 3734.08 of the Revised Code 37133  
on the approved list for the purposes of issuing permits to 37134  
install and licenses under this chapter. Any survey or resurvey of 37135  
any such health district conducted under section 3734.08 of the 37136  
Revised Code shall also determine whether there is substantial 37137  
compliance with this chapter. If the director removes any such 37138  
health district from the approved list under division (B) of that 37139  
section, the director shall also remove the health district from 37140  
the approved list under this division and shall administer and 37141  
enforce this chapter in the health district until the health 37142  
district is placed on the approved list under division (B) of 37143  
section 3734.08 of the Revised Code or division (B)(1) of this 37144  
section. 37145

(B)(1) Upon the request of the board of health of a health 37146  
district that is not on the approved list under division (A) or 37147

(B) of section 3734.08 of the Revised Code, the director may place the board on the approved list for the purpose of permitting and licensing construction and demolition debris facilities under this chapter if the director determines that the board is both capable of and willing to enforce all of the applicable requirements of this chapter and rules adopted under it.

(2) The director shall annually survey each health district on the approved list under division (B)(1) of this section to determine whether there is substantial compliance with this chapter and rules adopted under it. Upon determining that there is substantial compliance, the director shall place the health district on the approved list under that division. The director shall make a resurvey when in the director's opinion a resurvey is necessary and shall remove from the approved list under division (B)(1) of this section any health district not substantially complying with this chapter and rules adopted under it.

(3) If, after a survey or resurvey is made under division (B)(2) of this section, the director determines that a health district is not eligible to be placed on the approved list or to continue on that list, the director shall certify that fact to the board of health of the health district and shall administer and enforce this chapter and rules adopted under it in the health district until such time as the health district is placed on the approved list.

(4) Whenever the director is required to administer and enforce this chapter in any health district under division (A) or (B)(3) of this section, the director is hereby vested with all of the authority and all the duties granted to or imposed upon a board of health under this chapter and rules adopted under it within the health district. All disposal fees required to be paid to a board of health by section 3714.07 of the Revised Code and all such previous fees paid to the board, together with any money

from construction and demolition debris facility license fees that 37180  
were required to be paid to the board under section 3714.07 of the 37181  
Revised Code as that section existed prior to April 15, 2005, that 37182  
have not been expended or encumbered shall be paid to the director 37183  
and deposited by the director in the state treasury to the credit 37184  
of the ~~construction and demolition debris facility oversight waste~~ 37185  
management fund created in section ~~3714.07~~ 3734.061 of the Revised 37186  
Code. 37187

(C) Nothing in this chapter limits the authority of the 37188  
director to initiate and pursue any administrative remedy or to 37189  
request the attorney general, the prosecuting attorney of the 37190  
appropriate county, or the city director of law of the appropriate 37191  
city to initiate and pursue any appropriate judicial remedy 37192  
available under this chapter to enforce any provision of this 37193  
chapter and any rules or terms or conditions of any permit or 37194  
license or order adopted or issued under this chapter with respect 37195  
to any construction and demolition debris facility regardless of 37196  
whether the facility is located in a health district that is on 37197  
the approved list under this section. 37198

**Sec. 3717.49.** (A) A licensor may suspend or revoke a food 37199  
service operation license on determining that the license holder 37200  
is in violation of any requirement of this chapter or the rules 37201  
adopted under it applicable to food service operations, including 37202  
a violation evidenced by the documented failure to maintain 37203  
sanitary conditions within the operation. 37204

(B) A licensor may revoke a food service operation license on 37205  
determining that the license holder has three or more violations 37206  
that occurred after the effective date of this amendment for 37207  
failure to enforce or observe the prohibitions contained in 37208  
section 3794.02 of the Revised Code within a two-year period or 37209  
failure to pay a civil fine that occurred after the effective date 37210

of this amendment that is in excess of one thousand dollars 37211  
associated with a violation of section 3794.02 of the Revised 37212  
Code. A decision to revoke a food service operation license under 37213  
this division may be appealed under division (C) or (D) of this 37214  
section. 37215

(C)(1) Except in the case of a violation that presents an 37216  
immediate danger to the public health, prior to initiating action 37217  
to suspend or revoke a food service operation license, the 37218  
licensor shall give the license holder written notice specifying 37219  
each violation and a reasonable time within which each violation 37220  
must be corrected to avoid suspension or revocation of the 37221  
license. The licensor may extend the time specified in the notice 37222  
for correcting a violation if the license holder is making a good 37223  
faith effort to correct it. 37224

If the license holder fails to correct the violation in the 37225  
time granted by the licensor, the licensor may initiate action to 37226  
suspend or revoke the food service operation license by giving the 37227  
license holder written notice of the proposed suspension or 37228  
revocation. The licensor shall include in the notice a description 37229  
of the procedure for appealing the proposed suspension or 37230  
revocation. The license holder may appeal the proposed suspension 37231  
or revocation by giving written notice to the licensor. The 37232  
license holder shall specify in the notice whether a hearing is 37233  
requested. The appeal shall be conducted in accordance with 37234  
division ~~(B)~~(C)(3) of this section. 37235

Any action that may be taken by a licensor under division 37236  
~~(B)~~(C)(1) of this section may be taken by a health commissioner or 37237  
other person employed by the licensor if the person or health 37238  
commissioner is authorized by the licensor to take the action. 37239

(2)(a) If actions are initiated to revoke or, except in the 37240  
case of a violation that presents an immediate danger to the 37241  
public health, to suspend a food service operation license, the 37242

licensor shall determine whether to revoke or suspend the license 37243  
as follows: 37244

(i) If the licensor is a board of health, by a majority vote 37245  
of the members of the board present at a meeting at which there is 37246  
a quorum; 37247

(ii) If the director of health is acting as the licensor, by 37248  
decision of the director. 37249

(b) If the licensor determines to revoke or suspend the 37250  
license, the licensor shall issue an order revoking or suspending 37251  
the license. 37252

(3) An appeal made under division ~~(B)~~(C)(1) of this section 37253  
shall be conducted in accordance with procedures established in 37254  
rules adopted by the director of health under section 3717.52 of 37255  
the Revised Code. If a hearing is requested, it shall be held 37256  
prior to the issuance of an order under division ~~(B)~~(C)(2) of this 37257  
section, but may be conducted at the meeting at which issuance of 37258  
the order is considered. 37259

~~(C)~~(D)(1) On determining that a license holder is in 37260  
violation of any requirement of this chapter or the rules adopted 37261  
under it applicable to food service operations and that the 37262  
violation presents an immediate danger to the public health, the 37263  
licensor may suspend the food service operation license without 37264  
giving written notice or affording the license holder the 37265  
opportunity to correct the violation. If the license holder is 37266  
operating a mobile or catering food service operation, either the 37267  
licensor that issued the license or the licensor for the health 37268  
district in which the operation is being operated may suspend the 37269  
license. 37270

A suspension under division ~~(C)~~(D)(1) of this section takes 37271  
effect immediately and remains in effect until the licensor lifts 37272  
the suspension. When a mobile food service operation license is 37273

suspended under this division, the licensor that suspended the 37274  
license shall hold the license until the suspension is lifted and 37275  
the licensor receives from the license holder written notice of 37276  
the next location at which the license holder proposes to operate 37277  
the food service operation. 37278

After suspending a license under division ~~(C)~~(D)(1) of this 37279  
section, the licensor shall give the license holder written notice 37280  
of the procedure for appealing the suspension. The license holder 37281  
may appeal the suspension by giving written notice to the licensor 37282  
and specifying in the notice whether a hearing is requested. The 37283  
appeal shall be conducted in accordance with division ~~(C)~~(D)(2) of 37284  
this section. 37285

Any action that may be taken by a licensor under division 37286  
~~(C)~~(D)(1) of this section may be taken by a health commissioner if 37287  
the health commissioner is authorized by the licensor to take the 37288  
action. A health commissioner who suspends a license under this 37289  
authority may, on determining that there is no longer an immediate 37290  
danger to the public health, lift the suspension without 37291  
consulting the licensor. 37292

(2)(a) If the license holder appeals a suspension under 37293  
division ~~(C)~~(D)(1) of this section, the licensor shall determine 37294  
whether the immediate danger to the public health continues to 37295  
exist as follows: 37296

(i) If the licensor is a board of health, by majority vote of 37297  
the members of the board present at a meeting at which there is a 37298  
quorum; 37299

(ii) If the director of health is acting as the licensor, by 37300  
decision of the director. 37301

(b) If the licensor determines that there is no longer an 37302  
immediate danger to the public health, the licensor shall lift the 37303  
suspension. If the licensor determines that the immediate danger 37304

continues to exist, the licensor shall issue an order continuing 37305  
the suspension. 37306

(3) An appeal requested under division ~~(C)~~(D)(1) of this 37307  
section shall be conducted in accordance with procedures 37308  
established in rules adopted by the director of health under 37309  
section 3717.52 of the Revised Code. If a hearing is requested, it 37310  
shall be held not later than two business days after the request 37311  
is received by the licensor. The hearing shall be held prior to 37312  
the issuance of an order under division ~~(C)~~(D)(2) of this section, 37313  
but may be conducted at the meeting at which issuance of the order 37314  
is considered. In the case of a suspension of a mobile or catering 37315  
food service operation license, the appeal shall be made to the 37316  
licensor that suspended the license. 37317

~~(D)~~(E) A license holder may appeal an order issued under 37318  
division (B) ~~or~~, (C), or (D) of this section as follows: 37319

(1) If the order was issued by a board of health, to the 37320  
common pleas court of the county in which the licensor is located; 37321

(2) If the order was issued by the director of health, to the 37322  
Franklin county court of common pleas. 37323

**Sec. 3721.011.** (A) In addition to providing accommodations, 37324  
supervision, and personal care services to its residents, a 37325  
residential care facility may do the following: 37326

(1) Provide the following skilled nursing care to its 37327  
residents: 37328

(a) Supervision of special diets; 37329

(b) Application of dressings, in accordance with rules 37330  
adopted under section 3721.04 of the Revised Code; 37331

(c) Subject to division (B)(1) of this section, 37332  
administration of medication. 37333

(2) Subject to division (C) of this section, provide other skilled nursing care on a part-time, intermittent basis for not more than a total of one hundred twenty days in a twelve-month period;

(3) Provide skilled nursing care for more than one hundred twenty days in a twelve-month period to a resident when the requirements of division (D) of this section are met.

A residential care facility may not admit or retain an individual requiring skilled nursing care that is not authorized by this section. A residential care facility may not provide skilled nursing care beyond the limits established by this section.

(B)(1) A residential care facility may admit or retain an individual requiring medication, including biologicals, only if the individual's personal physician has determined in writing that the individual is capable of self-administering the medication or the facility provides for the medication to be administered to the individual by a home health agency certified under Title XVIII of the "Social Security Act," 79 Stat. 620 (1965), 42 U.S.C. 1395, as amended; a hospice care program licensed under Chapter 3712. of the Revised Code; or a member of the staff of the residential care facility who is qualified to perform medication administration. Medication may be administered in a residential care facility only by the following persons authorized by law to administer medication:

(a) A registered nurse licensed under Chapter 4723. of the Revised Code;

(b) A licensed practical nurse licensed under Chapter 4723. of the Revised Code who holds proof of successful completion of a course in medication administration approved by the board of nursing and who administers the medication only at the direction

of a registered nurse or a physician authorized under Chapter	37365
4731. of the Revised Code to practice medicine and surgery or	37366
osteopathic medicine and surgery;	37367
(c) A medication aide certified under Chapter 4723. of the	37368
Revised Code;	37369
(d) A physician authorized under Chapter 4731. of the Revised	37370
Code to practice medicine and surgery or osteopathic medicine and	37371
surgery;	37372
<u>(e) Assistive personnel who hold certificates issued under</u>	37373
<u>section 173.577 or 5166.54 of the Revised Code and administer the</u>	37374
<u>medication in accordance with section 173.571 of the Revised Code.</u>	37375
(2) In assisting a resident with self-administration of	37376
medication, any member of the staff of a residential care facility	37377
may do the following:	37378
(a) Remind a resident when to take medication and watch to	37379
ensure that the resident follows the directions on the container;	37380
(b) Assist a resident by taking the medication from the	37381
locked area where it is stored, in accordance with rules adopted	37382
pursuant to section 3721.04 of the Revised Code, and handing it to	37383
the resident. If the resident is physically unable to open the	37384
container, a staff member may open the container for the resident.	37385
(c) Assist a physically impaired but mentally alert resident,	37386
such as a resident with arthritis, cerebral palsy, or Parkinson's	37387
disease, in removing oral or topical medication from containers	37388
and in consuming or applying the medication, upon request by or	37389
with the consent of the resident. If a resident is physically	37390
unable to place a dose of medicine to the resident's mouth without	37391
spilling it, a staff member may place the dose in a container and	37392
place the container to the mouth of the resident.	37393
(C) Except as provided in division (D) of this section, a	37394

residential care facility may admit or retain individuals who 37395  
require skilled nursing care beyond the supervision of special 37396  
diets, application of dressings, or administration of medication, 37397  
only if the care will be provided on a part-time, intermittent 37398  
basis for not more than a total of one hundred twenty days in any 37399  
twelve-month period. In accordance with Chapter 119. of the 37400  
Revised Code, the director of health shall adopt rules specifying 37401  
what constitutes the need for skilled nursing care on a part-time, 37402  
intermittent basis. The director shall adopt rules that are 37403  
consistent with rules pertaining to home health care adopted by 37404  
the medicaid director for the medicaid program. Skilled nursing 37405  
care provided pursuant to this division may be provided by a home 37406  
health agency certified for participation in the medicare program, 37407  
a hospice care program licensed under Chapter 3712. of the Revised 37408  
Code, or a member of the staff of a residential care facility who 37409  
is qualified to perform skilled nursing care. 37410

A residential care facility that provides skilled nursing 37411  
care pursuant to this division shall do both of the following: 37412

(1) Evaluate each resident receiving the skilled nursing care 37413  
at least once every seven days to determine whether the resident 37414  
should be transferred to a nursing home; 37415

(2) Meet the skilled nursing care needs of each resident 37416  
receiving the care. 37417

(D)(1) A residential care facility may admit or retain an 37418  
individual who requires skilled nursing care for more than one 37419  
hundred twenty days in any twelve-month period only if the 37420  
facility has entered into a written agreement with each of the 37421  
following: 37422

(a) The individual or individual's sponsor; 37423

(b) The individual's personal physician; 37424

(c) Unless the individual's personal physician oversees the 37425

skilled nursing care, the provider of the skilled nursing care; 37426

(d) If the individual is a hospice patient as defined in 37427  
section 3712.01 of the Revised Code, a hospice care program 37428  
licensed under Chapter 3712. of the Revised Code. 37429

(2) The agreement required by division (D)(1) of this section 37430  
shall include all of the following provisions: 37431

(a) That the individual will be provided skilled nursing care 37432  
in the facility only if a determination has been made that the 37433  
individual's needs can be met at the facility; 37434

(b) That the individual will be retained in the facility only 37435  
if periodic redeterminations are made that the individual's needs 37436  
are being met at the facility; 37437

(c) That the redeterminations will be made according to a 37438  
schedule specified in the agreement; 37439

(d) If the individual is a hospice patient, that the 37440  
individual has been given an opportunity to choose the hospice 37441  
care program that best meets the individual's needs; 37442

(e) Unless the individual is a hospice patient, that the 37443  
individual's personal physician has determined that the skilled 37444  
nursing care the individual needs is routine. 37445

(E) Notwithstanding any other provision of this chapter, a 37446  
residential care facility in which residents receive skilled 37447  
nursing care pursuant to this section is not a nursing home. 37448

**Sec. 3734.02.** (A) The director of environmental protection, 37449  
in accordance with Chapter 119. of the Revised Code, shall adopt 37450  
and may amend, suspend, or rescind rules having uniform 37451  
application throughout the state governing solid waste facilities 37452  
and the inspections of and issuance of permits and licenses for 37453  
all solid waste facilities in order to ensure that the facilities 37454  
will be located, maintained, and operated, and will undergo 37455

closure and post-closure care, in a sanitary manner so as not to 37456  
create a nuisance, cause or contribute to water pollution, create 37457  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 37458  
257.3-8, as amended. The rules may include, without limitation, 37459  
financial assurance requirements for closure and post-closure care 37460  
and corrective action and requirements for taking corrective 37461  
action in the event of the surface or subsurface discharge or 37462  
migration of explosive gases or leachate from a solid waste 37463  
facility, or of ground water contamination resulting from the 37464  
transfer or disposal of solid wastes at a facility, beyond the 37465  
boundaries of any area within a facility that is operating or is 37466  
undergoing closure or post-closure care where solid wastes were 37467  
disposed of or are being disposed of. The rules shall not concern 37468  
or relate to personnel policies, salaries, wages, fringe benefits, 37469  
or other conditions of employment of employees of persons owning 37470  
or operating solid waste facilities. The director, in accordance 37471  
with Chapter 119. of the Revised Code, shall adopt and may amend, 37472  
suspend, or rescind rules governing the issuance, modification, 37473  
revocation, suspension, or denial of variances from the director's 37474  
solid waste rules, including, without limitation, rules adopted 37475  
under this chapter governing the management of scrap tires. 37476

Variances shall be issued, modified, revoked, suspended, or 37477  
rescinded in accordance with this division, rules adopted under 37478  
it, and Chapter 3745. of the Revised Code. The director may order 37479  
the person to whom a variance is issued to take such action within 37480  
such time as the director may determine to be appropriate and 37481  
reasonable to prevent the creation of a nuisance or a hazard to 37482  
the public health or safety or the environment. Applications for 37483  
variances shall contain such detail plans, specifications, and 37484  
information regarding objectives, procedures, controls, and other 37485  
pertinent data as the director may require. The director shall 37486  
grant a variance only if the applicant demonstrates to the 37487  
director's satisfaction that construction and operation of the 37488

solid waste facility in the manner allowed by the variance and any 37489  
terms or conditions imposed as part of the variance will not 37490  
create a nuisance or a hazard to the public health or safety or 37491  
the environment. In granting any variance, the director shall 37492  
state the specific provision or provisions whose terms are to be 37493  
varied and also shall state specific terms or conditions imposed 37494  
upon the applicant in place of the provision or provisions. ~~The~~ 37495

The director may hold a public hearing on an application for 37496  
a variance or renewal of a variance at a location in the county 37497  
where the operations that are the subject of the application for 37498  
the variance are conducted. The director shall give not less than 37499  
twenty days' notice of the hearing to the applicant by certified 37500  
mail or by another type of mail accompanied by a receipt and shall 37501  
publish at least one notice of the hearing in a newspaper with 37502  
general circulation in the county where the hearing is to be held. 37503  
The director shall make available for public inspection at the 37504  
principal office of the environmental protection agency a current 37505  
list of pending applications for variances and a current schedule 37506  
of pending variance hearings. The director shall make a complete 37507  
stenographic record of testimony and other evidence submitted at 37508  
the hearing. ~~Within~~ 37509

Within ten days after the hearing, the director shall make a 37510  
written determination to issue, renew, or deny the variance and 37511  
shall enter the determination and the basis for it into the record 37512  
of the hearing. The director shall issue, renew, or deny an 37513  
application for a variance or renewal of a variance within six 37514  
months of the date upon which the director receives a complete 37515  
application with all pertinent information and data required. No 37516  
variance shall be issued, revoked, modified, or denied until the 37517  
director has considered the relative interests of the applicant, 37518  
other persons and property affected by the variance, and the 37519  
general public. Any variance granted under this division shall be 37520

for a period specified by the director and may be renewed from 37521  
time to time on such terms and for such periods as the director 37522  
determines to be appropriate. No application shall be denied and 37523  
no variance shall be revoked or modified without a written order 37524  
stating the findings upon which the denial, revocation, or 37525  
modification is based. A copy of the order shall be sent to the 37526  
applicant or variance holder by certified mail or by another type 37527  
of mail accompanied by a receipt. 37528

(B) The director shall prescribe and furnish the forms 37529  
necessary to administer and enforce this chapter. The director may 37530  
cooperate with and enter into agreements with other state, local, 37531  
or federal agencies to carry out the purposes of this chapter. The 37532  
director may exercise all incidental powers necessary to carry out 37533  
the purposes of this chapter. 37534

~~The director may use moneys in the infectious waste 37535  
management fund created in section 3734.021 of the Revised Code 37536  
exclusively for administering and enforcing the provisions of this 37537  
chapter governing the management of infectious wastes. 37538~~

(C) Except as provided in this division and divisions (N)(2) 37539  
and (3) of this section, no person shall establish a new solid 37540  
waste facility or infectious waste treatment facility, or modify 37541  
an existing solid waste facility or infectious waste treatment 37542  
facility, without submitting an application for a permit with 37543  
accompanying detail plans, specifications, and information 37544  
regarding the facility and method of operation and receiving a 37545  
permit issued by the director, except that no permit shall be 37546  
required under this division to install or operate a solid waste 37547  
facility for sewage sludge treatment or disposal when the 37548  
treatment or disposal is authorized by a current permit issued 37549  
under Chapter 3704. or 6111. of the Revised Code. 37550

No person shall continue to operate a solid waste facility 37551  
for which the director has denied a permit for which an 37552

application was required under division (A)(3) of section 3734.05 37553  
of the Revised Code, or for which the director has disapproved 37554  
plans and specifications required to be filed by an order issued 37555  
under division (A)(5) of that section, after the date prescribed 37556  
for commencement of closure of the facility in the order issued 37557  
under division (A)(6) of section 3734.05 of the Revised Code 37558  
denying the permit application or approval. 37559

On and after the effective date of the rules adopted under 37560  
division (A) of this section and division (D) of section 3734.12 37561  
of the Revised Code governing solid waste transfer facilities, no 37562  
person shall establish a new, or modify an existing, solid waste 37563  
transfer facility without first submitting an application for a 37564  
permit with accompanying engineering detail plans, specifications, 37565  
and information regarding the facility and its method of operation 37566  
to the director and receiving a permit issued by the director. 37567

No person shall establish a new compost facility or continue 37568  
to operate an existing compost facility that accepts exclusively 37569  
source separated yard wastes without submitting a completed 37570  
registration for the facility to the director in accordance with 37571  
rules adopted under divisions (A) and (N)(3) of this section. 37572

This division does not apply to a generator of infectious 37573  
wastes that does any of the following: 37574

(1) Treats, by methods, techniques, and practices established 37575  
by rules adopted under division (B)(2)(a) of section 3734.021 of 37576  
the Revised Code, any of the following: 37577

(a) Infectious wastes that are generated on any premises that 37578  
are owned or operated by the generator; 37579

(b) Infectious wastes that are generated by a generator who 37580  
has staff privileges at a hospital as defined in section 3727.01 37581  
of the Revised Code; 37582

(c) Infectious wastes that are generated in providing care to 37583

a patient by an emergency medical services organization as defined 37584  
in section 4765.01 of the Revised Code. 37585

(2) Holds a license or renewal of a license to operate a 37586  
crematory facility issued under Chapter 4717. and a permit issued 37587  
under Chapter 3704. of the Revised Code; 37588

(3) Treats or disposes of dead animals or parts thereof, or 37589  
the blood of animals, and is subject to any of the following: 37590

(a) Inspection under the "Federal Meat Inspection Act," 81 37591  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 37592

(b) Chapter 918. of the Revised Code; 37593

(c) Chapter 953. of the Revised Code. 37594

(D) Neither this chapter nor any rules adopted under it apply 37595  
to single-family residential premises; to infectious wastes 37596  
generated by individuals for purposes of their own care or 37597  
treatment; to the temporary storage of solid wastes, other than 37598  
scrap tires, prior to their collection for disposal; to the 37599  
storage of one hundred or fewer scrap tires unless they are stored 37600  
in such a manner that, in the judgment of the director or the 37601  
board of health of the health district in which the scrap tires 37602  
are stored, the storage causes a nuisance, a hazard to public 37603  
health or safety, or a fire hazard; or to the collection of solid 37604  
wastes, other than scrap tires, by a political subdivision or a 37605  
person holding a franchise or license from a political subdivision 37606  
of the state; to composting, as defined in section 1511.01 of the 37607  
Revised Code, conducted in accordance with section 1511.022 of the 37608  
Revised Code; or to any person who is licensed to transport raw 37609  
rendering material to a compost facility pursuant to section 37610  
953.23 of the Revised Code. 37611

(E)(1) As used in this division: 37612

(a) "On-site facility" means a facility that stores, treats, 37613

or disposes of hazardous waste that is generated on the premises 37614  
of the facility. 37615

(b) "Off-site facility" means a facility that stores, treats, 37616  
or disposes of hazardous waste that is generated off the premises 37617  
of the facility and includes such a facility that is also an 37618  
on-site facility. 37619

(c) "Satellite facility" means any of the following: 37620

(i) An on-site facility that also receives hazardous waste 37621  
from other premises owned by the same person who generates the 37622  
waste on the facility premises; 37623

(ii) An off-site facility operated so that all of the 37624  
hazardous waste it receives is generated on one or more premises 37625  
owned by the person who owns the facility; 37626

(iii) An on-site facility that also receives hazardous waste 37627  
that is transported uninterruptedly and directly to the facility 37628  
through a pipeline from a generator who is not the owner of the 37629  
facility. 37630

(2) Except as provided in division (E)(3) of this section, no 37631  
person shall establish or operate a hazardous waste facility, or 37632  
use a solid waste facility for the storage, treatment, or disposal 37633  
of any hazardous waste, without a hazardous waste facility 37634  
installation and operation permit issued in accordance with 37635  
section 3734.05 of the Revised Code and subject to the payment of 37636  
an application fee not to exceed one thousand five hundred 37637  
dollars, payable upon application for a hazardous waste facility 37638  
installation and operation permit and upon application for a 37639  
renewal permit issued under division (H) of section 3734.05 of the 37640  
Revised Code, to be credited to the hazardous waste facility 37641  
management fund created in section 3734.18 of the Revised Code. 37642  
The term of a hazardous waste facility installation and operation 37643  
permit shall not exceed ten years. 37644

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:

TYPE OF BASIC				
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	
Storage facility using:				
Containers	On-site, off-site, and satellite		\$ 500	
Tanks	On-site, off-site, and satellite		500	
Waste pile	On-site, off-site, and satellite		3,000	
Surface impoundment	On-site and satellite		8,000	
	Off-site		10,000	
Disposal facility using:				
Deep well injection	On-site and satellite		15,000	
	Off-site		25,000	
Landfill	On-site and satellite		25,000	
	Off-site		40,000	
Land application	On-site and satellite		2,500	
	Off-site		5,000	
Surface impoundment	On-site and satellite		10,000	
	Off-site		20,000	

Treatment facility using:			37678
Tanks	On-site, off-site, and		37679
	satellite	700	37680
Surface impoundment	On-site and satellite	8,000	37681
	Off-site	10,000	37682
Incinerator	On-site and satellite	5,000	37683
	Off-site	10,000	37684
Other forms			37685
of treatment	On-site, off-site, and		37686
	satellite	1,000	37687

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of

days remaining until the next anniversary date at which payment of 37710  
the annual permit fee is due bears to three hundred sixty-five. 37711

The director, by rules adopted in accordance with Chapters 37712  
119. and 3745. of the Revised Code, shall prescribe procedures for 37713  
collecting the annual permit fee established by this division and 37714  
may prescribe other requirements necessary to carry out this 37715  
division. 37716

(3) The prohibition against establishing or operating a 37717  
hazardous waste facility without a hazardous waste facility 37718  
installation and operation permit does not apply to either of the 37719  
following: 37720

(a) A facility that is operating in accordance with a permit 37721  
renewal issued under division (H) of section 3734.05 of the 37722  
Revised Code, a revision issued under division (I) of that section 37723  
as it existed prior to August 20, 1996, or a modification issued 37724  
by the director under division (I) of that section on and after 37725  
August 20, 1996; 37726

(b) Except as provided in division (J) of section 3734.05 of 37727  
the Revised Code, a facility that will operate or is operating in 37728  
accordance with a permit by rule, or that is not subject to permit 37729  
requirements, under rules adopted by the director. In accordance 37730  
with Chapter 119. of the Revised Code, the director shall adopt, 37731  
and subsequently may amend, suspend, or rescind, rules for the 37732  
purposes of division (E)(3)(b) of this section. Any rules so 37733  
adopted shall be consistent with and equivalent to regulations 37734  
pertaining to interim status adopted under the "Resource 37735  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 37736  
6921, as amended, except as otherwise provided in this chapter. 37737

If a modification is requested or proposed for a facility 37738  
described in division (E)(3)(a) or (b) of this section, division 37739  
(I)(7) of section 3734.05 of the Revised Code applies. 37740

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 Stat. 1052, 33 U.S.C.A. 1401, as amended;

(5) A hazardous waste facility as described in division (E)(3)(a) or (b) of this section.

(G) The director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, infectious wastes, or hazardous waste, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with the manifest system or other requirements of this chapter. Such an exemption shall be consistent with and equivalent to any regulations adopted by the administrator of the United States environmental protection agency

under the "Resource Conservation and Recovery Act of 1976," 90 37772  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 37773  
provided in this chapter. 37774

(H) No person shall engage in filling, grading, excavating, 37775  
building, drilling, or mining on land where a hazardous waste 37776  
facility, or a solid waste facility, was operated without prior 37777  
authorization from the director, who shall establish the procedure 37778  
for granting such authorization by rules adopted in accordance 37779  
with Chapter 119. of the Revised Code. 37780

A public utility that has main or distribution lines above or 37781  
below the land surface located on an easement or right-of-way 37782  
across land where a solid waste facility was operated may engage 37783  
in any such activity within the easement or right-of-way without 37784  
prior authorization from the director for purposes of performing 37785  
emergency repair or emergency replacement of its lines; of the 37786  
poles, towers, foundations, or other structures supporting or 37787  
sustaining any such lines; or of the appurtenances to those 37788  
structures, necessary to restore or maintain existing public 37789  
utility service. A public utility may enter upon any such easement 37790  
or right-of-way without prior authorization from the director for 37791  
purposes of performing necessary or routine maintenance of those 37792  
portions of its existing lines; of the existing poles, towers, 37793  
foundations, or other structures sustaining or supporting its 37794  
lines; or of the appurtenances to any such supporting or 37795  
sustaining structure, located on or above the land surface on any 37796  
such easement or right-of-way. Within twenty-four hours after 37797  
commencing any such emergency repair, replacement, or maintenance 37798  
work, the public utility shall notify the director or the 37799  
director's authorized representative of those activities and shall 37800  
provide such information regarding those activities as the 37801  
director or the director's representative may request. Upon 37802  
completion of the emergency repair, replacement, or maintenance 37803

activities, the public utility shall restore any land of the solid waste facility disturbed by those activities to the condition existing prior to the commencement of those activities.

(I) No owner or operator of a hazardous waste facility, in the operation of the facility, shall cause, permit, or allow the emission therefrom of any particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substance that, in the opinion of the director, unreasonably interferes with the comfortable enjoyment of life or property by persons living or working in the vicinity of the facility, or that is injurious to public health. Any such action is hereby declared to be a public nuisance.

(J) Notwithstanding any other provision of this chapter, in the event the director finds an imminent and substantial danger to public health or safety or the environment that creates an emergency situation requiring the immediate treatment, storage, or disposal of hazardous waste, the director may issue a temporary emergency permit to allow the treatment, storage, or disposal of the hazardous waste at a facility that is not otherwise authorized by a hazardous waste facility installation and operation permit to treat, store, or dispose of the waste. The emergency permit shall not exceed ninety days in duration and shall not be renewed. The director shall adopt, and may amend, suspend, or rescind, rules in accordance with Chapter 119. of the Revised Code governing the issuance, modification, revocation, and denial of emergency permits.

(K) Except for infectious wastes generated by a person who produces fewer than fifty pounds of infectious wastes at a premises during any one month, no owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious wastes that have not been treated to render them noninfectious.

(L) The director, in accordance with Chapter 119. of the

Revised Code, shall adopt, and may amend, suspend, or rescind, 37836  
rules having uniform application throughout the state establishing 37837  
a training and certification program that shall be required for 37838  
employees of boards of health who are responsible for enforcing 37839  
the solid waste and infectious waste provisions of this chapter 37840  
and rules adopted under them and for persons who are responsible 37841  
for the operation of solid waste facilities or infectious waste 37842  
treatment facilities. The rules shall provide all of the 37843  
following, without limitation: 37844

(1) The program shall be administered by the director and 37845  
shall consist of a course on new solid waste and infectious waste 37846  
technologies, enforcement procedures, and rules; 37847

(2) The course shall be offered on an annual basis; 37848

(3) Those persons who are required to take the course under 37849  
division (L) of this section shall do so triennially; 37850

(4) Persons who successfully complete the course shall be 37851  
certified by the director; 37852

(5) Certification shall be required for all employees of 37853  
boards of health who are responsible for enforcing the solid waste 37854  
or infectious waste provisions of this chapter and rules adopted 37855  
under them and for all persons who are responsible for the 37856  
operation of solid waste facilities or infectious waste treatment 37857  
facilities; 37858

(6)(a) All employees of a board of health who, on the 37859  
effective date of the rules adopted under this division, are 37860  
responsible for enforcing the solid waste or infectious waste 37861  
provisions of this chapter and the rules adopted under them shall 37862  
complete the course and be certified by the director not later 37863  
than January 1, 1995; 37864

(b) All employees of a board of health who, after the 37865  
effective date of the rules adopted under division (L) of this 37866

section, become responsible for enforcing the solid waste or 37867  
infectious waste provisions of this chapter and rules adopted 37868  
under them and who do not hold a current and valid certification 37869  
from the director at that time shall complete the course and be 37870  
certified by the director within two years after becoming 37871  
responsible for performing those activities. 37872

No person shall fail to obtain the certification required 37873  
under this division. 37874

(M) The director shall not issue a permit under section 37875  
3734.05 of the Revised Code to establish a solid waste facility, 37876  
or to modify a solid waste facility operating on December 21, 37877  
1988, in a manner that expands the disposal capacity or geographic 37878  
area covered by the facility, that is or is to be located within 37879  
the boundaries of a state park established or dedicated under 37880  
Chapter 1541. of the Revised Code, a state park purchase area 37881  
established under section 1541.02 of the Revised Code, any unit of 37882  
the national park system, or any property that lies within the 37883  
boundaries of a national park or recreation area, but that has not 37884  
been acquired or is not administered by the secretary of the 37885  
United States department of the interior, located in this state, 37886  
or any candidate area located in this state and identified for 37887  
potential inclusion in the national park system in the edition of 37888  
the "national park system plan" submitted under paragraph (b) of 37889  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 37890  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 37891  
application for the permit, unless the facility or proposed 37892  
facility is or is to be used exclusively for the disposal of solid 37893  
wastes generated within the park or recreation area and the 37894  
director determines that the facility or proposed facility will 37895  
not degrade any of the natural or cultural resources of the park 37896  
or recreation area. The director shall not issue a variance under 37897  
division (A) of this section and rules adopted under it, or issue 37898

an exemption order under division (G) of this section, that would 37899  
authorize any such establishment or expansion of a solid waste 37900  
facility within the boundaries of any such park or recreation 37901  
area, state park purchase area, or candidate area, other than a 37902  
solid waste facility exclusively for the disposal of solid wastes 37903  
generated within the park or recreation area when the director 37904  
determines that the facility will not degrade any of the natural 37905  
or cultural resources of the park or recreation area. 37906

(N)(1) The rules adopted under division (A) of this section, 37907  
other than those governing variances, do not apply to scrap tire 37908  
collection, storage, monocell, monofill, and recovery facilities. 37909  
Those facilities are subject to and governed by rules adopted 37910  
under sections 3734.70 to 3734.73 of the Revised Code, as 37911  
applicable. 37912

(2) Division (C) of this section does not apply to scrap tire 37913  
collection, storage, monocell, monofill, and recovery facilities. 37914  
The establishment and modification of those facilities are subject 37915  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 37916  
Code, as applicable. 37917

(3) The director may adopt, amend, suspend, or rescind rules 37918  
under division (A) of this section creating an alternative system 37919  
for authorizing the establishment, operation, or modification of a 37920  
solid waste compost facility in lieu of the requirement that a 37921  
person seeking to establish, operate, or modify a solid waste 37922  
compost facility apply for and receive a permit under division (C) 37923  
of this section and section 3734.05 of the Revised Code and a 37924  
license under division (A)(1) of that section. The rules may 37925  
include requirements governing, without limitation, the 37926  
classification of solid waste compost facilities, the submittal of 37927  
operating records for solid waste compost facilities, and the 37928  
creation of a registration or notification system in lieu of the 37929  
issuance of permits and licenses for solid waste compost 37930

facilities. The rules shall specify the applicability of divisions 37931  
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 37932  
Code to a solid waste compost facility. 37933

(O)(1) As used in this division, "secondary aluminum waste" 37934  
means waste material or byproducts, when disposed of, containing 37935  
aluminum generated from secondary aluminum smelting operations and 37936  
consisting of dross, salt cake, baghouse dust associated with 37937  
aluminum recycling furnace operations, or dry-milled wastes. 37938

(2) The owner or operator of a sanitary landfill shall not 37939  
dispose of municipal solid waste that has been commingled with 37940  
secondary aluminum waste. 37941

(3) The owner or operator of a sanitary landfill may dispose 37942  
of secondary aluminum waste, but only in a monocell or monofill 37943  
that has been permitted for that purpose in accordance with this 37944  
chapter and rules adopted under it. 37945

(P)(1) As used in divisions (P) and (Q) of this section: 37946

(a) "Natural background" means two picocuries per gram or the 37947  
actual number of picocuries per gram as measured at an individual 37948  
solid waste facility, subject to verification by the director of 37949  
health. 37950

(b) "Drilling operation" includes a production operation as 37951  
defined in section 1509.01 of the Revised Code. 37952

(2) The owner or operator of a solid waste facility shall not 37953  
accept for transfer or disposal technologically enhanced naturally 37954  
occurring radioactive material if that material contains or is 37955  
contaminated with radium-226, radium-228, or any combination of 37956  
radium-226 and radium-228 at concentrations equal to or greater 37957  
than five picocuries per gram above natural background. 37958

(3) The owner or operator of a solid waste facility may 37959  
receive and process for purposes other than transfer or disposal 37960

technologically enhanced naturally occurring radioactive material 37961  
that contains or is contaminated with radium-226, radium-228, or 37962  
any combination of radium-226 and radium-228 at concentrations 37963  
equal to or greater than five picocuries per gram above natural 37964  
background, provided that the owner or operator has obtained and 37965  
maintains all other necessary authorizations, including any 37966  
authorization required by rules adopted by the director of health 37967  
under section 3748.04 of the Revised Code. 37968

(4) The director of environmental protection may adopt rules 37969  
in accordance with Chapter 119. of the Revised Code governing the 37970  
receipt, acceptance, processing, handling, management, and 37971  
disposal by solid waste facilities of material that contains or is 37972  
contaminated with radioactive material, including, without 37973  
limitation, technologically enhanced naturally occurring 37974  
radioactive material that contains or is contaminated with 37975  
radium-226, radium-228, or any combination of radium-226 and 37976  
radium-228 at concentrations less than five picocuries per gram 37977  
above natural background. Rules adopted by the director may 37978  
include at a minimum both of the following: 37979

(a) Requirements in accordance with which the owner or 37980  
operator of a solid waste facility must monitor leachate and 37981  
ground water for radium-226, radium-228, and other radionuclides; 37982

(b) Requirements in accordance with which the owner or 37983  
operator of a solid waste facility must develop procedures to 37984  
ensure that technologically enhanced naturally occurring 37985  
radioactive material accepted at the facility neither contains nor 37986  
is contaminated with radium-226, radium-228, or any combination of 37987  
radium-226 and radium-228 at concentrations equal to or greater 37988  
than five picocuries per gram above natural background. 37989

(Q) Notwithstanding any other provision of this section, the 37990  
owner or operator of a solid waste facility shall not receive, 37991  
accept, process, handle, manage, or dispose of technologically 37992

enhanced naturally occurring radioactive material associated with 37993  
drilling operations without first obtaining representative 37994  
analytical results to determine compliance with divisions (P)(2) 37995  
and (3) of this section and rules adopted under it. 37996

**Sec. 3734.021.** (A) Infectious wastes shall be segregated, 37997  
managed, treated, and disposed of in accordance with rules adopted 37998  
under this section. 37999

(B) The director of environmental protection, in accordance 38000  
with Chapter 119. of the Revised Code, shall adopt rules necessary 38001  
or appropriate to protect human health or safety or the 38002  
environment that do both of the following: 38003

(1) Establish standards for generators of infectious wastes 38004  
that include, without limitation, the following requirements and 38005  
authorizations that: 38006

(a) All generators of infectious wastes: 38007

(i) Either treat all specimen cultures and cultures of viable 38008  
infectious agents on the premises where they are generated to 38009  
render them noninfectious by methods, techniques, or practices 38010  
prescribed by rules adopted under division (B)(2)(a) of this 38011  
section before they are transported off that premises for disposal 38012  
or ensure that such wastes are treated to render them 38013  
noninfectious at an infectious waste treatment facility off that 38014  
premises prior to disposal of the wastes; 38015

(ii) Transport and dispose of infectious wastes, if a 38016  
generator produces fewer than fifty pounds of infectious wastes 38017  
during any one month that are subject to and packaged and labeled 38018  
in accordance with federal requirements, in the same manner as 38019  
solid wastes. Such generators who treat specimen cultures and 38020  
cultures of viable infectious agents on the premises where they 38021  
are generated shall not be considered treatment facilities as 38022

"treatment" and "facility" are defined in section 3734.01 of the Revised Code. 38023  
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(iii) Dispose of infectious wastes subject to and treated in accordance with rules adopted under division (B)(1)(a)(i) of this section in the same manner as solid wastes; 38025  
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(iv) May take wastes generated in providing care to a patient by an emergency medical services organization, as defined in section 4765.01 of the Revised Code, to and leave them at a hospital, as defined in section 3727.01 of the Revised Code, for treatment at a treatment facility owned or operated by the hospital or, in conjunction with infectious wastes generated by the hospital, at another treatment facility regardless of whether the wastes were generated in providing care to the patient at the scene of an emergency or during the transportation of the patient to a hospital; 38028  
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(v) May take wastes generated by an individual for purposes of the individual's own care or treatment to and leave them at a hospital, as defined in section 3727.01 of the Revised Code, for treatment at a treatment facility owned or operated by the hospital or, in conjunction with infectious wastes generated by the hospital, at another treatment facility. 38038  
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(b) Each generator of fifty pounds or more of infectious wastes during any one month: 38044  
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(i) Register with the environmental protection agency as a generator of infectious wastes and obtain a registration certificate. The fee for issuance of a generator registration certificate is one hundred forty dollars payable at the time of application. The registration certificate applies to all the premises owned or operated by the generator in this state where infectious wastes are generated and shall list the address of each such premises. If a generator owns or operates facilities for the 38046  
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treatment of infectious wastes it generates, the certificate shall 38054  
list the address and method of treatment used at each such 38055  
facility. 38056

A generator registration certificate is valid for three years 38057  
from the date of issuance and shall be renewed for a term of three 38058  
years upon the generator's submission of an application for 38059  
renewal and payment of a one hundred forty dollar renewal fee. 38060

The rules may establish a system of staggered renewal dates 38061  
with approximately one-third of such certificates subject to 38062  
renewal each year. The applicable renewal date shall be prescribed 38063  
on each registration certificate. Registration fees shall be 38064  
prorated according to the time remaining in the registration cycle 38065  
to the nearest year. 38066

The registration and renewal fees collected under division 38067  
(B)(1)(b)(i) of this section shall be ~~credited~~ deposited in the 38068  
state treasury to the infectious wastes management credit of the 38069  
waste management fund, hereby created in the state treasury 38070  
section 3734.061 of the Revised Code. 38071

(ii) Segregate infectious wastes from other wastes at the 38072  
point of generation. Nothing in this section and rules adopted 38073  
under it prohibits a generator of infectious wastes from 38074  
designating and managing any wastes, in addition to those defined 38075  
as infectious wastes under section 3734.01 of the Revised Code, as 38076  
infectious wastes. After designating any such other wastes as 38077  
infectious, the generator shall manage those wastes in compliance 38078  
with the requirements of this chapter and rules adopted under it 38079  
applicable to the management of infectious wastes. 38080

(iii) Either treat the infectious wastes that it generates at 38081  
a facility owned or operated by the generator by methods, 38082  
techniques, or practices prescribed by rules adopted under 38083  
division (B)(2)(a) of this section to render them noninfectious, 38084

or designate the wastes for treatment off that premises at an 38085  
infectious waste treatment facility holding a license issued under 38086  
division (B) of section 3734.05 of the Revised Code, at an 38087  
infectious waste treatment facility that is located in another 38088  
state that is in compliance with applicable state and federal 38089  
laws, or at a treatment facility authorized by rules adopted under 38090  
division (B)(2)(d) of this section, prior to disposal of the 38091  
wastes. After being treated to render them noninfectious, the 38092  
wastes shall be disposed of at a solid waste disposal facility 38093  
holding a license issued under division (A) of section 3734.05 of 38094  
the Revised Code or at a disposal facility in another state that 38095  
is in compliance with applicable state and federal laws. 38096

(iv) Not compact or grind any type of infectious wastes prior 38097  
to treatment in accordance with rules adopted under division 38098  
(B)(2)(a) of this section; 38099

(v) May discharge untreated liquid or semiliquid infectious 38100  
wastes consisting of blood, blood products, body fluids, and 38101  
excreta into a disposal system, as defined in section 6111.01 of 38102  
the Revised Code, unless the discharge of those wastes into a 38103  
disposal system is inconsistent with the terms and conditions of 38104  
the permit for the system issued under Chapter 6111. of the 38105  
Revised Code; 38106

(vi) May transport or cause to be transported infectious 38107  
wastes that have been treated to render them noninfectious in the 38108  
same manner as solid wastes are transported. 38109

(2) Establish standards for owners and operators of 38110  
infectious waste treatment facilities that include, without 38111  
limitation, the following requirements and authorizations that: 38112

(a) Require treatment of all wastes received to be performed 38113  
in accordance with methods, techniques, and practices approved by 38114  
the director; 38115

(b) Govern the location, design, construction, and operation of infectious waste treatment facilities. The rules adopted under division (B)(2)(b) of this section shall require that a new infectious waste incineration facility be located so that the incinerator unit and all areas where infectious wastes are handled on the premises where the facility is proposed to be located are at least three hundred feet inside the property line of the tract of land on which the facility is proposed to be located and are at least one thousand feet from any domicile, school, prison, or jail that is in existence on the date on which the application for the permit to establish the incinerator is submitted under division (B)(2)(b) of section 3734.05 of the Revised Code.

(c) Establish quality control and testing procedures to ensure compliance with the rules adopted under division (B)(2)(b) of this section;

(d) Authorize infectious wastes to be treated at a facility that holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717., and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its terms and conditions. The rules adopted under divisions (B)(2)(b) and (c) of this section do not apply to a facility holding such a license and permit.

In adopting the rules required by divisions (B)(2)(a) to (d) of this section, the director shall consider and, to the maximum feasible extent, utilize existing standards and guidelines established by professional and governmental organizations having expertise in the fields of infection control and infectious wastes management.

(e) Require shipping papers to accompany shipments of wastes that have been treated to render them noninfectious. The shipping papers shall include only the following elements:

(i) The name of the owner or operator of the facility where 38148  
the wastes were treated and the address of the treatment facility; 38149  
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(ii) A certification by the owner or operator of the 38151  
treatment facility where the wastes were treated indicating that 38152  
the wastes have been treated by the methods, techniques, and 38153  
practices prescribed in rules adopted under division (B)(2)(a) of 38154  
this section. 38155

(C) This section and rules adopted under it do not apply to 38156  
the treatment or disposal of wastes consisting of dead animals or 38157  
parts thereof, or the blood of animals: 38158

(1) By the owner of the animal after slaughter by the owner 38159  
on the owner's premises to obtain meat for consumption by the 38160  
owner and the members of the owner's household; 38161

(2) In accordance with Chapter 941. of the Revised Code; or 38162

(3) By persons who are subject to any of the following: 38163

(a) Inspection under the "Federal Meat Inspection Act," 81 38164  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 38165

(b) Chapter 918. of the Revised Code; 38166

(c) Chapter 953. of the Revised Code. 38167

(D) As used in this section, "generator" means a person who 38168  
produces infectious wastes at a specific premises. 38169

(E) Rules adopted under this section shall not concern or 38170  
relate to personnel policies, salaries, wages, fringe benefits, or 38171  
other conditions of employment of employees of persons owning or 38172  
operating infectious waste treatment facilities. 38173

(F)(1) The director, in accordance with Chapter 119. of the 38174  
Revised Code, shall adopt rules governing the issuance, 38175  
modification, revocation, suspension, and denial of variances from 38176

the rules adopted under division (B) of this section. Variances 38177  
shall be issued, modified, revoked, suspended, or denied in 38178  
accordance with division (F) of this section, rules adopted under 38179  
it, and Chapter 3745. of the Revised Code. 38180

(2) A person who desires to obtain a variance or renew a 38181  
variance from the rules adopted under division (B) of this section 38182  
shall submit to the director an application as prescribed by the 38183  
director. The application shall contain detail plans, 38184  
specifications, and information regarding objectives, procedures, 38185  
controls, and any other information that the director may require. 38186  
The director shall issue, renew, or deny a variance or renewal of 38187  
a variance within six months of the date on which the director 38188  
receives a complete application with all required information and 38189  
data. 38190

(3) The director may hold a public hearing on an application 38191  
submitted under division (F) of this section for a variance at a 38192  
location in the county in which the operations that are the 38193  
subject of the application for a variance or renewal of variance 38194  
are conducted. Not less than twenty days before the hearing, the 38195  
director shall provide to the applicant notice of the hearing by 38196  
certified mail or by another type of mail that is accompanied by a 38197  
receipt and shall publish notice of the hearing at least one time 38198  
in a newspaper of general circulation in the county in which the 38199  
hearing is to be held. The director shall make a complete 38200  
stenographic record of testimony and other evidence submitted at 38201  
the hearing. Not later than ten days after the hearing, the 38202  
director shall make a written determination to issue, renew, or 38203  
deny the variance and shall enter the determination and the basis 38204  
for it into the record of the hearing. 38205

(4) A variance shall not be issued, modified, revoked, or 38206  
denied under division (F) of this section until the director has 38207  
considered the relative interests of the applicant, other persons 38208

and property that will be affected by the variance, and the 38209  
general public. The director shall grant a variance only if the 38210  
applicant demonstrates to the director's satisfaction that the 38211  
requested action will not create a nuisance or a hazard to the 38212  
health or safety of the public or to the environment. In granting 38213  
a variance, the director shall state the specific provision or 38214  
provisions whose terms are to be varied and also shall state 38215  
specific terms or conditions imposed on the applicant in place of 38216  
the provision or provisions. 38217

(5) A variance granted under division (F) of this section 38218  
shall be for a period specified by the director and may be renewed 38219  
from time to time on terms and for periods that the director 38220  
determines to be appropriate. The director may order the person to 38221  
whom a variance has been issued to take action within the time 38222  
that the director determines to be appropriate and reasonable to 38223  
prevent the creation of a nuisance or a hazard to the health or 38224  
safety of the public or to the environment. 38225

(6) An application submitted under division (F) of this 38226  
section shall not be denied and a variance shall not be revoked or 38227  
modified under that division without a written order of the 38228  
director stating the findings on which the denial, revocation, or 38229  
modification is based. A copy of the order shall be sent to the 38230  
applicant or holder of a variance by certified mail or by another 38231  
type of mail that is accompanied by a receipt. 38232

(7) The director shall make available for public inspection 38233  
at the principal office of the environmental protection agency a 38234  
current list of pending applications for variances submitted under 38235  
division (F) of this section and a current schedule of pending 38236  
variance hearings under it. 38237

**Sec. 3734.061.** (A) There is hereby created in the state 38238  
treasury the waste management fund. The fund shall consist of 38239

money credited to it under division (C)(4) of section 3714.051, 38240  
divisions (A)(4) and (B) of section 3714.07, division (D) of 38241  
section 3714.08, division (B)(4) of section 3714.09, division (B) 38242  
of section 3734.021, division (D)(4) of section 3734.07, division 38243  
(B) of section 3734.551, and division (A)(2) of section 3734.57 of 38244  
the Revised Code. 38245

(B) The director of environmental protection shall use money 38246  
in the fund as follows: 38247

(1) Money credited to the fund under division (C)(4) of 38248  
section 3714.051, divisions (A)(4) and (B) of section 3714.07, 38249  
division (D) of section 3714.08, and division (B)(4) of section 38250  
3714.09 of the Revised Code exclusively for the administration and 38251  
enforcement of Chapter 3714. of the Revised Code and rules adopted 38252  
under it; 38253

(2) Money credited to the fund under division (B) of section 38254  
3734.551 and division (A)(2) of section 3734.57 of the Revised 38255  
Code exclusively to pay the costs of administering and enforcing 38256  
the laws pertaining to solid wastes, infectious wastes, and 38257  
construction and demolition debris, including ground water 38258  
evaluations related to solid wastes, infectious wastes, and 38259  
construction and demolition debris, under this chapter and Chapter 38260  
3714. of the Revised Code and any rules adopted under those 38261  
chapters and addressing violations of Chapters 3704. and 6111. of 38262  
the Revised Code at facilities; 38263

(3) Money credited to the fund under division (B) of section 38264  
3734.021 and division (D)(4) of section 3734.07 of the Revised 38265  
Code exclusively for the administration and enforcement of the 38266  
provisions of this chapter governing the management of infectious 38267  
wastes and rules adopted under them. 38268

**Sec. 3734.07.** (A) Before a license is initially issued and 38269

annually thereafter, or more often if necessary, the board of 38270  
health shall cause each solid waste facility and infectious waste 38271  
treatment facility to be inspected and a record to be made of each 38272  
inspection and shall require each solid waste facility and 38273  
infectious waste treatment facility in the health district to be 38274  
in substantial compliance with this chapter and the rules adopted 38275  
under it. 38276

(B) Within thirty days after the issuance of a license, the 38277  
board of health shall certify to the director of environmental 38278  
protection that the solid waste facility or infectious waste 38279  
treatment facility has been inspected and is in substantial 38280  
compliance with this chapter and the rules adopted under it. Each 38281  
board of health shall provide the director with such other 38282  
information as he may require from time to time. 38283

(C) The board of health or its authorized representative and 38284  
the director or ~~his~~ the director's authorized representative, upon 38285  
proper identification and upon stating the purpose and necessity 38286  
of an inspection, may enter at reasonable times upon any private 38287  
or public property, real or personal, to inspect or investigate, 38288  
obtain samples, and examine or copy any records to determine 38289  
compliance with this chapter and the rules adopted under it. The 38290  
board of health or its authorized representative or the director 38291  
or ~~his~~ the director's authorized representative may apply for, and 38292  
any judge of a court of record may issue, an appropriate search 38293  
warrant necessary to achieve the purposes of this chapter and the 38294  
rules adopted under it within the court's territorial 38295  
jurisdiction. If entry is refused or inspection or investigation 38296  
is refused, hindered, or thwarted, the board of health may suspend 38297  
or revoke the operating license of the solid waste facility or 38298  
infectious waste treatment facility that refused entry, or the 38299  
director may suspend or revoke the license or permit of the solid 38300  
waste facility, hazardous waste facility, or infectious waste 38301

treatment facility that refused entry. 38302

(D) If the entry authorized by division (C) of this section 38303  
is refused or if the inspection or investigation so authorized is 38304  
refused, hindered, or thwarted by intimidation or otherwise and 38305  
the director, board of health, or authorized representative of 38306  
either applies for and obtains a search warrant under division (C) 38307  
of this section to conduct the inspection or investigation, the 38308  
owner or operator of the premises where entry was refused or 38309  
inspection or investigation was refused, hindered, or thwarted is 38310  
liable to the director or board of health for the reasonable costs 38311  
incurred by either for the regular salaries and fringe benefit 38312  
costs of personnel assigned to conduct the inspection or 38313  
investigation from the time the entry, inspection, or 38314  
investigation was refused, hindered, or thwarted until the search 38315  
warrant is executed; for the salary, fringe benefits, and travel 38316  
expenses of the attorney general, prosecuting attorney of the 38317  
county, or city director of law, or an authorized assistant, 38318  
incurred in obtaining the search warrant; and for expenses 38319  
necessarily incurred for the assistance of local law enforcement 38320  
officers in executing the search warrant. In the application for 38321  
the search warrant, the director or board of health may request 38322  
and the court, in its order granting the search warrant, may order 38323  
the owner or operator of the premises to reimburse the director or 38324  
board of health for such of those costs as the court finds 38325  
reasonable. ~~From~~ 38326

From moneys recovered under this division, the director shall 38327  
reimburse the attorney general for the costs incurred by ~~him~~ the 38328  
attorney general or ~~his~~ the attorney general's authorized 38329  
assistant in connection with proceedings for obtaining the search 38330  
warrant; shall reimburse the political subdivision in which the 38331  
premises is located for the assistance of its law enforcement 38332  
officers in executing the search warrant; and shall deposit the 38333

remainder of any such moneys to the credit of the following, as 38334  
applicable: 38335

(1) The hazardous waste facility management fund created in 38336  
section 3734.18 of the Revised Code if the inspection or 38337  
investigation pertained to compliance with the hazardous waste 38338  
provisions of this chapter or a rule, order, or term or condition 38339  
of a permit adopted or issued under them or with a rule adopted 38340  
under section 3734.121 of the Revised Code ~~to the credit of the~~ 38341

(2) The general revenue fund if the inspection or 38342  
investigation pertained to compliance with the solid waste 38343  
provisions of this chapter or rules, orders, or terms and 38344  
conditions of a permit, license, or variance adopted or issued 38345  
under them, other than the provisions governing solid wastes that 38346  
consist of scrap tires; ~~to the credit of the~~ 38347

(3) The scrap tire management fund created in section 3734.82 38348  
of the Revised Code if the inspection or investigation pertained 38349  
to compliance with the provisions of this chapter governing solid 38350  
wastes that consist of scrap tires or rules, orders, or terms and 38351  
conditions of a permit, license, or variance adopted or issued 38352  
under them; ~~or to the credit of the infectious~~ 38353

(4) The waste management fund created in section ~~3734.021~~ 38354  
3734.061 of the Revised Code if the inspection or investigation 38355  
pertained to compliance with the infectious waste provisions of 38356  
this chapter or rules, orders, or terms and conditions of a permit 38357  
or license issued under them. ~~From~~ 38358

From moneys recovered under this division, the board of 38359  
health shall reimburse the prosecuting attorney of the county or 38360  
city director of law for the costs incurred by ~~him~~ the prosecuting 38361  
attorney or city director of law or an authorized assistant in 38362  
connection with proceedings for obtaining the search warrant; 38363  
shall reimburse the political subdivision in which the premises is 38364

located for the assistance of its law enforcement officers in 38365  
executing the search warrant; and shall deposit the remainder of 38366  
any such moneys to the special infectious waste fund of the health 38367  
district created under division (C) of section 3734.06 of the 38368  
Revised Code if the inspection or investigation pertained to 38369  
compliance with the infectious waste provisions of this chapter or 38370  
rules, orders, or terms and conditions of a permit or license 38371  
issued under them; to the credit of the special fund of the health 38372  
district created under division (B) of section 3734.06 of the 38373  
Revised Code if the inspection or investigation pertained to 38374  
compliance with the solid waste provisions of this chapter or 38375  
rules, orders, or terms and conditions of a permit, license, or 38376  
variance adopted or issued under them, other than the provisions 38377  
governing solid wastes that consist of scrap tires; or to the 38378  
credit of the special fund of the health district created under 38379  
division (F) of section 3734.82 of the Revised Code if the 38380  
inspection or investigation pertained to compliance with the 38381  
provisions of this chapter governing solid wastes that consist of 38382  
scrap tires or rules, orders, or terms and conditions of a permit, 38383  
license, or variance adopted or issued under them. 38384

Sec. 3734.49. (A) There is hereby created within the 38385  
environmental protection agency the materials management advisory 38386  
council consisting of the following eleven members who shall be 38387  
appointed by the governor with the advice and consent of the 38388  
senate: 38389

(1) One member who is an employee of a health district whose 38390  
duties include enforcement of the solid waste provisions of this 38391  
chapter; 38392

(2) One member representing the interests of counties; 38393

(3) One member representing the interests of municipal 38394  
corporations; 38395

<u>(4) One member representing the interests of townships;</u>	38396
<u>(5) One member representing the interests of solid waste management districts;</u>	38397 38398
<u>(6) One member representing a statewide environmental advocacy organization;</u>	38399 38400
<u>(7) One member representing the public;</u>	38401
<u>(8) Four members with knowledge of or experience in waste management, recycling, or litter prevention programs. Those members also shall represent a broad range of interests, including manufacturing, wholesale, retail, labor, raw materials, commercial recycling, and solid waste management.</u>	38402 38403 38404 38405 38406
<u>(B)(1) The governor shall make initial appointments to the advisory council not later than forty-five days after the effective date of this section.</u>	38407 38408 38409
<u>(2) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2016:</u>	38410 38411
<u>(a) The member representing the interests of counties;</u>	38412
<u>(b) The member representing the interests of solid waste management districts;</u>	38413 38414
<u>(c) Two of the members with knowledge of or experience in waste management, recycling, or litter prevention programs.</u>	38415 38416
<u>(3) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2017:</u>	38417 38418
<u>(a) The member who is an employee of a health district whose duties include enforcement of the solid waste provisions of this chapter;</u>	38419 38420 38421
<u>(b) The member representing the interests of municipal corporations;</u>	38422 38423
<u>(c) Two of the members with knowledge of or experience in</u>	38424

waste management, recycling, or litter prevention programs. 38425

(4) The following initial members of the advisory council 38426  
each shall be appointed for a term ending July 1, 2018: 38427

(a) The member representing the interests of townships; 38428

(b) The member representing a statewide environmental 38429  
advocacy organization; 38430

(c) The member representing the public. 38431

Thereafter, terms of office shall be for three years. Each 38432  
member shall hold office from the date of the member's appointment 38433  
until the end of the term for which the member was appointed. In 38434  
the event of death, removal, resignation, or incapacity of a 38435  
member, the governor, with the advice and consent of the senate, 38436  
shall appoint a successor who shall hold office for the remainder 38437  
of the term for which the successor's predecessor was appointed. A 38438  
member shall continue in office subsequent to the expiration date 38439  
of the member's term until the member's successor takes office or 38440  
until a period of sixty days has elapsed, whichever occurs first. 38441  
Members may be reappointed. The governor at any time may remove a 38442  
member for misfeasance, nonfeasance, or malfeasance in office. 38443

(C) The advisory council shall hold at least two meetings 38444  
each year. Special meetings may be held at the request of the 38445  
chairperson or a majority of the members. The director of 38446  
environmental protection shall select from among the advisory 38447  
council's members a chairperson. The advisory council annually 38448  
shall select from among its members a vice-chairperson and a 38449  
secretary to keep a record of its proceedings. Not later than two 38450  
hundred days after the selection of the first chairperson of the 38451  
advisory council, the advisory council shall adopt bylaws 38452  
governing its procedural operations. A majority vote of the 38453  
members of the advisory council is necessary to take action on any 38454  
matter. 38455

(D) Membership on the advisory council does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment. 38456  
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(E) A member of the advisory council shall serve without compensation for attending advisory council meetings, but shall be reimbursed for all ordinary and necessary expenses incurred in the performance of duties as a member. 38461  
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(F) The advisory council shall do all of the following: 38465

(1) Advise and assist the director with preparation of the state solid waste management plan and periodic revisions to the plan under section 3734.50 of the Revised Code; 38466  
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(2) Approve or disapprove the draft state solid waste management plan and periodic revisions prior to adoption of the plan under section 3734.50 of the Revised Code; 38469  
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(3) Annually review implementation of the state solid waste management plan; 38472  
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(4) Prepare and submit an annual report to the general assembly on the state's solid waste management system and efforts towards achieving the goals, restrictions, and objectives established under divisions (A) to (C) of section 3734.50 of the Revised Code. The report may recommend legislative action. 38474  
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(5) Triennially advise the director in conducting a review of the progress made toward achieving the objectives, restrictions, and goals established under divisions (A) to (C) of section 3734.50 of the Revised Code; 38479  
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(6) With the approval of the director, establish criteria by which to certify, and certify, agencies of the state and political subdivisions for receipt of grants for activities or projects that 38483  
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<u>are intended to accomplish the purposes of any of the programs</u>	38486
<u>established under section 3736.02 or 3736.05 of the Revised Code;</u>	38487
<u>(7) Advise the director on establishing and implementing</u>	38488
<u>statewide source reduction, recycling, recycling market</u>	38489
<u>development, and litter prevention programs;</u>	38490
<u>(8) Research and respond to questions posed to the advisory</u>	38491
<u>council by the director;</u>	38492
<u>(9) Establish and develop formal and informal partnerships</u>	38493
<u>with other entities that foster a productive marketplace for the</u>	38494
<u>collection and use of recycled materials.</u>	38495
<b>Sec. 3734.50.</b> The director of environmental protection, with	38496
the advice of the <del>solid waste</del> <u>materials</u> management advisory	38497
council created in section <del>3734.51</del> <u>3734.49</u> of the Revised Code,	38498
shall prepare a state solid waste management plan to do all of the	38499
following:	38500
(A) Reduce reliance on the use of landfills for management of	38501
solid wastes;	38502
(B) Establish objectives for solid waste reduction,	38503
recycling, reuse, and minimization and a schedule for implementing	38504
those objectives;	38505
(C) Establish restrictions on the types of solid wastes	38506
disposed of by landfilling for which alternative management	38507
methods are available, such as yard wastes, and a schedule for	38508
implementing those restrictions. The objectives under division (B)	38509
of this section and restrictions under this division need not be	38510
of uniform application throughout the state or as to categories of	38511
solid waste generators. Rather, in establishing those objectives	38512
and restrictions, the director shall take into consideration the	38513
feasibility of waste reduction, recycling, reuse, and minimization	38514
measures and landfilling restrictions in urban, suburban, and	38515

rural areas and also shall take into consideration the extent to 38516  
which those measures have been implemented by specific categories 38517  
of solid waste generators and political subdivisions prior to June 38518  
24, 1988. 38519

(D) Establish revised general criteria for the location of 38520  
solid waste facilities; 38521

(E) Examine alternative methods for disposal of fly ash and 38522  
bottom ash resulting from the burning of mixed municipal solid 38523  
wastes; 38524

(F) Establish a statewide strategy for managing scrap tires, 38525  
which shall include identification of locations within the state 38526  
that qualify as scrap tire facilities and accumulations. In 38527  
developing the strategy, the director shall examine the 38528  
feasibility of recycling or recovering materials or energy from 38529  
scrap tires and landfilling scrap tires in abandoned coal strip 38530  
mines as well as other methods for managing scrap tires. 38531

(G) Establish a strategy that contains specific 38532  
recommendations for legislative and administrative action to 38533  
promote markets for products containing recycled materials 38534  
generally and for promoting the use by state government of 38535  
products containing recycled materials; 38536

(H) Establish a program for the proper separation and 38537  
disposal of hazardous waste generated by households. 38538

The director shall adopt the state solid waste management 38539  
plan within one year after June 24, 1988. After completion of a 38540  
draft plan, the director shall hold a public hearing on the draft 38541  
plan at each of five different locations within the state. After 38542  
receiving public comments on the draft plan, the director may make 38543  
such revisions to it as ~~he~~ the director considers appropriate 38544  
based on the comments received and shall submit the draft plan 38545  
with any revisions to the advisory council for approval. If the 38546

advisory council approves the draft plan, the director shall adopt 38547  
it as the state solid waste management plan. If the advisory 38548  
council disapproves the draft plan, the director, with the advice 38549  
of the advisory council, shall prepare a new draft plan and 38550  
proceed in the same manner as for the initial draft plan to hold 38551  
hearings on, revise, and submit the new draft plan to the advisory 38552  
council for approval, and adopt the new draft plan. 38553

Not later than one year after adoption of the plan, the 38554  
director shall adopt rules in accordance with Chapter 119. of the 38555  
Revised Code establishing the objectives and restrictions of the 38556  
state plan, and schedules for implementing them, under divisions 38557  
(B) and (C) of this section as mandatory elements of the solid 38558  
waste management plans of county and joint solid waste management 38559  
districts under division (A) of section 3734.53 of the Revised 38560  
Code. Within one year after adoption of the plan, the director 38561  
shall adopt rules in accordance with Chapter 119. of the Revised 38562  
Code, which rules are hereby deemed to constitute rules adopted 38563  
under division (A) of section 3734.02 of the Revised Code, 38564  
establishing revised general location criteria for solid waste 38565  
facilities, other than solid waste transfer facilities, and 38566  
standards for the disposal of fly ash and bottom ash resulting 38567  
from the burning of mixed municipal solid waste. 38568

Triennially the director, with the advice of the advisory 38569  
council, shall conduct a thorough review of the progress made 38570  
toward achieving the goals set forth in divisions (A) to (H) of 38571  
this section. Based upon the findings of ~~his~~ the review, the 38572  
director, in accordance with the procedures of this section, may 38573  
prepare and adopt a revised state solid waste management plan. If 38574  
the revised plan modifies any of the objectives, restrictions, or 38575  
implementation schedules established under division (B) or (C) of 38576  
this section, the director, not later than one year after adoption 38577  
of the revised plan, shall amend the existing rules adopted under 38578

this section in a manner consistent with those revisions. 38579

If any revision to the plan or enactment or amendment of a 38580  
statute by the general assembly that takes effect on or after 38581  
April 16, 1993, establishes a restriction on the landfilling or 38582  
burning or other thermal processing in an incinerator or energy 38583  
recovery facility of any type of solid waste with mixed municipal 38584  
solid waste, or prescribes for a type of solid waste a management 38585  
method alternative to landfilling or thermal processing with mixed 38586  
municipal solid waste, the estimated reduction in the quantity of 38587  
solid wastes being disposed of by landfilling or thermal 38588  
processing that results from the implementation of the restriction 38589  
or alternative management method within a county or joint solid 38590  
waste management district constitutes a reduction in solid waste 38591  
generation within the district for purposes of determining the 38592  
district's compliance with the waste reduction objective 38593  
established under division (C) of this section and any revisions 38594  
thereof and the rules and amendments thereto adopted under this 38595  
section to implement that objective. 38596

**Sec. 3734.551.** (A) The board of county commissioners of a 38597  
county or board of directors of a joint solid waste management 38598  
district that is ordered to implement an initial or amended solid 38599  
waste management plan prepared by the director of environmental 38600  
protection under section 3734.521, 3734.55, or 3734.56 of the 38601  
Revised Code and that is levying fees under division (A) or (B) of 38602  
section 3734.574 of the Revised Code shall reimburse the director 38603  
from moneys in the special fund of the district created in 38604  
division (G) of section 3734.57 of the Revised Code for the 38605  
expenses incurred by the director in preparing and ordering the 38606  
implementation of the plan or amended plan for all of the 38607  
following purposes, as applicable: 38608

(1) Postage; 38609

(2) Copying and duplicating;	38610
(3) Notices published in newspapers;	38611
(4) A court reporter to record testimony at public hearings and transcribe the record of those hearings;	38612 38613
(5) Facility rental for holding public information sessions or public hearings;	38614 38615
(6) Conducting a survey of industrial solid waste generators within the district and other primary data collection activities when the necessary data are not available from the district, including, without limitation, the costs of conducting the survey or data collection by contract;	38616 38617 38618 38619 38620
(7) Fuel, meals, and lodging for the staff of the environmental protection agency when travel to the district is necessary to conduct data collection and other plan preparation activities;	38621 38622 38623 38624
(8) Necessary long-distance telephone calls.	38625
(B) Upon ordering a district to implement a plan or amended plan under section 3734.521, 3734.55, or 3734.56 of the Revised Code, the director shall send to the board of county commissioners or directors an itemized demand for the expenses enumerated in division (A) of this section that were incurred by the director in preparing and ordering the implementation of the plan or amended plan. The board of county commissioners or directors shall pay to the director the amount stated in the demand within sixty days after receiving it. Moneys received by the director under this division shall be deposited in the state treasury to the credit of the <del>solid waste management</del> fund created in <del>division (A) of section</del> <del>3734.57</del> <u>3734.061</u> of the Revised Code.	38626 38627 38628 38629 38630 38631 38632 38633 38634 38635 38636 38637
<b>Sec. 3734.57.</b> (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state:	38638 38639

(1) ~~One dollar~~ Ninety cents per ton through June 30, ~~2016~~ 38640  
~~2018, thirty per cent~~ twenty cents of the proceeds of which shall 38641  
be deposited in the state treasury to the credit of the hazardous 38642  
waste facility management fund created in section 3734.18 of the 38643  
Revised Code and ~~seventy per cent~~ cents of the proceeds of which 38644  
shall be deposited in the state treasury to the credit of the 38645  
hazardous waste clean-up fund created in section 3734.28 of the 38646  
Revised Code; 38647

(2) An additional ~~one dollar~~ seventy-five cents per ton 38648  
through June 30, ~~2016~~ 2018, the proceeds of which shall be 38649  
deposited in the state treasury to the credit of the ~~solid waste~~ 38650  
management fund, ~~which is hereby created in section 3734.061 of~~ 38651  
the Revised Code. ~~The environmental protection agency shall use~~ 38652  
~~money in the solid waste fund to pay the costs of administering~~ 38653  
~~and enforcing the laws pertaining to solid wastes, infectious~~ 38654  
~~wastes, and construction and demolition debris, including, without~~ 38655  
~~limitation, ground water evaluations related to solid wastes,~~ 38656  
~~infectious wastes, and construction and demolition debris, under~~ 38657  
~~this chapter and Chapter 3714. of the Revised Code and any rules~~ 38658  
~~adopted under them, providing compliance assistance to small~~ 38659  
~~businesses, and paying a share of the administrative costs of the~~ 38660  
~~environmental protection agency pursuant to section 3745.014 of~~ 38661  
~~the Revised Code.~~ 38662

(3) An additional two dollars and ~~fifty~~ eighty-five cents per 38663  
ton through June 30, ~~2016~~ 2018, the proceeds of which shall be 38664  
deposited in the state treasury to the credit of the environmental 38665  
protection fund created in section 3745.015 of the Revised Code; 38666

(4) An additional twenty-five cents per ton through June 30, 38667  
~~2016~~ 2018, the proceeds of which shall be deposited in the state 38668  
treasury to the credit of the soil and water conservation district 38669  
assistance fund created in section 1515.14 of the Revised Code. 38670

In the case of solid wastes that are taken to a solid waste 38671

transfer facility located in this state prior to being transported 38672  
for disposal at a solid waste disposal facility located in this 38673  
state or outside of this state, the fees levied under this 38674  
division shall be collected by the owner or operator of the 38675  
transfer facility as a trustee for the state. The amount of fees 38676  
required to be collected under this division at such a transfer 38677  
facility shall equal the total tonnage of solid wastes received at 38678  
the facility multiplied by the fees levied under this division. In 38679  
the case of solid wastes that are not taken to a solid waste 38680  
transfer facility located in this state prior to being transported 38681  
to a solid waste disposal facility, the fees shall be collected by 38682  
the owner or operator of the solid waste disposal facility as a 38683  
trustee for the state. The amount of fees required to be collected 38684  
under this division at such a disposal facility shall equal the 38685  
total tonnage of solid wastes received at the facility that was 38686  
not previously taken to a solid waste transfer facility located in 38687  
this state multiplied by the fees levied under this division. Fees 38688  
levied under this division do not apply to materials separated 38689  
from a mixed waste stream for recycling by a generator or 38690  
materials removed from the solid waste stream through recycling, 38691  
as "recycling" is defined in rules adopted under section 3734.02 38692  
of the Revised Code. 38693

The owner or operator of a solid waste transfer facility or 38694  
disposal facility, as applicable, shall prepare and file with the 38695  
director of environmental protection each month a return 38696  
indicating the total tonnage of solid wastes received at the 38697  
facility during that month and the total amount of the fees 38698  
required to be collected under this division during that month. In 38699  
addition, the owner or operator of a solid waste disposal facility 38700  
shall indicate on the return the total tonnage of solid wastes 38701  
received from transfer facilities located in this state during 38702  
that month for which the fees were required to be collected by the 38703  
transfer facilities. The monthly returns shall be filed on a form 38704

prescribed by the director. Not later than thirty days after the 38705  
last day of the month to which a return applies, the owner or 38706  
operator shall mail to the director the return for that month 38707  
together with the fees required to be collected under this 38708  
division during that month as indicated on the return or may 38709  
submit the return and fees electronically in a manner approved by 38710  
the director. If the return is filed and the amount of the fees 38711  
due is paid in a timely manner as required in this division, the 38712  
owner or operator may retain a discount of three-fourths of one 38713  
per cent of the total amount of the fees that are required to be 38714  
paid as indicated on the return. 38715

The owner or operator may request an extension of not more 38716  
than thirty days for filing the return and remitting the fees, 38717  
provided that the owner or operator has submitted such a request 38718  
in writing to the director together with a detailed description of 38719  
why the extension is requested, the director has received the 38720  
request not later than the day on which the return is required to 38721  
be filed, and the director has approved the request. If the fees 38722  
are not remitted within thirty days after the last day of the 38723  
month to which the return applies or are not remitted by the last 38724  
day of an extension approved by the director, the owner or 38725  
operator shall not retain the three-fourths of one per cent 38726  
discount and shall pay an additional ten per cent of the amount of 38727  
the fees for each month that they are late. For purposes of 38728  
calculating the late fee, the first month in which fees are late 38729  
begins on the first day after the deadline has passed for timely 38730  
submitting the return and fees, and one additional month shall be 38731  
counted every thirty days thereafter. 38732

The owner or operator of a solid waste facility may request a 38733  
refund or credit of fees levied under this division and remitted 38734  
to the director that have not been paid to the owner or operator. 38735  
Such a request shall be made only if the fees have not been 38736

collected by the owner or operator, have become a debt that has 38737  
become worthless or uncollectable for a period of six months or 38738  
more, and may be claimed as a deduction, including a deduction 38739  
claimed if the owner or operator keeps accounts on an accrual 38740  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 38741  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 38742  
making a request for a refund or credit, an owner or operator 38743  
shall make reasonable efforts to collect the applicable fees. A 38744  
request for a refund or credit shall not include any costs 38745  
resulting from those efforts to collect unpaid fees. 38746

A request for a refund or credit of fees shall be made in 38747  
writing, on a form prescribed by the director, and shall be 38748  
supported by evidence that may be required in rules adopted by the 38749  
director under this chapter. After reviewing the request, and if 38750  
the request and evidence submitted with the request indicate that 38751  
a refund or credit is warranted, the director shall grant a refund 38752  
to the owner or operator or shall permit a credit to be taken by 38753  
the owner or operator on a subsequent monthly return submitted by 38754  
the owner or operator. The amount of a refund or credit shall not 38755  
exceed an amount that is equal to ninety days' worth of fees owed 38756  
to an owner or operator by a particular debtor of the owner or 38757  
operator. A refund or credit shall not be granted by the director 38758  
to an owner or operator more than once in any twelve-month period 38759  
for fees owed to the owner or operator by a particular debtor. 38760

If, after receiving a refund or credit from the director, an 38761  
owner or operator receives payment of all or part of the fees, the 38762  
owner or operator shall remit the fees with the next monthly 38763  
return submitted to the director together with a written 38764  
explanation of the reason for the submittal. 38765

For purposes of computing the fees levied under this division 38766  
or division (B) of this section, any solid waste transfer or 38767  
disposal facility that does not use scales as a means of 38768

determining gate receipts shall use a conversion factor of three 38769  
cubic yards per ton of solid waste or one cubic yard per ton for 38770  
baled waste, as applicable. 38771

The fees levied under this division and divisions (B) and (C) 38772  
of this section are in addition to all other applicable fees and 38773  
taxes and shall be paid by the customer or a political subdivision 38774  
to the owner or operator of a solid waste transfer or disposal 38775  
facility. In the alternative, the fees shall be paid by a customer 38776  
or political subdivision to a transporter of waste who 38777  
subsequently transfers the fees to the owner or operator of such a 38778  
facility. The fees shall be paid notwithstanding the existence of 38779  
any provision in a contract that the customer or a political 38780  
subdivision may have with the owner or operator or with a 38781  
transporter of waste to the facility that would not require or 38782  
allow such payment regardless of whether the contract was entered 38783  
prior to or after October 16, 2009. For those purposes, "customer" 38784  
means a person who contracts with, or utilizes the solid waste 38785  
services of, the owner or operator of a solid waste transfer or 38786  
disposal facility or a transporter of solid waste to such a 38787  
facility. 38788

(B) For the purposes specified in division (G) of this 38789  
section, the solid waste management policy committee of a county 38790  
or joint solid waste management district may levy fees upon the 38791  
following activities: 38792

(1) The disposal at a solid waste disposal facility located 38793  
in the district of solid wastes generated within the district; 38794

(2) The disposal at a solid waste disposal facility within 38795  
the district of solid wastes generated outside the boundaries of 38796  
the district, but inside this state; 38797

(3) The disposal at a solid waste disposal facility within 38798  
the district of solid wastes generated outside the boundaries of 38799

this state. 38800

The solid waste management plan of the county or joint 38801  
district approved under section 3734.521 or 3734.55 of the Revised 38802  
Code and any amendments to it, or the resolution adopted under 38803  
this division, as appropriate, shall establish the rates of the 38804  
fees levied under divisions (B)(1), (2), and (3) of this section, 38805  
if any, and shall specify whether the fees are levied on the basis 38806  
of tons or cubic yards as the unit of measurement. A solid waste 38807  
management district that levies fees under this division on the 38808  
basis of cubic yards shall do so in accordance with division (A) 38809  
of this section. 38810

The fee levied under division (B)(1) of this section shall be 38811  
not less than one dollar per ton nor more than two dollars per 38812  
ton, the fee levied under division (B)(2) of this section shall be 38813  
not less than two dollars per ton nor more than four dollars per 38814  
ton, and the fee levied under division (B)(3) of this section 38815  
shall be not more than the fee levied under division (B)(1) of 38816  
this section. 38817

Prior to the approval of the solid waste management plan of a 38818  
district under section 3734.55 of the Revised Code, the solid 38819  
waste management policy committee of a district may levy fees 38820  
under this division by adopting a resolution establishing the 38821  
proposed amount of the fees. Upon adopting the resolution, the 38822  
committee shall deliver a copy of the resolution to the board of 38823  
county commissioners of each county forming the district and to 38824  
the legislative authority of each municipal corporation and 38825  
township under the jurisdiction of the district and shall prepare 38826  
and publish the resolution and a notice of the time and location 38827  
where a public hearing on the fees will be held. Upon adopting the 38828  
resolution, the committee shall deliver written notice of the 38829  
adoption of the resolution; of the amount of the proposed fees; 38830  
and of the date, time, and location of the public hearing to the 38831

director and to the fifty industrial, commercial, or institutional 38832  
generators of solid wastes within the district that generate the 38833  
largest quantities of solid wastes, as determined by the 38834  
committee, and to their local trade associations. The committee 38835  
shall make good faith efforts to identify those generators within 38836  
the district and their local trade associations, but the 38837  
nonprovision of notice under this division to a particular 38838  
generator or local trade association does not invalidate the 38839  
proceedings under this division. The publication shall occur at 38840  
least thirty days before the hearing. After the hearing, the 38841  
committee may make such revisions to the proposed fees as it 38842  
considers appropriate and thereafter, by resolution, shall adopt 38843  
the revised fee schedule. Upon adopting the revised fee schedule, 38844  
the committee shall deliver a copy of the resolution doing so to 38845  
the board of county commissioners of each county forming the 38846  
district and to the legislative authority of each municipal 38847  
corporation and township under the jurisdiction of the district. 38848  
Within sixty days after the delivery of a copy of the resolution 38849  
adopting the proposed revised fees by the policy committee, each 38850  
such board and legislative authority, by ordinance or resolution, 38851  
shall approve or disapprove the revised fees and deliver a copy of 38852  
the ordinance or resolution to the committee. If any such board or 38853  
legislative authority fails to adopt and deliver to the policy 38854  
committee an ordinance or resolution approving or disapproving the 38855  
revised fees within sixty days after the policy committee 38856  
delivered its resolution adopting the proposed revised fees, it 38857  
shall be conclusively presumed that the board or legislative 38858  
authority has approved the proposed revised fees. The committee 38859  
shall determine if the resolution has been ratified in the same 38860  
manner in which it determines if a draft solid waste management 38861  
plan has been ratified under division (B) of section 3734.55 of 38862  
the Revised Code. 38863

The committee may amend the schedule of fees levied pursuant 38864

to a resolution adopted and ratified under this division by 38865  
adopting a resolution establishing the proposed amount of the 38866  
amended fees. The committee may repeal the fees levied pursuant to 38867  
such a resolution by adopting a resolution proposing to repeal 38868  
them. Upon adopting such a resolution, the committee shall proceed 38869  
to obtain ratification of the resolution in accordance with this 38870  
division. 38871

Not later than fourteen days after declaring the new fees to 38872  
be ratified or the fees to be repealed under this division, the 38873  
committee shall notify by certified mail the owner or operator of 38874  
each solid waste disposal facility that is required to collect the 38875  
fees of the ratification and the amount of the fees or of the 38876  
repeal of the fees. Collection of any fees shall commence or 38877  
collection of repealed fees shall cease on the first day of the 38878  
second month following the month in which notification is sent to 38879  
the owner or operator. 38880

Fees levied under this division also may be established, 38881  
amended, or repealed by a solid waste management policy committee 38882  
through the adoption of a new district solid waste management 38883  
plan, the adoption of an amended plan, or the amendment of the 38884  
plan or amended plan in accordance with sections 3734.55 and 38885  
3734.56 of the Revised Code or the adoption or amendment of a 38886  
district plan in connection with a change in district composition 38887  
under section 3734.521 of the Revised Code. 38888

Not later than fourteen days after the director issues an 38889  
order approving a district's solid waste management plan, amended 38890  
plan, or amendment to a plan or amended plan that establishes, 38891  
amends, or repeals a schedule of fees levied by the district, the 38892  
committee shall notify by certified mail the owner or operator of 38893  
each solid waste disposal facility that is required to collect the 38894  
fees of the approval of the plan or amended plan, or the amendment 38895  
to the plan, as appropriate, and the amount of the fees, if any. 38896

In the case of an initial or amended plan approved under section 38897  
3734.521 of the Revised Code in connection with a change in 38898  
district composition, other than one involving the withdrawal of a 38899  
county from a joint district, the committee, within fourteen days 38900  
after the change takes effect pursuant to division (G) of that 38901  
section, shall notify by certified mail the owner or operator of 38902  
each solid waste disposal facility that is required to collect the 38903  
fees that the change has taken effect and of the amount of the 38904  
fees, if any. Collection of any fees shall commence or collection 38905  
of repealed fees shall cease on the first day of the second month 38906  
following the month in which notification is sent to the owner or 38907  
operator. 38908

If, in the case of a change in district composition involving 38909  
the withdrawal of a county from a joint district, the director 38910  
completes the actions required under division (G)(1) or (3) of 38911  
section 3734.521 of the Revised Code, as appropriate, forty-five 38912  
days or more before the beginning of a calendar year, the policy 38913  
committee of each of the districts resulting from the change that 38914  
obtained the director's approval of an initial or amended plan in 38915  
connection with the change, within fourteen days after the 38916  
director's completion of the required actions, shall notify by 38917  
certified mail the owner or operator of each solid waste disposal 38918  
facility that is required to collect the district's fees that the 38919  
change is to take effect on the first day of January immediately 38920  
following the issuance of the notice and of the amount of the fees 38921  
or amended fees levied under divisions (B)(1) to (3) of this 38922  
section pursuant to the district's initial or amended plan as so 38923  
approved or, if appropriate, the repeal of the district's fees by 38924  
that initial or amended plan. Collection of any fees set forth in 38925  
such a plan or amended plan shall commence on the first day of 38926  
January immediately following the issuance of the notice. If such 38927  
an initial or amended plan repeals a schedule of fees, collection 38928  
of the fees shall cease on that first day of January. 38929

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, less than forty-five days before the beginning of a calendar year, the director, on behalf of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change proceedings, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the mailing of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the repeal of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of the second month following the month in which notification is sent to the owner or operator. If such an initial or amended plan repeals a schedule of fees, collection of the fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If the schedule of fees that a solid waste management district is levying under divisions (B)(1) to (3) of this section is amended or repealed, the fees in effect immediately prior to the amendment or repeal shall continue to be collected until collection of the amended fees commences or collection of the repealed fees ceases, as applicable, as specified in this division. In the case of a change in district composition, money so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section

343.01 of the Revised Code to establish the former and resulting 38963  
districts and any amendments to those agreements. 38964

For the purposes of the provisions of division (B) of this 38965  
section establishing the times when newly established or amended 38966  
fees levied by a district are required to commence and the 38967  
collection of fees that have been amended or repealed is required 38968  
to cease, "fees" or "schedule of fees" includes, in addition to 38969  
fees levied under divisions (B)(1) to (3) of this section, those 38970  
levied under section 3734.573 or 3734.574 of the Revised Code. 38971

(C) For the purposes of defraying the added costs to a 38972  
municipal corporation or township of maintaining roads and other 38973  
public facilities and of providing emergency and other public 38974  
services, and compensating a municipal corporation or township for 38975  
reductions in real property tax revenues due to reductions in real 38976  
property valuations resulting from the location and operation of a 38977  
solid waste disposal facility within the municipal corporation or 38978  
township, a municipal corporation or township in which such a 38979  
solid waste disposal facility is located may levy a fee of not 38980  
more than twenty-five cents per ton on the disposal of solid 38981  
wastes at a solid waste disposal facility located within the 38982  
boundaries of the municipal corporation or township regardless of 38983  
where the wastes were generated. 38984

The legislative authority of a municipal corporation or 38985  
township may levy fees under this division by enacting an 38986  
ordinance or adopting a resolution establishing the amount of the 38987  
fees. Upon so doing the legislative authority shall mail a 38988  
certified copy of the ordinance or resolution to the board of 38989  
county commissioners or directors of the county or joint solid 38990  
waste management district in which the municipal corporation or 38991  
township is located or, if a regional solid waste management 38992  
authority has been formed under section 343.011 of the Revised 38993  
Code, to the board of trustees of that regional authority, the 38994

owner or operator of each solid waste disposal facility in the 38995  
municipal corporation or township that is required to collect the 38996  
fee by the ordinance or resolution, and the director of 38997  
environmental protection. Although the fees levied under this 38998  
division are levied on the basis of tons as the unit of 38999  
measurement, the legislative authority, in its ordinance or 39000  
resolution levying the fees under this division, may direct that 39001  
the fees be levied on the basis of cubic yards as the unit of 39002  
measurement based upon a conversion factor of three cubic yards 39003  
per ton generally or one cubic yard per ton for baled wastes. 39004

Not later than five days after enacting an ordinance or 39005  
adopting a resolution under this division, the legislative 39006  
authority shall so notify by certified mail the owner or operator 39007  
of each solid waste disposal facility that is required to collect 39008  
the fee. Collection of any fee levied on or after March 24, 1992, 39009  
shall commence on the first day of the second month following the 39010  
month in which notification is sent to the owner or operator. 39011

(D)(1) The fees levied under divisions (A), (B), and (C) of 39012  
this section do not apply to the disposal of solid wastes that: 39013

(a) Are disposed of at a facility owned by the generator of 39014  
the wastes when the solid waste facility exclusively disposes of 39015  
solid wastes generated at one or more premises owned by the 39016  
generator regardless of whether the facility is located on a 39017  
premises where the wastes are generated; 39018

(b) Are generated from the combustion of coal, or from the 39019  
combustion of primarily coal, regardless of whether the disposal 39020  
facility is located on the premises where the wastes are 39021  
generated; 39022

(c) Are asbestos or asbestos-containing materials or products 39023  
disposed of at a construction and demolition debris facility that 39024  
is licensed under Chapter 3714. of the Revised Code or at a solid 39025

waste facility that is licensed under this chapter. 39026

(2) Except as provided in section 3734.571 of the Revised 39027  
Code, any fees levied under division (B)(1) of this section apply 39028  
to solid wastes originating outside the boundaries of a county or 39029  
joint district that are covered by an agreement for the joint use 39030  
of solid waste facilities entered into under section 343.02 of the 39031  
Revised Code by the board of county commissioners or board of 39032  
directors of the county or joint district where the wastes are 39033  
generated and disposed of. 39034

(3) When solid wastes, other than solid wastes that consist 39035  
of scrap tires, are burned in a disposal facility that is an 39036  
incinerator or energy recovery facility, the fees levied under 39037  
divisions (A), (B), and (C) of this section shall be levied upon 39038  
the disposal of the fly ash and bottom ash remaining after burning 39039  
of the solid wastes and shall be collected by the owner or 39040  
operator of the sanitary landfill where the ash is disposed of. 39041

(4) When solid wastes are delivered to a solid waste transfer 39042  
facility, the fees levied under divisions (B) and (C) of this 39043  
section shall be levied upon the disposal of solid wastes 39044  
transported off the premises of the transfer facility for disposal 39045  
and shall be collected by the owner or operator of the solid waste 39046  
disposal facility where the wastes are disposed of. 39047

(5) The fees levied under divisions (A), (B), and (C) of this 39048  
section do not apply to sewage sludge that is generated by a waste 39049  
water treatment facility holding a national pollutant discharge 39050  
elimination system permit and that is disposed of through 39051  
incineration, land application, or composting or at another 39052  
resource recovery or disposal facility that is not a landfill. 39053

(6) The fees levied under divisions (A), (B), and (C) of this 39054  
section do not apply to solid wastes delivered to a solid waste 39055  
composting facility for processing. When any unprocessed solid 39056

waste or compost product is transported off the premises of a 39057  
composting facility and disposed of at a landfill, the fees levied 39058  
under divisions (A), (B), and (C) of this section shall be 39059  
collected by the owner or operator of the landfill where the 39060  
unprocessed waste or compost product is disposed of. 39061

(7) When solid wastes that consist of scrap tires are 39062  
processed at a scrap tire recovery facility, the fees levied under 39063  
divisions (A), (B), and (C) of this section shall be levied upon 39064  
the disposal of the fly ash and bottom ash or other solid wastes 39065  
remaining after the processing of the scrap tires and shall be 39066  
collected by the owner or operator of the solid waste disposal 39067  
facility where the ash or other solid wastes are disposed of. 39068

(8) The director of environmental protection may issue an 39069  
order exempting from the fees levied under this section solid 39070  
wastes, including, but not limited to, scrap tires, that are 39071  
generated, transferred, or disposed of as a result of a contract 39072  
providing for the expenditure of public funds entered into by the 39073  
administrator or regional administrator of the United States 39074  
environmental protection agency, the director of environmental 39075  
protection, or the director of administrative services on behalf 39076  
of the director of environmental protection for the purpose of 39077  
remediating conditions at a hazardous waste facility, solid waste 39078  
facility, or other location at which the administrator or regional 39079  
administrator or the director of environmental protection has 39080  
reason to believe that there is a substantial threat to public 39081  
health or safety or the environment or that the conditions are 39082  
causing or contributing to air or water pollution or soil 39083  
contamination. An order issued by the director of environmental 39084  
protection under division (D)(8) of this section shall include a 39085  
determination that the amount of the fees not received by a solid 39086  
waste management district as a result of the order will not 39087  
adversely impact the implementation and financing of the 39088

district's approved solid waste management plan and any approved 39089  
amendments to the plan. Such an order is a final action of the 39090  
director of environmental protection. 39091

(E) The fees levied under divisions (B) and (C) of this 39092  
section shall be collected by the owner or operator of the solid 39093  
waste disposal facility where the wastes are disposed of as a 39094  
trustee for the county or joint district and municipal corporation 39095  
or township where the wastes are disposed of. Moneys from the fees 39096  
levied under division (B) of this section shall be forwarded to 39097  
the board of county commissioners or board of directors of the 39098  
district in accordance with rules adopted under division (H) of 39099  
this section. Moneys from the fees levied under division (C) of 39100  
this section shall be forwarded to the treasurer or such other 39101  
officer of the municipal corporation as, by virtue of the charter, 39102  
has the duties of the treasurer or to the fiscal officer of the 39103  
township, as appropriate, in accordance with those rules. 39104

(F) Moneys received by the treasurer or other officer of the 39105  
municipal corporation under division (E) of this section shall be 39106  
paid into the general fund of the municipal corporation. Moneys 39107  
received by the fiscal officer of the township under that division 39108  
shall be paid into the general fund of the township. The treasurer 39109  
or other officer of the municipal corporation or the township 39110  
fiscal officer, as appropriate, shall maintain separate records of 39111  
the moneys received from the fees levied under division (C) of 39112  
this section. 39113

(G) Moneys received by the board of county commissioners or 39114  
board of directors under division (E) of this section or section 39115  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 39116  
shall be paid to the county treasurer, or other official acting in 39117  
a similar capacity under a county charter, in a county district or 39118  
to the county treasurer or other official designated by the board 39119  
of directors in a joint district and kept in a separate and 39120

distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public

services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from

the location and operation within their boundaries of a 39184  
composting, energy or resource recovery, incineration, or 39185  
recycling facility that either is owned by the district or is 39186  
furnishing solid waste management facility or recycling services 39187  
to the district pursuant to a contract or agreement with the board 39188  
of county commissioners or directors of the district; 39189

(10) Payment of any expenses that are agreed to, awarded, or 39190  
ordered to be paid under section 3734.35 of the Revised Code and 39191  
of any administrative costs incurred pursuant to that section. In 39192  
the case of a joint solid waste management district, if the board 39193  
of county commissioners of one of the counties in the district is 39194  
negotiating on behalf of affected communities, as defined in that 39195  
section, in that county, the board shall obtain the approval of 39196  
the board of directors of the district in order to expend moneys 39197  
for administrative costs incurred. 39198

Prior to the approval of the district's solid waste 39199  
management plan under section 3734.55 of the Revised Code, moneys 39200  
in the special fund of the district arising from the fees shall be 39201  
expended for those purposes in the manner prescribed by the solid 39202  
waste management policy committee by resolution. 39203

Notwithstanding division (G)(6) of this section as it existed 39204  
prior to October 29, 1993, or any provision in a district's solid 39205  
waste management plan prepared in accordance with division 39206  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 39207  
prior to that date, any moneys arising from the fees levied under 39208  
division (B)(3) of this section prior to January 1, 1994, may be 39209  
expended for any of the purposes authorized in divisions (G)(1) to 39210  
(10) of this section. 39211

(H) The director shall adopt rules in accordance with Chapter 39212  
119. of the Revised Code prescribing procedures for collecting and 39213  
forwarding the fees levied under divisions (B) and (C) of this 39214  
section to the boards of county commissioners or directors of 39215

county or joint solid waste management districts and to the 39216  
treasurers or other officers of municipal corporations and the 39217  
fiscal officers of townships. The rules also shall prescribe the 39218  
dates for forwarding the fees to the boards and officials and may 39219  
prescribe any other requirements the director considers necessary 39220  
or appropriate to implement and administer divisions (A), (B), and 39221  
(C) of this section. 39222

**Sec. 3734.822.** (A) There is hereby created in the state 39223  
treasury the scrap tire grant fund, consisting of moneys 39224  
transferred to the fund under section 3734.82 of the Revised Code. 39225  
The director of environmental protection may make grants from the 39226  
fund for the following purposes: 39227

(1) Supporting market development activities for scrap tires 39228  
and synthetic rubber from tire manufacturing processes and tire 39229  
recycling processes; 39230

(2) Supporting scrap tire amnesty and cleanup events 39231  
sponsored by solid waste management districts. 39232

Grants awarded under division (A)(1) of this section may be 39233  
awarded to individuals, businesses, and entities certified under 39234  
division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code. 39235

(B) Projects and activities that are eligible for grants 39236  
under division (A)(1) of this section shall be evaluated for 39237  
funding using, at a minimum, the following criteria: 39238

(1) The degree to which a proposed project contributes to the 39239  
increased use of scrap tires generated in this state; 39240

(2) The degree of local financial support for a proposed 39241  
project; 39242

(3) The technical merit and quality of a proposed project. 39243

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 39244

defray the cost of administering and enforcing the scrap tire 39245  
provisions of this chapter, rules adopted under those provisions, 39246  
and terms and conditions of orders, variances, and licenses issued 39247  
under those provisions; to abate accumulations of scrap tires; to 39248  
make grants supporting market development activities for scrap 39249  
tires and synthetic rubber from tire manufacturing processes and 39250  
tire recycling processes and to support scrap tire amnesty and 39251  
cleanup events; to make loans to promote the recycling or recovery 39252  
of energy from scrap tires; and to defray the costs of 39253  
administering and enforcing sections 3734.90 to 3734.9014 of the 39254  
Revised Code, a fee of fifty cents per tire is hereby levied on 39255  
the sale of tires. The proceeds of the fee shall be deposited in 39256  
the state treasury to the credit of the scrap tire management fund 39257  
created in section 3734.82 of the Revised Code. The fee is levied 39258  
from the first day of the calendar month that begins next after 39259  
thirty days from October 29, 1993, through June 30, ~~2016~~ 2018. 39260

(2) Beginning on July 1, 2011, and ending on June 30, ~~2016~~ 39261  
2018, there is hereby levied an additional fee of fifty cents per 39262  
tire on the sale of tires the proceeds of which shall be deposited 39263  
in the state treasury to the credit of the soil and water 39264  
conservation district assistance fund created in section 1515.14 39265  
of the Revised Code. 39266

(B) Only one sale of the same article shall be used in 39267  
computing the amount of the fee due. 39268

**Sec. 3736.03.** (A) There is hereby created in the state 39269  
treasury the recycling and litter prevention fund, consisting of 39270  
moneys distributed to it from fees, including the fee levied under 39271  
division (A)(2) of section 3714.073 of the Revised Code, gifts, 39272  
donations, grants, reimbursements, and other sources, including 39273  
investment earnings. 39274

(B) The director of environmental protection shall do all of 39275

the following: 39276

(1) Use moneys credited to the fund exclusively for the 39277  
purposes set forth in sections 3734.49, 3736.02, ~~3736.04~~, 3736.05, 39278  
and 3745.014 of the Revised Code, with particular emphasis on 39279  
programs relating to recycling; 39280

(2) Require recipients of grants under section 3736.05 of the 39281  
Revised Code, as a condition of receiving and retaining them, to 39282  
do all of the following: 39283

(a) Create a separate account for the grants and any cash 39284  
donations received that qualify for the donor credit allowed by 39285  
section 5733.064 of the Revised Code; 39286

(b) Make expenditures from the account exclusively for the 39287  
purposes for which the grants were received; 39288

(c) Use any auditing and accounting practices the director 39289  
considers necessary regarding the account; 39290

(d) Report to the director information regarding the amount 39291  
and donor of cash donations received as described by section 39292  
5733.064 of the Revised Code; 39293

(e) Use grants received to supplement and not to replace any 39294  
existing funding for such purposes. 39295

(3) Report to the tax commissioner information the director 39296  
receives pursuant to division (B)(2)(d) of this section. 39297

**Sec. 3736.05.** (A) The director of environmental protection, 39298  
pursuant to division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the 39299  
Revised Code, may make grants from the recycling and litter 39300  
prevention fund created in section 3736.03 of the Revised Code to 39301  
accomplish the purposes of the programs established under section 39302  
3736.02 of the Revised Code. 39303

(B) Except as provided in division (C) of this section, the 39304

director may require any eligible applicant certified by the 39305  
~~recycling and litter prevention~~ materials management advisory 39306  
council under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the 39307  
Revised Code that applies for a grant for an activity or project 39308  
that is intended to further the purposes of any program 39309  
established under division (A)(1), (2), or (4) of section 3736.02 39310  
of the Revised Code to provide a matching contribution of not more 39311  
than fifty per cent of the grant. 39312

(C) Notwithstanding division (B) of this section, any grant 39313  
awarded under division (A) of this section to foster cooperative 39314  
research and development regarding recycling or the cooperative 39315  
establishment or expansion of private recycling facilities or 39316  
programs shall be made in conjunction with a contribution to the 39317  
project by a cooperating enterprise that maintains or proposes to 39318  
maintain a relevant research and development or recycling facility 39319  
or program in this state or by an agency of the state, provided 39320  
that funding provided by a state agency shall not be provided from 39321  
general revenue funds appropriated by the general assembly. No 39322  
grant made under division (A) of this section for the purposes 39323  
described in this division shall exceed the contribution made by 39324  
the cooperating enterprise or state agency. The director may 39325  
consider cooperating contributions in the form of state of the art 39326  
new equipment or in other forms if the director determines that 39327  
the contribution is essential to the successful implementation of 39328  
the project. 39329

Grants made under division (A) of this section for the 39330  
purposes described in this division shall be made in such form and 39331  
conditioned on such terms as the director considers to be 39332  
appropriate. 39333

(D)(1) The director may require any eligible applicant 39334  
certified by the ~~recycling and litter prevention~~ advisory council 39335  
under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised 39336

Code that applies for a grant that is intended to further the 39337  
purposes of the program established under division (A)(3) of 39338  
section 3736.02 of the Revised Code, except any eligible applicant 39339  
that is or is located in a county that has a per capita income 39340  
equal to or below ninety per cent of the median county per capita 39341  
income of the state as determined by the director using the most 39342  
recently available figures from the United States census bureau, 39343  
to provide a matching contribution as follows: 39344

(a) Up to ten per cent of the grant from any eligible 39345  
applicant that is or is located in a county that has a per capita 39346  
income above ninety per cent of the median county per capita 39347  
income of the state, but equal to or below one hundred per cent of 39348  
the median county per capita income of the state; 39349

(b) Up to twenty per cent of the grant from any eligible 39350  
applicant that is or is located in a county that has a per capita 39351  
income above the median county per capita income of the state. 39352

(2) If the eligible applicant is a joint solid waste 39353  
management district or is filing a joint application on behalf of 39354  
two or more counties, the matching contribution required under 39355  
division (D)(1) of this section shall be the average of the 39356  
matching contributions of all of the counties covered by the 39357  
application as determined in accordance with that division. The 39358  
matching contribution of a county that has a per capita income 39359  
equal to or below ninety per cent of the median county per capita 39360  
income of the state shall be included as zero in calculating the 39361  
average matching contribution. 39362

(E) The director shall ensure that not less than fifty per 39363  
cent of the moneys distributed as grants under this section shall 39364  
be expended for the purposes of recycling and recycling market 39365  
development. 39366

(F) No information that is submitted to, acquired by, or 39367

exchanged with employees of the environmental protection agency 39368  
who administer or provide services under this section and that is 39369  
submitted, acquired, or exchanged in order to obtain a grant 39370  
pursuant to division (A) of this section shall be used in any 39371  
manner for the purpose of the enforcement of any requirement 39372  
established in an environmental law or used as evidence in any 39373  
judicial or administrative enforcement proceeding unless that 39374  
information reveals a clear and immediate danger to the 39375  
environment or to the health, safety, or welfare of the public. 39376

(G) Nothing in this section confers immunity on persons from 39377  
enforcement that is based on information that is obtained by the 39378  
director or the director's authorized representatives who are not 39379  
employees of the agency who administer or provide services under 39380  
this section. 39381

(H) As used in this section, "environmental law" means a law 39382  
that is administered by the environmental protection agency. 39383

**Sec. 3736.06.** (A) Agencies of the state certified pursuant to 39384  
section ~~3736.04~~ 3734.49 of the Revised Code as eligible to receive 39385  
a grant shall designate an employee as the liaison with the 39386  
director of environmental protection to cooperate with the 39387  
director in carrying out the director's duties under this chapter. 39388

(B) The executive and legislative authorities of municipal 39389  
corporations, counties, and townships and the boards of park 39390  
commissioners of township park districts created under section 39391  
511.18 of the Revised Code, boards of park commissioners of park 39392  
districts created under section 1545.04 of the Revised Code, and 39393  
boards of education of city, exempted village, local, and joint 39394  
vocational school districts may participate in the programs 39395  
established under section 3736.02 of the Revised Code. 39396

**Sec. 3737.17.** (A) As used in this section, a "qualifying 39397

small government" means any of the following: 39398

(1) A township that has a population of not more than five 39399  
thousand or, regardless of its population, is located in a county 39400  
that has a population of less than one hundred thousand; 39401

(2) A municipal corporation that has a population of not more 39402  
than seven thousand five hundred; 39403

(3) A fire district, joint fire district, or fire and 39404  
ambulance district that shares territory exclusively with 39405  
townships or municipal corporations that meet the conditions of 39406  
division (A)(1) or (2) of this section. 39407

(B) The state fire marshal shall administer a small 39408  
government fire department services revolving loan program under 39409  
which the state fire marshal makes loans to qualifying small 39410  
governments for the following purposes: 39411

(1) To expedite purchases of major equipment for fire 39412  
fighting, ambulance, emergency medical, or rescue services; 39413

(2) To expedite projects for the construction or renovation 39414  
of fire department buildings. 39415

A loan for either purpose under the small government fire 39416  
department services revolving loan program is not to carry 39417  
interest, and is to be repaid within a term of not longer than 39418  
twenty years. A qualifying small government is not eligible to 39419  
receive a loan for a project or purchase under the program unless 39420  
the qualifying small government contributes to the project or 39421  
purchase an amount equal to at least five per cent of the loan 39422  
amount. 39423

(C) A qualifying small government may apply to the state fire 39424  
marshal for a loan under the small government fire department 39425  
services revolving loan program. In its application, the 39426  
qualifying small government shall explain how it qualifies for the 39427

loan, describe the project or purchase for which it is requesting 39428  
a loan, state the amount of the loan it requests, and state the 39429  
amount it is prepared to contribute to the project or purchase. 39430  
The qualifying small government shall provide additional 39431  
information to support its application for a loan under the 39432  
program as requested by the state fire marshal. 39433

(D) The state fire marshal, in accordance with Chapter 119. 39434  
of the Revised Code, shall adopt rules for the administration of 39435  
the small government fire department services revolving loan 39436  
program. 39437

(E) There is hereby created in the state treasury the small 39438  
government fire department services revolving loan fund, into 39439  
which shall be deposited repayments by qualifying small 39440  
governments of loans authorized under this section. The fund also 39441  
shall consist of appropriated money. Investment earnings on money 39442  
in the fund shall be credited to the fund. The state fire marshal 39443  
shall use the money credited to the fund to make loans to 39444  
qualifying small governments as described in this section. The 39445  
state fire marshal may loan money from repaid loans credited to 39446  
the fund at any time to qualifying small governments in accordance 39447  
with this section. 39448

**Sec. 3745.015.** There is hereby created in the state treasury 39449  
the environmental protection fund consisting of money credited to 39450  
the fund under division (A)(3) of section 3734.57 of the Revised 39451  
Code. The environmental protection agency shall use money in the 39452  
fund to pay the agency's costs associated with administering and 39453  
enforcing, or otherwise conducting activities under, this chapter 39454  
and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 39455  
3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 39456  
6113., 6115., 6117., and 6119. and sections 122.65 and 1521.19 of 39457  
the Revised Code, including providing compliance assistance to 39458

small businesses. 39459

**Sec. 3745.11.** (A) Applicants for and holders of permits, 39460  
licenses, variances, plan approvals, and certifications issued by 39461  
the director of environmental protection pursuant to Chapters 39462  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 39463  
to the environmental protection agency for each such issuance and 39464  
each application for an issuance as provided by this section. No 39465  
fee shall be charged for any issuance for which no application has 39466  
been submitted to the director. 39467

(B) Except as otherwise provided in division (C)(2) of this 39468  
section, beginning July 1, 1994, each person who owns or operates 39469  
an air contaminant source and who is required to apply for and 39470  
obtain a Title V permit under section 3704.036 of the Revised Code 39471  
shall pay the fees set forth in this division. For the purposes of 39472  
this division, total emissions of air contaminants may be 39473  
calculated using engineering calculations, emissions factors, 39474  
material balance calculations, or performance testing procedures, 39475  
as authorized by the director. 39476

The following fees shall be assessed on the total actual 39477  
emissions from a source in tons per year of the regulated 39478  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 39479  
organic compounds, and lead: 39480

(1) Fifteen dollars per ton on the total actual emissions of 39481  
each such regulated pollutant during the period July through 39482  
December 1993, to be collected no sooner than July 1, 1994; 39483

(2) Twenty dollars per ton on the total actual emissions of 39484  
each such regulated pollutant during calendar year 1994, to be 39485  
collected no sooner than April 15, 1995; 39486

(3) Twenty-five dollars per ton on the total actual emissions 39487  
of each such regulated pollutant in calendar year 1995, and each 39488

subsequent calendar year, to be collected no sooner than the 39489  
fifteenth day of April of the year next succeeding the calendar 39490  
year in which the emissions occurred. 39491

The fees levied under this division do not apply to that 39492  
portion of the emissions of a regulated pollutant at a facility 39493  
that exceed four thousand tons during a calendar year. 39494

(C)(1) The fees assessed under division (B) of this section 39495  
are for the purpose of providing funding for the Title V permit 39496  
program. 39497

(2) The fees assessed under division (B) of this section do 39498  
not apply to emissions from any electric generating unit 39499  
designated as a Phase I unit under Title IV of the federal Clean 39500  
Air Act prior to calendar year 2000. Those fees shall be assessed 39501  
on the emissions from such a generating unit commencing in 39502  
calendar year 2001 based upon the total actual emissions from the 39503  
generating unit during calendar year 2000 and shall continue to be 39504  
assessed each subsequent calendar year based on the total actual 39505  
emissions from the generating unit during the preceding calendar 39506  
year. 39507

(3) The director shall issue invoices to owners or operators 39508  
of air contaminant sources who are required to pay a fee assessed 39509  
under division (B) or (D) of this section. Any such invoice shall 39510  
be issued no sooner than the applicable date when the fee first 39511  
may be collected in a year under the applicable division, shall 39512  
identify the nature and amount of the fee assessed, and shall 39513  
indicate that the fee is required to be paid within thirty days 39514  
after the issuance of the invoice. 39515

(D)(1) Except as provided in division (D)(3) of this section, 39516  
from January 1, 1994, through December 31, 2003, each person who 39517  
owns or operates an air contaminant source; who is required to 39518  
apply for a permit to operate pursuant to rules adopted under 39519

division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 50	\$ 75
50 or more, but less than 100	300
100 or more	700

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 10	\$ 100
10 or more, but less than 50	200
50 or more, but less than 100	300
100 or more	700

(3)(a) As used in division (D) of this section, "synthetic

minor facility" means a facility for which one or more permits to  
install or permits to operate have been issued for the air  
contaminant sources at the facility that include terms and  
conditions that lower the facility's potential to emit air  
contaminants below the major source thresholds established in  
rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2016~~ 2018,  
each person who owns or operates a synthetic minor facility shall  
pay an annual fee based on the sum of the actual annual emissions  
from the facility of particulate matter, sulfur dioxide, nitrogen  
dioxide, organic compounds, and lead in accordance with the  
following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670
30 or more, but less than 40	1,010
40 or more, but less than 50	1,340
50 or more, but less than 60	1,680
60 or more, but less than 70	2,010
70 or more, but less than 80	2,350
80 or more, but less than 90	2,680
90 or more, but less than 100	3,020
100 or more	3,350

(4) The fees assessed under division (D)(1) of this section  
shall be collected annually no sooner than the fifteenth day of  
April, commencing in 1995. The fees assessed under division (D)(2)  
of this section shall be collected annually no sooner than the  
fifteenth day of April, commencing in 2005. The fees assessed  
under division (D)(3) of this section shall be collected no sooner

than the fifteenth day of April, commencing in 2000. The fees 39584  
assessed under division (D) of this section in a calendar year 39585  
shall be based upon the sum of the actual emissions of those 39586  
regulated pollutants during the preceding calendar year. For the 39587  
purpose of division (D) of this section, emissions of air 39588  
contaminants may be calculated using engineering calculations, 39589  
emission factors, material balance calculations, or performance 39590  
testing procedures, as authorized by the director. The director, 39591  
by rule, may require persons who are required to pay the fees 39592  
assessed under division (D) of this section to pay those fees 39593  
biennially rather than annually. 39594

(E)(1) Consistent with the need to cover the reasonable costs 39595  
of the Title V permit program, the director annually shall 39596  
increase the fees prescribed in division (B) of this section by 39597  
the percentage, if any, by which the consumer price index for the 39598  
most recent calendar year ending before the beginning of a year 39599  
exceeds the consumer price index for calendar year 1989. Upon 39600  
calculating an increase in fees authorized by division (E)(1) of 39601  
this section, the director shall compile revised fee schedules for 39602  
the purposes of division (B) of this section and shall make the 39603  
revised schedules available to persons required to pay the fees 39604  
assessed under that division and to the public. 39605

(2) For the purposes of division (E)(1) of this section: 39606

(a) The consumer price index for any year is the average of 39607  
the consumer price index for all urban consumers published by the 39608  
United States department of labor as of the close of the 39609  
twelve-month period ending on the thirty-first day of August of 39610  
that year. 39611

(b) If the 1989 consumer price index is revised, the director 39612  
shall use the revision of the consumer price index that is most 39613  
consistent with that for calendar year 1989. 39614

(F) Each person who is issued a permit to install pursuant to 39615  
rules adopted under division (F) of section 3704.03 of the Revised 39616  
Code on or after July 1, 2003, shall pay the fees specified in the 39617  
following schedules: 39618

(1) Fuel-burning equipment (boilers, furnaces, or process 39619  
heaters used in the process of burning fuel for the primary 39620  
purpose of producing heat or power by indirect heat transfer) 39621  
Input capacity (maximum) 39622  
(million British thermal units per hour) Permit to install 39623  
Greater than 0, but less than 10 \$ 200 39624  
10 or more, but less than 100 400 39625  
100 or more, but less than 300 1000 39626  
300 or more, but less than 500 2250 39627  
500 or more, but less than 1000 3750 39628  
1000 or more, but less than 5000 6000 39629  
5000 or more 9000 39630

Units burning exclusively natural gas, number two fuel oil, 39631  
or both shall be assessed a fee that is one-half the applicable 39632  
amount shown in division (F)(1) of this section. 39633

(2) Combustion turbines and stationary internal combustion 39634  
engines designed to generate electricity 39635  
Generating capacity (mega watts) Permit to install 39636  
0 or more, but less than 10 \$ 25 39637  
10 or more, but less than 25 150 39638  
25 or more, but less than 50 300 39639  
50 or more, but less than 100 500 39640  
100 or more, but less than 250 1000 39641  
250 or more 2000 39642

(3) Incinerators 39643  
Input capacity (pounds per hour) Permit to install 39644  
0 to 100 \$ 100 39645

101 to 500	500	39646
501 to 2000	1000	39647
2001 to 20,000	1500	39648
more than 20,000	3750	39649

(4)(a) Process 39650

Process weight rate (pounds per hour)	Permit to install	39651
0 to 1000	\$ 200	39652
1001 to 5000	500	39653
5001 to 10,000	750	39654
10,001 to 50,000	1000	39655
more than 50,000	1250	39656

In any process where process weight rate cannot be 39657  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 39658  
combustion turbine, stationary internal combustion engine, or 39659  
process heater designed to provide direct heat or power to a 39660  
process not designed to generate electricity shall be assessed a 39661  
fee established in division (F)(4)(a) of this section. A 39662  
combustion turbine or stationary internal combustion engine 39663  
designed to generate electricity shall be assessed a fee 39664  
established in division (F)(2) of this section. 39665

(b) Notwithstanding division (F)(4)(a) of this section, any 39666  
person issued a permit to install pursuant to rules adopted under 39667  
division (F) of section 3704.03 of the Revised Code shall pay the 39668  
fees set forth in division (F)(4)(c) of this section for a process 39669  
used in any of the following industries, as identified by the 39670  
applicable two-digit, three-digit, or four-digit standard 39671  
industrial classification code according to the Standard 39672  
Industrial Classification Manual published by the United States 39673  
office of management and budget in the executive office of the 39674  
president, 1987, as revised: 39675

Major group 10, metal mining; 39676

Major group 12, coal mining; 39677

Major group 14, mining and quarrying of nonmetallic minerals;	39678
Industry group 204, grain mill products;	39679
2873 Nitrogen fertilizers;	39680
2874 Phosphatic fertilizers;	39681
3281 Cut stone and stone products;	39682
3295 Minerals and earth, ground or otherwise treated;	39683
4221 Grain elevators (storage only);	39684
5159 Farm related raw materials;	39685
5261 Retail nurseries and lawn and garden supply stores.	39686
(c) The fees set forth in the following schedule apply to the	39687
issuance of a permit to install pursuant to rules adopted under	39688
division (F) of section 3704.03 of the Revised Code for a process	39689
identified in division (F)(4)(b) of this section:	39690
Process weight rate (pounds per hour)	Permit to install 39691
0 to 10,000	\$ 200 39692
10,001 to 50,000	400 39693
50,001 to 100,000	500 39694
100,001 to 200,000	600 39695
200,001 to 400,000	750 39696
400,001 or more	900 39697
(5) Storage tanks	39698
Gallons (maximum useful capacity)	Permit to install 39699
0 to 20,000	\$ 100 39700
20,001 to 40,000	150 39701
40,001 to 100,000	250 39702
100,001 to 500,000	400 39703
500,001 or greater	750 39704
(6) Gasoline/fuel dispensing facilities	39705

For each gasoline/fuel		39706
dispensing facility (includes all	Permit to install	39707
units at the facility)	\$ 100	39708
(7) Dry cleaning facilities		39709
For each dry cleaning		39710
facility (includes all units	Permit to install	39711
at the facility)	\$ 100	39712
(8) Registration status		39713
For each source covered	Permit to install	39714
by registration status	\$ 75	39715
(G) An owner or operator who is responsible for an asbestos		39716
demolition or renovation project pursuant to rules adopted under		39717
section 3704.03 of the Revised Code shall pay the fees set forth		39718
in the following schedule:		39719
Action	Fee	39720
Each notification	\$75	39721
Asbestos removal	\$3/unit	39722
Asbestos cleanup	\$4/cubic yard	39723
For purposes of this division, "unit" means any combination of		39724
linear feet or square feet equal to fifty.		39725
(H) A person who is issued an extension of time for a permit		39726
to install an air contaminant source pursuant to rules adopted		39727
under division (F) of section 3704.03 of the Revised Code shall		39728
pay a fee equal to one-half the fee originally assessed for the		39729
permit to install under this section, except that the fee for such		39730
an extension shall not exceed two hundred dollars.		39731
(I) A person who is issued a modification to a permit to		39732
install an air contaminant source pursuant to rules adopted under		39733
section 3704.03 of the Revised Code shall pay a fee equal to		39734
one-half of the fee that would be assessed under this section to		39735
obtain a permit to install the source. The fee assessed by this		39736

division only applies to modifications that are initiated by the 39737  
owner or operator of the source and shall not exceed two thousand 39738  
dollars. 39739

(J) Notwithstanding division (F) of this section, a person 39740  
who applies for or obtains a permit to install pursuant to rules 39741  
adopted under division (F) of section 3704.03 of the Revised Code 39742  
after the date actual construction of the source began shall pay a 39743  
fee for the permit to install that is equal to twice the fee that 39744  
otherwise would be assessed under the applicable division unless 39745  
the applicant received authorization to begin construction under 39746  
division (W) of section 3704.03 of the Revised Code. This division 39747  
only applies to sources for which actual construction of the 39748  
source begins on or after July 1, 1993. The imposition or payment 39749  
of the fee established in this division does not preclude the 39750  
director from taking any administrative or judicial enforcement 39751  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 39752  
of the Revised Code, or a rule adopted under any of them, in 39753  
connection with a violation of rules adopted under division (F) of 39754  
section 3704.03 of the Revised Code. 39755

As used in this division, "actual construction of the source" 39756  
means the initiation of physical on-site construction activities 39757  
in connection with improvements to the source that are permanent 39758  
in nature, including, without limitation, the installation of 39759  
building supports and foundations and the laying of underground 39760  
pipework. 39761

(K)(1) Money received under division (B) of this section 39762  
shall be deposited in the state treasury to the credit of the 39763  
Title V clean air fund created in section 3704.035 of the Revised 39764  
Code. Annually, fifty cents per ton of each fee assessed under 39765  
division (B) of this section on actual emissions from a source and 39766  
received by the environmental protection agency pursuant to that 39767  
division shall be transferred using an interstate transfer voucher 39768

to the state treasury to the credit of the small business 39769  
assistance fund created in section 3706.19 of the Revised Code. In 39770  
addition, annually, the amount of money necessary for the 39771  
operation of the office of ombudsperson as determined under 39772  
division (B) of that section shall be transferred to the state 39773  
treasury to the credit of the small business ombudsperson fund 39774  
created by that section. 39775

(2) Money received by the agency pursuant to divisions (D), 39776  
(F), (G), (H), (I), and (J) of this section shall be deposited in 39777  
the state treasury to the credit of the non-Title V clean air fund 39778  
created in section 3704.035 of the Revised Code. 39779

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 39780  
or (c) of this section, a person issued a water discharge permit 39781  
or renewal of a water discharge permit pursuant to Chapter 6111. 39782  
of the Revised Code shall pay a fee based on each point source to 39783  
which the issuance is applicable in accordance with the following 39784  
schedule: 39785

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	39787
1,001 to 5000	100	39788
5,001 to 50,000	200	39789
50,001 to 100,000	300	39790
100,001 to 300,000	525	39791
over 300,000	750	39792

(b) Notwithstanding the fee schedule specified in division 39793  
(L)(1)(a) of this section, the fee for a water discharge permit 39794  
that is applicable to coal mining operations regulated under 39795  
Chapter 1513. of the Revised Code shall be two hundred fifty 39796  
dollars per mine. 39797

(c) Notwithstanding the fee schedule specified in division 39798  
(L)(1)(a) of this section, the fee for a water discharge permit 39799  
for a public discharger identified by I in the third character of 39800

the permittee's NPDES permit number shall not exceed seven hundred 39801  
fifty dollars. 39802

(2) A person applying for a plan approval for a wastewater 39803  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 39804  
of the Revised Code shall pay a fee of one hundred dollars plus 39805  
sixty-five one-hundredths of one per cent of the estimated project 39806  
cost through June 30, ~~2016~~ 2018, and one hundred dollars plus 39807  
two-tenths of one per cent of the estimated project cost on and 39808  
after July 1, ~~2016~~ 2018, except that the total fee shall not 39809  
exceed fifteen thousand dollars through June 30, ~~2016~~ 2018, and 39810  
five thousand dollars on and after July 1, ~~2016~~ 2018. The fee 39811  
shall be paid at the time the application is submitted. 39812

(3) A person issued a modification of a water discharge 39813  
permit shall pay a fee equal to one-half the fee that otherwise 39814  
would be charged for a water discharge permit, except that the fee 39815  
for the modification shall not exceed four hundred dollars. 39816

(4) A person who has entered into an agreement with the 39817  
director under section 6111.14 of the Revised Code shall pay an 39818  
administrative service fee for each plan submitted under that 39819  
section for approval that shall not exceed the minimum amount 39820  
necessary to pay administrative costs directly attributable to 39821  
processing plan approvals. The director annually shall calculate 39822  
the fee and shall notify all persons who have entered into 39823  
agreements under that section, or who have applied for agreements, 39824  
of the amount of the fee. 39825

(5)(a)(i) Not later than January 30, ~~2014~~ 2016, and January 39826  
30, ~~2015~~ 2017, a person holding an NPDES discharge permit issued 39827  
pursuant to Chapter 6111. of the Revised Code with an average 39828  
daily discharge flow of five thousand gallons or more shall pay a 39829  
nonrefundable annual discharge fee. Any person who fails to pay 39830  
the fee at that time shall pay an additional amount that equals 39831  
ten per cent of the required annual discharge fee. 39832

(ii) The billing year for the annual discharge fee 39833  
established in division (L)(5)(a)(i) of this section shall consist 39834  
of a twelve-month period beginning on the first day of January of 39835  
the year preceding the date when the annual discharge fee is due. 39836  
In the case of an existing source that permanently ceases to 39837  
discharge during a billing year, the director shall reduce the 39838  
annual discharge fee, including the surcharge applicable to 39839  
certain industrial facilities pursuant to division (L)(5)(c) of 39840  
this section, by one-twelfth for each full month during the 39841  
billing year that the source was not discharging, but only if the 39842  
person holding the NPDES discharge permit for the source notifies 39843  
the director in writing, not later than the first day of October 39844  
of the billing year, of the circumstances causing the cessation of 39845  
discharge. 39846

(iii) The annual discharge fee established in division 39847  
(L)(5)(a)(i) of this section, except for the surcharge applicable 39848  
to certain industrial facilities pursuant to division (L)(5)(c) of 39849  
this section, shall be based upon the average daily discharge flow 39850  
in gallons per day calculated using first day of May through 39851  
thirty-first day of October flow data for the period two years 39852  
prior to the date on which the fee is due. In the case of NPDES 39853  
discharge permits for new sources, the fee shall be calculated 39854  
using the average daily design flow of the facility until actual 39855  
average daily discharge flow values are available for the time 39856  
period specified in division (L)(5)(a)(iii) of this section. The 39857  
annual discharge fee may be prorated for a new source as described 39858  
in division (L)(5)(a)(ii) of this section. 39859

(b) An NPDES permit holder that is a public discharger shall 39860  
pay the fee specified in the following schedule: 39861

Average daily	Fee due by	39862
discharge flow	January 30,	39863
	<del>2014</del> <u>2016</u> , and	39864

	January 30, <del>2015</del>	39865
	<u>2017</u>	
5,000 to 49,999	\$ 200	39866
50,000 to 100,000	500	39867
100,001 to 250,000	1,050	39868
250,001 to 1,000,000	2,600	39869
1,000,001 to 5,000,000	5,200	39870
5,000,001 to 10,000,000	10,350	39871
10,000,001 to 20,000,000	15,550	39872
20,000,001 to 50,000,000	25,900	39873
50,000,001 to 100,000,000	41,400	39874
100,000,001 or more	62,100	39875
Public dischargers owning or operating two or more publicly		39876
owned treatment works serving the same political subdivision, as		39877
"treatment works" is defined in section 6111.01 of the Revised		39878
Code, and that serve exclusively political subdivisions having a		39879
population of fewer than one hundred thousand shall pay an annual		39880
discharge fee under division (L)(5)(b) of this section that is		39881
based on the combined average daily discharge flow of the		39882
treatment works.		39883
(c) An NPDES permit holder that is an industrial discharger,		39884
other than a coal mining operator identified by P in the third		39885
character of the permittee's NPDES permit number, shall pay the		39886
fee specified in the following schedule:		39887
Average daily	Fee due by	39888
discharge flow	January 30,	39889
	<del>2014</del> <u>2016</u> , and	39890
	January 30, <del>2015</del>	39891
	<u>2017</u>	
5,000 to 49,999	\$ 250	39892
50,000 to 250,000	1,200	39893
250,001 to 1,000,000	2,950	39894

1,000,001 to 5,000,000	5,850	39895
5,000,001 to 10,000,000	8,800	39896
10,000,001 to 20,000,000	11,700	39897
20,000,001 to 100,000,000	14,050	39898
100,000,001 to 250,000,000	16,400	39899
250,000,001 or more	18,700	39900

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2014~~ 2016, and not later than January 30, ~~2015~~ 2017. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2014~~ 2016, and not later than January 30, ~~2015~~ 2017. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the

fee on the date specified in division (L)(6) of this section shall 39927  
pay an additional amount per year equal to ten per cent of the 39928  
annual fee that is unpaid. 39929

(7) The director shall transmit all moneys collected under 39930  
division (L) of this section to the treasurer of state for deposit 39931  
into the state treasury to the credit of the surface water 39932  
protection fund created in section 6111.038 of the Revised Code. 39933

(8) As used in division (L) of this section: 39934

(a) "NPDES" means the federally approved national pollutant 39935  
discharge elimination system program for issuing, modifying, 39936  
revoking, reissuing, terminating, monitoring, and enforcing 39937  
permits and imposing and enforcing pretreatment requirements under 39938  
Chapter 6111. of the Revised Code and rules adopted under it. 39939

(b) "Public discharger" means any holder of an NPDES permit 39940  
identified by P in the second character of the NPDES permit number 39941  
assigned by the director. 39942

(c) "Industrial discharger" means any holder of an NPDES 39943  
permit identified by I in the second character of the NPDES permit 39944  
number assigned by the director. 39945

(d) "Major discharger" means any holder of an NPDES permit 39946  
classified as major by the regional administrator of the United 39947  
States environmental protection agency in conjunction with the 39948  
director. 39949

(M) Through June 30, ~~2016~~ 2018, a person applying for a 39950  
license or license renewal to operate a public water system under 39951  
section 6109.21 of the Revised Code shall pay the appropriate fee 39952  
established under this division at the time of application to the 39953  
director. Any person who fails to pay the fee at that time shall 39954  
pay an additional amount that equals ten per cent of the required 39955  
fee. The director shall transmit all moneys collected under this 39956  
division to the treasurer of state for deposit into the drinking 39957

water protection fund created in section 6109.30 of the Revised Code. 39958  
39959

Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 39960  
39961  
39962

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2016~~ 2018, the fee is: 39963  
39964  
39965  
39966  
39967

Number of service connections	Fee amount	
Not more than 49	\$ 112	39969
50 to 99	176	39970
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	39972
2,500 to 4,999	1.48	39973
5,000 to 7,499	1.42	39974
7,500 to 9,999	1.34	39975
10,000 to 14,999	1.16	39976
15,000 to 24,999	1.10	39977
25,000 to 49,999	1.04	39978
50,000 to 99,999	.92	39979
100,000 to 149,999	.86	39980
150,000 to 199,999	.80	39981
200,000 or more	.76	39982

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis. 39983  
39984  
39985  
39986

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water 39987  
39988  
39989

main to any building outlet. 39990

(2) For the initial license required under section 6109.21 of 39991  
the Revised Code for any public water system that is not a 39992  
community water system and serves a nontransient population, and 39993  
for each license renewal required for such a system prior to 39994  
January 31, ~~2016~~ 2018, the fee is: 39995

Population served	Fee amount	
Fewer than 150	\$ 112	39997
150 to 299	176	39998
300 to 749	384	39999
750 to 1,499	628	40000
1,500 to 2,999	1,268	40001
3,000 to 7,499	2,816	40002
7,500 to 14,999	5,510	40003
15,000 to 22,499	9,048	40004
22,500 to 29,999	12,430	40005
30,000 or more	16,820	40006

As used in division (M)(2) of this section, "population 40007  
served" means the total number of individuals having access to the 40008  
water supply during a twenty-four-hour period for at least sixty 40009  
days during any calendar year. In the absence of a specific 40010  
population count, that number shall be calculated at the rate of 40011  
three individuals per service connection. 40012

(3) For the initial license required under section 6109.21 of 40013  
the Revised Code for any public water system that is not a 40014  
community water system and serves a transient population, and for 40015  
each license renewal required for such a system prior to January 40016  
31, ~~2016~~ 2018, the fee is: 40017

Number of wells or sources, other 40018 than surface water, supplying system	Fee amount	
1	\$112	40019
2	112	40020

3	176	40021
4	278	40022
5	568	40023
System designated as using a		40024
surface water source	792	40025
As used in division (M)(3) of this section, "number of wells		40026
or sources, other than surface water, supplying system" means		40027
those wells or sources that are physically connected to the		40028
plumbing system serving the public water system.		40029
(4) A public water system designated as using a surface water		40030
source shall pay a fee of seven hundred ninety-two dollars or the		40031
amount calculated under division (M)(1) or (2) of this section,		40032
whichever is greater.		40033
(5) An applicant for an initial license who is proposing to		40034
operate a new public water supply system shall submit a fee that		40035
equals a prorated amount of the appropriate fee for the remainder		40036
of the licensing year.		40037
(N)(1) A person applying for a plan approval for a public		40038
water supply system under section 6109.07 of the Revised Code		40039
shall pay a fee of one hundred fifty dollars plus thirty-five		40040
hundredths of one per cent of the estimated project cost, except		40041
that the total fee shall not exceed twenty thousand dollars		40042
through June 30, <del>2016</del> <u>2018</u> , and fifteen thousand dollars on and		40043
after July 1, <del>2016</del> <u>2018</u> . The fee shall be paid at the time the		40044
application is submitted.		40045
(2) A person who has entered into an agreement with the		40046
director under division (A)(2) of section 6109.07 of the Revised		40047
Code shall pay an administrative service fee for each plan		40048
submitted under that section for approval that shall not exceed		40049
the minimum amount necessary to pay administrative costs directly		40050
attributable to processing plan approvals. The director annually		40051
shall calculate the fee and shall notify all persons that have		40052

entered into agreements under that division, or who have applied 40053  
for agreements, of the amount of the fee. 40054

(3) Through June 30, ~~2016~~ 2018, the following fee, on a per 40055  
survey basis, shall be charged any person for services rendered by 40056  
the state in the evaluation of laboratories and laboratory 40057  
personnel for compliance with accepted analytical techniques and 40058  
procedures established pursuant to Chapter 6109. of the Revised 40059  
Code for determining the qualitative characteristics of water: 40060

microbiological		40061
MMO-MUG	\$2,000	40062
MF	2,100	40063
MMO-MUG and MF	2,550	40064
organic chemical	5,400	40065
trace metals	5,400	40066
standard chemistry	2,800	40067
limited chemistry	1,550	40068

On and after July 1, ~~2016~~ 2018, the following fee, on a per 40069  
survey basis, shall be charged any such person: 40070

microbiological	\$ 1,650	40071
organic chemicals	3,500	40072
trace metals	3,500	40073
standard chemistry	1,800	40074
limited chemistry	1,000	40075

The fee for those services shall be paid at the time the request 40076  
for the survey is made. Through June 30, ~~2016~~ 2018, an individual 40077  
laboratory shall not be assessed a fee under this division more 40078  
than once in any three-year period unless the person requests the 40079  
addition of analytical methods or analysts, in which case the 40080  
person shall pay eighteen hundred dollars for each additional 40081  
survey requested. 40082

As used in division (N)(3) of this section: 40083

- (a) "MF" means microfiltration. 40084
- (b) "MMO" means minimal medium ONPG. 40085
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 40086
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 40087

The director shall transmit all moneys collected under this 40088  
division to the treasurer of state for deposit into the drinking 40089  
water protection fund created in section 6109.30 of the Revised 40090  
Code. 40091

(O) Any person applying to the director to take an 40092  
examination for certification as an operator of a water supply 40093  
system or wastewater system under Chapter 6109. or 6111. of the 40094  
Revised Code that is administered by the director, at the time the 40095  
application is submitted, shall pay a fee in accordance with the 40096  
following schedule through November 30, ~~2016~~ 2018: 40097

Class A operator	\$ 80	40098
Class I operator	105	40099
Class II operator	120	40100
Class III operator	130	40101
Class IV operator	145	40102

On and after December 1, ~~2016~~ 2018, the applicant shall pay a 40103  
fee in accordance with the following schedule: 40104

Class A operator	\$ 50	40105
Class I operator	70	40106
Class II operator	80	40107
Class III operator	90	40108
Class IV operator	100	40109

Any person applying to the director for certification as an 40110  
operator of a water supply system or wastewater system who has 40111  
passed an examination administered by an examination provider 40112  
approved by the director shall pay a certification fee of 40113  
forty-five dollars. 40114

A person shall pay a biennial certification renewal fee for 40115  
each applicable class of certification in accordance with the 40116  
following schedule: 40117

Class A operator	\$25	40118
Class I operator	35	40119
Class II operator	45	40120
Class III operator	55	40121
Class IV operator	65	40122

If a certification renewal fee is received by the director 40123  
more than thirty days, but not more than one year after the 40124  
expiration date of the certification, the person shall pay a 40125  
certification renewal fee in accordance with the following 40126  
schedule: 40127

Class A operator	\$45	40128
Class I operator	55	40129
Class II operator	65	40130
Class III operator	75	40131
Class IV operator	85	40132

A person who requests a replacement certificate shall pay a 40133  
fee of twenty-five dollars at the time the request is made. 40134

Any person applying to be a water supply system or wastewater 40135  
treatment system examination provider shall pay an application fee 40136  
of five hundred dollars. Any person approved by the director as a 40137  
water supply system or wastewater treatment system examination 40138  
provider shall pay an annual fee that is equal to ten per cent of 40139  
the fees that the provider assesses and collects for administering 40140  
water supply system or wastewater treatment system certification 40141  
examinations in this state for the calendar year. The fee shall be 40142  
paid not later than forty-five days after the end of a calendar 40143  
year. 40144

The director shall transmit all moneys collected under this 40145  
division to the treasurer of state for deposit into the drinking 40146

water protection fund created in section 6109.30 of the Revised Code. 40147  
40148

(P) Any person submitting an application for an industrial 40149  
water pollution control certificate under section 6111.31 of the 40150  
Revised Code, as that section existed before its repeal by H.B. 95 40151  
of the 125th general assembly, shall pay a nonrefundable fee of 40152  
five hundred dollars at the time the application is submitted. The 40153  
director shall transmit all moneys collected under this division 40154  
to the treasurer of state for deposit into the surface water 40155  
protection fund created in section 6111.038 of the Revised Code. A 40156  
person paying a certificate fee under this division shall not pay 40157  
an application fee under division (S)(1) of this section. On and 40158  
after June 26, 2003, persons shall file such applications and pay 40159  
the fee as required under sections 5709.20 to 5709.27 of the 40160  
Revised Code, and proceeds from the fee shall be credited as 40161  
provided in section 5709.212 of the Revised Code. 40162

(Q) Except as otherwise provided in division (R) of this 40163  
section, a person issued a permit by the director for a new solid 40164  
waste disposal facility other than an incineration or composting 40165  
facility, a new infectious waste treatment facility other than an 40166  
incineration facility, or a modification of such an existing 40167  
facility that includes an increase in the total disposal or 40168  
treatment capacity of the facility pursuant to Chapter 3734. of 40169  
the Revised Code shall pay a fee of ten dollars per thousand cubic 40170  
yards of disposal or treatment capacity, or one thousand dollars, 40171  
whichever is greater, except that the total fee for any such 40172  
permit shall not exceed eighty thousand dollars. A person issued a 40173  
modification of a permit for a solid waste disposal facility or an 40174  
infectious waste treatment facility that does not involve an 40175  
increase in the total disposal or treatment capacity of the 40176  
facility shall pay a fee of one thousand dollars. A person issued 40177  
a permit to install a new, or modify an existing, solid waste 40178

transfer facility under that chapter shall pay a fee of two 40179  
thousand five hundred dollars. A person issued a permit to install 40180  
a new or to modify an existing solid waste incineration or 40181  
composting facility, or an existing infectious waste treatment 40182  
facility using incineration as its principal method of treatment, 40183  
under that chapter shall pay a fee of one thousand dollars. The 40184  
increases in the permit fees under this division resulting from 40185  
the amendments made by Amended Substitute House Bill 592 of the 40186  
117th general assembly do not apply to any person who submitted an 40187  
application for a permit to install a new, or modify an existing, 40188  
solid waste disposal facility under that chapter prior to 40189  
September 1, 1987; any such person shall pay the permit fee 40190  
established in this division as it existed prior to June 24, 1988. 40191  
In addition to the applicable permit fee under this division, a 40192  
person issued a permit to install or modify a solid waste facility 40193  
or an infectious waste treatment facility under that chapter who 40194  
fails to pay the permit fee to the director in compliance with 40195  
division (V) of this section shall pay an additional ten per cent 40196  
of the amount of the fee for each week that the permit fee is 40197  
late. 40198

Permit and late payment fees paid to the director under this 40199  
division shall be credited to the general revenue fund. 40200

(R)(1) A person issued a registration certificate for a scrap 40201  
tire collection facility under section 3734.75 of the Revised Code 40202  
shall pay a fee of two hundred dollars, except that if the 40203  
facility is owned or operated by a motor vehicle salvage dealer 40204  
licensed under Chapter 4738. of the Revised Code, the person shall 40205  
pay a fee of twenty-five dollars. 40206

(2) A person issued a registration certificate for a new 40207  
scrap tire storage facility under section 3734.76 of the Revised 40208  
Code shall pay a fee of three hundred dollars, except that if the 40209  
facility is owned or operated by a motor vehicle salvage dealer 40210

licensed under Chapter 4738. of the Revised Code, the person shall 40211  
pay a fee of twenty-five dollars. 40212

(3) A person issued a permit for a scrap tire storage 40213  
facility under section 3734.76 of the Revised Code shall pay a fee 40214  
of one thousand dollars, except that if the facility is owned or 40215  
operated by a motor vehicle salvage dealer licensed under Chapter 40216  
4738. of the Revised Code, the person shall pay a fee of fifty 40217  
dollars. 40218

(4) A person issued a permit for a scrap tire monocell or 40219  
monofill facility under section 3734.77 of the Revised Code shall 40220  
pay a fee of ten dollars per thousand cubic yards of disposal 40221  
capacity or one thousand dollars, whichever is greater, except 40222  
that the total fee for any such permit shall not exceed eighty 40223  
thousand dollars. 40224

(5) A person issued a registration certificate for a scrap 40225  
tire recovery facility under section 3734.78 of the Revised Code 40226  
shall pay a fee of one hundred dollars. 40227

(6) A person issued a permit for a scrap tire recovery 40228  
facility under section 3734.78 of the Revised Code shall pay a fee 40229  
of one thousand dollars. 40230

(7) In addition to the applicable registration certificate or 40231  
permit fee under divisions (R)(1) to (6) of this section, a person 40232  
issued a registration certificate or permit for any such scrap 40233  
tire facility who fails to pay the registration certificate or 40234  
permit fee to the director in compliance with division (V) of this 40235  
section shall pay an additional ten per cent of the amount of the 40236  
fee for each week that the fee is late. 40237

(8) The registration certificate, permit, and late payment 40238  
fees paid to the director under divisions (R)(1) to (7) of this 40239  
section shall be credited to the scrap tire management fund 40240  
created in section 3734.82 of the Revised Code. 40241

(S)(1) Except as provided by divisions (L), (M), (N), (O), 40242  
(P), and (S)(2) of this section, division (A)(2) of section 40243  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 40244  
and rules adopted under division (T)(1) of this section, any 40245  
person applying for a registration certificate under section 40246  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 40247  
variance, or plan approval under Chapter 3734. of the Revised Code 40248  
shall pay a nonrefundable fee of fifteen dollars at the time the 40249  
application is submitted. 40250

Except as otherwise provided, any person applying for a 40251  
permit, variance, or plan approval under Chapter 6109. or 6111. of 40252  
the Revised Code shall pay a nonrefundable fee of one hundred 40253  
dollars at the time the application is submitted through June 30, 40254  
~~2016~~ 2018, and a nonrefundable fee of fifteen dollars at the time 40255  
the application is submitted on and after July 1, ~~2016~~ 2018. 40256  
Except as provided in division (S)(3) of this section, through 40257  
June 30, ~~2016~~ 2018, any person applying for a national pollutant 40258  
discharge elimination system permit under Chapter 6111. of the 40259  
Revised Code shall pay a nonrefundable fee of two hundred dollars 40260  
at the time of application for the permit. On and after July 1, 40261  
~~2016~~ 2018, such a person shall pay a nonrefundable fee of fifteen 40262  
dollars at the time of application. 40263

In addition to the application fee established under division 40264  
(S)(1) of this section, any person applying for a national 40265  
pollutant discharge elimination system general storm water 40266  
construction permit shall pay a nonrefundable fee of twenty 40267  
dollars per acre for each acre that is permitted above five acres 40268  
at the time the application is submitted. However, the per acreage 40269  
fee shall not exceed three hundred dollars. In addition, any 40270  
person applying for a national pollutant discharge elimination 40271  
system general storm water industrial permit shall pay a 40272  
nonrefundable fee of one hundred fifty dollars at the time the 40273

application is submitted. 40274

The director shall transmit all moneys collected under 40275  
division (S)(1) of this section pursuant to Chapter 6109. of the 40276  
Revised Code to the treasurer of state for deposit into the 40277  
drinking water protection fund created in section 6109.30 of the 40278  
Revised Code. 40279

The director shall transmit all moneys collected under 40280  
division (S)(1) of this section pursuant to Chapter 6111. of the 40281  
Revised Code and under division (S)(3) of this section to the 40282  
treasurer of state for deposit into the surface water protection 40283  
fund created in section 6111.038 of the Revised Code. 40284

If a registration certificate is issued under section 40285  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 40286  
the application fee paid shall be deducted from the amount of the 40287  
registration certificate fee due under division (R)(1), (2), or 40288  
(5) of this section, as applicable. 40289

If a person submits an electronic application for a 40290  
registration certificate, permit, variance, or plan approval for 40291  
which an application fee is established under division (S)(1) of 40292  
this section, the person shall pay the applicable application fee 40293  
as expeditiously as possible after the submission of the 40294  
electronic application. An application for a registration 40295  
certificate, permit, variance, or plan approval for which an 40296  
application fee is established under division (S)(1) of this 40297  
section shall not be reviewed or processed until the applicable 40298  
application fee, and any other fees established under this 40299  
division, are paid. 40300

(2) Division (S)(1) of this section does not apply to an 40301  
application for a registration certificate for a scrap tire 40302  
collection or storage facility submitted under section 3734.75 or 40303  
3734.76 of the Revised Code, as applicable, if the owner or 40304

operator of the facility or proposed facility is a motor vehicle 40305  
salvage dealer licensed under Chapter 4738. of the Revised Code. 40306

(3) A person applying for coverage under a national pollutant 40307  
discharge elimination system general discharge permit for 40308  
household sewage treatment systems shall pay the following fees: 40309

(a) A nonrefundable fee of two hundred dollars at the time of 40310  
application for initial permit coverage; 40311

(b) A nonrefundable fee of one hundred dollars at the time of 40312  
application for a renewal of permit coverage. 40313

(T) The director may adopt, amend, and rescind rules in 40314  
accordance with Chapter 119. of the Revised Code that do all of 40315  
the following: 40316

(1) Prescribe fees to be paid by applicants for and holders 40317  
of any license, permit, variance, plan approval, or certification 40318  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 40319  
the Revised Code that are not specifically established in this 40320  
section. The fees shall be designed to defray the cost of 40321  
processing, issuing, revoking, modifying, denying, and enforcing 40322  
the licenses, permits, variances, plan approvals, and 40323  
certifications. 40324

The director shall transmit all moneys collected under rules 40325  
adopted under division (T)(1) of this section pursuant to Chapter 40326  
6109. of the Revised Code to the treasurer of state for deposit 40327  
into the drinking water protection fund created in section 6109.30 40328  
of the Revised Code. 40329

The director shall transmit all moneys collected under rules 40330  
adopted under division (T)(1) of this section pursuant to Chapter 40331  
6111. of the Revised Code to the treasurer of state for deposit 40332  
into the surface water protection fund created in section 6111.038 40333  
of the Revised Code. 40334

(2) Exempt the state and political subdivisions thereof, 40335  
including education facilities or medical facilities owned by the 40336  
state or a political subdivision, or any person exempted from 40337  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 40338  
any fee required by this section; 40339

(3) Provide for the waiver of any fee, or any part thereof, 40340  
otherwise required by this section whenever the director 40341  
determines that the imposition of the fee would constitute an 40342  
unreasonable cost of doing business for any applicant, class of 40343  
applicants, or other person subject to the fee; 40344

(4) Prescribe measures that the director considers necessary 40345  
to carry out this section. 40346

(U) When the director reasonably demonstrates that the direct 40347  
cost to the state associated with the issuance of a permit to 40348  
install, license, variance, plan approval, or certification 40349  
exceeds the fee for the issuance or review specified by this 40350  
section, the director may condition the issuance or review on the 40351  
payment by the person receiving the issuance or review of, in 40352  
addition to the fee specified by this section, the amount, or any 40353  
portion thereof, in excess of the fee specified under this 40354  
section. The director shall not so condition issuances for which a 40355  
fee is prescribed in division (L)(1)(b) of this section. 40356

(V) Except as provided in divisions (L), (M), and (P) of this 40357  
section or unless otherwise prescribed by a rule of the director 40358  
adopted pursuant to Chapter 119. of the Revised Code, all fees 40359  
required by this section are payable within thirty days after the 40360  
issuance of an invoice for the fee by the director or the 40361  
effective date of the issuance of the license, permit, variance, 40362  
plan approval, or certification. If payment is late, the person 40363  
responsible for payment of the fee shall pay an additional ten per 40364  
cent of the amount due for each month that it is late. 40365

(W) As used in this section, "fuel-burning equipment," 40366  
"fuel-burning equipment input capacity," "incinerator," 40367  
"incinerator input capacity," "process," "process weight rate," 40368  
"storage tank," "gasoline dispensing facility," "dry cleaning 40369  
facility," "design flow discharge," and "new source treatment 40370  
works" have the meanings ascribed to those terms by applicable 40371  
rules or standards adopted by the director under Chapter 3704. or 40372  
6111. of the Revised Code. 40373

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 40374  
(J) of this section, and in any other provision of this section 40375  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 40376  
Code: 40377

(1) "Facility," "federal Clean Air Act," "person," and "Title 40378  
V permit" have the same meanings as in section 3704.01 of the 40379  
Revised Code. 40380

(2) "Title V permit program" means the following activities 40381  
as necessary to meet the requirements of Title V of the federal 40382  
Clean Air Act and 40 C.F.R. part 70, including at least: 40383

(a) Preparing and adopting, if applicable, generally 40384  
applicable rules or guidance regarding the permit program or its 40385  
implementation or enforcement; 40386

(b) Reviewing and acting on any application for a Title V 40387  
permit, permit revision, or permit renewal, including the 40388  
development of an applicable requirement as part of the processing 40389  
of a permit, permit revision, or permit renewal; 40390

(c) Administering the permit program, including the 40391  
supporting and tracking of permit applications, compliance 40392  
certification, and related data entry; 40393

(d) Determining which sources are subject to the program and 40394  
implementing and enforcing the terms of any Title V permit, not 40395  
including any court actions or other formal enforcement actions; 40396

(e) Emission and ambient monitoring;	40397
(f) Modeling, analyses, or demonstrations;	40398
(g) Preparing inventories and tracking emissions;	40399
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	40400 40401 40402 40403 40404 40405 40406
(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.	40407 40408 40409
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.	40410 40411 40412 40413 40414 40415 40416 40417 40418 40419
(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.	40420 40421 40422
(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following	40423 40424 40425 40426 40427

exceptions: 40428

(i) Except as provided in division (Y)(2)(d) of this section, 40429  
a sewage sludge facility that treats or disposes of exceptional 40430  
quality sludge shall pay a minimum annual sewage sludge fee of one 40431  
hundred dollars. 40432

(ii) A sewage sludge facility that treats or disposes of 40433  
exceptional quality sludge shall not be required to pay the annual 40434  
sludge fee for treatment or disposal in this state of exceptional 40435  
quality sludge generated outside of this state and contained in 40436  
bags or other containers not greater than one hundred pounds in 40437  
capacity. 40438

A thirty-five per cent reduction for exceptional quality 40439  
sludge applies to the maximum annual fees established under 40440  
division (Y)(3) of this section. 40441

(c) A sewage sludge facility that transfers sewage sludge to 40442  
another sewage sludge facility in this state for further treatment 40443  
prior to disposal in this state shall not be required to pay the 40444  
annual sludge fee for the tons of sewage sludge that have been 40445  
transferred. In such a case, the sewage sludge facility that 40446  
disposes of the sewage sludge shall pay the annual sludge fee. 40447  
However, the facility transferring the sewage sludge shall pay the 40448  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 40449  
of this section. 40450

In the case of a sewage sludge facility that treats sewage 40451  
sludge in this state and transfers it out of this state to another 40452  
entity for disposal, the sewage sludge facility in this state 40453  
shall be required to pay the annual sludge fee for the tons of 40454  
sewage sludge that have been transferred. 40455

(d) A sewage sludge facility that generates sewage sludge 40456  
resulting from an average daily discharge flow of less than five 40457  
thousand gallons per day is not subject to the fees assessed under 40458

division (Y) of this section. 40459

(3) No sewage sludge facility required to pay the annual 40460  
sludge fee shall be required to pay more than the maximum annual 40461  
fee for each disposal method that the sewage sludge facility uses. 40462  
The maximum annual fee does not include the additional amount that 40463  
may be charged under division (Y)(5) of this section for late 40464  
payment of the annual sludge fee. The maximum annual fee for the 40465  
following methods of disposal of sewage sludge is as follows: 40466

(a) Incineration: five thousand dollars; 40467

(b) Preexisting land reclamation project or disposal in a 40468  
landfill: five thousand dollars; 40469

(c) Land application, land reclamation, surface disposal, or 40470  
any other disposal method not specified in division (Y)(3)(a) or 40471  
(b) of this section: twenty thousand dollars. 40472

(4)(a) In the case of an entity that generates sewage sludge 40473  
or a sewage sludge facility that treats sewage sludge and 40474  
transfers the sewage sludge to an incineration facility for 40475  
disposal, the incineration facility, and not the entity generating 40476  
the sewage sludge or the sewage sludge facility treating the 40477  
sewage sludge, shall pay the annual sludge fee for the tons of 40478  
sewage sludge that are transferred. However, the entity or 40479  
facility generating or treating the sewage sludge shall pay the 40480  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 40481  
of this section. 40482

(b) In the case of an entity that generates sewage sludge and 40483  
transfers the sewage sludge to a landfill for disposal or to a 40484  
sewage sludge facility for land reclamation or surface disposal, 40485  
the entity generating the sewage sludge, and not the landfill or 40486  
sewage sludge facility, shall pay the annual sludge fee for the 40487  
tons of sewage sludge that are transferred. 40488

(5) Not later than the first day of April of the calendar 40489

year following March 17, 2000, and each first day of April 40490  
thereafter, the director shall issue invoices to persons who are 40491  
required to pay the annual sludge fee. The invoice shall identify 40492  
the nature and amount of the annual sludge fee assessed and state 40493  
the first day of May as the deadline for receipt by the director 40494  
of objections regarding the amount of the fee and the first day of 40495  
July as the deadline for payment of the fee. 40496

Not later than the first day of May following receipt of an 40497  
invoice, a person required to pay the annual sludge fee may submit 40498  
objections to the director concerning the accuracy of information 40499  
regarding the number of dry tons of sewage sludge used to 40500  
calculate the amount of the annual sludge fee or regarding whether 40501  
the sewage sludge qualifies for the exceptional quality sludge 40502  
discount established in division (Y)(2)(b) of this section. The 40503  
director may consider the objections and adjust the amount of the 40504  
fee to ensure that it is accurate. 40505

If the director does not adjust the amount of the annual 40506  
sludge fee in response to a person's objections, the person may 40507  
appeal the director's determination in accordance with Chapter 40508  
119. of the Revised Code. 40509

Not later than the first day of June, the director shall 40510  
notify the objecting person regarding whether the director has 40511  
found the objections to be valid and the reasons for the finding. 40512  
If the director finds the objections to be valid and adjusts the 40513  
amount of the annual sludge fee accordingly, the director shall 40514  
issue with the notification a new invoice to the person 40515  
identifying the amount of the annual sludge fee assessed and 40516  
stating the first day of July as the deadline for payment. 40517

Not later than the first day of July, any person who is 40518  
required to do so shall pay the annual sludge fee. Any person who 40519  
is required to pay the fee, but who fails to do so on or before 40520  
that date shall pay an additional amount that equals ten per cent 40521

of the required annual sludge fee. 40522

(6) The director shall transmit all moneys collected under 40523  
division (Y) of this section to the treasurer of state for deposit 40524  
into the surface water protection fund created in section 6111.038 40525  
of the Revised Code. The moneys shall be used to defray the costs 40526  
of administering and enforcing provisions in Chapter 6111. of the 40527  
Revised Code and rules adopted under it that govern the use, 40528  
storage, treatment, or disposal of sewage sludge. 40529

(7) Beginning in fiscal year 2001, and every two years 40530  
thereafter, the director shall review the total amount of moneys 40531  
generated by the annual sludge fees to determine if that amount 40532  
exceeded six hundred thousand dollars in either of the two 40533  
preceding fiscal years. If the total amount of moneys in the fund 40534  
exceeded six hundred thousand dollars in either fiscal year, the 40535  
director, after review of the fee structure and consultation with 40536  
affected persons, shall issue an order reducing the amount of the 40537  
fees levied under division (Y) of this section so that the 40538  
estimated amount of moneys resulting from the fees will not exceed 40539  
six hundred thousand dollars in any fiscal year. 40540

If, upon review of the fees under division (Y)(7) of this 40541  
section and after the fees have been reduced, the director 40542  
determines that the total amount of moneys collected and 40543  
accumulated is less than six hundred thousand dollars, the 40544  
director, after review of the fee structure and consultation with 40545  
affected persons, may issue an order increasing the amount of the 40546  
fees levied under division (Y) of this section so that the 40547  
estimated amount of moneys resulting from the fees will be 40548  
approximately six hundred thousand dollars. Fees shall never be 40549  
increased to an amount exceeding the amount specified in division 40550  
(Y)(7) of this section. 40551

Notwithstanding section 119.06 of the Revised Code, the 40552  
director may issue an order under division (Y)(7) of this section 40553

without the necessity to hold an adjudicatory hearing in 40554  
connection with the order. The issuance of an order under this 40555  
division is not an act or action for purposes of section 3745.04 40556  
of the Revised Code. 40557

(8) As used in division (Y) of this section: 40558

(a) "Sewage sludge facility" means an entity that performs 40559  
treatment on or is responsible for the disposal of sewage sludge. 40560

(b) "Sewage sludge" means a solid, semi-solid, or liquid 40561  
residue generated during the treatment of domestic sewage in a 40562  
treatment works as defined in section 6111.01 of the Revised Code. 40563  
"Sewage sludge" includes, but is not limited to, scum or solids 40564  
removed in primary, secondary, or advanced wastewater treatment 40565  
processes. "Sewage sludge" does not include ash generated during 40566  
the firing of sewage sludge in a sewage sludge incinerator, grit 40567  
and screenings generated during preliminary treatment of domestic 40568  
sewage in a treatment works, animal manure, residue generated 40569  
during treatment of animal manure, or domestic septage. 40570

(c) "Exceptional quality sludge" means sewage sludge that 40571  
meets all of the following qualifications: 40572

(i) Satisfies the class A pathogen standards in 40 C.F.R. 40573  
503.32(a); 40574

(ii) Satisfies one of the vector attraction reduction 40575  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 40576

(iii) Does not exceed the ceiling concentration limitations 40577  
for metals listed in table one of 40 C.F.R. 503.13; 40578

(iv) Does not exceed the concentration limitations for metals 40579  
listed in table three of 40 C.F.R. 503.13. 40580

(d) "Treatment" means the preparation of sewage sludge for 40581  
final use or disposal and includes, but is not limited to, 40582  
thickening, stabilization, and dewatering of sewage sludge. 40583

(e) "Disposal" means the final use of sewage sludge, 40584  
including, but not limited to, land application, land reclamation, 40585  
surface disposal, or disposal in a landfill or an incinerator. 40586

(f) "Land application" means the spraying or spreading of 40587  
sewage sludge onto the land surface, the injection of sewage 40588  
sludge below the land surface, or the incorporation of sewage 40589  
sludge into the soil for the purposes of conditioning the soil or 40590  
fertilizing crops or vegetation grown in the soil. 40591

(g) "Land reclamation" means the returning of disturbed land 40592  
to productive use. 40593

(h) "Surface disposal" means the placement of sludge on an 40594  
area of land for disposal, including, but not limited to, 40595  
monofills, surface impoundments, lagoons, waste piles, or 40596  
dedicated disposal sites. 40597

(i) "Incinerator" means an entity that disposes of sewage 40598  
sludge through the combustion of organic matter and inorganic 40599  
matter in sewage sludge by high temperatures in an enclosed 40600  
device. 40601

(j) "Incineration facility" includes all incinerators owned 40602  
or operated by the same entity and located on a contiguous tract 40603  
of land. Areas of land are considered to be contiguous even if 40604  
they are separated by a public road or highway. 40605

(k) "Annual sludge fee" means the fee assessed under division 40606  
(Y)(1) of this section. 40607

(l) "Landfill" means a sanitary landfill facility, as defined 40608  
in rules adopted under section 3734.02 of the Revised Code, that 40609  
is licensed under section 3734.05 of the Revised Code. 40610

(m) "Preexisting land reclamation project" means a 40611  
property-specific land reclamation project that has been in 40612  
continuous operation for not less than five years pursuant to 40613

approval of the activity by the director and includes the 40614  
implementation of a community outreach program concerning the 40615  
activity. 40616

**Sec. 3750.081.** (A) Notwithstanding any provision in this 40617  
chapter to the contrary, an owner or operator of a facility that 40618  
is regulated under Chapter 1509. of the Revised Code ~~who has filed~~ 40619  
~~a log in accordance with section 1509.10 of the Revised Code and a~~ 40620  
~~production statement in accordance with section 1509.11 of the~~ 40621  
Revised Code shall be deemed to have satisfied all of the 40622  
inventory, notification, listing, and other submission and filing 40623  
requirements established under this chapter, except for the 40624  
release reporting requirements established under section 3750.06 40625  
of the Revised Code, by complying with the requirements 40626  
established in section 1509.231 of the Revised Code. 40627

(B) The emergency response commission and every local 40628  
emergency planning committee and fire department in this state 40629  
shall establish a means by which to access, view, and retrieve 40630  
information, ~~through the use of the internet or a computer disk,~~ 40631  
from the electronic database maintained by the division of oil and 40632  
gas resources management in the department of natural resources in 40633  
accordance with section ~~1509.23~~ 1509.231 of the Revised Code. With 40634  
respect to facilities regulated under Chapter 1509. of the Revised 40635  
Code, the database shall be the means of providing and receiving 40636  
the information described in division (A) of this section. 40637

**Sec. 3750.13.** (A)(1) Except as provided in division (A)(3) or 40638  
(4) of this section, the owner or operator of a facility required 40639  
to annually file an emergency and hazardous chemical inventory 40640  
form under section 3750.08 of the Revised Code shall submit with 40641  
the inventory form a filing fee of one hundred fifty dollars. In 40642  
addition to the filing fee, the owner or operator shall submit 40643  
with the inventory form the following additional fees for 40644

reporting inventories of the individual hazardous chemicals and 40645  
extremely hazardous substances produced, used, or stored at the 40646  
facility: 40647

(a) Except as provided in division (A)(1)(b) of this section, 40648  
an additional fee of twenty dollars per hazardous chemical 40649  
enumerated on the inventory form; 40650

(b) An additional fee of one hundred fifty dollars per 40651  
extremely hazardous substance enumerated on the inventory form. 40652  
The fee established in division (A)(1)(a) of this section does not 40653  
apply to the reporting of the inventory of a hazardous chemical 40654  
that is also an extremely hazardous substance to which the 40655  
inventory reporting fee established in division (A)(1)(b) of this 40656  
section applies. 40657

The total fees required to accompany any inventory form shall 40658  
not exceed twenty-five hundred dollars. 40659

(2) An owner or operator of a facility who fails to submit 40660  
such an inventory form within thirty days after the applicable 40661  
filing date prescribed in section 3750.08 of the Revised Code 40662  
shall submit with the inventory form a late filing fee in the 40663  
amount of ten per cent per year of the total fees due under 40664  
division (A)(1) or (4) of this section, in addition to the fees 40665  
due under division (A)(1) or (4) of this section. 40666

(3) The owner or operator of a facility who, during the 40667  
preceding year, was required to pay a fee to a municipal 40668  
corporation pursuant to an ordinance, rule, or requirement that 40669  
was in effect on the effective date of this section for the 40670  
reporting or providing of the names or amounts of extremely 40671  
hazardous substances or hazardous chemicals produced, used, or 40672  
stored at the facility may claim a credit against the fees due 40673  
under division (A)(1) or (4) of this section for the fees paid to 40674  
the municipal corporation pursuant to its reporting requirement. 40675

The amount of the credit claimed in any reporting year shall not exceed the amount of the fees due under division (A)(1) or (4) of this section during that reporting year, and no unused portion of the credit shall be carried over to subsequent years. In order to claim a credit under this division, the owner or operator shall submit with the emergency and hazardous chemical inventory form a receipt issued by the municipal corporation or other documentation acceptable to the commission indicating the amount of the fee paid to the municipal corporation and the date on which the fee was paid.

(4) An owner or operator who is regulated under Chapter 1509. of the Revised Code and who submits information under section ~~1509.11~~ 1509.231 of the Revised Code for not more than twenty-five facilities shall submit to the emergency response commission on or before the first day of March a flat fee of fifty dollars if the facilities meet all of the following conditions:

(a) The facility exclusively stores crude oil or liquid hydrocarbons or other fluids resulting, obtained, or produced in connection with the production or storage of crude oil or natural gas.

(b) The crude oil, liquid hydrocarbons, or other fluids stored at the facility are conveyed directly to it through piping or tubing.

(c) The facility is located on the same site as, or on a site adjacent to, the well from which the crude oil, liquid hydrocarbons, or other fluids are produced or obtained.

(d) The facility is used for the storage of the crude oil, liquid hydrocarbons, or other fluids prior to their transportation off the premises of the facility for sale, use, or disposal.

An owner or operator who submits information for more than twenty-five facilities that meet all of the conditions prescribed

in divisions (A)(4)(a) to (d) of this section shall submit to the 40707  
commission a base fee of fifty dollars and an additional filing 40708  
fee of ten dollars for each facility reported in excess of 40709  
twenty-five, but not exceeding a total fee of nine hundred 40710  
dollars. 40711

As used in division (A)(4) of this section, "owner or 40712  
operator" means the person who actually owns or operates any such 40713  
facility and any other person who controls, is controlled by, or 40714  
is under common control with the person who actually owns or 40715  
operates the facility. 40716

(B) The emergency response commission and the local emergency 40717  
planning committee of an emergency planning district may establish 40718  
fees to be paid by persons, other than public officers or 40719  
employees, obtaining copies of documents or information submitted 40720  
to the commission or a committee under this chapter. The fees 40721  
shall be established at a level calculated to defray the costs to 40722  
the commission or committee for copying the documents or 40723  
information, but shall not exceed the maximum fees established in 40724  
rules adopted under division (B)(8) of section 3750.02 of the 40725  
Revised Code. 40726

(C) Except as provided in this division and division (B) of 40727  
this section, and except for fees authorized by section 3737.22 of 40728  
the Revised Code or rules adopted under sections 3737.82 to 40729  
3737.882 of the Revised Code and collected exclusively for either 40730  
of those purposes, no committee or political subdivision shall 40731  
levy any fee, tax, excise, or other charge to carry out the 40732  
purposes of this chapter. A committee may charge the actual costs 40733  
involved in accessing any computerized data base established by 40734  
the commission under this chapter or by the United States 40735  
environmental protection agency under the "Emergency Planning and 40736  
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 40737  
11001. 40738

(D) Moneys collected by the commission under this section 40739  
shall be credited to the emergency planning and community 40740  
right-to-know fund created in section 3750.14 of the Revised Code. 40741

**Sec. 3769.03.** The state racing commission shall prescribe the 40742  
rules and conditions under which horse racing may be conducted and 40743  
may issue, deny, suspend, diminish, or revoke permits to conduct 40744  
horse racing as authorized by sections 3769.01 to 3769.14 of the 40745  
Revised Code. The commission may impose, in addition to any other 40746  
penalty imposed by the commission, fines in an amount not to 40747  
exceed ten thousand dollars on any permit holder or any other 40748  
person who violates the rules or orders of the commission. The 40749  
commission may prescribe the forms of wagering that are 40750  
permissible, the number of races, the procedures on wagering, and 40751  
the wagering information to be provided to the public. 40752

The commission may require totalizator equipment to display 40753  
the amount of wagering in each wagering pool. The commission shall 40754  
initiate safeguards as necessary to account for the amount of 40755  
money wagered at each track in each wagering pool. It may require 40756  
permit holders to install equipment that will provide a complete 40757  
check and analysis of the functioning of any computers and require 40758  
safeguards on their performance. The commission shall require all 40759  
permit holders, except those holding state fair, county fair, or 40760  
other fair permits, to provide a photographic recording, approved 40761  
by the commission, of the entire running of all races conducted by 40762  
the permit holder. 40763

The state racing commission may issue, deny, suspend, or 40764  
revoke licenses to those persons engaged in racing and to those 40765  
employees of permit holders as is in the public interest for the 40766  
purpose of maintaining a proper control over horse-racing 40767  
meetings. The commission, as is in the public interest for the 40768  
purpose of maintaining proper control over horse-racing meetings, 40769

also may rule any person off a permit holder's premises. License 40770  
fees shall include registration fees and shall be set by the 40771  
commission. Each license issued by the commission, unless revoked 40772  
for cause, shall be for the period of one year from the first day 40773  
of January of the year in which it is issued, except as otherwise 40774  
provided in section 3769.07 of the Revised Code. Applicants for 40775  
licenses issued by the commission shall submit their fingerprints 40776  
to the commission, and the commission may forward the fingerprints 40777  
to the federal bureau of investigation or to any other agency, or 40778  
to both, for examination. 40779

There is hereby created in the state treasury the state 40780  
racing commission operating fund. All license fees established and 40781  
collected by the commission pursuant to this section, and the 40782  
amounts specified in divisions (B) and (C) of section 3769.08 and 40783  
division (A)~~(6)~~(5) of section 3769.087 of the Revised Code, shall 40784  
be paid into the state treasury to the credit of the fund. Moneys 40785  
in the fund shall be expended by the commission to defray its 40786  
operating costs, salaries and expenses, and the cost of 40787  
administering and enforcing this chapter. 40788

The commission may deny a permit to any permit holder that 40789  
has defaulted in payments to the public, employees, or the 40790  
horsemen and may deny a permit to any successor purchaser of a 40791  
track for as long as any of those defaults have not been satisfied 40792  
by either the seller or purchaser. 40793

The commission shall deny a permit to any permit holder that 40794  
has defaulted in payments to the state or has defaulted in 40795  
payments required under section 3769.089 or 3769.0810 of the 40796  
Revised Code and shall deny a permit to any successor purchaser of 40797  
a track for as long as those defaults have not been satisfied by 40798  
either the seller or purchaser. 40799

Any violation of this chapter, of any rule of racing adopted 40800  
by the commission, or of any law or rule with respect to racing in 40801

any jurisdiction shall be sufficient reason for a refusal to issue 40802  
a license, or a suspension or revocation of any license issued, 40803  
pursuant to this section. 40804

With respect to the issuance, denial, suspension, or 40805  
revocation of a license to a participant in horse racing, the 40806  
action of the commission shall be subject to Chapter 119. of the 40807  
Revised Code. 40808

The commission may sue and be sued in its own name. Any 40809  
action against the commission shall be brought in the court of 40810  
common pleas of Franklin county. Any appeal from a determination 40811  
or decision of the commission rendered in the exercise of its 40812  
powers and duties under this chapter shall be brought in the court 40813  
of common pleas of Franklin county. 40814

The commission, biennially, shall make a full report to the 40815  
governor of its proceedings for the two-year period ending with 40816  
the thirty-first day of December preceding the convening of the 40817  
general assembly and shall include its recommendations in the 40818  
report. The commission, semiannually, on the thirtieth day of June 40819  
and on the thirty-first day of December of each year, shall make a 40820  
report and accounting to the governor. 40821

**Sec. 3769.08.** (A) Any person holding a permit to conduct a 40822  
horse-racing meeting may provide a place in the race meeting 40823  
grounds or enclosure at which the permit holder may conduct and 40824  
supervise the pari-mutuel system of wagering by patrons of legal 40825  
age on the live racing programs and simulcast racing programs 40826  
conducted by the permit holder. 40827

The pari-mutuel method of wagering upon the live racing 40828  
programs and simulcast racing programs held at or conducted within 40829  
such race track, and at the time of such horse-racing meeting, or 40830  
at other times authorized by the state racing commission, shall 40831  
not be unlawful. No other place, except that provided and 40832

designated by the permit holder and except as provided in section 40833  
3769.26 of the Revised Code, nor any other method or system of 40834  
betting or wagering on live racing programs and simulcast racing 40835  
programs, except the pari-mutuel system, shall be used or 40836  
permitted by the permit holder; nor, except as provided in section 40837  
3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel 40838  
system of wagering be conducted by the permit holder on any races 40839  
except the races at the race track, grounds, or enclosure for 40840  
which the person holds a permit. Each permit holder may retain as 40841  
a commission an amount not to exceed eighteen per cent of the 40842  
total of all moneys wagered on live racing programs and simulcast 40843  
racing programs. 40844

The pari-mutuel wagering authorized by this section is 40845  
subject to sections 3769.25 to 3769.28 of the Revised Code. 40846

(B) At the close of each racing day, each permit holder 40847  
authorized to conduct thoroughbred racing, out of the amount 40848  
retained on that day by the permit holder, shall pay in the manner 40849  
prescribed under section 3769.103 of the Revised Code, as a tax, a 40850  
sum equal to the following percentages of the total of all moneys 40851  
wagered on live racing programs on that day and shall separately 40852  
compute and pay in the manner prescribed under section 3769.103 of 40853  
the Revised Code, as a tax, a sum equal to the following 40854  
percentages of the total of all money wagered on simulcast racing 40855  
programs on that day: 40856

(1) One per cent of the first two hundred thousand dollars 40857  
wagered, or any part of that amount; 40858

(2) Two per cent of the next one hundred thousand dollars 40859  
wagered, or any part of that amount; 40860

(3) Three per cent of the next one hundred thousand dollars 40861  
wagered, or any part of that amount; 40862

(4) Four per cent of all sums over four hundred thousand 40863

dollars wagered. 40864

Except as otherwise provided in section 3769.089 of the 40865  
Revised Code, each permit holder authorized to conduct 40866  
thoroughbred racing shall use for purse money a sum equal to fifty 40867  
per cent of the pari-mutuel revenues retained by the permit holder 40868  
as a commission after payment of the state tax. This fifty per 40869  
cent payment shall be in addition to the purse distribution from 40870  
breakage specified in this section. 40871

Subject to division (M) of this section, from the moneys paid 40872  
to the tax commissioner by thoroughbred racing permit holders, 40873  
one-half of one per cent of the total of all moneys so wagered on 40874  
a racing day shall be paid into the Ohio fairs fund created by 40875  
section 3769.082 of the Revised Code, one and one-eighth per cent 40876  
of the total of all moneys so wagered on a racing day shall be 40877  
paid into the Ohio thoroughbred race fund created by section 40878  
3769.083 of the Revised Code, and one-quarter of one per cent of 40879  
the total of all moneys wagered on a racing day by each permit 40880  
holder shall be paid into the state racing commission operating 40881  
fund created by section 3769.03 of the Revised Code. The required 40882  
payment to the state racing commission operating fund does not 40883  
apply to county and independent fairs and agricultural societies. 40884  
The remaining moneys may be retained by the permit holder, except 40885  
as provided in this section with respect to the odd cents 40886  
redistribution. Amounts paid into the nursing home franchise 40887  
permit fee fund pursuant to this section and section 3769.26 of 40888  
the Revised Code shall be used solely for the support of the 40889  
PASSPORT program as determined in appropriations made by the 40890  
general assembly. If the PASSPORT program is abolished, the amount 40891  
that would have been paid to the nursing home franchise permit fee 40892  
fund under this chapter shall be paid to the general revenue fund 40893  
of the state. As used in this chapter, "PASSPORT program" has the 40894  
same meaning as in section 173.51 of the Revised Code. 40895

The total amount paid to the Ohio thoroughbred race fund 40896  
under this section and division (A) of section 3769.087 of the 40897  
Revised Code shall not exceed by more than six per cent the total 40898  
amount paid to this fund under this section and division (A) of 40899  
that section during the immediately preceding calendar year. 40900

Each year, the total amount calculated for payment into the 40901  
Ohio fairs fund under this division, division (C) of this section, 40902  
and division (A) of section 3769.087 of the Revised Code shall be 40903  
an amount calculated using the percentages specified in this 40904  
division, division (C) of this section, and division (A) of 40905  
section 3769.087 of the Revised Code. 40906

A permit holder may contract with a thoroughbred horsemen's 40907  
organization for the organization to act as a representative of 40908  
all thoroughbred owners and trainers participating in a 40909  
horse-racing meeting conducted by the permit holder. A 40910  
"thoroughbred horsemen's organization" is any corporation or 40911  
association that represents, through membership or otherwise, more 40912  
than one-half of the aggregate of all thoroughbred owners and 40913  
trainers who were licensed and actively participated in racing 40914  
within this state during the preceding calendar year. Except as 40915  
otherwise provided in this paragraph, any moneys received by a 40916  
thoroughbred horsemen's organization shall be used exclusively for 40917  
the benefit of thoroughbred owners and trainers racing in this 40918  
state through the administrative purposes of the organization, 40919  
benevolent activities on behalf of the horsemen, promotion of the 40920  
horsemen's rights and interests, and promotion of equine research. 40921  
A thoroughbred horsemen's organization may expend not more than an 40922  
aggregate of five per cent of its annual gross receipts, or a 40923  
larger amount as approved by the organization, for dues, 40924  
assessments, and other payments to all other local, national, or 40925  
international organizations having as their primary purposes the 40926  
promotion of thoroughbred horse racing, thoroughbred horsemen's 40927

rights, and equine research. 40928

(C) Except as otherwise provided in division (B) of this 40929  
section, at the close of each racing day, each permit holder 40930  
authorized to conduct harness or quarter horse racing, out of the 40931  
amount retained that day by the permit holder, shall pay in the 40932  
manner prescribed under section 3769.103 of the Revised Code, as a 40933  
tax, a sum equal to the following percentages of the total of all 40934  
moneys wagered on live racing programs and shall separately 40935  
compute and pay in the manner prescribed under section 3769.103 of 40936  
the Revised Code, as a tax, a sum equal to the following 40937  
percentages of the total of all money wagered on simulcast racing 40938  
programs on that day: 40939

(1) One per cent of the first two hundred thousand dollars 40940  
wagered, or any part of that amount; 40941

(2) Two per cent of the next one hundred thousand dollars 40942  
wagered, or any part of that amount; 40943

(3) Three per cent of the next one hundred thousand dollars 40944  
wagered, or any part of that amount; 40945

(4) Four per cent of all sums over four hundred thousand 40946  
dollars wagered. 40947

Except as otherwise provided in division (B) and subject to 40948  
division (M) of this section, from the moneys paid to the tax 40949  
commissioner by permit holders authorized to conduct harness or 40950  
quarter horse racing, one-half of one per cent of all moneys 40951  
wagered on that racing day shall be paid into the Ohio fairs fund; 40952  
from the moneys paid to the tax commissioner by permit holders 40953  
authorized to conduct harness racing, five-eighths of one per cent 40954  
of all moneys wagered on that racing day shall be paid into the 40955  
Ohio standardbred development fund; and from the moneys paid to 40956  
the tax commissioner by permit holders authorized to conduct 40957  
quarter horse racing, five-eighths of one per cent of all moneys 40958

wagered on that racing day shall be paid into the Ohio 40959  
thoroughbred race fund to support quarter horse development ~~fund~~ 40960  
and purses. 40961

(D) In addition, subject to division (M) of this section, 40962  
beginning on January 1, 1996, from the money paid to the tax 40963  
commissioner as a tax under this section and division (A) of 40964  
section 3769.087 of the Revised Code by harness horse permit 40965  
holders, one-half of one per cent of the amount wagered on a 40966  
racing day shall be paid into the Ohio standardbred development 40967  
fund. Beginning January 1, 1998, the payment to the Ohio 40968  
standardbred development fund required under this division does 40969  
not apply to county agricultural societies or independent 40970  
agricultural societies. 40971

The total amount paid to the Ohio standardbred development 40972  
fund under this division, division (C) of this section, and 40973  
division (A) of section 3769.087 of the Revised Code and the total 40974  
amount paid to the Ohio thoroughbred race fund to support quarter 40975  
horse development ~~fund~~ and purses under this division and division 40976  
(A) of that section shall not exceed by more than six per cent the 40977  
total amount paid into the fund under this division, division (C) 40978  
of this section, and division (A) of section 3769.087 of the 40979  
Revised Code in the immediately preceding calendar year. 40980

(E) Subject to division (M) of this section, from the money 40981  
paid as a tax under this chapter by harness and quarter horse 40982  
permit holders, one-quarter of one per cent of the total of all 40983  
moneys wagered on a racing day by each permit holder shall be paid 40984  
into the state racing commission operating fund created by section 40985  
3769.03 of the Revised Code. This division does not apply to 40986  
county and independent fairs and agricultural societies. 40987

(F) Except as otherwise provided in section 3769.089 of the 40988  
Revised Code, each permit holder authorized to conduct harness 40989  
racing shall pay to the harness horsemen's purse pool a sum equal 40990

to fifty per cent of the pari-mutuel revenues retained by the 40991  
permit holder as a commission after payment of the state tax. This 40992  
fifty per cent payment is to be in addition to the purse 40993  
distribution from breakage specified in this section. 40994

(G) In addition, each permit holder authorized to conduct 40995  
harness racing shall be allowed to retain the odd cents of all 40996  
redistribution to be made on all mutual contributions exceeding a 40997  
sum equal to the next lowest multiple of ten. 40998

Forty per cent of that portion of that total sum of such odd 40999  
cents shall be used by the permit holder for purse money for Ohio 41000  
sired, bred, and owned colts, for purse money for Ohio bred 41001  
horses, and for increased purse money for horse races. Upon the 41002  
formation of the corporation described in section 3769.21 of the 41003  
Revised Code to establish a harness horsemen's health and 41004  
retirement fund, twenty-five per cent of that portion of that 41005  
total sum of odd cents shall be paid at the close of each racing 41006  
day by the permit holder to that corporation to establish and fund 41007  
the health and retirement fund. Until that corporation is formed, 41008  
that twenty-five per cent shall be paid at the close of each 41009  
racing day by the permit holder to the tax commissioner or the tax 41010  
commissioner's agent in the county seat of the county in which the 41011  
permit holder operates race meetings. The remaining thirty-five 41012  
per cent of that portion of that total sum of odd cents shall be 41013  
retained by the permit holder. 41014

(H) In addition, each permit holder authorized to conduct 41015  
thoroughbred racing shall be allowed to retain the odd cents of 41016  
all redistribution to be made on all mutuel contributions 41017  
exceeding a sum equal to the next lowest multiple of ten. Twenty 41018  
per cent of that portion of that total sum of such odd cents shall 41019  
be used by the permit holder for increased purse money for horse 41020  
races. Upon the formation of the corporation described in section 41021  
3769.21 of the Revised Code to establish a thoroughbred horsemen's 41022

health and retirement fund, forty-five per cent of that portion of 41023  
that total sum of odd cents shall be paid at the close of each 41024  
racing day by the permit holder to that corporation to establish 41025  
and fund the health and retirement fund. Until that corporation is 41026  
formed, that forty-five per cent shall be paid by the permit 41027  
holder to the tax commissioner or the tax commissioner's agent in 41028  
the county seat of the county in which the permit holder operates 41029  
race meetings, at the close of each racing day. The remaining 41030  
thirty-five per cent of that portion of that total sum of odd 41031  
cents shall be retained by the permit holder. 41032

(I) In addition, each permit holder authorized to conduct 41033  
quarter horse racing shall be allowed to retain the odd cents of 41034  
all redistribution to be made on all mutuel contributions 41035  
exceeding a sum equal to the next lowest multiple of ten, subject 41036  
to a tax of twenty-five per cent on that portion of the total sum 41037  
of such odd cents that is in excess of two thousand dollars during 41038  
a calendar year, which tax shall be paid at the close of each 41039  
racing day by the permit holder to the tax commissioner or the tax 41040  
commissioner's agent in the county seat of the county within which 41041  
the permit holder operates race meetings. Forty per cent of that 41042  
portion of that total sum of such odd cents shall be used by the 41043  
permit holder for increased purse money for horse races. The 41044  
remaining thirty-five per cent of that portion of that total sum 41045  
of odd cents shall be retained by the permit holder. 41046

(J)(1) To encourage the improvement of racing facilities for 41047  
the benefit of the public, breeders, and horse owners, and to 41048  
increase the revenue to the state from the increase in pari-mutuel 41049  
wagering resulting from those improvements, the taxes paid by a 41050  
permit holder to the state as provided for in this chapter shall 41051  
be reduced by three-fourths of one per cent of the total amount 41052  
wagered for those permit holders who make capital improvements to 41053  
existing race tracks or construct new race tracks. The percentage 41054

of the reduction that may be taken each racing day shall equal 41055  
seventy-five per cent of the taxes levied under divisions (B) and 41056  
(C) of this section and section 3769.087 of the Revised Code, and 41057  
division (F)(2) of section 3769.26 of the Revised Code, as 41058  
applicable, divided by the calculated amount each fund should 41059  
receive under divisions (B) and (C) of this section and section 41060  
3769.087 of the Revised Code, and division (F)(2) of section 41061  
3769.26 of the Revised Code and the reduction provided for in this 41062  
division. If the resulting percentage is less than one, that 41063  
percentage shall be multiplied by the amount of the reduction 41064  
provided for in this division. Otherwise, the permit holder shall 41065  
receive the full reduction provided for in this division. The 41066  
amount of the allowable reduction not received shall be carried 41067  
forward and applied against future tax liability. After any 41068  
reductions expire, any reduction carried forward shall be treated 41069  
as a reduction as provided for in this division. 41070

If more than one permit holder is authorized to conduct 41071  
racing at the facility that is being built or improved, the cost 41072  
of the new race track or capital improvement shall be allocated 41073  
between or among all the permit holders in the ratio that the 41074  
permit holders' number of racing days bears to the total number of 41075  
racing days conducted at the facility. 41076

A reduction for a new race track or a capital improvement 41077  
shall start from the day racing is first conducted following the 41078  
date actual construction of the new race track or each capital 41079  
improvement is completed and the construction cost has been 41080  
approved by the racing commission, unless otherwise provided in 41081  
this section. A reduction for a new race track or a capital 41082  
improvement shall continue for a period of twenty-five years for 41083  
new race tracks and for fifteen years for capital improvements if 41084  
the construction of the capital improvement or new race track 41085  
commenced prior to March 29, 1988, and for a period of ten years 41086

for new race tracks or capital improvements if the construction of 41087  
the capital improvement or new race track commenced on or after 41088  
March 29, 1988, but before June 6, 2001, or until the total tax 41089  
reduction reaches seventy per cent of the approved cost of the new 41090  
race track or capital improvement, as allocated to each permit 41091  
holder, whichever occurs first. A reduction for a new race track 41092  
or a capital improvement approved after June 6, 2001, shall 41093  
continue until the total tax reduction reaches one hundred per 41094  
cent of the approved cost of the new race track or capital 41095  
improvement, as allocated to each permit holder. 41096

A reduction granted for a new race track or a capital 41097  
improvement, the application for which was approved by the racing 41098  
commission after March 29, 1988, but before June 6, 2001, shall 41099  
not commence nor shall the ten-year period begin to run until all 41100  
prior tax reductions with respect to the same race track have 41101  
ended. The total tax reduction because of capital improvements 41102  
shall not during any one year exceed for all permit holders using 41103  
any one track three-fourths of one per cent of the total amount 41104  
wagered, regardless of the number of capital improvements made. 41105  
Several capital improvements to a race track may be consolidated 41106  
in an application if the racing commission approved the 41107  
application prior to March 29, 1988. No permit holder may receive 41108  
a tax reduction for a capital improvement approved by the racing 41109  
commission on or after March 29, 1988, at a race track until all 41110  
tax reductions have ended for all prior capital improvements 41111  
approved by the racing commission under this section or section 41112  
3769.20 of the Revised Code at that race track. If there are two 41113  
or more permit holders operating meetings at the same track, they 41114  
may consolidate their applications. The racing commission shall 41115  
notify the tax commissioner when the reduction of tax begins and 41116  
when it ends. 41117

Each fiscal year the racing commission shall submit a report 41118

to the tax commissioner, the office of budget and management, and 41119  
the legislative service commission. The report shall identify each 41120  
capital improvement project undertaken under this division and in 41121  
progress at each race track, indicate the total cost of each 41122  
project, state the tax reduction that resulted from each project 41123  
during the immediately preceding fiscal year, estimate the tax 41124  
reduction that will result from each project during the current 41125  
fiscal year, state the total tax reduction that resulted from all 41126  
such projects at all race tracks during the immediately preceding 41127  
fiscal year, and estimate the total tax reduction that will result 41128  
from all such projects at all race tracks during the current 41129  
fiscal year. 41130

(2) In order to qualify for the reduction in tax, a permit 41131  
holder shall apply to the racing commission in such form as the 41132  
commission may require and shall provide full details of the new 41133  
race track or capital improvement, including a schedule for its 41134  
construction and completion, and set forth the costs and expenses 41135  
incurred in connection with it. The racing commission shall not 41136  
approve an application unless the permit holder shows that a 41137  
contract for the new race track or capital improvement has been 41138  
let under an unrestricted competitive bidding procedure, unless 41139  
the contract is exempted by the controlling board because of its 41140  
unusual nature. In determining whether to approve an application, 41141  
the racing commission shall consider whether the new race track or 41142  
capital improvement will promote the safety, convenience, and 41143  
comfort of the racing public and horse owners and generally tend 41144  
towards the improvement of racing in this state. 41145

(3) If a new race track or capital improvement is approved by 41146  
the racing commission and construction has started, the tax 41147  
reduction may be authorized by the commission upon presentation of 41148  
copies of paid bills in excess of one hundred thousand dollars or 41149  
ten per cent of the approved cost, whichever is greater. After the 41150

initial authorization, the permit holder shall present copies of 41151  
paid bills. If the permit holder is in substantial compliance with 41152  
the schedule for construction and completion of the new race track 41153  
or capital improvement, the racing commission may authorize the 41154  
continuation of the tax reduction upon the presentation of the 41155  
additional paid bills. The total amount of the tax reduction 41156  
authorized shall not exceed the percentage of the approved cost of 41157  
the new race track or capital improvement specified in division 41158  
(J)(1) of this section. The racing commission may terminate any 41159  
tax reduction immediately if a permit holder fails to complete the 41160  
new race track or capital improvement, or to substantially comply 41161  
with the schedule for construction and completion of the new race 41162  
track or capital improvement. If a permit holder fails to complete 41163  
a new race track or capital improvement, the racing commission 41164  
shall order the permit holder to repay to the state the total 41165  
amount of tax reduced. The normal tax paid by the permit holder 41166  
shall be increased by three-fourths of one per cent of the total 41167  
amount wagered until the total amount of the additional tax 41168  
collected equals the total amount of tax reduced. 41169

(4) As used in this section: 41170

(a) "Capital improvement" means an addition, replacement, or 41171  
remodeling of a structural unit of a race track facility costing 41172  
at least one hundred thousand dollars, including, but not limited 41173  
to, the construction of barns used exclusively for the race track 41174  
facility, backstretch facilities for horsemen, paddock facilities, 41175  
new pari-mutuel and totalizator equipment and appurtenances to 41176  
that equipment purchased by the track, new access roads, new 41177  
parking areas, the complete reconstruction, reshaping, and 41178  
leveling of the racing surface and appurtenances, the installation 41179  
of permanent new heating or air conditioning, roof replacement or 41180  
restoration, installations of a permanent nature forming a part of 41181  
the track structure, and construction of buildings that are 41182

located on a permit holder's premises. "Capital improvement" does 41183  
not include the cost of replacement of equipment that is not 41184  
permanently installed, ordinary repairs, painting, and maintenance 41185  
required to keep a race track facility in ordinary operating 41186  
condition. 41187

(b) "New race track" includes the reconstruction of a race 41188  
track damaged by fire or other cause that has been declared by the 41189  
racing commission, as a result of the damage, to be an inadequate 41190  
facility for the safe operation of horse racing. 41191

(c) "Approved cost" includes all debt service and interest 41192  
costs that are associated with a capital improvement or new race 41193  
track and that the racing commission approves for a tax reduction 41194  
under division (J) of this section. 41195

(5) The racing commission shall not approve an application 41196  
for a tax reduction under this section if it has reasonable cause 41197  
to believe that the actions or negligence of the permit holder 41198  
substantially contributed to the damage suffered by the track due 41199  
to fire or other cause. The racing commission shall obtain any 41200  
data or information available from a fire marshal, law enforcement 41201  
official, or insurance company concerning any fire or other damage 41202  
suffered by a track, prior to approving an application for a tax 41203  
reduction. 41204

(6) The approved cost to which a tax reduction applies shall 41205  
be determined by generally accepted accounting principles and 41206  
verified by an audit of the permit holder's records upon 41207  
completion of the project by the racing commission, or by an 41208  
independent certified public accountant selected by the permit 41209  
holder and approved by the commission. 41210

(K) No other license or excise tax or fee, except as provided 41211  
in sections 3769.01 to 3769.14 of the Revised Code, shall be 41212  
assessed or collected from such licensee by any county, township, 41213

district, municipal corporation, or other body having power to 41214  
assess or collect a tax or fee. That portion of the tax paid under 41215  
this section by permit holders for racing conducted at and during 41216  
the course of an agricultural exposition or fair, and that portion 41217  
of the tax that would have been paid by eligible permit holders 41218  
into the nursing home franchise permit fee fund as a result of 41219  
racing conducted at and during the course of an agricultural 41220  
exposition or fair, shall be deposited into the state treasury to 41221  
the credit of the horse racing tax fund, which is hereby created 41222  
for the use of the agricultural societies of the several counties 41223  
in which the taxes originate. The state racing commission shall 41224  
determine eligible permit holders for purposes of the preceding 41225  
sentence, taking into account the breed of horse, the racing 41226  
dates, the geographic proximity to the fair, and the best 41227  
interests of Ohio racing. On the first day of any month on which 41228  
there is money in the fund, the tax commissioner shall provide for 41229  
payment to the treasurer of each agricultural society the amount 41230  
of the taxes collected under this section upon racing conducted at 41231  
and during the course of any exposition or fair conducted by the 41232  
society. 41233

(L) From the tax paid under this section by harness track 41234  
permit holders, the tax commissioner shall pay into the Ohio 41235  
thoroughbred race fund a sum equal to a percentage of the amount 41236  
wagered upon which the tax is paid. The percentage shall be 41237  
determined by the tax commissioner and shall be rounded to the 41238  
nearest one-hundredth. The percentage shall be such that, when 41239  
multiplied by the amount wagered upon which tax was paid by the 41240  
harness track permit holders in the most recent year for which 41241  
final figures are available, it results in a sum that 41242  
substantially equals the same amount of tax paid by the tax 41243  
commissioner during that year into the Ohio fairs fund from taxes 41244  
paid by thoroughbred permit holders. This division does not apply 41245  
to county and independent fairs and agricultural societies. 41246

(M) Twenty-five per cent of the taxes levied on thoroughbred 41247  
racing permit holders, harness racing permit holders, and quarter 41248  
horse racing permit holders under this section, division (A) of 41249  
section 3769.087 of the Revised Code, and division (F)(2) of 41250  
section 3769.26 of the Revised Code shall be paid into the nursing 41251  
home franchise permit fee fund. The tax commissioner shall pay any 41252  
money remaining, after the payment into the nursing home franchise 41253  
permit fee fund and the reductions provided for in division (J) of 41254  
this section and in section 3769.20 of the Revised Code, into the 41255  
Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred 41256  
development fund, ~~Ohio quarter horse fund~~, and state racing 41257  
commission operating fund as prescribed in this section and 41258  
division (A) of section 3769.087 of the Revised Code. The tax 41259  
commissioner shall thereafter use and apply the balance of the 41260  
money paid as a tax by any permit holder to cover any shortage in 41261  
the accounts of such funds resulting from an insufficient payment 41262  
as a tax by any other permit holder. Subject to section 3769.101 41263  
of the Revised Code, the moneys received by the tax commissioner 41264  
shall be deposited monthly and paid by the tax commissioner into 41265  
the funds to cover the total aggregate amount due from all permit 41266  
holders to the funds, as calculated under this section and 41267  
division (A) of section 3769.087 of the Revised Code, as 41268  
applicable. If, after the payment into the nursing home franchise 41269  
permit fee fund, sufficient funds are not available from the tax 41270  
deposited by the tax commissioner to pay the required amounts into 41271  
the Ohio fairs fund, Ohio standardbred development fund, Ohio 41272  
thoroughbred race fund, ~~Ohio quarter horse fund~~, and the state 41273  
racing commission operating fund, the tax commissioner shall 41274  
prorate on a proportional basis the amount paid to each of the 41275  
funds. Any shortage to the funds as a result of a proration shall 41276  
be applied against future deposits for the same calendar year when 41277  
funds are available. After this application, the tax commissioner 41278  
shall pay any remaining money paid as a tax by all permit holders 41279

into the nursing home franchise permit fee fund. This division 41280  
does not apply to permit holders conducting racing at the course 41281  
of an agricultural exposition or fair as described in division (K) 41282  
of this section. 41283

**Sec. 3769.083.** (A) As used in this section: 41284

(1) An "accredited Ohio thoroughbred horse" means a horse 41285  
conceived in this state and born in this state which is both of 41286  
the following: 41287

(a) Born of a mare that is domiciled in this state at the 41288  
time of the horse's conception, that remains continuously in the 41289  
state through the date on which the horse is born, and that is 41290  
registered as required by the rules of the state racing 41291  
commission; 41292

(b) By a stallion that stands for breeding purposes only in 41293  
this state in the year in which the horse is conceived, and that 41294  
is registered as required by the rules of the commission. 41295

(2) An "Ohio foaled horse" means a horse registered as 41296  
required by the rules of the state racing commission which is 41297  
either of the following: 41298

(a) A horse born of a mare that enters this state before 41299  
foaling and remains continuously in this state until the horse is 41300  
born; 41301

(b) A thoroughbred foal produced within the state by any 41302  
broodmare shipped into the state to foal and be bred to a 41303  
registered Ohio stallion. To qualify this foal as an Ohio foaled 41304  
horse, the broodmare shall remain in this state one year 41305  
continuously after foaling or continuously through foaling to the 41306  
cover of the Ohio stallion, whichever is sooner. All horses 41307  
previously registered as Ohio conceived and foaled shall be 41308  
considered as Ohio foaled horses effective January 1, 1976. 41309

Any thoroughbred mare may leave this state for periods of 41310  
time for purposes of activities such as veterinary treatment or 41311  
surgery, sales purposes, breeding purposes, racing purposes, and 41312  
similar activities if permission is granted by the state racing 41313  
commission and the mare is returned to this state immediately upon 41314  
the conclusion of the requested activity. 41315

(3) "Horse," "stallion," "mare," or "foal" means a horse of 41316  
the thoroughbred breed as distinguished from a horse of the 41317  
standard breed or any other breed, and "race" means a race for 41318  
thoroughbred horses conducted by a permit holder of the state 41319  
racing commission. 41320

(4) "Horse" includes animals of all ages and of both sexes. 41321

(B) There is hereby created in the state treasury the Ohio 41322  
thoroughbred race fund, to consist of moneys paid into it pursuant 41323  
to sections 3769.08 and 3769.087 of the Revised Code. All 41324  
investment earnings on the cash balances in the fund shall be 41325  
credited to it. Moneys to the credit of the fund shall be 41326  
distributed on order of the state racing commission. The 41327  
commission, with the advice and assistance of the Ohio 41328  
thoroughbred racing advisory committee, shall use the fund, except 41329  
as provided in divisions (C)(2) and (3) and (D) of this section, 41330  
to promote races and provide purses for races for horses in the 41331  
following classes: 41332

(1) Accredited Ohio thoroughbred horses; 41333

(2) Ohio foaled horses. 41334

Not less than ten nor more than twenty-five per cent of the 41335  
total money to be paid from the fund for all types of races shall 41336  
be allocated to races restricted to accredited Ohio thoroughbred 41337  
horses. The commission may combine the classes of horses described 41338  
in divisions (B)(1) and (2) of this section in one race, except in 41339  
stakes races. 41340

(C)(1) Each permit holder conducting thoroughbred races shall 41341  
schedule races each week for horses in the classes named in 41342  
division (B) of this section; the number of the races shall be 41343  
prescribed by the state racing commission. The commission, 41344  
pursuant to division (B) of this section, shall prescribe the 41345  
class or classes of the races to be held by each permit holder 41346  
and, with the advice of the Ohio thoroughbred racing advisory 41347  
committee, shall fix the dates and conditions of the races and the 41348  
amount of moneys to be paid from the Ohio thoroughbred race fund 41349  
to be added in each race to the minimum purse established by the 41350  
permit holder for the class of race held. 41351

(2) The commission, with the advice of the Ohio thoroughbred 41352  
racing advisory committee, may provide for stakes races to be run 41353  
each year, and fix the number of stakes races and the time, place, 41354  
and conditions under which each shall be run. The commission shall 41355  
fix the amount of moneys to be paid from the Ohio thoroughbred 41356  
race fund to be added to the purse provided for each stakes race 41357  
by the permit holder, except that, in at least four stakes races 41358  
each year, the commission shall require, if four stakes races can 41359  
be arranged, that the permit holder conducting the stakes race 41360  
provide no less than fifteen thousand dollars for the purse for 41361  
the stakes race, and the commission shall provide moneys from the 41362  
fund to be added to the purse in an amount equal to or greater 41363  
than the amount provided by the permit holder. The commission may 41364  
require a nominating, sustaining, and entry fee not to exceed one 41365  
per cent of the money added from the fund for each horse in any 41366  
stakes race, which fee shall be added to the purse for the race. 41367

Stakes races where money is added from the Ohio thoroughbred 41368  
race fund shall be open only to accredited Ohio thoroughbred 41369  
horses and Ohio foaled horses. Twenty-five per cent of the total 41370  
moneys to be paid from the fund for stakes races shall be 41371  
allocated to races for only accredited Ohio thoroughbred horses. 41372

The commission may require a nominating, sustaining, and entry fee, not to exceed one per cent of the money added from the fund, for each horse in any of these stakes races. These fees shall be accumulated by the commission and shall be paid out by the commission at its discretion as part of the purse money for additional races.

(3) The commission may pay from the Ohio thoroughbred race fund to the breeder of a horse of class (1) or (2) of division (B) of this section winning first, second, or third prize money of a purse for a thoroughbred race an amount not to exceed fifteen per cent of the first, second, or third prize money of the purse. For the purposes of this division, the term "breeder" shall be defined by rule of the commission.

The commission also may provide for stallion owners' awards in an amount equal to not less than three nor more than ten per cent of the first, second, or third place share of the purse. The award shall be paid to the owner of the stallion, provided that the stallion was standing in this state as provided in division (A)(1)(b) of this section at the time the horse placing first, second, or third was conceived.

(D) The state racing commission may provide for the expenditure of moneys from the Ohio thoroughbred race fund in an amount not to exceed in any one calendar year ten per cent of the total amount received in the account that year to provide for research projects directed toward improving the breeding, raising, racing, and health and soundness of thoroughbred horses in the state and toward education or promotion of the industry. Research for which the moneys from the fund may be used may include, but shall not be limited to, studies of pre-race blood testing, post-race testing, improvement of the breed, and nutrition.

(E) The state racing commission shall appoint qualified personnel as may be required to supervise registration of horses

under the terms of this section, to determine the eligibility of 41405  
horses for accredited Ohio thoroughbred races, Ohio foaled races, 41406  
and the stakes races authorized by division (C)(2) of this 41407  
section, and to assist the Ohio thoroughbred racing advisory 41408  
committee and the commission in determining the conditions, class, 41409  
and quality of the race program to be established under this 41410  
section so as to carry out the purposes of this section. The 41411  
personnel shall serve at the pleasure of the commission, and 41412  
compensation shall be fixed by the commission. The compensation of 41413  
the personnel and necessary expenses shall be paid out of the Ohio 41414  
thoroughbred race fund. 41415

The commission shall adopt rules as are necessary to carry 41416  
out this section and shall administer the stakes race program and 41417  
other races supported by the Ohio thoroughbred race fund in a 41418  
manner best designed to aid in the development of the thoroughbred 41419  
horse industry in the state, to upgrade the quality of horse 41420  
racing in the state, and to improve the quality of horses 41421  
conceived and foaled in the state. 41422

(F) The state racing commission shall adopt rules regarding 41423  
the maintenance and use of money collected for quarter horse 41424  
development and purses under division (C) of section 3769.08 and 41425  
division (A) of section 3769.087 of the Revised Code. 41426

**Sec. 3769.087.** (A) In addition to the commission of eighteen 41427  
per cent retained by each permit holder as provided in section 41428  
3769.08 of the Revised Code, each permit holder shall retain an 41429  
additional amount equal to four per cent of the total of all 41430  
moneys wagered on each racing day on all wagering pools other than 41431  
win, place, and show, of which amount retained an amount equal to 41432  
three per cent of the total of all moneys wagered on each racing 41433  
day on those pools shall be paid in the manner prescribed under 41434  
section 3769.103 of the Revised Code, as a tax. Subject to the 41435

restrictions contained in divisions (B), (C), and (M) of section 41436  
3769.08 of the Revised Code, from such additional moneys paid to 41437  
the tax commissioner: 41438

(1) Four-sixths shall be allocated to fund distribution as 41439  
provided in division (M) of section 3769.08 of the Revised Code. 41440

(2) One-twelfth shall be paid into the Ohio fairs fund 41441  
created by section 3769.082 of the Revised Code. 41442

(3) ~~One-twelfth~~ One-sixth of the additional moneys paid to 41443  
the tax commissioner by thoroughbred racing permit holders shall 41444  
be paid into the Ohio thoroughbred race fund created by section 41445  
3769.083 of the Revised Code. 41446

(4) One-twelfth of the additional moneys paid to the tax 41447  
commissioner by harness horse racing permit holders shall be paid 41448  
to the Ohio standardbred development fund created by section 41449  
3769.085 of the Revised Code. 41450

(5) ~~One-twelfth of the additional moneys paid to the tax~~ 41451  
~~commissioner by quarter horse racing permit holders shall be paid~~ 41452  
~~to the Ohio quarter horse development fund created by section~~ 41453  
~~3769.086 of the Revised Code.~~ 41454

~~(6)~~ One-sixth shall be paid into the state racing commission 41455  
operating fund created by section 3769.03 of the Revised Code. 41456

The remaining one per cent that is retained of the total of 41457  
all moneys wagered on each racing day on all pools other than win, 41458  
place, and show, shall be retained by racing permit holders, and, 41459  
except as otherwise provided in section 3769.089 of the Revised 41460  
Code, racing permit holders shall use one-half for purse money and 41461  
retain one-half. 41462

(B) In addition to the commission of eighteen per cent 41463  
retained by each permit holder as provided in section 3769.08 of 41464  
the Revised Code and the additional amount retained by each permit 41465

holder as provided in division (A) of this section, each permit 41466  
holder shall retain an additional amount equal to one-half of one 41467  
per cent of the total of all moneys wagered on each racing day on 41468  
all wagering pools other than win, place, and show. The additional 41469  
amount retained under this division shall be paid in the manner 41470  
prescribed under section 3769.103 of the Revised Code, as a tax. 41471  
The tax commissioner shall pay the amount of the tax received 41472  
under this division to the state racing commission operating fund 41473  
created by section 3769.03 of the Revised Code. 41474

(C) Unless otherwise agreed to by the video lottery sales 41475  
agent and the applicable horsemen's association recognized by the 41476  
state racing commission to represent such persons, within ninety 41477  
days after ~~the effective date of this amendment~~ September 29, 41478  
2013, for video lottery sales agents operating as such on ~~the~~ 41479  
~~effective date of this amendment~~ September 29, 2013, or within six 41480  
months after the date a video lottery sales agent begins operating 41481  
as such for video lottery sales agents not operating as such on 41482  
~~the effective date of this amendment~~ September 29, 2013, the state 41483  
racing commission shall direct through rule that a percentage of 41484  
the lottery sales agent's commission as determined by the state 41485  
lottery commission for conducting video lottery terminal gaming on 41486  
behalf of the state be paid to the state racing commission for the 41487  
benefit of breeding and racing in this state. The percentage so 41488  
determined shall not be less than nine per cent or more than 41489  
eleven per cent of the video lottery terminal income, and shall be 41490  
a sliding scale based upon capital expenditures necessary to build 41491  
the video lottery sales agent's facility. The aggregate of one 41492  
hundred per cent of video lottery terminal income minus the 41493  
lottery sales agent's commission percentage as determined by the 41494  
state lottery commission plus the percentage of the lottery sale 41495  
agent's commission, as determined by the state racing commission 41496  
or otherwise agreed to by the video lottery sales agent and the 41497  
applicable horsemen's association recognized by the state racing 41498

commission to represent such persons, for the benefit of breeding 41499  
and racing in this state shall not exceed forty-five per cent of 41500  
the video lottery terminal income. In addition, beginning July 1, 41501  
2013, the state lottery commission shall adopt a rule to require 41502  
the lottery sales agent conducting video lottery terminal gaming 41503  
on behalf of the state to disperse to the state lottery commission 41504  
one-half of one per cent of such a lottery sales agent's 41505  
commission for the purpose of providing funding support to 41506  
appropriate state agencies for programs that provide for gambling 41507  
addiction and other related addiction services. The state lottery 41508  
commission's rule also may require the lottery sales agent 41509  
conducting video lottery terminal gaming on behalf of the state to 41510  
disperse to the state lottery commission an additional amount up 41511  
to one-half of one per cent of such a lottery sales agent's 41512  
commission for that purpose. 41513

**Sec. 3769.101.** (A) For the purposes of receiving, 41514  
distributing, and accounting for revenue received from the taxes 41515  
levied by sections 3769.08, 3769.087, and 3769.26 of the Revised 41516  
Code, there is hereby created in the state treasury the 41517  
horse-racing tax revenue fund. 41518

(B) All moneys collected from the taxes imposed by sections 41519  
3769.08, 3769.087, and 3769.26 of the Revised Code shall be 41520  
deposited into the horse-racing tax revenue fund. 41521

(C) On or before the fifteenth day of each month, the tax 41522  
commissioner shall pay into the nursing home franchise permit fee 41523  
fund, Ohio fairs fund, Ohio thoroughbred race fund, Ohio 41524  
standardbred development fund, ~~Ohio quarter horse fund~~, and state 41525  
racing commission operating fund created under this chapter the 41526  
amounts required by sections 3769.08, 3769.087, and 3769.26 of the 41527  
Revised Code based on amounts received in the preceding month. 41528

Sec. 3770.01. (A) There is hereby created the state lottery 41529  
commission consisting of nine members appointed by the governor 41530  
with the advice and consent of the senate. No more than five 41531  
members of the commission shall be members of the same political 41532  
party. Of the additional and new appointments made to the 41533  
commission pursuant to the amendment of August 1, 1980, three 41534  
shall be for terms ending August 1, 1981, three shall be for terms 41535  
ending August 1, 1982, and three shall be for terms ending August 41536  
1, 1983. Thereafter, terms of office shall be for three years, 41537  
each term ending on the same day of the same month of the year as 41538  
did the term which it succeeds. 41539

(B) Each member shall hold office from the date of 41540  
appointment until the end of the term for which the member was 41541  
appointed. Any member appointed to fill a vacancy occurring prior 41542  
to the expiration of the term for which the member's predecessor 41543  
was appointed shall hold office for the remainder of that term. 41544  
Any member shall continue in office subsequent to the expiration 41545  
date of the member's term until the member's successor takes 41546  
office, or until a period of sixty days has elapsed, whichever 41547  
occurs first. 41548

(C) All members of the commission shall be citizens of the 41549  
United States and residents of this state. The members of the 41550  
commission shall represent the various geographic regions of the 41551  
state. No member of the commission shall have any pecuniary 41552  
interest in any contract or license awarded by the commission. One 41553  
person appointed as a member of the commission shall ~~represent an~~ 41554  
~~organization that deals with~~ have experience or training in the 41555  
area of problem gambling and assists or other addictions and in 41556  
assistance to recovering gambling or other addicts. Each person 41557  
appointed as a member of the commission, except the member 41558  
appointed as a ~~representative of an organization that deals with~~ 41559  
having experience or training in the area of problem gambling and 41560

~~assists recovering gambling addicts~~ or other addictions and in 41561  
assistance to recovering gambling or other addicts, shall have 41562  
prior experience or education in business administration, 41563  
management, sales, marketing, or advertising. 41564

(D) The commission shall elect annually one of its members to 41565  
serve as chairperson for a term of one year. Election as 41566  
chairperson shall not extend a member's appointive term. Each 41567  
member of the commission shall receive an annual salary of five 41568  
thousand dollars, payable in monthly installments. Each member of 41569  
the commission also shall receive the member's actual and 41570  
necessary expenses incurred in the discharge of the member's 41571  
official duties. 41572

(E) Each member of the commission, before entering upon the 41573  
discharge of the member's official duties, shall give a bond, 41574  
payable to the treasurer of state, in the sum of ten thousand 41575  
dollars with sufficient sureties to be approved by the treasurer 41576  
of state, which bond shall be filed with the secretary of state. 41577

(F) The governor may remove any member of the commission for 41578  
malfeasance, misfeasance, or nonfeasance in office, giving the 41579  
member a copy of the charges against the member and affording the 41580  
member an opportunity to be publicly heard in person or by counsel 41581  
in the member's own defense upon not less than ten days' notice. 41582  
If the member is removed, the governor shall file in the office of 41583  
the secretary of state a complete statement of all charges made 41584  
against the member and the governor's finding on the charges, 41585  
together with a complete report of the proceedings, and the 41586  
governor's decision on the charges is final. 41587

(G) The commission shall maintain offices at locations in the 41588  
state as it may consider necessary for the efficient performance 41589  
of its functions. The director shall maintain an office in 41590  
Columbus to coordinate the activities of the state lottery 41591  
commission with other state departments. 41592

**Sec. 3770.02.** (A) Subject to the advice and consent of the senate, the governor shall appoint a director of the state lottery commission who shall serve at the pleasure of the governor. The director shall devote full time to the duties of the office and shall hold no other office or employment. The director shall meet all requirements for appointment as a member of the commission and shall, by experience and training, possess management skills that equip the director to administer an enterprise of the nature of a state lottery. The director shall receive an annual salary in accordance with pay range 48 of section 124.152 of the Revised Code.

(B)(1) The director shall attend all meetings of the commission and shall act as its secretary. The director shall keep a record of all commission proceedings and shall keep the commission's records, files, and documents at the commission's principal office. All records of the commission's meetings shall be available for inspection by any member of the public, upon a showing of good cause and prior notification to the director.

(2) The director shall be the commission's executive officer and shall be responsible for keeping all commission records and supervising and administering the state lottery in accordance with this chapter, and carrying out all commission rules adopted under section 3770.03 of the Revised Code.

(C)(1) The director shall appoint an assistant director, deputy directors of marketing, operations, sales, finance, public relations, security, and administration, and as many regional managers as are required. The director may also appoint necessary professional, technical, and clerical assistants. All such officers and employees shall be appointed and compensated pursuant to Chapter 124. of the Revised Code. Regional and assistant regional managers, sales representatives, and any lottery

executive account representatives shall remain in the unclassified 41624  
service. 41625

(2) The director, in consultation with the director of 41626  
administrative services, may establish standards of proficiency 41627  
and productivity for commission field representatives. 41628

(D) The director shall request the bureau of criminal 41629  
identification and investigation, the department of public safety, 41630  
or any other state, local, or federal agency to supply the 41631  
director with the criminal records of any job applicant and may 41632  
periodically request the criminal records of commission employees. 41633  
At or prior to the time of making such a request, the director 41634  
shall require a job applicant or commission employee to obtain 41635  
fingerprint cards prescribed by the superintendent of the bureau 41636  
of criminal identification and investigation at a qualified law 41637  
enforcement agency, and the director shall cause these fingerprint 41638  
cards to be forwarded to the bureau of criminal identification and 41639  
investigation and the federal bureau of investigation. The 41640  
commission shall assume the cost of obtaining the fingerprint 41641  
cards and shall pay to each agency supplying criminal records for 41642  
each investigation under this division a reasonable fee, as 41643  
determined by the agency. 41644

(E) The director shall license lottery sales agents pursuant 41645  
to section 3770.05 of the Revised Code and, when it is considered 41646  
necessary, may revoke or suspend the license of any lottery sales 41647  
agent. The director may license video lottery technology 41648  
providers, independent testing laboratories, and gaming employees, 41649  
and promulgate rules relating thereto. When the director considers 41650  
it necessary, the director may suspend or revoke the license of a 41651  
video lottery technology provider, independent testing laboratory, 41652  
or gaming employee, including suspension or revocation without 41653  
affording an opportunity for a prior hearing under section 119.07 41654  
of the Revised Code when the public safety, convenience, or trust 41655

requires immediate action. 41656

(F) The director shall confer at least once each month with 41657  
the commission, at which time the director shall advise it 41658  
regarding the operation and administration of the lottery. The 41659  
director shall make available at the request of the commission all 41660  
documents, files, and other records pertaining to the operation 41661  
and administration of the lottery. The director shall prepare and 41662  
make available to the commission each month a complete and 41663  
accurate accounting of lottery revenues, prize money disbursements 41664  
and the cost of goods and services awarded as prizes, operating 41665  
expenses, and all other relevant financial information, including 41666  
an accounting of all transfers made from any lottery funds in the 41667  
custody of the treasurer of state to benefit education. 41668

(G) The director may enter into contracts for the operation 41669  
or promotion of the lottery pursuant to Chapter 125. of the 41670  
Revised Code. 41671

(H)(1) Pursuant to rules adopted by the commission under 41672  
section 3770.03 of the Revised Code, the director shall require 41673  
any lottery sales agents to deposit to the credit of the state 41674  
lottery fund, in banking institutions designated by the treasurer 41675  
of state, net proceeds due the commission as determined by the 41676  
director. 41677

(2) Pursuant to rules adopted by the commission under Chapter 41678  
119. of the Revised Code, the director may impose penalties for 41679  
the failure of a sales agent to transfer funds to the commission 41680  
in a timely manner. Penalties may include monetary penalties, 41681  
immediate suspension or revocation of a license, or any other 41682  
penalty the commission adopts by rule. 41683

(I) The director may arrange for any person, or any banking 41684  
institution, to perform functions and services in connection with 41685  
the operation of the lottery as the director may consider 41686

necessary to carry out this chapter. 41687

(J)(1) As used in this chapter, "statewide joint lottery 41688  
game" means a lottery game that the commission sells solely within 41689  
this state under an agreement with other lottery jurisdictions to 41690  
sell the same lottery game solely within their statewide or other 41691  
jurisdictional boundaries. 41692

(2) If the governor directs the director to do so, the 41693  
director shall enter into an agreement with other lottery 41694  
jurisdictions to conduct statewide joint lottery games. ~~If the 41695  
governor signs the agreement personally or by means of an 41696  
authenticating officer pursuant to section 107.15 of the Revised 41697  
Code, the director then and may conduct statewide joint lottery 41698  
games under the agreement. 41699~~

(3) The entire net proceeds from any statewide joint lottery 41700  
games shall be used to fund elementary, secondary, vocational, and 41701  
special education programs in this state. 41702

(4) The commission shall conduct any statewide joint lottery 41703  
games in accordance with rules it adopts under division (B)(5) of 41704  
section 3770.03 of the Revised Code. 41705

(K)(1) The director shall enter into an agreement with the 41706  
department of mental health and addiction services under which the 41707  
department shall provide a program of gambling addiction services 41708  
on behalf of the commission. The commission shall pay the costs of 41709  
the program provided pursuant to the agreement. 41710

(2) As used in this section, "gambling addiction services" 41711  
has the same meaning as in section 5119.01 of the Revised Code. 41712

**Sec. 3770.03.** (A) The state lottery commission shall 41713  
promulgate rules under which a statewide lottery may be conducted, 41714  
which includes, and since the original enactment of this section 41715  
has included, the authority for the commission to operate video 41716

lottery terminal games. Any reference in this chapter to tickets 41717  
shall not be construed to in any way limit the authority of the 41718  
commission to operate video lottery terminal games. Nothing in 41719  
this chapter shall restrict the authority of the commission to 41720  
promulgate rules related to the operation of games utilizing video 41721  
lottery terminals as described in section 3770.21 of the Revised 41722  
Code. The rules shall be promulgated pursuant to Chapter 119. of 41723  
the Revised Code, except that instant game rules shall be 41724  
promulgated pursuant to section 111.15 of the Revised Code but are 41725  
not subject to division (D) of that section. Subjects covered in 41726  
these rules shall include, but need not be limited to, the 41727  
following: 41728

(1) The type of lottery to be conducted; 41729

(2) The prices of tickets in the lottery; 41730

(3) The number, nature, and value of prize awards, the manner 41731  
and frequency of prize drawings, and the manner in which prizes 41732  
shall be awarded to holders of winning tickets. 41733

(B) The commission shall promulgate rules, in addition to 41734  
those described in division (A) of this section, pursuant to 41735  
Chapter 119. of the Revised Code under which a statewide lottery 41736  
and statewide joint lottery games may be conducted. Subjects 41737  
covered in these rules shall include, but not be limited to, the 41738  
following: 41739

(1) The locations at which lottery tickets may be sold and 41740  
the manner in which they are to be sold. These rules may authorize 41741  
the sale of lottery tickets by commission personnel or other 41742  
licensed individuals from traveling show wagons at the state fair, 41743  
and at any other expositions the director of the commission 41744  
considers acceptable. These rules shall prohibit commission 41745  
personnel or other licensed individuals from soliciting from an 41746  
exposition the right to sell lottery tickets at that exposition, 41747

but shall allow commission personnel or other licensed individuals 41748  
to sell lottery tickets at an exposition if the exposition 41749  
requests commission personnel or licensed individuals to do so. 41750  
These rules may also address the accessibility of sales agent 41751  
locations to commission products in accordance with the "Americans 41752  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 41753  
et seq. 41754

(2) The manner in which lottery sales revenues are to be 41755  
collected, including authorization for the director to impose 41756  
penalties for failure by lottery sales agents to transfer revenues 41757  
to the commission in a timely manner; 41758

(3) The amount of compensation to be paid licensed lottery 41759  
sales agents; 41760

(4) The substantive criteria for the licensing of lottery 41761  
sales agents consistent with section 3770.05 of the Revised Code, 41762  
and procedures for revoking or suspending their licenses 41763  
consistent with Chapter 119. of the Revised Code. If 41764  
circumstances, such as the nonpayment of funds owed by a lottery 41765  
sales agent, or other circumstances related to the public safety, 41766  
convenience, or trust, require immediate action, the director may 41767  
suspend a license without affording an opportunity for a prior 41768  
hearing under section 119.07 of the Revised Code. 41769

(5) Special game rules to implement any agreements ~~signed by~~ 41770  
the governor ~~that~~ directs the director ~~enters~~ to enter into with 41771  
other lottery jurisdictions under division (J) of section 3770.02 41772  
of the Revised Code to conduct statewide joint lottery games. The 41773  
rules shall require that the entire net proceeds of those games 41774  
that remain, after associated operating expenses, prize 41775  
disbursements, lottery sales agent bonuses, commissions, and 41776  
reimbursements, and any other expenses necessary to comply with 41777  
the agreements or the rules are deducted from the gross proceeds 41778  
of those games, be transferred to the lottery profits education 41779

fund under division (B) of section 3770.06 of the Revised Code. 41780

(6) Any other subjects the commission determines are 41781  
necessary for the operation of video lottery terminal games, 41782  
including the establishment of any fees, fines, or payment 41783  
schedules. 41784

(C) Chapter 2915. of the Revised Code does not apply to, 41785  
affect, or prohibit lotteries conducted pursuant to this chapter. 41786

(D) The commission may promulgate rules, in addition to those 41787  
described in divisions (A) and (B) of this section, that establish 41788  
standards governing the display of advertising and celebrity 41789  
images on lottery tickets and on other items that are used in the 41790  
conduct of, or to promote, the statewide lottery and statewide 41791  
joint lottery games. Any revenue derived from the sale of 41792  
advertising displayed on lottery tickets and on those other items 41793  
shall be considered, for purposes of section 3770.06 of the 41794  
Revised Code, to be related proceeds in connection with the 41795  
statewide lottery or gross proceeds from statewide joint lottery 41796  
games, as applicable. 41797

(E)(1) The commission shall meet with the director at least 41798  
once each month and shall convene other meetings at the request of 41799  
the chairperson or any five of the members. No action taken by the 41800  
commission shall be binding unless at least five of the members 41801  
present vote in favor of the action. A written record shall be 41802  
made of the proceedings of each meeting and shall be transmitted 41803  
forthwith to the governor, the president of the senate, the senate 41804  
minority leader, the speaker of the house of representatives, and 41805  
the house minority leader. 41806

(2) The director shall present to the commission a report 41807  
each month, showing the total revenues, prize disbursements, and 41808  
operating expenses of the state lottery for the preceding month. 41809  
As soon as practicable after the end of each fiscal year, the 41810

commission shall prepare and transmit to the governor and the 41811  
general assembly a report of lottery revenues, prize 41812  
disbursements, and operating expenses for the preceding fiscal 41813  
year and any recommendations for legislation considered necessary 41814  
by the commission. 41815

**Sec. 3770.05.** (A) As used in this section, "person" means any 41816  
~~person~~ individual, association, corporation, limited liability 41817  
company, partnership, club, trust, estate, society, receiver, 41818  
trustee, person acting in a fiduciary or representative capacity, 41819  
instrumentality of the state or any of its political subdivisions, 41820  
or any other business entity or combination of individuals meeting 41821  
the requirements set forth in this section or established by rule 41822  
or order of the state lottery commission. 41823

(B) The director of the state lottery commission may license 41824  
any person as a lottery sales agent. ~~No license shall be issued to~~ 41825  
~~any person or group of persons to engage in the sale of lottery~~ 41826  
~~tickets as the person's or group's sole occupation or business.~~ 41827

Before issuing any license to a lottery sales agent, the 41828  
director shall consider all of the following: 41829

(1) The financial responsibility and security of the 41830  
applicant and the applicant's business or activity; 41831

(2) The accessibility of the applicant's place of business or 41832  
activity to the public; 41833

(3) The sufficiency of existing licensed agents to serve the 41834  
public interest; 41835

(4) The volume of expected sales by the applicant; 41836

(5) Any other factors pertaining to the public interest, 41837  
convenience, or trust. 41838

(C) Except as otherwise provided in division (F) of this 41839  
section, the director of the state lottery commission ~~shall~~ may 41840

refuse to grant, or ~~shall~~ may suspend or revoke, a license if the applicant or licensee: 41841  
41842

(1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude; 41843  
41844

(2) Has been convicted of an offense that involves illegal gambling; 41845  
41846

(3) Has been found guilty of fraud or misrepresentation in any connection; 41847  
41848

(4) Has been found to have violated any rule or order of the commission; or 41849  
41850

(5) Has been convicted of illegal trafficking in supplemental nutrition assistance program benefits. 41851  
41852

(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission ~~shall~~ may refuse to grant, or ~~shall~~ may suspend or revoke, a license if the applicant or licensee is a corporation or other business entity, and any of the following applies: 41853  
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41855  
41856  
41857

(1) Any of the ~~corporation's~~ directors, officers, managers, or controlling shareholders has been found guilty of any of the activities specified in divisions (C)(1) to (5) of this section; 41858  
41859  
41860

(2) It appears to the director of the state lottery commission that, due to the experience, character, or general fitness of any director, officer, manager, or controlling shareholder ~~of the corporation~~, the granting of a license as a lottery sales agent would be inconsistent with the public interest, convenience, or trust; 41861  
41862  
41863  
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41866

(3) The corporation or other business entity is not the owner or lessee of the business at which it would conduct a lottery sales agency pursuant to the license applied for; 41867  
41868  
41869

(4) Any person, firm, association, or corporation other than 41870

the applicant or licensee shares or will share in the profits of 41871  
the applicant or licensee, other than receiving dividends or 41872  
distributions as a shareholder, or participates or will 41873  
participate in the management of the affairs of the applicant or 41874  
licensee. 41875

(E)(1) The director of the state lottery commission shall 41876  
refuse to grant a license to an applicant for a lottery sales 41877  
agent license and shall revoke a lottery sales agent license if 41878  
the applicant or licensee is or has been convicted of a violation 41879  
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 41880

(2) The director shall refuse to grant a license to an 41881  
applicant for a lottery sales agent license that is a corporation 41882  
and shall revoke the lottery sales agent license of a corporation 41883  
if the corporation is or has been convicted of a violation of 41884  
division (A) or (C)(1) of section 2913.46 of the Revised Code. 41885

(F) The director of the state lottery commission shall 41886  
request the bureau of criminal identification and investigation, 41887  
the department of public safety, or any other state, local, or 41888  
federal agency to supply the director with the criminal records of 41889  
any applicant for a lottery sales agent license, and may 41890  
periodically request the criminal records of any person to whom a 41891  
lottery sales agent license has been issued. At or prior to the 41892  
time of making such a request, the director shall require an 41893  
applicant or licensee to obtain fingerprint impressions on 41894  
fingerprint cards prescribed by the superintendent of the bureau 41895  
of criminal identification and investigation at a qualified law 41896  
enforcement agency, and the director shall cause those fingerprint 41897  
cards to be forwarded to the bureau of criminal identification and 41898  
investigation, to the federal bureau of investigation, or to both 41899  
bureaus. The commission shall assume the cost of obtaining the 41900  
fingerprint cards. 41901

The director shall pay to each agency supplying criminal 41902

records for each investigation a reasonable fee, as determined by 41903  
the agency. 41904

The commission may adopt uniform rules specifying time 41905  
periods after which the persons described in divisions (C)(1) to 41906  
(5) and (D)(1) to (4) of this section may be issued a license and 41907  
establishing requirements for those persons to seek a court order 41908  
to have records sealed in accordance with law. 41909

(G)(1) Each applicant for a lottery sales agent license shall 41910  
do both of the following: 41911

(a) Pay fees to the state lottery commission, if required by 41912  
rule adopted by the director under Chapter 119. of the Revised 41913  
Code and the controlling board approves the fees; 41914

(b) Prior to approval of the application, obtain a surety 41915  
bond in an amount the director determines by rule adopted under 41916  
Chapter 119. of the Revised Code or, alternatively, with the 41917  
director's approval, deposit the same amount into a dedicated 41918  
account for the benefit of the state lottery. The director also 41919  
may approve the obtaining of a surety bond to cover part of the 41920  
amount required, together with a dedicated account deposit to 41921  
cover the remainder of the amount required. The director also may 41922  
establish an alternative program or policy, with the approval of 41923  
the commission by rule adopted under Chapter 119. of the Revised 41924  
Code, that otherwise ensures the lottery's financial interests are 41925  
adequately protected. If such an alternative program or policy is 41926  
established, an applicant or lottery sales agent, subject to the 41927  
director's approval, may be permitted to participate in the 41928  
program or proceed under that policy in lieu of providing a surety 41929  
bond or dedicated amount. 41930

A surety bond may be with any company that complies with the 41931  
bonding and surety laws of this state and the requirements 41932  
established by rules of the commission pursuant to this chapter. A 41933

dedicated account deposit shall be conducted in accordance with 41934  
policies and procedures the director establishes. 41935

A surety bond, dedicated account, other established program 41936  
or policy, or any combination of these resources, as applicable, 41937  
may be used to pay for the lottery sales agent's failure to make 41938  
prompt and accurate payments for lottery ticket sales, for missing 41939  
or stolen lottery tickets, for damage to equipment or materials 41940  
issued to the lottery sales agent, or to pay for expenses the 41941  
commission incurs in connection with the lottery sales agent's 41942  
license. 41943

(2) A lottery sales agent license is effective for at least 41944  
one year, but not more than three years. 41945

A licensed lottery sales agent, on or before the date 41946  
established by the director, shall renew the agent's license and 41947  
provide at that time evidence to the director that the surety 41948  
bond, dedicated account deposit, or both, required under division 41949  
(G)(1)(b) of this section has been renewed or is active, whichever 41950  
applies. 41951

Before the commission renews a lottery sales agent license, 41952  
the lottery sales agent shall submit a renewal fee to the 41953  
commission, if one is required by rule adopted by the director 41954  
under Chapter 119. of the Revised Code and the controlling board 41955  
approves the renewal fee. The renewal fee shall not exceed the 41956  
actual cost of administering the license renewal and processing 41957  
changes reflected in the renewal application. The renewal of the 41958  
license is effective for at least one year, but not more than 41959  
three years. 41960

(3) A lottery sales agent license shall be complete, 41961  
accurate, and current at all times during the term of the license. 41962  
Any changes to an original license application or a renewal 41963  
application may subject the applicant or lottery sales agent, as 41964

applicable, to paying an administrative fee that shall be in an amount that the director determines by rule adopted under Chapter 119. of the Revised Code, and that the controlling board approves, and that shall not exceed the actual cost of administering and processing the changes to an application.

(4) The relationship between the commission and a lottery sales agent is one of trust. A lottery sales agent collects funds on behalf of the commission through the sale of lottery tickets for which the agent receives a compensation.

(H) Pending a final resolution of any question arising under this section, the director of the state lottery commission may issue a temporary lottery sales agent license, subject to the terms and conditions the director considers appropriate.

(I) If a lottery sales agent's rental payments for the lottery sales agent's premises are determined, in whole or in part, by the amount of retail sales the lottery sales agent makes, and if the rental agreement does not expressly provide that the amount of those retail sales includes the amounts the lottery sales agent receives from lottery ticket sales, only the amounts the lottery sales agent receives as compensation from the state lottery commission for selling lottery tickets shall be considered to be amounts the lottery sales agent receives from the retail sales the lottery sales agent makes, for the purpose of computing the lottery sales agent's rental payments.

**Sec. 3770.06.** (A) There is hereby created the state lottery gross revenue fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All gross revenues received from sales of lottery tickets, fines, fees, and related proceeds in connection with the statewide lottery and all gross proceeds from statewide joint lottery games shall be deposited into the fund. The treasurer of state shall invest any

portion of the fund not needed for immediate use in the same 41996  
manner as, and subject to all provisions of law with respect to 41997  
the investment of, state funds. The treasurer of state shall 41998  
disburse money from the fund on order of the director of the state 41999  
lottery commission or the director's designee. 42000

Except for gross proceeds from statewide joint lottery games, 42001  
all revenues of the state lottery gross revenue fund that are not 42002  
paid to holders of winning lottery tickets, that are not required 42003  
to meet short-term prize liabilities, that are not credited to 42004  
lottery sales agents in the form of bonuses, commissions, or 42005  
reimbursements, that are not paid to financial institutions to 42006  
reimburse those institutions for sales agent nonsufficient funds, 42007  
and that are collected from sales agents for remittance to 42008  
insurers under contract to provide sales agent bonding services 42009  
shall be transferred to the state lottery fund, which is hereby 42010  
created in the state treasury. In addition, all revenues of the 42011  
state lottery gross revenue fund that represent the gross proceeds 42012  
from the statewide joint lottery games and that are not paid to 42013  
holders of winning lottery tickets, that are not required to meet 42014  
short-term prize liabilities, that are not credited to lottery 42015  
sales agents in the form of bonuses, commissions, or 42016  
reimbursements, and that are not necessary to cover operating 42017  
expenses associated with those games or to otherwise comply with 42018  
the agreements ~~signed by the governor~~ that the director enters 42019  
into ~~under division (J) of section 3770.02 of the Revised Code~~ or 42020  
the rules the commission adopts under division (B)(5) of section 42021  
3770.03 of the Revised Code shall be transferred to the state 42022  
lottery fund. All investment earnings of the fund shall be 42023  
credited to the fund. Moneys shall be disbursed from the fund 42024  
pursuant to vouchers approved by the director. Total disbursements 42025  
for monetary prize awards to holders of winning lottery tickets in 42026  
connection with the statewide lottery and purchases of goods and 42027  
services awarded as prizes to holders of winning lottery tickets 42028

shall be of an amount equal to at least fifty per cent of the 42029  
total revenue accruing from the sale of lottery tickets. 42030

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 42031  
there is hereby established in the state treasury the lottery 42032  
profits education fund. Whenever, in the judgment of the director 42033  
of the state lottery commission, the amount to the credit of the 42034  
state lottery fund that does not represent proceeds from statewide 42035  
joint lottery games is in excess of that needed to meet the 42036  
maturing obligations of the commission and as working capital for 42037  
its further operations, the director of the state lottery 42038  
commission shall recommend the amount of the excess to be 42039  
transferred to the lottery profits education fund, and the 42040  
director of budget and management may transfer the excess to the 42041  
lottery profits education fund in connection with the statewide 42042  
lottery. In addition, whenever, in the judgment of the director of 42043  
the state lottery commission, the amount to the credit of the 42044  
state lottery fund that represents proceeds from statewide joint 42045  
lottery games equals the entire net proceeds of those games as 42046  
described in division (B)(5) of section 3770.03 of the Revised 42047  
Code and the rules adopted under that division, the director of 42048  
the state lottery commission shall recommend the amount of the 42049  
proceeds to be transferred to the lottery profits education fund, 42050  
and the director of budget and management may transfer those 42051  
proceeds to the lottery profits education fund. Investment 42052  
earnings of the lottery profits education fund shall be credited 42053  
to the fund. 42054

The lottery profits education fund shall be used solely for 42055  
the support of elementary, secondary, vocational, and special 42056  
education programs as determined in appropriations made by the 42057  
general assembly, or as provided in applicable bond proceedings 42058  
for the payment of debt service on obligations issued to pay costs 42059  
of capital facilities, including those for a system of common 42060

schools throughout the state pursuant to section 2n of Article 42061  
VIII, Ohio Constitution. When determining the availability of 42062  
money in the lottery profits education fund, the director of 42063  
budget and management may consider all balances and estimated 42064  
revenues of the fund. 42065

(C) There is hereby established in the state treasury the 42066  
deferred prizes trust fund. With the approval of the director of 42067  
budget and management, an amount sufficient to fund annuity prizes 42068  
shall be transferred from the state lottery fund and credited to 42069  
the trust fund. The treasurer of state shall credit all earnings 42070  
arising from investments purchased under this division to the 42071  
trust fund. Within sixty days after the end of each fiscal year, 42072  
the treasurer of state shall certify to the director of budget and 42073  
management whether the actuarial amount of the trust fund is 42074  
sufficient over the fund's life for continued funding of all 42075  
remaining deferred prize liabilities as of the last day of the 42076  
fiscal year just ended. Also, within that sixty days, the director 42077  
of budget and management shall certify the amount of investment 42078  
earnings necessary to have been credited to the trust fund during 42079  
the fiscal year just ending to provide for such continued funding 42080  
of deferred prizes. Any earnings credited in excess of the latter 42081  
certified amount shall be transferred to the lottery profits 42082  
education fund. 42083

To provide all or a part of the amounts necessary to fund 42084  
deferred prizes awarded by the commission in connection with the 42085  
statewide lottery, the treasurer of state, in consultation with 42086  
the commission, may invest moneys contained in the deferred prizes 42087  
trust fund which represents proceeds from the statewide lottery in 42088  
obligations of the type permitted for the investment of state 42089  
funds but whose maturities are thirty years or less. 42090  
Notwithstanding the requirements of any other section of the 42091  
Revised Code, to provide all or part of the amounts necessary to 42092

fund deferred prizes awarded by the commission in connection with 42093  
statewide joint lottery games, the treasurer of state, in 42094  
consultation with the commission, may invest moneys in the trust 42095  
fund which represent proceeds derived from the statewide joint 42096  
lottery games in accordance with the rules the commission adopts 42097  
under division (B)(5) of section 3770.03 of the Revised Code. 42098  
Investments of the trust fund are not subject to the provisions of 42099  
division (A)(10) of section 135.143 of the Revised Code limiting 42100  
to twenty-five per cent the amount of the state's total average 42101  
portfolio that may be invested in debt interests other than 42102  
commercial paper and limiting to five per cent the amount that may 42103  
be invested in debt interests, including commercial paper, of a 42104  
single issuer. 42105

All purchases made under this division shall be effected on a 42106  
delivery versus payment method and shall be in the custody of the 42107  
treasurer of state. 42108

The treasurer of state may retain an investment advisor, if 42109  
necessary. The commission shall pay any costs incurred by the 42110  
treasurer of state in retaining an investment advisor. 42111

(D) The auditor of state shall conduct annual audits of all 42112  
funds and any other audits as the auditor of state or the general 42113  
assembly considers necessary. The auditor of state may examine all 42114  
records, files, and other documents of the commission, and records 42115  
of lottery sales agents that pertain to their activities as 42116  
agents, for purposes of conducting authorized audits. 42117

(E) The state lottery commission shall establish an internal 42118  
audit plan before the beginning of each fiscal year, subject to 42119  
the approval of the office of internal audit in the office of 42120  
budget and management. At the end of each fiscal year, the 42121  
commission shall prepare and submit an annual report to the office 42122  
of internal audit for the office's review and approval, specifying 42123  
the internal audit work completed by the end of that fiscal year 42124

and reporting on compliance with the annual internal audit plan. 42125

(F) Whenever, in the judgment of the director of budget and 42126  
management, an amount of net state lottery proceeds is necessary 42127  
to be applied to the payment of debt service on obligations, all 42128  
as defined in sections 151.01 and 151.03 of the Revised Code, the 42129  
director shall transfer that amount directly from the state 42130  
lottery fund or from the lottery profits education fund to the 42131  
bond service fund defined in those sections. The provisions of 42132  
this division are subject to any prior pledges or obligation of 42133  
those amounts to the payment of bond service charges as defined in 42134  
division (C) of section 3318.21 of the Revised Code, as referred 42135  
to in division (B) of this section. 42136

**Sec. 3770.07.** (A)(1) Except as provided in division (A)(2) of 42137  
this section, lottery prize awards shall be claimed by the holder 42138  
of the winning lottery product, or by the executor or 42139  
administrator, or the trustee of a trust, of the estate of a 42140  
deceased holder of a winning lottery product, in a manner to be 42141  
determined by the state lottery commission, within one hundred 42142  
eighty days after the date on which the prize award was announced 42143  
if the lottery game is an online game, and within one hundred 42144  
eighty days after the close of the game if the lottery game is an 42145  
instant game. 42146

Any lottery prize award with a value that meets or exceeds 42147  
the reportable winnings amounts set by 26 U.S.C. 6041, or a 42148  
subsequent analogous section of the Internal Revenue Code, shall 42149  
not be claimed by or paid to any person, as defined in section 42150  
1.59 of the Revised Code or as defined by rule or order of the 42151  
state lottery commission, until the name, address, and social 42152  
security number of each beneficial owner of the prize award are 42153  
documented for the commission. Except when a beneficial owner 42154  
otherwise consents in writing, in the case of a claim for a 42155

lottery prize award made by one or more beneficial owners using a trust, the name, address, and social security number of each such beneficial owner in the commission's records as a result of such a disclosure are confidential and shall not be subject to inspection or copying under section 149.43 of the Revised Code as a public record.

Except as otherwise provided in division (A)(1) of this section or as otherwise provided by law, the name and address of any individual claiming a lottery prize award are subject to inspection or copying under section 149.43 of the Revised Code as a public record.

(2) An eligible person serving on active military duty in any branch of the United States armed forces during a war or national emergency declared in accordance with federal law may submit a delayed claim for a lottery prize award. The eligible person shall do so by notifying the state lottery commission about the claim not later than the five hundred fortieth day after the date on which the prize award was announced if the lottery game is an online game or after the date on which the lottery game closed if the lottery game is an instant game.

(3) If no valid claim to a lottery prize award is made within the prescribed period, the prize money, the cost of goods and services awarded as prizes, or, if goods or services awarded as prizes are resold by the state lottery commission, the proceeds from their sale shall be returned to the state lottery fund and distributed in accordance with section 3770.06 of the Revised Code.

(4) The state lottery commission may share with other governmental agencies the name, address, and social security number of a beneficial owner disclosed to the commission under division (A)(1) of this section, as authorized under sections 3770.071 and 3770.073 of the Revised Code. Any shared information

as disclosed pursuant to those sections that is made confidential 42188  
by division (A)(1) of this section remains confidential and shall 42189  
not be subject to inspection or copying under section 149.43 of 42190  
the Revised Code as a public record unless the applicable 42191  
beneficial owner otherwise provides written consent. 42192

(5) As used in this division: 42193

(a) "Eligible person" means a person who is entitled to a 42194  
lottery prize award and who falls into either of the following 42195  
categories: 42196

(i) While on active military duty in this state, the person, 42197  
as the result of a war or national emergency declared in 42198  
accordance with federal law, is transferred out of this state 42199  
before the one hundred eightieth day after the date on which the 42200  
winner of the lottery prize award is selected. 42201

(ii) While serving in the reserve forces in this state, the 42202  
person, as the result of a war or national emergency declared in 42203  
accordance with federal law, is placed on active military duty and 42204  
is transferred out of this state before the expiration of the one 42205  
hundred eightieth day after the date on which the prize drawing 42206  
occurs for an online game or before the expiration of the one 42207  
hundred eightieth day following the close of an instant game as 42208  
determined by the commission. 42209

(b) "Active military duty" means that a person is covered by 42210  
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 42211  
U.S.C. 501 et seq., as amended, or the "Uniformed Services 42212  
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 42213  
38 U.S.C. 4301 et seq., as amended. 42214

(c) "Each beneficial owner" means the ultimate recipient or, 42215  
if there is more than one, each ultimate recipient of a lottery 42216  
prize award. 42217

(B) If a prize winner, as defined in section 3770.10 of the 42218

Revised Code, is under eighteen years of age, or is under some 42219  
other legal disability, and the prize money or the cost of goods 42220  
or services awarded as a prize exceeds one thousand dollars, the 42221  
director of the state lottery commission shall order that payment 42222  
be made to the order of the legal guardian of that prize winner. 42223  
If the amount of the prize money or the cost of goods or services 42224  
awarded as a prize is one thousand dollars or less, the director 42225  
may order that payment be made to the order of the adult member, 42226  
if any, of that prize winner's family legally responsible for the 42227  
care of that prize winner. 42228

(C) No right of any prize winner, as defined in section 42229  
3770.10 of the Revised Code, to a prize award shall be the subject 42230  
of a security interest or used as collateral. 42231

(D)(1) No right of any prize winner, as defined in section 42232  
3770.10 of the Revised Code, to a prize award shall be assignable 42233  
except as follows: when the payment is to be made to the executor 42234  
or administrator, or the trustee of a trust, of the estate of a 42235  
prize winner; when the award of a prize is disputed, any person 42236  
may be awarded a prize award to which another has claimed title, 42237  
pursuant to the order of a court of competent jurisdiction; when a 42238  
person is awarded a prize award to which another has claimed 42239  
title, pursuant to the order of a federal bankruptcy court under 42240  
Title 11 of the United States Code; or as provided in sections 42241  
3770.10 to 3770.14 of the Revised Code. 42242

(2)(a) No right of any prize winner, as defined in section 42243  
3770.10 of the Revised Code, to a prize award with a remaining 42244  
unpaid balance of less than one hundred thousand dollars shall be 42245  
subject to garnishment, attachment, execution, withholding, or 42246  
deduction except as provided in sections 3119.80, 3119.81, 42247  
3121.02, 3121.03, and 3123.06 of the Revised Code or when the 42248  
director is to make a payment pursuant to section 3770.071 or 42249  
3770.073 of the Revised Code. 42250

(b) No right of any prize winner, as defined in section 42251  
3770.10 of the Revised Code, to a prize award with an unpaid 42252  
balance of one hundred thousand dollars or more shall be subject 42253  
to garnishment, attachment, execution, withholding, or deduction 42254  
except as follows: as provided in sections 3119.80, 3119.81, 42255  
3121.02, 3121.03, and 3123.06 of the Revised Code; when the 42256  
director is to make a payment pursuant to section 3770.071 or 42257  
3770.073 of the Revised Code; or pursuant to the order of a court 42258  
of competent jurisdiction located in this state in a proceeding in 42259  
which the state lottery commission is a named party, in which case 42260  
the garnishment, attachment, execution, withholding, or deduction 42261  
pursuant to the order shall be subordinate to any payments to be 42262  
made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 42263  
3123.06, 3770.071, or 3770.073 of the Revised Code. 42264

(3) The state lottery commission may adopt and amend rules 42265  
pursuant to Chapter 119. of the Revised Code as necessary to 42266  
implement division (D) of this section, to provide for payments 42267  
from prize awards subject to garnishment, attachment, execution, 42268  
withholding, or deduction, and to comply with any applicable 42269  
requirements of federal law. 42270

(4) Upon making payments from a prize award as required by 42271  
division (D) of this section, the director and the state lottery 42272  
commission are discharged from all further liability for those 42273  
payments, whether they are made to an executor, administrator, 42274  
trustee, judgment creditor, or another person, or to the prize 42275  
winner, as defined in section 3770.10 of the Revised Code. 42276

(5) The state lottery commission shall adopt rules pursuant 42277  
to section 3770.03 of the Revised Code concerning the payment of 42278  
prize awards upon the death of a prize winner, as defined in 42279  
section 3770.10 of the Revised Code. Upon the death of a prize 42280  
winner, the remainder of the prize winner's prize award, to the 42281  
extent it is not subject to a transfer agreement under sections 42282

3770.10 to 3770.14 of the Revised Code, may be paid to the 42283  
executor, administrator, or trustee in the form of a discounted 42284  
lump sum cash settlement. 42285

(E) No lottery prize award shall be awarded to or for any 42286  
officer or employee of the state lottery commission, any officer 42287  
or employee of the auditor of state actively auditing, 42288  
coordinating, or ~~certifying~~ observing commission drawings, or any 42289  
blood relative or spouse of such an officer or employee of the 42290  
commission or auditor of state living as a member of the officer's 42291  
or employee's household, nor shall any such officer, employee, 42292  
blood relative, or spouse attempt to claim a lottery prize award. 42293

(F) The director may prohibit vendors to the state lottery 42294  
commission and their employees from being awarded a lottery prize 42295  
award. 42296

(G) Upon the payment of prize awards pursuant to a provision 42297  
of this section, other than a provision of division (D) of this 42298  
section, the director and the state lottery commission are 42299  
discharged from all further liability for their payment. 42300  
Installment payments of lottery prize awards shall be paid by 42301  
official check or warrant, and they shall be sent by mail delivery 42302  
to the prize winner's address within the United States or by 42303  
electronic funds transfer to an established bank account located 42304  
within the United States, or the prize winner may pick them up at 42305  
an office of the commission. 42306

**Sec. 3772.02.** (A) There is hereby created the Ohio casino 42307  
control commission described in Section 6(C)(1) of Article XV, 42308  
Ohio Constitution. 42309

(B) The commission shall consist of seven members appointed 42310  
within one month of September 10, 2010, by the governor with the 42311  
advice and consent of the senate. The governor shall forward all 42312  
appointments to the senate within twenty-four hours. 42313

- (1) Each commission member is eligible for reappointment at the discretion of the governor. No commission member shall be appointed for more than three terms in total. 42314  
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- (2) Each commission member shall be a resident of Ohio. 42317
- (3) At least one commission member shall be experienced in law enforcement and criminal investigation. 42318  
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- (4) At least one commission member shall be a certified public accountant experienced in accounting and auditing. 42320  
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- (5) At least one commission member shall be an attorney admitted to the practice of law in Ohio. 42322  
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- (6) At least one commission member shall be a resident of a county where one of the casino facilities is located. 42324  
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- (7) Not more than four commission members shall be of the same political party. 42326  
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- (8) No commission member shall have any affiliation with an Ohio casino operator or facility. 42328  
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- (C) Commission members shall serve four-year terms, except that when the governor makes initial appointments to the commission under this chapter, the governor shall appoint three members to serve four-year terms with not more than two such members from the same political party, two members to serve three-year terms with such members not being from the same political party, and two members to serve two-year terms with such members not being from the same political party. 42330  
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- (D) Each commission member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the unexpired term. Any member shall continue in office after the expiration 42338  
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date of the member's term until the member's successor takes 42344  
office, or until a period of sixty days has elapsed, whichever 42345  
occurs first. A vacancy in the commission membership shall be 42346  
filled in the same manner as the original appointment. 42347

(E) The governor shall select one member to serve as 42348  
chairperson and the commission members shall select one member 42349  
from a different party than the chairperson to serve as 42350  
vice-chairperson. The governor may remove and replace the 42351  
chairperson at any time. No such member shall serve as chairperson 42352  
for more than six successive years. The vice-chairperson shall 42353  
assume the duties of the chairperson in the absence of the 42354  
chairperson. The chairperson and vice-chairperson shall perform 42355  
but shall not be limited to additional duties as are prescribed by 42356  
commission rule. 42357

(F) A commission member is not required to devote the 42358  
member's full time to membership on the commission. ~~Each Beginning~~ 42359  
~~on the effective date of this amendment, each~~ member of the 42360  
commission shall receive compensation of ~~thirty fifty~~ thousand 42361  
dollars per year, ~~payable in monthly installments. Beginning July~~ 42362  
~~1, 2016, each member of the commission shall receive compensation~~ 42363  
~~of forty thousand dollars per year. Beginning July 1, 2017, each~~ 42364  
~~member of the commission shall receive compensation of thirty~~ 42365  
~~thousand dollars per year.~~ Each member shall receive the member's 42366  
actual and necessary expenses incurred in the discharge of the 42367  
member's official duties. 42368

(G) The governor shall not appoint an individual to the 42369  
commission, and an individual shall not serve on the commission, 42370  
if the individual has been convicted of or pleaded guilty or no 42371  
contest to a disqualifying offense as defined in section 3772.07 42372  
of the Revised Code. Members coming under indictment or bill of 42373  
information of a disqualifying offense shall resign from the 42374  
commission immediately upon indictment. 42375

(H) At least five commission members shall be present for the 42376  
commission to meet. The concurrence of four members is necessary 42377  
for the commission to take any action. All members shall vote on 42378  
the adoption of rules, and the approval of, and the suspension or 42379  
revocation of, the licenses of casino operators or management 42380  
companies, unless a member has a written leave of absence filed 42381  
with and approved by the chairperson. 42382

(I) A commission member may be removed or suspended from 42383  
office in accordance with section 3.04 of the Revised Code. 42384

(J) Each commission member, before entering upon the 42385  
discharge of the member's official duties, shall make an oath to 42386  
uphold the Ohio Constitution and laws of the state of Ohio and 42387  
shall give a bond, payable by the commission, to the treasurer of 42388  
state, in the sum of ten thousand dollars with sufficient sureties 42389  
to be approved by the treasurer of state, which bond shall be 42390  
filed with the secretary of state. 42391

(K) The commission shall hold one regular meeting each month 42392  
and shall convene other meetings at the request of the chairperson 42393  
or a majority of the members. A member who fails to attend at 42394  
least three-fifths of the regular and special meetings of the 42395  
commission during any two-year period forfeits membership on the 42396  
commission. All meetings of the commission shall be open meetings 42397  
under section 121.22 of the Revised Code except as otherwise 42398  
allowed by law. 42399

**Sec. 3772.03.** (A) To ensure the integrity of casino gaming, 42400  
the commission shall have authority to complete the functions of 42401  
licensing, regulating, investigating, and penalizing casino 42402  
operators, management companies, holding companies, key employees, 42403  
casino gaming employees, and gaming-related vendors. The 42404  
commission also shall have jurisdiction over all persons 42405  
participating in casino gaming authorized by Section 6(C) of 42406

Article XV, Ohio Constitution, and this chapter. 42407

(B) All rules adopted by the commission under this chapter 42408  
shall be adopted under procedures established in Chapter 119. of 42409  
the Revised Code. The commission may contract for the services of 42410  
experts and consultants to assist the commission in carrying out 42411  
its duties under this section. 42412

(C) ~~Within six months of September 10, 2010, the~~ The 42413  
commission shall adopt ~~initial~~ rules as are necessary for 42414  
completing the functions stated in division (A) of this section 42415  
and for addressing the subjects enumerated in division (D) of this 42416  
section. 42417

(D) The commission shall adopt, and as advisable and 42418  
necessary shall amend or repeal, rules that include all of the 42419  
following: 42420

(1) The prevention of practices detrimental to the public 42421  
interest; 42422

(2) Prescribing the method of applying, and the form of 42423  
application, that an applicant for a license under this chapter 42424  
must follow as otherwise described in this chapter; 42425

(3) Prescribing the information to be furnished by an 42426  
applicant or licensee as described in section 3772.11 of the 42427  
Revised Code; 42428

(4) Describing the certification standards and duties of an 42429  
independent testing laboratory certified under section 3772.31 of 42430  
the Revised Code and the relationship between the commission, the 42431  
laboratory, the gaming-related vendor, and the casino operator; 42432

(5) The minimum amount of insurance that must be maintained 42433  
by a casino operator, management company, holding company, or 42434  
gaming-related vendor; 42435

(6) The approval process for a significant change in 42436

ownership or transfer of control of a licensee as provided in 42437  
section 3772.091 of the Revised Code; 42438

(7) The design of gaming supplies, devices, and equipment to 42439  
be distributed by gaming-related vendors; 42440

(8) Identifying the casino gaming that is permitted, 42441  
identifying the gaming supplies, devices, and equipment, that are 42442  
permitted, defining the area in which the permitted casino gaming 42443  
may be conducted, and specifying the method of operation according 42444  
to which the permitted casino gaming is to be conducted as 42445  
provided in section 3772.20 of the Revised Code, and requiring 42446  
gaming devices and equipment to meet the standards of this state; 42447

(9) Tournament play in any casino facility; 42448

(10) Establishing and implementing a voluntary exclusion 42449  
program that provides all of the following: 42450

(a) Except as provided by commission rule, a person who 42451  
participates in the program shall agree to refrain from entering a 42452  
casino facility. 42453

(b) The name of a person participating in the program shall 42454  
be included on a list of persons excluded from all casino 42455  
facilities. 42456

(c) Except as provided by commission rule, no person who 42457  
participates in the program shall petition the commission for 42458  
admittance into a casino facility. 42459

(d) The list of persons participating in the program and the 42460  
personal information of those persons shall be confidential and 42461  
shall only be disseminated by the commission to a casino operator 42462  
and the agents and employees of the casino operator for purposes 42463  
of enforcement and to other entities, upon request of the 42464  
participant and agreement by the commission. 42465

(e) A casino operator shall make all reasonable attempts as 42466

determined by the commission to cease all direct marketing efforts 42467  
to a person participating in the program. 42468

(f) A casino operator shall not cash the check of a person 42469  
participating in the program or extend credit to the person in any 42470  
manner. However, the program shall not exclude a casino operator 42471  
from seeking the payment of a debt accrued by a person before 42472  
participating in the program. 42473

(g) Any and all locations at which a person may register as a 42474  
participant in the program shall be published. 42475

(11) Requiring the commission to adopt standards regarding 42476  
the marketing materials of a licensed casino operator, including 42477  
allowing the commission to prohibit marketing materials that are 42478  
contrary to the adopted standards; 42479

(12) Requiring that the records, including financial 42480  
statements, of any casino operator, management company, holding 42481  
company, and gaming-related vendor be maintained in the manner 42482  
prescribed by the commission and made available for inspection 42483  
upon demand by the commission, but shall be subject to section 42484  
3772.16 of the Revised Code; 42485

(13) Permitting a licensed casino operator, management 42486  
company, key employee, or casino gaming employee to question a 42487  
person suspected of violating this chapter; 42488

(14) The chips, tokens, tickets, electronic cards, or similar 42489  
objects that may be purchased by means of an agreement under which 42490  
credit is extended to a wagerer by a casino operator; 42491

(15) Establishing standards for provisional key employee 42492  
licenses for a person who is required to be licensed as a key 42493  
employee and is in exigent circumstances and standards for 42494  
provisional licenses for casino gaming employees who submit 42495  
complete applications and are compliant under an instant 42496  
background check. A provisional license shall be valid not longer 42497

than three months. A provisional license may be renewed one time, 42498  
at the commission's discretion, for an additional three months. In 42499  
establishing standards with regard to instant background checks 42500  
the commission shall take notice of criminal records checks as 42501  
they are conducted under section 311.41 of the Revised Code using 42502  
electronic fingerprint reading devices. 42503

(16) Establishing approval procedures for third-party 42504  
engineering or accounting firms, as described in section 3772.09 42505  
of the Revised Code; 42506

(17) Prescribing the manner in which winnings, compensation 42507  
from casino gaming, and gross revenue must be computed and 42508  
reported by a licensee as described in Chapter 5753. of the 42509  
Revised Code; 42510

(18) Prescribing conditions under which a licensee's license 42511  
may be suspended or revoked as described in section 3772.04 of the 42512  
Revised Code; 42513

(19) Prescribing the manner and procedure of all hearings to 42514  
be conducted by the commission or by any hearing examiner; 42515

(20) Prescribing technical standards and requirements that 42516  
are to be met by security and surveillance equipment that is used 42517  
at and standards and requirements to be met by personnel who are 42518  
employed at casino facilities, and standards and requirements for 42519  
the provision of security at and surveillance of casino 42520  
facilities; 42521

(21) Prescribing requirements for a casino operator to 42522  
provide unarmed security services at a casino facility by licensed 42523  
casino employees, and the training that shall be completed by 42524  
these employees; 42525

(22) Prescribing standards according to which casino 42526  
operators shall keep accounts and standards according to which 42527  
casino accounts shall be audited, and establish means of assisting 42528

the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code; 42529 42530

(23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the review of the joint committee on gaming and wagering; 42531 42532 42533

(24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government; 42534 42535

(25) Establishing standards for the repair of casino gaming equipment; 42536 42537

(26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code; 42538 42539 42540 42541

(27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional investment status; 42542 42543 42544 42545 42546 42547 42548 42549 42550 42551

(28) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter. 42552 42553 42554

(E) The commission shall employ and assign gaming agents as necessary to assist the commission in carrying out the duties of this chapter and Chapter 2915. of the Revised Code. In order to maintain employment as a gaming agent, the gaming agent shall successfully complete all continuing training programs required by 42555 42556 42557 42558 42559

the commission and shall not have been convicted of or pleaded 42560  
guilty or no contest to a disqualifying offense as defined in 42561  
section 3772.07 of the Revised Code. 42562

(F) The commission, as a law enforcement agency, and its 42563  
gaming agents, as law enforcement officers as defined in section 42564  
2901.01 of the Revised Code, shall have authority with regard to 42565  
the detection and investigation of, the seizure of evidence 42566  
allegedly relating to, and the apprehension and arrest of persons 42567  
allegedly committing gaming violations of this chapter or gambling 42568  
offenses as defined in section 2915.01 of the Revised Code or 42569  
violations of any other law of this state that may affect the 42570  
integrity of casino gaming or the operation of skill-based 42571  
amusement machines, and shall have access to casino facilities and 42572  
skill-based amusement machine facilities to carry out the 42573  
requirements of this chapter. 42574

(G) The commission may eject or exclude or authorize the 42575  
ejection or exclusion of and a gaming agent may eject a person 42576  
from a casino facility for any of the following reasons: 42577

(1) The person's name is on the list of persons voluntarily 42578  
excluding themselves from all casinos in a program established 42579  
according to rules adopted by the commission; 42580

(2) The person violates or conspires to violate this chapter 42581  
or a rule adopted thereunder; or 42582

(3) The commission determines that the person's conduct or 42583  
reputation is such that the person's presence within a casino 42584  
facility may call into question the honesty and integrity of the 42585  
casino gaming operations or interfere with the orderly conduct of 42586  
the casino gaming operations. 42587

(H) A person, other than a person participating in a 42588  
voluntary exclusion program, may petition the commission for a 42589  
public hearing on the person's ejection or exclusion under this 42590

chapter. 42591

(I) A casino operator or management company shall have the 42592  
same authority to eject or exclude a person from the management 42593  
company's casino facilities as authorized in division (G) of this 42594  
section. The licensee shall immediately notify the commission of 42595  
an ejection or exclusion. 42596

(J) The commission shall submit a written annual report with 42597  
the governor, president and minority leader of the senate, speaker 42598  
and minority leader of the house of representatives, and joint 42599  
committee on gaming and wagering before the first day of September 42600  
each year. The annual report shall cover the previous fiscal year 42601  
and shall include all of the following: 42602

(1) A statement describing the receipts and disbursements of 42603  
the commission; 42604

(2) Relevant financial data regarding casino gaming, 42605  
including gross revenues and disbursements made under this 42606  
chapter; 42607

(3) Actions taken by the commission; 42608

(4) An update on casino operators', management companies', 42609  
and holding companies' compulsive and problem gambling plans and 42610  
the voluntary exclusion program and list; 42611

(5) Information regarding prosecutions for conduct described 42612  
in division (H) of section 3772.99 of the Revised Code, including, 42613  
but not limited to, the total number of prosecutions commenced and 42614  
the name of each person prosecuted; 42615

(6) Any additional information that the commission considers 42616  
useful or that the governor, president or minority leader of the 42617  
senate, speaker or minority leader of the house of 42618  
representatives, or joint committee on gaming and wagering 42619  
requests. 42620

(K) ~~Notwithstanding any law to the contrary, beginning on~~ 42621  
~~July 1, 2011, the~~ To ensure the integrity of skill-based amusement 42622  
machine operations, the commission shall ~~assume~~ have jurisdiction 42623  
~~over and oversee the regulation of~~ all persons conducting or 42624  
participating in the conduct of skill-based amusement ~~machines as~~ 42625  
~~is provided in the law of this state~~ machine operations authorized 42626  
by this chapter and Chapter 2915. of the Revised Code, including 42627  
the authority to complete the functions of licensing, regulating, 42628  
investigating, and penalizing those persons in a manner that is 42629  
consistent with the commission's authority to do the same with 42630  
respect to casino gaming. To carry out this division, the 42631  
commission may adopt rules under Chapter 119. of the Revised Code, 42632  
including rules establishing fees and penalties related to the 42633  
operation of skill-based amusement machines. 42634

**Sec. 3772.99.** (A) The commission shall levy and collect 42635  
penalties for noncriminal violations of this chapter. Noncriminal 42636  
violations include using the term "casino" in any advertisement in 42637  
regard to a facility operating video lottery terminals, as defined 42638  
in section 3770.21 of the Revised Code, in this state. Moneys 42639  
collected from such penalty levies shall be credited to the 42640  
general revenue fund. 42641

(B) If a licensed casino operator, management company, 42642  
holding company, gaming-related vendor, or key employee violates 42643  
this chapter or engages in a fraudulent act, the commission may 42644  
suspend or revoke the license and may do either or both of the 42645  
following: 42646

(1) Suspend, revoke, or restrict the casino gaming operations 42647  
of a casino operator; 42648

(2) Require the removal of a management company, key 42649  
employee, or discontinuance of services from a gaming-related 42650  
vendor. 42651

(C) The commission shall impose civil penalties against a 42652  
person who violates this chapter under the penalties adopted by 42653  
commission rule and reviewed by the joint committee on gaming and 42654  
wagering. 42655

(D) A person who purposely or knowingly ~~or intentionally~~ does 42656  
any of the following commits a misdemeanor of the first degree on 42657  
the first offense and a felony of the fifth degree for a 42658  
subsequent offense: 42659

(1) Makes a false statement on an application submitted under 42660  
this chapter; 42661

(2) Permits a person less than twenty-one years of age to 42662  
make a wager at a casino facility; 42663

(3) Aids, induces, or causes a person less than twenty-one 42664  
years of age who is not an employee of the casino gaming operation 42665  
to enter or attempt to enter a casino facility; 42666

(4) Enters or attempts to enter a casino facility while under 42667  
twenty-one years of age, unless the person enters a designated 42668  
area as described in section 3772.24 of the Revised Code; 42669

(5) Is a casino operator or employee and participates in 42670  
casino gaming other than as part of operation or employment. 42671

(E) A person who purposely or knowingly ~~or intentionally~~ does 42672  
any of the following commits a felony of the fifth degree on a 42673  
first offense and a felony of the fourth degree for a subsequent 42674  
offense. If the person is a licensee under this chapter, the 42675  
commission shall revoke the person's license after the first 42676  
offense. 42677

(1) Uses or possesses with the intent to use a device to 42678  
assist in projecting the outcome of the casino game, keeping track 42679  
of the cards played, analyzing the probability of the occurrence 42680  
of an event relating to the casino game, or analyzing the strategy 42681

for playing or betting to be used in the casino game, except as	42682
permitted by the commission;	42683
(2) Cheats at a casino game;	42684
(3) Manufactures, sells, or distributes any cards, chips,	42685
dice, game, or device that is intended to be used to violate this	42686
chapter;	42687
(4) Alters or misrepresents the outcome of a casino game on	42688
which wagers have been made after the outcome is made sure but	42689
before the outcome is revealed to the players;	42690
(5) Places, increases, or decreases a wager on the outcome of	42691
a casino game after acquiring knowledge that is not available to	42692
all players and concerns the outcome of the casino game that is	42693
the subject of the wager;	42694
(6) Aids a person in acquiring the knowledge described in	42695
division (E)(5) of this section for the purpose of placing,	42696
increasing, or decreasing a wager contingent on the outcome of a	42697
casino game;	42698
(7) Claims, collects, takes, or attempts to claim, collect,	42699
or take money or anything of value in or from a casino game with	42700
the intent to defraud or without having made a wager contingent on	42701
winning a casino game;	42702
(8) Claims, collects, or takes an amount of money or thing of	42703
value of greater value than the amount won in a casino game;	42704
(9) Uses or possesses counterfeit chips, tokens, or cashless	42705
wagering instruments in or for use in a casino game;	42706
(10) Possesses a key or device designed for opening,	42707
entering, or affecting the operation of a casino game, drop box,	42708
or an electronic or a mechanical device connected with the casino	42709
game or removing coins, tokens, chips, or other contents of a	42710
casino game. This division does not apply to a casino operator,	42711

management company, or gaming-related vendor or their agents and 42712  
employees in the course of agency or employment. 42713

(11) Possesses materials used to manufacture a device 42714  
intended to be used in a manner that violates this chapter; 42715

(12) Operates a casino gaming operation in which wagering is 42716  
conducted or is to be conducted in a manner other than the manner 42717  
required under this chapter or a skill-based amusement machine 42718  
operation in a manner other than the manner required under Chapter 42719  
2915. of the Revised Code. 42720

(F) The possession of more than one of the devices described 42721  
in division (E)(9), (10), or (11) of this section creates a 42722  
rebuttable presumption that the possessor intended to use the 42723  
devices for cheating. 42724

(G) A person who purposely or knowingly ~~or intentionally~~ does 42725  
any of the following commits a felony of the third degree. If the 42726  
person is a licensee under this chapter, the commission shall 42727  
revoke the person's license after the first offense. A public 42728  
servant or party official who is convicted under this division is 42729  
forever disqualified from holding any public office, employment, 42730  
or position of trust in this state. 42731

(1) Offers, promises, or gives anything of value or benefit 42732  
to a person who is connected with the casino operator, management 42733  
company, holding company, or gaming-related vendor, including 42734  
their officers and employees, under an agreement to influence or 42735  
with the intent to influence the actions of the person to whom the 42736  
offer, promise, or gift was made in order to affect or attempt to 42737  
affect the outcome of a casino game or an official action of a 42738  
commission member, agent, or employee; 42739

(2) Solicits, accepts, or receives a promise of anything of 42740  
value or benefit while the person is connected with a casino, 42741  
including an officer or employee of a casino operator, management 42742

company, or gaming-related vendor, under an agreement to influence 42743  
or with the intent to influence the actions of the person to 42744  
affect or attempt to affect the outcome of a casino game or an 42745  
official action of a commission member, agent, or employee; 42746

(H) A person who knowingly or intentionally does any of the 42747  
following while participating in casino gaming or otherwise 42748  
transacting with a casino facility as permitted by Chapter 3772. 42749  
of the Revised Code commits a felony of the fifth degree on a 42750  
first offense and a felony of the fourth degree for a subsequent 42751  
offense: 42752

(1) Causes or attempts to cause a casino facility to fail to 42753  
file a report required under 31 U.S.C. 5313(a) or 5325 or any 42754  
regulation prescribed thereunder or section 1315.53 of the Revised 42755  
Code, or to fail to file a report or maintain a record required by 42756  
an order issued under section 21 of the "Federal Deposit Insurance 42757  
Act" or section 123 of Pub. L. No. 91-508; 42758

(2) Causes or attempts to cause a casino facility to file a 42759  
report required under 31 U.S.C. 5313(a) or 5325 or any regulation 42760  
prescribed thereunder or section 1315.53 of the Revised Code, to 42761  
file a report or to maintain a record required by any order issued 42762  
under 31 U.S.C. 5326, or to maintain a record required under any 42763  
regulation prescribed under section 21 of the "Federal Deposit 42764  
Insurance Act" or section 123 of Pub. L. No. 91-508 that contains 42765  
a material omission or misstatement of fact; 42766

(3) With one or more casino facilities, structures a 42767  
transaction, is complicit in structuring a transaction, attempts 42768  
to structure a transaction, or is complicit in an attempt to 42769  
structure a transaction. 42770

(I) A person who is convicted of a felony described in this 42771  
chapter may be barred for life from entering a casino facility by 42772  
the commission. 42773

(J) As used in division (H) of this section:	42774
(1) To be "complicit" means to engage in any conduct of a type described in divisions (A)(1) to (4) of section 2923.03 of the Revised Code.	42775 42776 42777
(2) "Structure a transaction" has the same meaning as in section 1315.51 of the Revised Code.	42778 42779
<u>(K) Premises used or occupied in violation of division (E)(12) of this section constitute a nuisance subject to abatement under Chapter 3767. of the Revised Code.</u>	42780 42781 42782
<b>Sec. 3794.06. Posting of signs; prohibition of ashtrays; responsibilities of proprietors.</b>	42783 42784
In addition to the prohibitions contained in section 3794.02 of <del>this chapter</del> <u>the Revised Code</u> , the proprietor of a public place or place of employment shall comply with the following requirements:	42785 42786 42787 42788
(A) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be conspicuously posted in every public place and place of employment where smoking is prohibited by this chapter, including at each entrance to the public place or place of employment. Signs shall be of sufficient size to be clearly legible to a person of normal vision throughout the areas they are intended to mark. All signs shall contain a telephone number for reporting violations.	42789 42790 42791 42792 42793 42794 42795 42796 42797
(B) All ashtrays and other receptacles used for disposing of smoking materials shall be removed from any area where smoking is prohibited by this chapter.	42798 42799 42800
<u>(C) A proprietor shall permit prompt entry of an officer or employee of the department of health or its designee to investigate complaints made under section 3794.07 of the Revised</u>	42801 42802 42803

Code. Refusal to permit prompt entry is a violation of this 42804  
chapter. 42805

**Sec. 3794.07. Duties of the Department of Health.** 42806

This chapter shall be enforced by the department of health 42807  
and its designees. The director of health shall within six months 42808  
of ~~the effective date of this section~~ December 7, 2006: 42809

(A) Promulgate rules in accordance with Chapter 119\_ of the 42810  
Revised Code to implement and enforce all provisions of this 42811  
chapter; 42812

(B) Promulgate rules in accordance with Chapter 119\_ of the 42813  
Revised Code to prescribe a schedule of fines for violations of 42814  
this chapter designed to foster compliance with the provisions of 42815  
this chapter. The amount of a fine for a violation of divisions 42816  
(A) and (B) of section 3794.02 ~~(A) and (B)~~ and divisions (A) and 42817  
(B) of section 3794.06 of the Revised Code shall not be less than 42818  
one hundred dollars and the maximum for a violation shall be 42819  
twenty five hundred dollars. The amount of a fine for a violation 42820  
of division (D) of section 3794.02 ~~(D)~~ of the Revised Code shall 42821  
be up to a maximum of one hundred dollars per violation. Each day 42822  
of a violation shall constitute a separate violation. The schedule 42823  
of fines that apply to a proprietor shall be progressive based on 42824  
the number of prior violations by the proprietor. Violations which 42825  
occurred more than two years prior to a subsequent violation shall 42826  
not be considered if there has been no finding of a violation in 42827  
the intervening time period. The fine schedule shall set forth 42828  
specific factors that may be considered to decrease or waive the 42829  
amount of a fine that otherwise would apply. Fines shall be 42830  
doubled for intentional violations~~+~~. 42831

(C) Promulgate rules in accordance with Chapter 119\_ of the 42832  
Revised Code to prescribe a procedure for providing a proprietor 42833  
or individual written notice of a report of a violation and the 42834

opportunity to present in writing any statement or evidence to 42835  
contest the report, and prescribing procedures for making findings 42836  
whether a proprietor or individual violated a provision of this 42837  
chapter and for imposing fines for violations; 42838

(D) Establish a system for receiving reports of violations of 42839  
the provisions of this chapter from any member of the public, 42840  
including, but not limited to, by mail and one or more e-mail 42841  
addresses and toll-free telephone numbers exclusively for such 42842  
purpose. A person shall not be required to disclose his or her 42843  
identity in order to report a violation; 42844

(E) Inform proprietors of public places and places of 42845  
employment of the requirements of this chapter and how to comply 42846  
with its provisions, including, but not limited to, by providing 42847  
printed and other materials and a toll-free telephone number and 42848  
e-mail address exclusively for such purposes; and 42849

(F) Design and implement a program to educate the public 42850  
regarding the provisions of this chapter, including, but not 42851  
limited to, through the establishment of an internet ~~website~~ web 42852  
site and how a violation may be reported. 42853

(G) Adopt rules to prescribe fines for a violation of 42854  
division (E) of section 3794.03 of the Revised Code. Division (B) 42855  
of this section does not apply to a fine for a violation of 42856  
division (E) of section 3794.03 of the Revised Code. 42857

**Sec. 4121.03.** (A) The governor shall appoint from among the 42858  
members of the industrial commission the chairperson of the 42859  
industrial commission. The chairperson shall serve as chairperson 42860  
at the pleasure of the governor. The chairperson is the head of 42861  
the commission and its chief executive officer. 42862

(B) The chairperson shall appoint, after consultation with 42863  
other commission members and obtaining the approval of at least 42864

one other commission member, an executive director of the 42865  
commission. The executive director shall serve at the pleasure of 42866  
the chairperson. The executive director, under the direction of 42867  
the chairperson, shall perform all of the following duties: 42868

(1) Act as chief administrative officer for the commission; 42869

(2) Ensure that all commission personnel follow the rules of 42870  
the commission; 42871

(3) Ensure that all orders, awards, and determinations are 42872  
properly heard and signed, prior to attesting to the documents; 42873

(4) Coordinate, to the fullest extent possible, commission 42874  
activities with the bureau of workers' compensation activities; 42875

(5) Do all things necessary for the efficient and effective 42876  
implementation of the duties of the commission. 42877

The responsibilities assigned to the executive director of 42878  
the commission do not relieve the chairperson from final 42879  
responsibility for the proper performance of the acts specified in 42880  
this division. 42881

(C) The chairperson shall do all of the following: 42882

(1) Except as otherwise provided in this division, employ, 42883  
promote, supervise, remove, and establish the compensation of all 42884  
employees as needed in connection with the performance of the 42885  
commission's duties under this chapter and Chapters 4123., 4127., 42886  
and 4131. of the Revised Code and may assign to them their duties 42887  
to the extent necessary to achieve the most efficient performance 42888  
of its functions, and to that end may establish, change, or 42889  
abolish positions, and assign and reassign duties and 42890  
responsibilities of every employee of the commission. The civil 42891  
service status of any person employed by the commission prior to 42892  
November 3, 1989, is not affected by this section. Personnel 42893  
employed by the bureau or the commission who are subject to 42894

Chapter 4117. of the Revised Code shall retain all of their rights 42895  
and benefits conferred pursuant to that chapter as it presently 42896  
exists or is hereafter amended and nothing in this chapter or 42897  
Chapter 4123. of the Revised Code shall be construed as 42898  
eliminating or interfering with Chapter 4117. of the Revised Code 42899  
or the rights and benefits conferred under that chapter to public 42900  
employees or to any bargaining unit. 42901

(2) Hire district and staff hearing officers after 42902  
consultation with other commission members and obtaining the 42903  
approval of at least one other commission member; 42904

(3) Fire staff and district hearing officers when the 42905  
chairperson finds appropriate after obtaining the approval of at 42906  
least one other commission member; 42907

(4) Maintain the office for the commission in Columbus; 42908

(5) To the maximum extent possible, use electronic data 42909  
processing equipment for the issuance of orders immediately 42910  
following a hearing, scheduling of hearings and medical 42911  
examinations, tracking of claims, retrieval of information, and 42912  
any other matter within the commission's jurisdiction, and shall 42913  
provide and input information into the electronic data processing 42914  
equipment as necessary to effect the success of the claims 42915  
tracking system established pursuant to division (B)~~(15)~~(14) of 42916  
section 4121.121 of the Revised Code; 42917

(6) Exercise all administrative and nonadjudicatory powers 42918  
and duties conferred upon the commission by Chapters 4121., 4123., 42919  
4127., and 4131. of the Revised Code; 42920

(7) Approve all contracts for special services. 42921

(D) The chairperson is responsible for all administrative 42922  
matters and may secure for the commission facilities, equipment, 42923  
and supplies necessary to house the commission, any employees, and 42924  
files and records under the commission's control and to discharge 42925

any duty imposed upon the commission by law, the expense thereof 42926  
to be audited and paid in the same manner as other state expenses. 42927  
For that purpose, the chairperson, separately from the budget 42928  
prepared by the administrator of workers' compensation, shall 42929  
prepare and submit to the office of budget and management a budget 42930  
for each biennium according to sections 101.532 and 107.03 of the 42931  
Revised Code. The budget submitted shall cover the costs of the 42932  
commission and staff and district hearing officers in the 42933  
discharge of any duty imposed upon the chairperson, the 42934  
commission, and hearing officers by law. 42935

(E) A majority of the commission constitutes a quorum to 42936  
transact business. No vacancy impairs the rights of the remaining 42937  
members to exercise all of the powers of the commission, so long 42938  
as a majority remains. Any investigation, inquiry, or hearing that 42939  
the commission may hold or undertake may be held or undertaken by 42940  
or before any one member of the commission, or before one of the 42941  
deputies of the commission, except as otherwise provided in this 42942  
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 42943  
Every order made by a member, or by a deputy, when approved and 42944  
confirmed by a majority of the members, and so shown on its record 42945  
of proceedings, is the order of the commission. The commission may 42946  
hold sessions at any place within the state. The commission is 42947  
responsible for all of the following: 42948

(1) Establishing the overall adjudicatory policy and 42949  
management of the commission under this chapter and Chapters 42950  
4123., 4127., and 4131. of the Revised Code, except for those 42951  
administrative matters within the jurisdiction of the chairperson, 42952  
bureau of workers' compensation, and the administrator of workers' 42953  
compensation under those chapters; 42954

(2) Hearing appeals and reconsiderations under this chapter 42955  
and Chapters 4123., 4127., and 4131. of the Revised Code; 42956

(3) Engaging in rulemaking where required by this chapter or 42957

Chapter 4123., 4127., or 4131. of the Revised Code. 42958

**Sec. 4121.121.** (A) There is hereby created the bureau of 42959  
workers' compensation, which shall be administered by the 42960  
administrator of workers' compensation. A person appointed to the 42961  
position of administrator shall possess significant management 42962  
experience in effectively managing an organization or 42963  
organizations of substantial size and complexity. A person 42964  
appointed to the position of administrator also shall possess a 42965  
minimum of five years of experience in the field of workers' 42966  
compensation insurance or in another insurance industry, except as 42967  
otherwise provided when the conditions specified in division (C) 42968  
of this section are satisfied. The governor shall appoint the 42969  
administrator as provided in section 121.03 of the Revised Code, 42970  
and the administrator shall serve at the pleasure of the governor. 42971  
The governor shall fix the administrator's salary on the basis of 42972  
the administrator's experience and the administrator's 42973  
responsibilities and duties under this chapter and Chapters 4123., 42974  
4125., 4127., 4131., and 4167. of the Revised Code. The governor 42975  
shall not appoint to the position of administrator any person who 42976  
has, or whose spouse has, given a contribution to the campaign 42977  
committee of the governor in an amount greater than one thousand 42978  
dollars during the two-year period immediately preceding the date 42979  
of the appointment of the administrator. 42980

The administrator shall hold no other public office and shall 42981  
devote full time to the duties of administrator. Before entering 42982  
upon the duties of the office, the administrator shall take an 42983  
oath of office as required by sections 3.22 and 3.23 of the 42984  
Revised Code, and shall file in the office of the secretary of 42985  
state, a bond signed by the administrator and by surety approved 42986  
by the governor, for the sum of fifty thousand dollars payable to 42987  
the state, conditioned upon the faithful performance of the 42988  
administrator's duties. 42989

(B) The administrator is responsible for the management of 42990  
the bureau and for the discharge of all administrative duties 42991  
imposed upon the administrator in this chapter and Chapters 4123., 42992  
4125., 4127., 4131., and 4167. of the Revised Code, and in the 42993  
discharge thereof shall do all of the following: 42994

(1) Perform all acts and exercise all authorities and powers, 42995  
discretionary and otherwise that are required of or vested in the 42996  
bureau or any of its employees in this chapter and Chapters 4123., 42997  
4125., 4127., 4131., and 4167. of the Revised Code, except the 42998  
acts and the exercise of authority and power that is required of 42999  
and vested in the bureau of workers' compensation board of 43000  
directors or the industrial commission pursuant to those chapters. 43001  
The treasurer of state shall honor all warrants signed by the 43002  
administrator, or by one or more of the administrator's employees, 43003  
authorized by the administrator in writing, or bearing the 43004  
facsimile signature of the administrator or such employee under 43005  
sections 4123.42 and 4123.44 of the Revised Code. 43006

(2) Employ, direct, and supervise all employees required in 43007  
connection with the performance of the duties assigned to the 43008  
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 43009  
and 4167. of the Revised Code, including an actuary, and may 43010  
establish job classification plans and compensation for all 43011  
employees of the bureau provided that this grant of authority 43012  
shall not be construed as affecting any employee for whom the 43013  
state employment relations board has established an appropriate 43014  
bargaining unit under section 4117.06 of the Revised Code. All 43015  
positions of employment in the bureau are in the classified civil 43016  
service except those employees the administrator may appoint to 43017  
serve at the administrator's pleasure in the unclassified civil 43018  
service pursuant to section 124.11 of the Revised Code. The 43019  
administrator shall fix the salaries of employees the 43020  
administrator appoints to serve at the administrator's pleasure, 43021

including the chief operating officer, staff physicians, and other 43022  
senior management personnel of the bureau and shall establish the 43023  
compensation of staff attorneys of the bureau's legal section and 43024  
their immediate supervisors, and take whatever steps are necessary 43025  
to provide adequate compensation for other staff attorneys. 43026

The administrator may appoint a person who holds a certified 43027  
position in the classified service within the bureau to a position 43028  
in the unclassified service within the bureau. A person appointed 43029  
pursuant to this division to a position in the unclassified 43030  
service shall retain the right to resume the position and status 43031  
held by the person in the classified service immediately prior to 43032  
the person's appointment in the unclassified service, regardless 43033  
of the number of positions the person held in the unclassified 43034  
service. An employee's right to resume a position in the 43035  
classified service may only be exercised when the administrator 43036  
demotes the employee to a pay range lower than the employee's 43037  
current pay range or revokes the employee's appointment to the 43038  
unclassified service. An employee forfeits the right to resume a 43039  
position in the classified service when the employee is removed 43040  
from the position in the unclassified service due to incompetence, 43041  
inefficiency, dishonesty, drunkenness, immoral conduct, 43042  
insubordination, discourteous treatment of the public, neglect of 43043  
duty, violation of this chapter or Chapter 124., 4123., 4125., 43044  
4127., 4131., or 4167. of the Revised Code, violation of the rules 43045  
of the director of administrative services or the administrator, 43046  
any other failure of good behavior, any other acts of misfeasance, 43047  
malfeasance, or nonfeasance in office, or conviction of a felony. 43048  
An employee also forfeits the right to resume a position in the 43049  
classified service upon transfer to a different agency. 43050

Reinstatement to a position in the classified service shall 43051  
be to a position substantially equal to that position in the 43052  
classified service held previously, as certified by the department 43053

of administrative services. If the position the person previously held in the classified service has been placed in the unclassified service or is otherwise unavailable, the person shall be appointed to a position in the classified service within the bureau that the director of administrative services certifies is comparable in compensation to the position the person previously held in the classified service. Service in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to the person's appointment in the unclassified service. When a person is reinstated to a position in the classified service as provided in this division, the person is entitled to all rights, status, and benefits accruing to the position during the person's time of service in the position in the unclassified service.

(3) Reorganize the work of the bureau, its sections, departments, and offices to the extent necessary to achieve the most efficient performance of its functions and to that end may establish, change, or abolish positions and assign and reassign duties and responsibilities of every employee of the bureau. All persons employed by the commission in positions that, after November 3, 1989, are supervised and directed by the administrator under this section are transferred to the bureau in their respective classifications but subject to reassignment and reclassification of position and compensation as the administrator determines to be in the interest of efficient administration. The civil service status of any person employed by the commission is not affected by this section. Personnel employed by the bureau or the commission who are subject to Chapter 4117. of the Revised Code shall retain all of their rights and benefits conferred pursuant to that chapter as it presently exists or is hereafter amended and nothing in this chapter or Chapter 4123. of the Revised Code shall be construed as eliminating or interfering with Chapter 4117. of the Revised Code or the rights and benefits

conferred under that chapter to public employees or to any bargaining unit. 43087  
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(4) Provide offices, equipment, supplies, and other facilities for the bureau. 43089  
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(5) Prepare and submit to the board information the administrator considers pertinent or the board requires, together with the administrator's recommendations, in the form of administrative rules, for the advice and consent of the board, for classifications of occupations or industries, for premium rates and contributions, for the amount to be credited to the surplus fund, for rules and systems of rating, rate revisions, and merit rating. The administrator shall obtain, prepare, and submit any other information the board requires for the prompt and efficient discharge of its duties. 43091  
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(6) Keep the accounts required by division (A) of section 4123.34 of the Revised Code and all other accounts and records necessary to the collection, administration, and distribution of the workers' compensation funds and shall obtain the statistical and other information required by section 4123.19 of the Revised Code. 43101  
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(7) Exercise the investment powers vested in the administrator by section 4123.44 of the Revised Code in accordance with the investment policy approved by the board pursuant to section 4121.12 of the Revised Code and in consultation with the chief investment officer of the bureau of workers' compensation. The administrator shall not engage in any prohibited investment activity specified by the board pursuant to division (F)(9) of section 4121.12 of the Revised Code and shall not invest in any type of investment specified in divisions (B)(1) to (10) of section 4123.442 of the Revised Code. All business shall be transacted, all funds invested, all warrants for money drawn and payments made, and all cash and securities and other property 43107  
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held, in the name of the bureau, or in the name of its nominee, 43119  
provided that nominees are authorized by the administrator solely 43120  
for the purpose of facilitating the transfer of securities, and 43121  
restricted to the administrator and designated employees. 43122

~~(8) Make contracts for and supervise the construction of any 43123  
project or improvement or the construction or repair of buildings 43124  
under the control of the bureau. 43125~~

~~(9) Purchase In accordance with Chapter 125. of the Revised 43126  
Code, purchase supplies, materials, equipment, and services; ~~make 43127  
contracts for, operate, and superintend the telephone, other 43128  
telecommunication, and computer services for the use of the 43129  
bureau; and make contracts in connection with office reproduction, 43130  
forms management, printing, and other services. Notwithstanding 43131  
sections 125.12 to 125.14 of the Revised Code, the administrator 43132  
may transfer surplus computers and computer equipment directly to 43133  
an accredited public school within the state. The computers and 43134  
computer equipment may be repaired or refurbished prior to the 43135  
transfer. 43136~~~~

~~(10)~~(9) Prepare and submit to the board an annual budget for 43137  
internal operating purposes for the board's approval. The 43138  
administrator also shall, separately from the budget the 43139  
industrial commission submits, prepare and submit to the director 43140  
of budget and management a budget for each biennium. The budgets 43141  
submitted to the board and the director shall include estimates of 43142  
the costs and necessary expenditures of the bureau in the 43143  
discharge of any duty imposed by law. 43144

~~(11)~~(10) As promptly as possible in the course of efficient 43145  
administration, decentralize and relocate such of the personnel 43146  
and activities of the bureau as is appropriate to the end that the 43147  
receipt, investigation, determination, and payment of claims may 43148  
be undertaken at or near the place of injury or the residence of 43149  
the claimant and for that purpose establish regional offices, in 43150

such places as the administrator considers proper, capable of 43151  
discharging as many of the functions of the bureau as is 43152  
practicable so as to promote prompt and efficient administration 43153  
in the processing of claims. All active and inactive lost-time 43154  
claims files shall be held at the service office responsible for 43155  
the claim. A claimant, at the claimant's request, shall be 43156  
provided with information by telephone as to the location of the 43157  
file pertaining to the claimant's claim. The administrator shall 43158  
ensure that all service office employees report directly to the 43159  
director for their service office. 43160

~~(12)~~(11) Provide a written binder on new coverage where the 43161  
administrator considers it to be in the best interest of the risk. 43162  
The administrator, or any other person authorized by the 43163  
administrator, shall grant the binder upon submission of a request 43164  
for coverage by the employer. A binder is effective for a period 43165  
of thirty days from date of issuance and is nonrenewable. Payroll 43166  
reports and premium charges shall coincide with the effective date 43167  
of the binder. 43168

~~(13)~~(12) Set standards for the reasonable and maximum 43169  
handling time of claims payment functions, ensure, by rules, the 43170  
impartial and prompt treatment of all claims and employer risk 43171  
accounts, and establish a secure, accurate method of time stamping 43172  
all incoming mail and documents hand delivered to bureau 43173  
employees. 43174

~~(14)~~(13) Ensure that all employees of the bureau follow the 43175  
orders and rules of the commission as such orders and rules relate 43176  
to the commission's overall adjudicatory policy-making and 43177  
management duties under this chapter and Chapters 4123., 4127., 43178  
and 4131. of the Revised Code. 43179

~~(15)~~(14) Manage and operate a data processing system with a 43180  
common data base for the use of both the bureau and the commission 43181  
and, in consultation with the commission, using electronic data 43182

processing equipment, shall develop a claims tracking system that 43183  
is sufficient to monitor the status of a claim at any time and 43184  
that lists appeals that have been filed and orders or 43185  
determinations that have been issued pursuant to section 4123.511 43186  
or 4123.512 of the Revised Code, including the dates of such 43187  
filings and issuances. 43188

~~(16)~~(15) Establish and maintain a medical section within the 43189  
bureau. The medical section shall do all of the following: 43190

(a) Assist the administrator in establishing standard medical 43191  
fees, approving medical procedures, and determining eligibility 43192  
and reasonableness of the compensation payments for medical, 43193  
hospital, and nursing services, and in establishing guidelines for 43194  
payment policies which recognize usual, customary, and reasonable 43195  
methods of payment for covered services; 43196

(b) Provide a resource to respond to questions from claims 43197  
examiners for employees of the bureau; 43198

(c) Audit fee bill payments; 43199

(d) Implement a program to utilize, to the maximum extent 43200  
possible, electronic data processing equipment for storage of 43201  
information to facilitate authorizations of compensation payments 43202  
for medical, hospital, drug, and nursing services; 43203

(e) Perform other duties assigned to it by the administrator. 43204

~~(17)~~(16) Appoint, as the administrator determines necessary, 43205  
panels to review and advise the administrator on disputes arising 43206  
over a determination that a health care service or supply provided 43207  
to a claimant is not covered under this chapter or Chapter 4123., 43208  
4127., or 4131. of the Revised Code or is medically unnecessary. 43209  
If an individual health care provider is involved in the dispute, 43210  
the panel shall consist of individuals licensed pursuant to the 43211  
same section of the Revised Code as such health care provider. 43212

~~(18)~~(17) Pursuant to section 4123.65 of the Revised Code, 43213  
approve applications for the final settlement of claims for 43214  
compensation or benefits under this chapter and Chapters 4123., 43215  
4127., and 4131. of the Revised Code as the administrator 43216  
determines appropriate, except in regard to the applications of 43217  
self-insuring employers and their employees. 43218

~~(19)~~(18) Comply with section 3517.13 of the Revised Code, and 43219  
except in regard to contracts entered into pursuant to the 43220  
authority contained in section 4121.44 of the Revised Code, comply 43221  
with the competitive bidding procedures set forth in the Revised 43222  
Code for all contracts into which the administrator enters 43223  
provided that those contracts fall within the type of contracts 43224  
and dollar amounts specified in the Revised Code for competitive 43225  
bidding and further provided that those contracts are not 43226  
otherwise specifically exempt from the competitive bidding 43227  
procedures contained in the Revised Code. 43228

~~(20)~~(19) Adopt, with the advice and consent of the board, 43229  
rules for the operation of the bureau. 43230

~~(21)~~(20) Prepare and submit to the board information the 43231  
administrator considers pertinent or the board requires, together 43232  
with the administrator's recommendations, in the form of 43233  
administrative rules, for the advice and consent of the board, for 43234  
the health partnership program and the qualified health plan 43235  
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 43236  
the Revised Code. 43237

(C) The administrator, with the advice and consent of the 43238  
senate, shall appoint a chief operating officer who has a minimum 43239  
of five years of experience in the field of workers' compensation 43240  
insurance or in another similar insurance industry if the 43241  
administrator does not possess such experience. The chief 43242  
operating officer shall not commence the chief operating officer's 43243  
duties until after the senate consents to the chief operating 43244

officer's appointment. The chief operating officer shall serve in 43245  
the unclassified civil service of the state. 43246

**Sec. 4123.322.** (A) The administrator of workers' 43247  
compensation, with the advice and consent of the bureau of 43248  
workers' compensation board of directors, shall adopt rules 43249  
establishing a prospective payment system, which shall include all 43250  
of the following: 43251

(1) A requirement that upon an initial application for 43252  
coverage, a private employer shall file with the application an 43253  
estimate of the employer's payroll for the period the 43254  
administrator determines pursuant to rules the administrator 43255  
adopts, and shall pay the amount the administrator determines by 43256  
rule in order to establish coverage for the employer as described 43257  
in division (B)(12) of section 4121.121 of the Revised Code; 43258

(2) A requirement that upon an initial application for 43259  
coverage, a public employer, except for a state agency or state 43260  
university or college, shall file with the application an estimate 43261  
of the employer's payroll for the period the administrator 43262  
determines pursuant to rules the administrator adopts, and shall 43263  
pay the amount the administrator determines by rule in order to 43264  
establish coverage for the employer as described in division 43265  
(B)~~(12)~~(11) of section 4121.121 of the Revised Code; 43266

(3) A requirement that an employer complete periodic payroll 43267  
reports of actual expenditures for previous coverage periods for 43268  
reconciliation with estimated payroll reports; 43269

(4) The assessment of a penalty for late payroll 43270  
reconciliation reports and for late payment of any reconciliation 43271  
premium; 43272

(5) The establishment of a transition period during which 43273  
time the bureau shall determine the adequacy of existing premium 43274

security deposits of employers, the establishment of provisions 43275  
for additional premium payments during that transition, the 43276  
provision of a credit of those deposits toward the first premium 43277  
due from an employer under the rules adopted under divisions 43278  
(A)(1) to (4) of this section, and the establishment of penalties 43279  
for late payment or failure to comply with the rules. 43280

(B) For purposes of division (A)(3) of this section, an 43281  
employer shall make timely payment of any premium owed when actual 43282  
payroll expenditures exceeded estimated payroll, and the employer 43283  
shall receive premium credit when the estimated payroll exceeded 43284  
the actual payroll. 43285

(C) For purposes of division (A)(4) of this section, if the 43286  
employer's actual payroll substantially exceeds the estimated 43287  
payroll, the administrator may assess additional penalties 43288  
specified in rules the administrator adopts on the reconciliation 43289  
premium. 43290

(D) As used in this section, "state university or college" 43291  
has the same meaning as in section 4123.32 of the Revised Code. 43292

**Sec. 4301.12.** The division of liquor control shall provide 43293  
for the custody, safekeeping, and deposit of all moneys, checks, 43294  
and drafts received by it or any of its employees or agents prior 43295  
to paying them to the treasurer of state as provided by section 43296  
113.08 of the Revised Code. 43297

A sum equal to three dollars and thirty-eight cents for each 43298  
gallon of spirituous liquor sold by the division, JobsOhio, or a 43299  
designee of JobsOhio during the period covered by the payment 43300  
shall be paid into the state treasury to the credit of the general 43301  
revenue fund. All moneys received from permit fees, except B-2a 43302  
and S permit fees from B-2a and S permit holders who do not also 43303  
hold A-2 permits, shall be paid to the credit of the undivided 43304  
liquor permit fund established by section 4301.30 of the Revised 43305

Code. 43306

Except as otherwise provided by law, the division shall 43307  
deposit all moneys collected under Chapters 4301. and 4303. of the 43308  
Revised Code ~~shall be paid by the division~~ into the state treasury 43309  
to the credit of the ~~liquor control fund, which is hereby created~~ 43310  
state liquor regulatory fund created in section 4301.30 of the 43311  
Revised Code. In addition, revenue resulting from any contracts 43312  
with the department of commerce pertaining to the responsibilities 43313  
and operations described in this chapter may be credited to the 43314  
fund. ~~Amounts in the liquor control fund may be used to pay the~~ 43315  
~~operating expenses of the liquor control commission.~~ 43316

Whenever, in the judgment of the director of budget and 43317  
management, the amount in the liquor control fund is in excess of 43318  
that needed to meet the maturing obligations of the division, as 43319  
working capital for its further operations, to pay the operating 43320  
expenses of the commission, and for the alcohol testing program 43321  
under section 3701.143 of the Revised Code, the director shall 43322  
transfer the excess to the credit of the general revenue fund. If 43323  
the director determines that the amount in the liquor control fund 43324  
is insufficient, the director may transfer money from the general 43325  
revenue fund to the liquor control fund. 43326

**Sec. 4301.42.** For the purpose of providing revenue for the 43327  
support of the state, a tax is hereby levied on the sale of beer 43328  
in sealed bottles and cans having twelve ounces or less of liquid 43329  
content, at the rate of fourteen one-hundredths of one cent on 43330  
each ounce of liquid content or fractional part of each ounce of 43331  
liquid content, and on such containers in excess of twelve ounces, 43332  
at the rate of eighty-four one-hundredths of one cent on each six 43333  
ounces of liquid content or fractional part of each six ounces of 43334  
liquid content. Sections 4307.01 to 4307.12 of the Revised Code 43335  
apply in the administration of that tax. Manufacturers, bottlers, 43336

and canners of beer, wholesale dealers in beer, and S permit 43337  
holders have the duty to pay the tax imposed by this section ~~and~~ 43338  
~~are entitled to the privileges~~ in the manner provided in section 43339  
4303.33 of the Revised Code. 43340

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 43341  
the Revised Code: 43342

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 43343  
fluid ounces. 43344

(2) "Sale" or "sell" includes exchange, barter, gift, 43345  
distribution, and, except with respect to A-4 permit holders, 43346  
offer for sale. 43347

(B) For the purposes of providing revenues for the support of 43348  
the state and encouraging the grape industries in the state, a tax 43349  
is hereby levied on the sale or distribution of wine in Ohio, 43350  
except for known sacramental purposes, at the rate of thirty cents 43351  
per wine gallon for wine containing not less than four per cent of 43352  
alcohol by volume and not more than fourteen per cent of alcohol 43353  
by volume, ninety-eight cents per wine gallon for wine containing 43354  
more than fourteen per cent but not more than twenty-one per cent 43355  
of alcohol by volume, one dollar and eight cents per wine gallon 43356  
for vermouth, and one dollar and forty-eight cents per wine gallon 43357  
for sparkling and carbonated wine and champagne, the tax to be 43358  
paid by the holders of A-2 and B-5 permits or by any other person 43359  
selling or distributing wine upon which no tax has been paid. From 43360  
the tax paid under this section on wine, vermouth, and sparkling 43361  
and carbonated wine and champagne, the treasurer of state shall 43362  
credit to the Ohio grape industries fund created under section 43363  
924.54 of the Revised Code a sum equal to one cent per gallon for 43364  
each gallon upon which the tax is paid. 43365

(C) For the purpose of providing revenues for the support of 43366

the state, there is hereby levied a tax on prepared and bottled 43367  
highballs, cocktails, cordials, and other mixed beverages at the 43368  
rate of one dollar and twenty cents per wine gallon to be paid by 43369  
holders of A-4 permits or by any other person selling or 43370  
distributing those products upon which no tax has been paid. Only 43371  
one sale of the same article shall be used in computing the amount 43372  
of tax due. The tax on mixed beverages to be paid by holders of 43373  
A-4 permits under this section shall not attach until the 43374  
ownership of the mixed beverage is transferred for valuable 43375  
consideration to a wholesaler or retailer, and no payment of the 43376  
tax shall be required prior to that time. 43377

(D) During the period of July 1, ~~2013~~ 2015, through June 30, 43378  
~~2015~~ 2017, from the tax paid under this section on wine, vermouth, 43379  
and sparkling and carbonated wine and champagne, the treasurer of 43380  
state shall credit to the Ohio grape industries fund created under 43381  
section 924.54 of the Revised Code a sum equal to two cents per 43382  
gallon upon which the tax is paid. The amount credited under this 43383  
division is in addition to the amount credited to the Ohio grape 43384  
industries fund under division (B) of this section. 43385

(E) For the purpose of providing revenues for the support of 43386  
the state, there is hereby levied a tax on cider at the rate of 43387  
twenty-four cents per wine gallon to be paid by the holders of A-2 43388  
and B-5 permits or by any other person selling or distributing 43389  
cider upon which no tax has been paid. Only one sale of the same 43390  
article shall be used in computing the amount of the tax due. 43391

**Sec. 4303.33.** (A) Every A-1 or A-1c permit holder in this 43392  
state, every bottler, importer, wholesale dealer, broker, 43393  
producer, or manufacturer of beer outside this state and within 43394  
the United States, and every B-1 permit holder and importer 43395  
importing beer from any manufacturer, bottler, person, or group of 43396  
persons however organized outside the United States for sale or 43397

distribution for sale in this state, on or before the eighteenth 43398  
day of each month, shall make and file with the tax commissioner 43399  
upon a form prescribed by the tax commissioner an advance tax 43400  
payment in an amount estimated to equal the taxpayer's tax 43401  
liability for the month in which the advance tax payment is made. 43402  
~~If the advance tax payment credits claimed on the report are for 43403  
advance tax payments received by the tax commissioner on or before 43404  
the eighteenth day of the month covered by the report, the 43405  
taxpayer is entitled to an additional credit of three per cent of 43406  
the advance tax payment and a discount of three per cent shall be 43407  
allowed the taxpayer at the time of filing the report if filed as 43408  
provided in division (B) of this section on any amount by which 43409  
the tax liability reflected in the report exceeds the advance tax 43410  
payment estimate by not more than ten per cent. The additional 43411  
three per cent credit and three per cent discount shall be in 43412  
consideration for advancing the payment of the tax and other 43413  
services performed by the permit holder and other taxpayers in the 43414  
collection of the tax. 43415~~

~~"Advance tax payment credit" means credit for payments made 43416  
by an A-1, A-1c, or B-1 permit holder and any other persons during 43417  
the period covered by a report which was made in anticipation of 43418  
the tax liability required to be reported on that report. 43419~~

~~"Tax liability" as used in division (A) of this section means 43420  
the total gross tax liability of an A-1, A-1c, or B-1 permit 43421  
holder and any other persons for the period covered by a report 43422  
before any allowance for credits and discount. 43423~~

(B) Every A-1 or A-1c permit holder in this state, every 43424  
bottler, importer, wholesale dealer, broker, producer, or 43425  
manufacturer of beer outside this state and within the United 43426  
States, every B-1 permit holder importing beer from any 43427  
manufacturer, bottler, person, or group of persons however 43428  
organized outside the United States, and every S permit holder, on 43429

or before the tenth day of each month, shall make and file a 43430  
report for the preceding month upon a form prescribed by the tax 43431  
commissioner which report shall show the amount of beer produced, 43432  
sold, and distributed for sale in this state by the A-1 or A-1c 43433  
permit holder, sold and distributed for sale in this state by each 43434  
manufacturer, bottler, importer, wholesale dealer, or broker 43435  
outside this state and within the United States, the amount of 43436  
beer imported into this state from outside the United States and 43437  
sold and distributed for sale in this state by the B-1 permit 43438  
holder or importer, and the amount of beer sold in this state by 43439  
the S permit holder. 43440

The report shall be filed by mailing it to the tax 43441  
commissioner, together with payment of the tax levied by sections 43442  
4301.42 and 4305.01 of the Revised Code shown to be due on the 43443  
report ~~after deduction of advance payment credits and any~~ 43444  
~~additional credits or discounts provided for under this section.~~ 43445

(C)(1) Every A-2, A-4, B-2, B-2a, B-3, B-4, B-5, and S permit 43446  
holder in this state, on or before the eighteenth day of each 43447  
month, shall make and file a report with the tax commissioner upon 43448  
a form prescribed by the tax commissioner which report shall show, 43449  
on the report of each A-2, A-4, B-2a, and S permit holder the 43450  
amount of wine, cider, and mixed beverages produced and sold, or 43451  
sold in this state by each such A-2, A-4, B-2a, and S permit 43452  
holder for the next preceding calendar month and such other 43453  
information as the tax commissioner requires, and on the report of 43454  
each such B-2, B-3, B-4, and B-5 permit holder the amount of wine, 43455  
cider, and mixed beverages purchased from an importer, broker, 43456  
wholesale dealer, producer, or manufacturer located outside this 43457  
state and sold and distributed in this state by such B-2, B-3, 43458  
B-4, and B-5 permit holder, for the next preceding calendar month 43459  
and such other information as the tax commissioner requires. 43460

(2) Every such A-2, A-4, B-2, B-2a, B-3, B-4, B-5, and S 43461

permit holder in this state shall remit with the report the tax 43462  
levied by sections 4301.43 and, if applicable, 4301.432 of the 43463  
Revised Code ~~less a discount thereon of three per cent of the~~ 43464  
~~total tax so levied and paid, provided the return is filed~~ 43465  
~~together with remittance of the amount of tax shown to be due~~ 43466  
~~thereon, within the time prescribed.~~ Any permit holder or other 43467  
persons who fail to file a report under this section, for each day 43468  
the person so fails, may be required to forfeit and pay into the 43469  
state treasury the sum of one dollar as revenue arising from the 43470  
tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of 43471  
the Revised Code, and that sum may be collected by assessment in 43472  
the manner provided in section 4305.13 of the Revised Code. 43473

(3) If the tax commissioner determines that the quantity 43474  
reported by a person does not warrant monthly reporting, the 43475  
commissioner may authorize the filing of returns and the payment 43476  
of the tax required by this section for periods longer than one 43477  
month. 43478

(D) Every B-1 permit holder and importer in this state 43479  
importing beer from any manufacturer, bottler, person, or group of 43480  
persons however organized, outside the United States, if required 43481  
by the tax commissioner shall post a bond payable to the state in 43482  
such form and amount as the commissioner prescribes with surety to 43483  
the satisfaction of the tax commissioner, conditioned upon the 43484  
payment to the tax commissioner of taxes levied by sections 43485  
4301.42 and 4305.01 of the Revised Code. 43486

(E) No such wine, beer, cider, or mixed beverages sold or 43487  
distributed in this state shall be taxed more than once under 43488  
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 43489

(F) As used in this section: 43490

(1) "Cider" has the same meaning as in section 4301.01 of the 43491  
Revised Code. 43492

(2) "Wine" has the same meaning as in section 4301.01 of the Revised Code, except that "wine" does not include cider. 43493  
43494

(G) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code. 43495  
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**Sec. 4503.535.** (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, motorcycle, motorized bicycle or moped, trailer, or other vehicle of a class approved by the registrar of motor vehicles, and, effective January 1, 2017, the owner or lessee of any motor-driven cycle or motor scooter or cab-enclosed motorcycle, may apply to the registrar for the registration of the vehicle and issuance of POW/MIA awareness license plates. The application for POW/MIA awareness license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of POW/MIA awareness license plates with a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code. 43499  
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In addition to the letters and numbers ordinarily inscribed thereon, POW/MIA awareness license plates shall bear the markings designed by rolling thunder, inc., chapter 1 Ohio. POW/MIA awareness license plates, except for motorcycle, motorized bicycle, or moped license plates, also shall bear the words "not forgotten." The registrar shall approve the final design. POW/MIA awareness license plates shall bear county identification stickers that identify the county of registration by name or number. 43515  
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(B) POW/MIA awareness license plates and validation stickers 43523

shall be issued upon payment of the regular license tax as 43524  
prescribed under section 4503.04 of the Revised Code, any 43525  
applicable motor vehicle tax levied under Chapter 4504. of the 43526  
Revised Code, a bureau of motor vehicles administrative fee of ten 43527  
dollars, the contribution specified in division (C) of this 43528  
section, and compliance with all other applicable laws relating to 43529  
the registration of motor vehicles. If the application for POW/MIA 43530  
awareness license plates is combined with a request for a special 43531  
reserved license plate under section 4503.40 or 4503.42 of the 43532  
Revised Code, the license plates and validation sticker shall be 43533  
issued upon payment of the contribution, fees, and taxes contained 43534  
in this division and the additional fee prescribed under section 43535  
4503.40 or 4503.42 of the Revised Code. 43536

(C) For each application for registration and registration 43537  
renewal submitted under this section, the registrar shall collect 43538  
a contribution of twenty-five dollars. The registrar shall pay 43539  
this contribution into the state treasury to the credit of the 43540  
military injury relief fund created in section ~~5101.98~~ 5902.05 of 43541  
the Revised Code. 43542

The registrar shall pay the ten-dollar bureau administrative 43543  
fee, the purpose of which is to compensate the bureau for 43544  
additional services required in issuing POW/MIA awareness license 43545  
plates, into the state treasury to the credit of the state bureau 43546  
of motor vehicles fund created in section 4501.25 of the Revised 43547  
Code. 43548

**Sec. 4511.191.** (A)(1) As used in this section: 43549

(a) "Physical control" has the same meaning as in section 43550  
4511.194 of the Revised Code. 43551

(b) "Alcohol monitoring device" means any device that 43552  
provides for continuous alcohol monitoring, any ignition interlock 43553  
device, any immobilizing or disabling device other than an 43554

ignition interlock device that is constantly available to monitor 43555  
the concentration of alcohol in a person's system, or any other 43556  
device that provides for the automatic testing and periodic 43557  
reporting of alcohol consumption by a person and that a court 43558  
orders a person to use as a sanction imposed as a result of the 43559  
person's conviction of or plea of guilty to an offense. 43560

(c) "Community addiction services provider" has the same 43561  
meaning as in section 5119.01 of the Revised Code. 43562

(2) Any person who operates a vehicle, streetcar, or 43563  
trackless trolley upon a highway or any public or private property 43564  
used by the public for vehicular travel or parking within this 43565  
state or who is in physical control of a vehicle, streetcar, or 43566  
trackless trolley shall be deemed to have given consent to a 43567  
chemical test or tests of the person's whole blood, blood serum or 43568  
plasma, breath, or urine to determine the alcohol, drug of abuse, 43569  
controlled substance, metabolite of a controlled substance, or 43570  
combination content of the person's whole blood, blood serum or 43571  
plasma, breath, or urine if arrested for a violation of division 43572  
(A) or (B) of section 4511.19 of the Revised Code, section 43573  
4511.194 of the Revised Code or a substantially equivalent 43574  
municipal ordinance, or a municipal OVI ordinance. 43575

(3) The chemical test or tests under division (A)(2) of this 43576  
section shall be administered at the request of a law enforcement 43577  
officer having reasonable grounds to believe the person was 43578  
operating or in physical control of a vehicle, streetcar, or 43579  
trackless trolley in violation of a division, section, or 43580  
ordinance identified in division (A)(2) of this section. The law 43581  
enforcement agency by which the officer is employed shall 43582  
designate which of the tests shall be administered. 43583

(4) Any person who is dead or unconscious, or who otherwise 43584  
is in a condition rendering the person incapable of refusal, shall 43585  
be deemed to have consented as provided in division (A)(2) of this 43586

section, and the test or tests may be administered, subject to 43587  
sections 313.12 to 313.16 of the Revised Code. 43588

(5)(a) If a law enforcement officer arrests a person for a 43589  
violation of division (A) or (B) of section 4511.19 of the Revised 43590  
Code, section 4511.194 of the Revised Code or a substantially 43591  
equivalent municipal ordinance, or a municipal OVI ordinance and 43592  
if the person if convicted would be required to be sentenced under 43593  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 43594  
Code, the law enforcement officer shall request the person to 43595  
submit, and the person shall submit, to a chemical test or tests 43596  
of the person's whole blood, blood serum or plasma, breath, or 43597  
urine for the purpose of determining the alcohol, drug of abuse, 43598  
controlled substance, metabolite of a controlled substance, or 43599  
combination content of the person's whole blood, blood serum or 43600  
plasma, breath, or urine. A law enforcement officer who makes a 43601  
request pursuant to this division that a person submit to a 43602  
chemical test or tests is not required to advise the person of the 43603  
consequences of submitting to, or refusing to submit to, the test 43604  
or tests and is not required to give the person the form described 43605  
in division (B) of section 4511.192 of the Revised Code, but the 43606  
officer shall advise the person at the time of the arrest that if 43607  
the person refuses to take a chemical test the officer may employ 43608  
whatever reasonable means are necessary to ensure that the person 43609  
submits to a chemical test of the person's whole blood or blood 43610  
serum or plasma. The officer shall also advise the person at the 43611  
time of the arrest that the person may have an independent 43612  
chemical test taken at the person's own expense. Divisions (A)(3) 43613  
and (4) of this section apply to the administration of a chemical 43614  
test or tests pursuant to this division. 43615

(b) If a person refuses to submit to a chemical test upon a 43616  
request made pursuant to division (A)(5)(a) of this section, the 43617  
law enforcement officer who made the request may employ whatever 43618

reasonable means are necessary to ensure that the person submits 43619  
to a chemical test of the person's whole blood or blood serum or 43620  
plasma. A law enforcement officer who acts pursuant to this 43621  
division to ensure that a person submits to a chemical test of the 43622  
person's whole blood or blood serum or plasma is immune from 43623  
criminal and civil liability based upon a claim for assault and 43624  
battery or any other claim for the acts, unless the officer so 43625  
acted with malicious purpose, in bad faith, or in a wanton or 43626  
reckless manner. 43627

(B)(1) Upon receipt of the sworn report of a law enforcement 43628  
officer who arrested a person for a violation of division (A) or 43629  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 43630  
the Revised Code or a substantially equivalent municipal 43631  
ordinance, or a municipal OVI ordinance that was completed and 43632  
sent to the registrar of motor vehicles and a court pursuant to 43633  
section 4511.192 of the Revised Code in regard to a person who 43634  
refused to take the designated chemical test, the registrar shall 43635  
enter into the registrar's records the fact that the person's 43636  
driver's or commercial driver's license or permit or nonresident 43637  
operating privilege was suspended by the arresting officer under 43638  
this division and that section and the period of the suspension, 43639  
as determined under this section. The suspension shall be subject 43640  
to appeal as provided in section 4511.197 of the Revised Code. The 43641  
suspension shall be for whichever of the following periods 43642  
applies: 43643

(a) Except when division (B)(1)(b), (c), or (d) of this 43644  
section applies and specifies a different class or length of 43645  
suspension, the suspension shall be a class C suspension for the 43646  
period of time specified in division (B)(3) of section 4510.02 of 43647  
the Revised Code. 43648

(b) If the arrested person, within six years of the date on 43649  
which the person refused the request to consent to the chemical 43650

test, had refused one previous request to consent to a chemical 43651  
test or had been convicted of or pleaded guilty to one violation 43652  
of division (A) or (B) of section 4511.19 of the Revised Code or 43653  
one other equivalent offense, the suspension shall be a class B 43654  
suspension imposed for the period of time specified in division 43655  
(B)(2) of section 4510.02 of the Revised Code. 43656

(c) If the arrested person, within six years of the date on 43657  
which the person refused the request to consent to the chemical 43658  
test, had refused two previous requests to consent to a chemical 43659  
test, had been convicted of or pleaded guilty to two violations of 43660  
division (A) or (B) of section 4511.19 of the Revised Code or 43661  
other equivalent offenses, or had refused one previous request to 43662  
consent to a chemical test and also had been convicted of or 43663  
pleaded guilty to one violation of division (A) or (B) of section 43664  
4511.19 of the Revised Code or other equivalent offenses, which 43665  
violation or offense arose from an incident other than the 43666  
incident that led to the refusal, the suspension shall be a class 43667  
A suspension imposed for the period of time specified in division 43668  
(B)(1) of section 4510.02 of the Revised Code. 43669

(d) If the arrested person, within six years of the date on 43670  
which the person refused the request to consent to the chemical 43671  
test, had refused three or more previous requests to consent to a 43672  
chemical test, had been convicted of or pleaded guilty to three or 43673  
more violations of division (A) or (B) of section 4511.19 of the 43674  
Revised Code or other equivalent offenses, or had refused a number 43675  
of previous requests to consent to a chemical test and also had 43676  
been convicted of or pleaded guilty to a number of violations of 43677  
division (A) or (B) of section 4511.19 of the Revised Code or 43678  
other equivalent offenses that cumulatively total three or more 43679  
such refusals, convictions, and guilty pleas, the suspension shall 43680  
be for five years. 43681

(2) The registrar shall terminate a suspension of the 43682

driver's or commercial driver's license or permit of a resident or 43683  
of the operating privilege of a nonresident, or a denial of a 43684  
driver's or commercial driver's license or permit, imposed 43685  
pursuant to division (B)(1) of this section upon receipt of notice 43686  
that the person has entered a plea of guilty to, or that the 43687  
person has been convicted after entering a plea of no contest to, 43688  
operating a vehicle in violation of section 4511.19 of the Revised 43689  
Code or in violation of a municipal OVI ordinance, if the offense 43690  
for which the conviction is had or the plea is entered arose from 43691  
the same incident that led to the suspension or denial. 43692

The registrar shall credit against any judicial suspension of 43693  
a person's driver's or commercial driver's license or permit or 43694  
nonresident operating privilege imposed pursuant to section 43695  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 43696  
Revised Code for a violation of a municipal OVI ordinance, any 43697  
time during which the person serves a related suspension imposed 43698  
pursuant to division (B)(1) of this section. 43699

(C)(1) Upon receipt of the sworn report of the law 43700  
enforcement officer who arrested a person for a violation of 43701  
division (A) or (B) of section 4511.19 of the Revised Code or a 43702  
municipal OVI ordinance that was completed and sent to the 43703  
registrar and a court pursuant to section 4511.192 of the Revised 43704  
Code in regard to a person whose test results indicate that the 43705  
person's whole blood, blood serum or plasma, breath, or urine 43706  
contained at least the concentration of alcohol specified in 43707  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 43708  
Revised Code or at least the concentration of a listed controlled 43709  
substance or a listed metabolite of a controlled substance 43710  
specified in division (A)(1)(j) of section 4511.19 of the Revised 43711  
Code, the registrar shall enter into the registrar's records the 43712  
fact that the person's driver's or commercial driver's license or 43713  
permit or nonresident operating privilege was suspended by the 43714

arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

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

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

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

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

(B)(1) of section 4510.02 of the Revised Code. 43747

(2) The registrar shall terminate a suspension of the 43748  
driver's or commercial driver's license or permit of a resident or 43749  
of the operating privilege of a nonresident, or a denial of a 43750  
driver's or commercial driver's license or permit, imposed 43751  
pursuant to division (C)(1) of this section upon receipt of notice 43752  
that the person has entered a plea of guilty to, or that the 43753  
person has been convicted after entering a plea of no contest to, 43754  
operating a vehicle in violation of section 4511.19 of the Revised 43755  
Code or in violation of a municipal OVI ordinance, if the offense 43756  
for which the conviction is had or the plea is entered arose from 43757  
the same incident that led to the suspension or denial. 43758

The registrar shall credit against any judicial suspension of 43759  
a person's driver's or commercial driver's license or permit or 43760  
nonresident operating privilege imposed pursuant to section 43761  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 43762  
Revised Code for a violation of a municipal OVI ordinance, any 43763  
time during which the person serves a related suspension imposed 43764  
pursuant to division (C)(1) of this section. 43765

(D)(1) A suspension of a person's driver's or commercial 43766  
driver's license or permit or nonresident operating privilege 43767  
under this section for the time described in division (B) or (C) 43768  
of this section is effective immediately from the time at which 43769  
the arresting officer serves the notice of suspension upon the 43770  
arrested person. Any subsequent finding that the person is not 43771  
guilty of the charge that resulted in the person being requested 43772  
to take the chemical test or tests under division (A) of this 43773  
section does not affect the suspension. 43774

(2) If a person is arrested for operating a vehicle, 43775  
streetcar, or trackless trolley in violation of division (A) or 43776  
(B) of section 4511.19 of the Revised Code or a municipal OVI 43777  
ordinance, or for being in physical control of a vehicle, 43778

streetcar, or trackless trolley in violation of section 4511.194 43779  
of the Revised Code or a substantially equivalent municipal 43780  
ordinance, regardless of whether the person's driver's or 43781  
commercial driver's license or permit or nonresident operating 43782  
privilege is or is not suspended under division (B) or (C) of this 43783  
section or Chapter 4510. of the Revised Code, the person's initial 43784  
appearance on the charge resulting from the arrest shall be held 43785  
within five days of the person's arrest or the issuance of the 43786  
citation to the person, subject to any continuance granted by the 43787  
court pursuant to section 4511.197 of the Revised Code regarding 43788  
the issues specified in that division. 43789

(E) When it finally has been determined under the procedures 43790  
of this section and sections 4511.192 to 4511.197 of the Revised 43791  
Code that a nonresident's privilege to operate a vehicle within 43792  
this state has been suspended, the registrar shall give 43793  
information in writing of the action taken to the motor vehicle 43794  
administrator of the state of the person's residence and of any 43795  
state in which the person has a license. 43796

(F) At the end of a suspension period under this section, 43797  
under section 4511.194, section 4511.196, or division (G) of 43798  
section 4511.19 of the Revised Code, or under section 4510.07 of 43799  
the Revised Code for a violation of a municipal OVI ordinance and 43800  
upon the request of the person whose driver's or commercial 43801  
driver's license or permit was suspended and who is not otherwise 43802  
subject to suspension, cancellation, or disqualification, the 43803  
registrar shall return the driver's or commercial driver's license 43804  
or permit to the person upon the occurrence of all of the 43805  
conditions specified in divisions (F)(1) and (2) of this section: 43806

(1) A showing that the person has proof of financial 43807  
responsibility, a policy of liability insurance in effect that 43808  
meets the minimum standards set forth in section 4509.51 of the 43809  
Revised Code, or proof, to the satisfaction of the registrar, that 43810

the person is able to respond in damages in an amount at least 43811  
equal to the minimum amounts specified in section 4509.51 of the 43812  
Revised Code. 43813

(2) Subject to the limitation contained in division (F)(3) of 43814  
this section, payment by the person to the registrar or an 43815  
eligible deputy registrar of a license reinstatement fee of four 43816  
hundred seventy-five dollars, which fee shall be deposited in the 43817  
state treasury and credited as follows: 43818

(a) One hundred twelve dollars and fifty cents shall be 43819  
credited to the statewide treatment and prevention fund created by 43820  
section 4301.30 of the Revised Code. Money credited to the fund 43821  
under this section shall be used for purposes identified under 43822  
section 5119.22 of the Revised Code. 43823

(b) Seventy-five dollars shall be credited to the reparations 43824  
fund created by section 2743.191 of the Revised Code. 43825

(c) Thirty-seven dollars and fifty cents shall be credited to 43826  
the indigent drivers alcohol treatment fund, which is hereby 43827  
established in the state treasury. The department of mental health 43828  
and addiction services shall distribute the moneys in that fund to 43829  
the county indigent drivers alcohol treatment funds, the county 43830  
juvenile indigent drivers alcohol treatment funds, and the 43831  
municipal indigent drivers alcohol treatment funds that are 43832  
required to be established by counties and municipal corporations 43833  
pursuant to division (H) of this section to be used only as 43834  
provided in division (H)(3) of this section. Moneys in the fund 43835  
that are not distributed to a county indigent drivers alcohol 43836  
treatment fund, a county juvenile indigent drivers alcohol 43837  
treatment fund, or a municipal indigent drivers alcohol treatment 43838  
fund under division (H) of this section because the director of 43839  
mental health and addiction services does not have the information 43840  
necessary to identify the county or municipal corporation where 43841  
the offender or juvenile offender was arrested may be transferred 43842

by the director of budget and management to the statewide 43843  
treatment and prevention fund created by section 4301.30 of the 43844  
Revised Code, upon certification of the amount by the director of 43845  
mental health and addiction services. 43846

(d) Seventy-five dollars shall be credited to the 43847  
opportunities for Ohioans with disabilities agency established by 43848  
section 3304.15 of the Revised Code, to the services for 43849  
rehabilitation fund, which is hereby established. The fund shall 43850  
be used to match available federal matching funds where 43851  
appropriate, and for any other purpose or program of the agency to 43852  
rehabilitate persons with disabilities to help them become 43853  
employed and independent. 43854

(e) Seventy-five dollars shall be deposited into the state 43855  
treasury and credited to the drug abuse resistance education 43856  
programs fund, which is hereby established, to be used by the 43857  
attorney general for the purposes specified in division (F)(4) of 43858  
this section. 43859

(f) Thirty dollars shall be credited to the state bureau of 43860  
motor vehicles fund created by section 4501.25 of the Revised 43861  
Code. 43862

(g) Twenty dollars shall be credited to the trauma and 43863  
emergency medical services fund created by section 4513.263 of the 43864  
Revised Code. 43865

(h) Fifty dollars shall be credited to the indigent drivers 43866  
interlock and alcohol monitoring fund, which is hereby established 43867  
in the state treasury. Moneys in the fund shall be distributed by 43868  
the department of public safety to the county indigent drivers 43869  
interlock and alcohol monitoring funds, the county juvenile 43870  
indigent drivers interlock and alcohol monitoring funds, and the 43871  
municipal indigent drivers interlock and alcohol monitoring funds 43872  
that are required to be established by counties and municipal 43873

corporations pursuant to this section, and shall be used only to 43874  
pay the cost of an immobilizing or disabling device, including a 43875  
certified ignition interlock device, or an alcohol monitoring 43876  
device used by an offender or juvenile offender who is ordered to 43877  
use the device by a county, juvenile, or municipal court judge and 43878  
who is determined by the county, juvenile, or municipal court 43879  
judge not to have the means to pay for the person's use of the 43880  
device. 43881

(3) If a person's driver's or commercial driver's license or 43882  
permit is suspended under this section, under section 4511.196 or 43883  
division (G) of section 4511.19 of the Revised Code, under section 43884  
4510.07 of the Revised Code for a violation of a municipal OVI 43885  
ordinance or under any combination of the suspensions described in 43886  
division (F)(3) of this section, and if the suspensions arise from 43887  
a single incident or a single set of facts and circumstances, the 43888  
person is liable for payment of, and shall be required to pay to 43889  
the registrar or an eligible deputy registrar, only one 43890  
reinstatement fee of four hundred seventy-five dollars. The 43891  
reinstatement fee shall be distributed by the bureau in accordance 43892  
with division (F)(2) of this section. 43893

(4) The attorney general shall use amounts in the drug abuse 43894  
resistance education programs fund to award grants to law 43895  
enforcement agencies to establish and implement drug abuse 43896  
resistance education programs in public schools. Grants awarded to 43897  
a law enforcement agency under this section shall be used by the 43898  
agency to pay for not more than fifty per cent of the amount of 43899  
the salaries of law enforcement officers who conduct drug abuse 43900  
resistance education programs in public schools. The attorney 43901  
general shall not use more than six per cent of the amounts the 43902  
attorney general's office receives under division (F)(2)(e) of 43903  
this section to pay the costs it incurs in administering the grant 43904  
program established by division (F)(2)(e) of this section and in 43905

providing training and materials relating to drug abuse resistance 43906  
education programs. 43907

The attorney general shall report to the governor and the 43908  
general assembly each fiscal year on the progress made in 43909  
establishing and implementing drug abuse resistance education 43910  
programs. These reports shall include an evaluation of the 43911  
effectiveness of these programs. 43912

(5) In addition to the reinstatement fee under this section, 43913  
if the person pays the reinstatement fee to a deputy registrar, 43914  
the deputy registrar shall collect a service fee of ten dollars to 43915  
compensate the deputy registrar for services performed under this 43916  
section. The deputy registrar shall retain eight dollars of the 43917  
service fee and shall transmit the reinstatement fee, plus two 43918  
dollars of the service fee, to the registrar in the manner the 43919  
registrar shall determine. 43920

(G) Suspension of a commercial driver's license under 43921  
division (B) or (C) of this section shall be concurrent with any 43922  
period of disqualification under section 3123.611 or 4506.16 of 43923  
the Revised Code or any period of suspension under section 3123.58 43924  
of the Revised Code. No person who is disqualified for life from 43925  
holding a commercial driver's license under section 4506.16 of the 43926  
Revised Code shall be issued a driver's license under Chapter 43927  
4507. of the Revised Code during the period for which the 43928  
commercial driver's license was suspended under division (B) or 43929  
(C) of this section. No person whose commercial driver's license 43930  
is suspended under division (B) or (C) of this section shall be 43931  
issued a driver's license under Chapter 4507. of the Revised Code 43932  
during the period of the suspension. 43933

(H)(1) Each county shall establish an indigent drivers 43934  
alcohol treatment fund and a juvenile indigent drivers alcohol 43935  
treatment fund. Each municipal corporation in which there is a 43936  
municipal court shall establish an indigent drivers alcohol 43937

treatment fund. All revenue that the general assembly appropriates 43938  
to the indigent drivers alcohol treatment fund for transfer to a 43939  
county indigent drivers alcohol treatment fund, a county juvenile 43940  
indigent drivers alcohol treatment fund, or a municipal indigent 43941  
drivers alcohol treatment fund, all portions of fees that are paid 43942  
under division (F) of this section and that are credited under 43943  
that division to the indigent drivers alcohol treatment fund in 43944  
the state treasury for a county indigent drivers alcohol treatment 43945  
fund, a county juvenile indigent drivers alcohol treatment fund, 43946  
or a municipal indigent drivers alcohol treatment fund, all 43947  
portions of additional costs imposed under section 2949.094 of the 43948  
Revised Code that are specified for deposit into a county, county 43949  
juvenile, or municipal indigent drivers alcohol treatment fund by 43950  
that section, and all portions of fines that are specified for 43951  
deposit into a county or municipal indigent drivers alcohol 43952  
treatment fund by section 4511.193 of the Revised Code shall be 43953  
deposited into that county indigent drivers alcohol treatment 43954  
fund, county juvenile indigent drivers alcohol treatment fund, or 43955  
municipal indigent drivers alcohol treatment fund. The portions of 43956  
the fees paid under division (F) of this section that are to be so 43957  
deposited shall be determined in accordance with division (H)(2) 43958  
of this section. Additionally, all portions of fines that are paid 43959  
for a violation of section 4511.19 of the Revised Code or of any 43960  
prohibition contained in Chapter 4510. of the Revised Code, and 43961  
that are required under section 4511.19 or any provision of 43962  
Chapter 4510. of the Revised Code to be deposited into a county 43963  
indigent drivers alcohol treatment fund or municipal indigent 43964  
drivers alcohol treatment fund shall be deposited into the 43965  
appropriate fund in accordance with the applicable division of the 43966  
section or provision. 43967

(2) That portion of the license reinstatement fee that is 43968  
paid under division (F) of this section and that is credited under 43969  
that division to the indigent drivers alcohol treatment fund shall 43970

be deposited into a county indigent drivers alcohol treatment 43971  
fund, a county juvenile indigent drivers alcohol treatment fund, 43972  
or a municipal indigent drivers alcohol treatment fund as follows: 43973

(a) Regarding a suspension imposed under this section, that 43974  
portion of the fee shall be deposited as follows: 43975

(i) If the fee is paid by a person who was charged in a 43976  
county court with the violation that resulted in the suspension or 43977  
in the imposition of the court costs, the portion shall be 43978  
deposited into the county indigent drivers alcohol treatment fund 43979  
under the control of that court; 43980

(ii) If the fee is paid by a person who was charged in a 43981  
juvenile court with the violation that resulted in the suspension 43982  
or in the imposition of the court costs, the portion shall be 43983  
deposited into the county juvenile indigent drivers alcohol 43984  
treatment fund established in the county served by the court; 43985

(iii) If the fee is paid by a person who was charged in a 43986  
municipal court with the violation that resulted in the suspension 43987  
or in the imposition of the court costs, the portion shall be 43988  
deposited into the municipal indigent drivers alcohol treatment 43989  
fund under the control of that court. 43990

(b) Regarding a suspension imposed under section 4511.19 of 43991  
the Revised Code or under section 4510.07 of the Revised Code for 43992  
a violation of a municipal OVI ordinance, that portion of the fee 43993  
shall be deposited as follows: 43994

(i) If the fee is paid by a person whose license or permit 43995  
was suspended by a county court, the portion shall be deposited 43996  
into the county indigent drivers alcohol treatment fund under the 43997  
control of that court; 43998

(ii) If the fee is paid by a person whose license or permit 43999  
was suspended by a municipal court, the portion shall be deposited 44000  
into the municipal indigent drivers alcohol treatment fund under 44001

the control of that court. 44002

(3)(a) As used in division (H)(3) of this section, "indigent 44003  
person" means a person who is convicted of a violation of division 44004  
(A) or (B) of section 4511.19 of the Revised Code or a 44005  
substantially similar municipal ordinance or found to be a 44006  
juvenile traffic offender by reason of a violation of division (A) 44007  
or (B) of section 4511.19 of the Revised Code or a substantially 44008  
similar municipal ordinance, who is ordered by the court to attend 44009  
an alcohol and drug addiction treatment program, and who is 44010  
determined by the court under division (H)(5) of this section to 44011  
be unable to pay the cost of the assessment or the cost of 44012  
attendance at the treatment program. 44013

(b) A county, juvenile, or municipal court judge, by order, 44014  
may make expenditures from a county indigent drivers alcohol 44015  
treatment fund, a county juvenile indigent drivers alcohol 44016  
treatment fund, or a municipal indigent drivers alcohol treatment 44017  
fund with respect to an indigent person for any of the following: 44018

(i) To pay the cost of an assessment that is conducted by an 44019  
appropriately licensed clinician at either a driver intervention 44020  
program that is certified under section 5119.38 of the Revised 44021  
Code or at a community addiction services provider that is 44022  
certified under section 5119.36 of the Revised Code; 44023

(ii) To pay the cost of alcohol addiction services, drug 44024  
addiction services, or integrated alcohol and drug addiction 44025  
services at a community addiction services provider that is 44026  
certified under section 5119.36 of the Revised Code; 44027

(iii) To pay the cost of transportation to attend an 44028  
assessment as provided under division (H)(3)(b)(i) of this section 44029  
or addiction services as provided under division (H)(3)(b)(ii) of 44030  
this section. 44031

The alcohol and drug addiction services board or the board of 44032

alcohol, drug addiction, and mental health services established 44033  
pursuant to section 340.02 or 340.021 of the Revised Code and 44034  
serving the alcohol, drug addiction, and mental health service 44035  
district in which the court is located shall administer the 44036  
indigent drivers alcohol treatment program of the court. When a 44037  
court orders an offender or juvenile traffic offender to obtain an 44038  
assessment or attend an alcohol and drug addiction treatment 44039  
program, the board shall determine which program is suitable to 44040  
meet the needs of the offender or juvenile traffic offender, and 44041  
when a suitable program is located and space is available at the 44042  
program, the offender or juvenile traffic offender shall attend 44043  
the program designated by the board. A reasonable amount not to 44044  
exceed five per cent of the amounts credited to and deposited into 44045  
the county indigent drivers alcohol treatment fund, the county 44046  
juvenile indigent drivers alcohol treatment fund, or the municipal 44047  
indigent drivers alcohol treatment fund serving every court whose 44048  
program is administered by that board shall be paid to the board 44049  
to cover the costs it incurs in administering those indigent 44050  
drivers alcohol treatment programs. 44051

(c) Upon exhaustion of moneys in the indigent drivers 44052  
interlock and alcohol monitoring fund for the use of an alcohol 44053  
monitoring device, a county, juvenile, or municipal court judge 44054  
may use moneys in the county indigent drivers alcohol treatment 44055  
fund, county juvenile indigent drivers alcohol treatment fund, or 44056  
municipal indigent drivers alcohol treatment fund in either of the 44057  
following manners: 44058

(i) If the source of the moneys was an appropriation of the 44059  
general assembly, a portion of a fee that was paid under division 44060  
(F) of this section, a portion of a fine that was specified for 44061  
deposit into the fund by section 4511.193 of the Revised Code, or 44062  
a portion of a fine that was paid for a violation of section 44063  
4511.19 of the Revised Code or of a provision contained in Chapter 44064

4510. of the Revised Code that was required to be deposited into 44065  
the fund, to pay for the continued use of an alcohol monitoring 44066  
device by an offender or juvenile traffic offender, in conjunction 44067  
with a treatment program approved by the department of mental 44068  
health and addiction services, when such use is determined 44069  
clinically necessary by the treatment program and when the court 44070  
determines that the offender or juvenile traffic offender is 44071  
unable to pay all or part of the daily monitoring or cost of the 44072  
device; 44073

(ii) If the source of the moneys was a portion of an 44074  
additional court cost imposed under section 2949.094 of the 44075  
Revised Code, to pay for the continued use of an alcohol 44076  
monitoring device by an offender or juvenile traffic offender when 44077  
the court determines that the offender or juvenile traffic 44078  
offender is unable to pay all or part of the daily monitoring or 44079  
cost of the device. The moneys may be used for a device as 44080  
described in this division if the use of the device is in 44081  
conjunction with a treatment program approved by the department of 44082  
mental health and addiction services, when the use of the device 44083  
is determined clinically necessary by the treatment program, but 44084  
the use of a device is not required to be in conjunction with a 44085  
treatment program approved by the department in order for the 44086  
moneys to be used for the device as described in this division. 44087

(4) If a county, juvenile, or municipal court determines, in 44088  
consultation with the alcohol and drug addiction services board or 44089  
the board of alcohol, drug addiction, and mental health services 44090  
established pursuant to section 340.02 or 340.021 of the Revised 44091  
Code and serving the alcohol, drug addiction, and mental health 44092  
district in which the court is located, that the funds in the 44093  
county indigent drivers alcohol treatment fund, the county 44094  
juvenile indigent drivers alcohol treatment fund, or the municipal 44095  
indigent drivers alcohol treatment fund under the control of the 44096

court are more than sufficient to satisfy the purpose for which 44097  
the fund was established, as specified in divisions (H)(1) to (3) 44098  
of this section, the court may declare a surplus in the fund. If 44099  
the court declares a surplus in the fund, the court may take any 44100  
of the following actions with regard to the amount of the surplus 44101  
in the fund: 44102

(a) Expend any of the surplus amount for alcohol and drug 44103  
abuse assessment and treatment, and for the cost of transportation 44104  
related to assessment and treatment, of persons who are charged in 44105  
the court with committing a criminal offense or with being a 44106  
delinquent child or juvenile traffic offender and in relation to 44107  
whom both of the following apply: 44108

(i) The court determines that substance abuse was a 44109  
contributing factor leading to the criminal or delinquent activity 44110  
or the juvenile traffic offense with which the person is charged. 44111

(ii) The court determines that the person is unable to pay 44112  
the cost of the alcohol and drug abuse assessment and treatment 44113  
for which the surplus money will be used. 44114

(b) Expend any of the surplus amount to pay all or part of 44115  
the cost of purchasing alcohol monitoring devices to be used in 44116  
conjunction with division (H)(3)(c) of this section, upon 44117  
exhaustion of moneys in the indigent drivers interlock and alcohol 44118  
monitoring fund for the use of an alcohol monitoring device. 44119

(c) Transfer to another court in the same county any of the 44120  
surplus amount to be utilized in a manner consistent with division 44121  
(H)(3) of this section. If surplus funds are transferred to 44122  
another court, the court that transfers the funds shall notify the 44123  
alcohol and drug addiction services board or the board of alcohol, 44124  
drug addiction, and mental health services that serves the 44125  
alcohol, drug addiction, and mental health service district in 44126  
which that court is located. 44127

(d) Transfer to the alcohol and drug addiction services board 44128  
or the board of alcohol, drug addiction, and mental health 44129  
services that serves the alcohol, drug addiction, and mental 44130  
health service district in which the court is located any of the 44131  
surplus amount to be utilized in a manner consistent with division 44132  
(H)(3) of this section or for board contracted recovery ~~support~~ 44133  
~~services supports, as defined in section 5119.01 of the Revised~~ 44134  
Code. 44135

(5) In order to determine if an offender does not have the 44136  
means to pay for the offender's attendance at an alcohol and drug 44137  
addiction treatment program for purposes of division (H)(3) of 44138  
this section or if an alleged offender or delinquent child is 44139  
unable to pay the costs specified in division (H)(4) of this 44140  
section, the court shall use the indigent client eligibility 44141  
guidelines and the standards of indigency established by the state 44142  
public defender to make the determination. 44143

(6) The court shall identify and refer any community 44144  
addiction services provider that ~~is~~ intends to provide addiction 44145  
services and has not had its addiction services certified under 44146  
section 5119.36 of the Revised Code and that is interested in 44147  
receiving amounts from the surplus in the fund declared under 44148  
division (H)(4) of this section to the department of mental health 44149  
and addiction services in order for the community addiction 44150  
services provider to ~~become a certified community addiction~~ 44151  
~~services provider~~ have its addiction services certified by the 44152  
department. The department shall keep a record of applicant 44153  
referrals received pursuant to this division and shall submit a 44154  
report on the referrals each year to the general assembly. If a 44155  
community addiction services provider interested in ~~becoming~~ 44156  
having its addiction services certified makes an application ~~to~~ 44157  
~~become certified~~ pursuant to section 5119.36 of the Revised Code, 44158  
the community addiction services provider is eligible to receive 44159

surplus funds as long as the application is pending with the 44160  
department. The department of mental health and addiction services 44161  
must offer technical assistance to the applicant. If the 44162  
interested community addiction services provider withdraws the 44163  
certification application, the department must notify the court, 44164  
and the court shall not provide the interested community addiction 44165  
services provider with any further surplus funds. 44166

(7)(a) Each alcohol and drug addiction services board and 44167  
board of alcohol, drug addiction, and mental health services 44168  
established pursuant to section 340.02 or 340.021 of the Revised 44169  
Code shall submit to the department of mental health and addiction 44170  
services an annual report for each indigent drivers alcohol 44171  
treatment fund in that board's area. 44172

(b) The report, which shall be submitted not later than sixty 44173  
days after the end of the state fiscal year, shall provide the 44174  
total payment that was made from the fund, including the number of 44175  
indigent consumers that received treatment services and the number 44176  
of indigent consumers that received an alcohol monitoring device. 44177  
The report shall identify the treatment program and expenditure 44178  
for an alcohol monitoring device for which that payment was made. 44179  
The report shall include the fiscal year balance of each indigent 44180  
drivers alcohol treatment fund located in that board's area. In 44181  
the event that a surplus is declared in the fund pursuant to 44182  
division (H)(4) of this section, the report also shall provide the 44183  
total payment that was made from the surplus moneys and identify 44184  
the authorized purpose for which that payment was made. 44185

(c) If a board is unable to obtain adequate information to 44186  
develop the report to submit to the department for a particular 44187  
indigent drivers alcohol treatment fund, the board shall submit a 44188  
report detailing the effort made in obtaining the information. 44189

(I)(1) Each county shall establish an indigent drivers 44190  
interlock and alcohol monitoring fund and a juvenile indigent 44191

drivers interlock and alcohol treatment fund. Each municipal 44192  
corporation in which there is a municipal court shall establish an 44193  
indigent drivers interlock and alcohol monitoring fund. All 44194  
revenue that the general assembly appropriates to the indigent 44195  
drivers interlock and alcohol monitoring fund for transfer to a 44196  
county indigent drivers interlock and alcohol monitoring fund, a 44197  
county juvenile indigent drivers interlock and alcohol monitoring 44198  
fund, or a municipal indigent drivers interlock and alcohol 44199  
monitoring fund, all portions of license reinstatement fees that 44200  
are paid under division (F)(2) of this section and that are 44201  
credited under that division to the indigent drivers interlock and 44202  
alcohol monitoring fund in the state treasury, and all portions of 44203  
fines that are paid under division (G) of section 4511.19 of the 44204  
Revised Code and that are credited by division (G)(5)(e) of that 44205  
section to the indigent drivers interlock and alcohol monitoring 44206  
fund in the state treasury shall be deposited in the appropriate 44207  
fund in accordance with division (I)(2) of this section. 44208

(2) That portion of the license reinstatement fee that is 44209  
paid under division (F) of this section and that portion of the 44210  
fine paid under division (G) of section 4511.19 of the Revised 44211  
Code and that is credited under either division to the indigent 44212  
drivers interlock and alcohol monitoring fund shall be deposited 44213  
into a county indigent drivers interlock and alcohol monitoring 44214  
fund, a county juvenile indigent drivers interlock and alcohol 44215  
monitoring fund, or a municipal indigent drivers interlock and 44216  
alcohol monitoring fund as follows: 44217

(a) If the fee or fine is paid by a person who was charged in 44218  
a county court with the violation that resulted in the suspension 44219  
or fine, the portion shall be deposited into the county indigent 44220  
drivers interlock and alcohol monitoring fund under the control of 44221  
that court. 44222

(b) If the fee or fine is paid by a person who was charged in 44223

a juvenile court with the violation that resulted in the 44224  
suspension or fine, the portion shall be deposited into the county 44225  
juvenile indigent drivers interlock and alcohol monitoring fund 44226  
established in the county served by the court. 44227

(c) If the fee or fine is paid by a person who was charged in 44228  
a municipal court with the violation that resulted in the 44229  
suspension, the portion shall be deposited into the municipal 44230  
indigent drivers interlock and alcohol monitoring fund under the 44231  
control of that court. 44232

(3) If a county, juvenile, or municipal court determines that 44233  
the funds in the county indigent drivers interlock and alcohol 44234  
monitoring fund, the county juvenile indigent drivers interlock 44235  
and alcohol monitoring fund, or the municipal indigent drivers 44236  
interlock and alcohol monitoring fund under the control of that 44237  
court are more than sufficient to satisfy the purpose for which 44238  
the fund was established as specified in division (F)(2)(h) of 44239  
this section, the court may declare a surplus in the fund. The 44240  
court then may order the transfer of a specified amount into the 44241  
county indigent drivers alcohol treatment fund, the county 44242  
juvenile indigent drivers alcohol treatment fund, or the municipal 44243  
indigent drivers alcohol treatment fund under the control of that 44244  
court to be utilized in accordance with division (H) of this 44245  
section. 44246

**Sec. 4723.08.** (A) The board of nursing may impose fees not to 44247  
exceed the following limits: 44248

(1) For application for licensure by examination to practice 44249  
nursing as a registered nurse or as a licensed practical nurse, 44250  
seventy-five dollars; 44251

(2) For application for licensure by endorsement to practice 44252  
nursing as a registered nurse or as a licensed practical nurse, 44253  
seventy-five dollars; 44254

(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist,	44255
clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;	44256
	44257
	44258
(4) For application for a temporary dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	44259
	44260
	44261
(5) For application for a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	44262
	44263
	44264
(6) For application for a certificate to prescribe, fifty dollars;	44265
	44266
(7) For providing, pursuant to division (B) of section 4723.271 of the Revised Code, written verification of a nursing license, certificate of authority, certificate to prescribe, dialysis technician certificate, medication aide certificate, or community health worker certificate to another jurisdiction, fifteen dollars;	44267
	44268
	44269
	44270
	44271
	44272
(8) For providing, pursuant to division (A) of section 4723.271 of the Revised Code, a replacement copy of a wall certificate suitable for framing as described in that division, twenty-five dollars;	44273
	44274
	44275
	44276
(9) For biennial renewal of a nursing license, sixty-five dollars;	44277
	44278
(10) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, eighty-five dollars;	44279
	44280
	44281
	44282
(11) For renewal of a certificate to prescribe, fifty dollars;	44283
	44284

(12) For biennial renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	44285 44286 44287
(13) For processing a late application for renewal of a nursing license, certificate of authority, or dialysis technician certificate, fifty dollars;	44288 44289 44290
(14) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	44291 44292 44293
(15) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	44294 44295 44296
(16) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	44297 44298 44299
(17) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	44300 44301 44302
(18) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	44303 44304 44305
<del>(19) For written verification of a license or certificate when the verification is performed for purposes other than providing verification to another jurisdiction, five dollars;</del>	44306 44307 44308
<del>(20)</del> For processing a check returned to the board by a financial institution, twenty-five dollars;	44309 44310
<del>(21)</del> (20) The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of certificates to community health workers, including fees for application for a certificate, biennial renewal of a certificate,	44311 44312 44313 44314

processing a late application for renewal of a certificate, 44315  
reinstatement of a lapsed certificate, application for approval of 44316  
a community health worker training program for community health 44317  
workers, and biennial renewal of the approval of a training 44318  
program for community health workers. 44319

(B) Each quarter, for purposes of transferring funds under 44320  
section 4743.05 of the Revised Code to the nurse education 44321  
assistance fund created in section 3333.28 of the Revised Code, 44322  
the board of nursing shall certify to the director of budget and 44323  
management the number of biennial licenses renewed under this 44324  
chapter during the preceding quarter and the amount equal to that 44325  
number times five dollars. 44326

(C) The board may charge a participant in a board-sponsored 44327  
continuing education activity an amount not exceeding fifteen 44328  
dollars for each activity. 44329

(D) The board may contract for services pertaining to the 44330  
process of providing written verification of a license or 44331  
certificate when the verification is performed for purposes other 44332  
than providing verification to another jurisdiction. The contract 44333  
may include provisions pertaining to the collection of the fee 44334  
charged for providing the written verification. As part of these 44335  
provisions, the board may permit the contractor to retain a 44336  
portion of the fees as compensation, before any amounts are 44337  
deposited into the state treasury. 44338

**Sec. 4723.88.** The board of nursing, in accordance with 44339  
Chapter 119. of the Revised Code, shall adopt rules to administer 44340  
and enforce sections 4723.81 to 4723.87 of the Revised Code. The 44341  
rules shall establish all of the following: 44342

(A) Standards and procedures for issuance of community health 44343  
worker certificates; 44344

(B) Standards for evaluating the competency of an individual 44345  
who applies to receive a certificate on the basis of having been 44346  
employed in a capacity substantially the same as a community 44347  
health worker before the board implemented the certification 44348  
program; 44349

(C) Standards and procedures for renewal of community health 44350  
worker certificates, including the continuing education 44351  
requirements that must be met for renewal; 44352

(D) Standards governing the performance of activities related 44353  
to nursing care that are delegated by a registered nurse to 44354  
certified community health workers. In establishing the standards, 44355  
the board shall specify limits on the number of certified 44356  
community health workers a registered nurse may supervise at any 44357  
one time. 44358

(E) Standards and procedures for assessing the quality of the 44359  
services that are provided by certified community health workers; 44360

(F) Standards and procedures for denying, suspending, and 44361  
revoking a community health worker certificate, including reasons 44362  
for imposing the sanctions that are substantially similar to the 44363  
reasons that sanctions are imposed under section 4723.28 of the 44364  
Revised Code; 44365

(G) Standards and procedures for approving and renewing the 44366  
board's approval of training programs that prepare individuals to 44367  
become certified community health workers. In establishing the 44368  
standards, the board shall specify the minimum components that 44369  
must be included in a training program, shall require that all 44370  
approved training programs offer the standardized curriculum, and 44371  
shall ensure that the curriculum enables individuals to use the 44372  
training as a basis for entering programs leading to other 44373  
careers, including nursing education programs. 44374

(H) Standards for approval of continuing education programs 44375

and courses for certified community health workers; 44376

(I) Standards and procedures for withdrawing the board's 44377  
approval of a training program, refusing to renew the approval of 44378  
a training program, and placing a training program on provisional 44379  
approval; 44380

(J) Amounts for each fee that may be imposed under division 44381  
(A)~~(21)~~(20) of section 4723.08 of the Revised Code; 44382

(K) Any other standards or procedures the board considers 44383  
necessary and appropriate for the administration and enforcement 44384  
of sections 4723.81 to 4723.87 of the Revised Code. 44385

**Sec. 4730.14.** (A) A certificate to practice as a physician 44386  
assistant shall expire biennially and may be renewed in accordance 44387  
with this section. A person seeking to renew a certificate to 44388  
practice as a physician assistant shall, on or before the 44389  
thirty-first day of January of each even-numbered year, apply for 44390  
renewal of the certificate. The state medical board shall send 44391  
renewal notices at least one month prior to the expiration date. 44392

Applications shall be submitted to the board on forms the 44393  
board shall prescribe and furnish. Each application shall be 44394  
accompanied by a biennial renewal fee of one hundred dollars. The 44395  
board shall deposit the fees in accordance with section 4731.24 of 44396  
the Revised Code. 44397

The applicant shall report any criminal offense that 44398  
constitutes grounds for refusing to issue a certificate to 44399  
practice under section 4730.25 of the Revised Code to which the 44400  
applicant has pleaded guilty, of which the applicant has been 44401  
found guilty, or for which the applicant has been found eligible 44402  
for intervention in lieu of conviction, since last signing an 44403  
application for a certificate to practice as a physician 44404  
assistant. 44405

(B) To be eligible for renewal, a physician assistant shall 44406  
certify to the board both of the following: 44407

(1) That the physician assistant has maintained certification 44408  
by the national commission on certification of physician 44409  
assistants or a successor organization that is recognized by the 44410  
board by meeting the standards to hold current certification from 44411  
the commission or its successor, including completion of 44412  
continuing medical education requirements and passing periodic 44413  
recertification examinations; 44414

(2) Except as provided in division (F) of this section and 44415  
section 5903.12 of the Revised Code, that the physician assistant 44416  
has completed during the current certification period not less 44417  
than one hundred hours of continuing medical education acceptable 44418  
to the board. 44419

(C) The board shall adopt rules in accordance with Chapter 44420  
119. of the Revised Code specifying the types of continuing 44421  
medical education that must be completed to fulfill the board's 44422  
requirements under division (B)(2) of this section. Except when 44423  
additional continuing medical education is required to renew a 44424  
certificate to prescribe, as specified in section 4730.49 of the 44425  
Revised Code, the board shall not adopt rules that require a 44426  
physician assistant to complete in any certification period more 44427  
than one hundred hours of continuing medical education acceptable 44428  
to the board. In fulfilling the board's requirements, a physician 44429  
assistant may use continuing medical education courses or programs 44430  
completed to maintain certification by the national commission on 44431  
certification of physician assistants or a successor organization 44432  
that is recognized by the board if the standards for acceptable 44433  
courses and programs of the commission or its successor are at 44434  
least equivalent to the standards established by the board. 44435

(D) If an applicant submits a complete renewal application 44436  
and qualifies for renewal pursuant to division (B) of this 44437

section, the board shall issue to the applicant a renewed 44438  
certificate to practice as a physician assistant. 44439

(E) The board may require a random sample of physician 44440  
assistants to submit materials documenting certification by the 44441  
national commission on certification of physician assistants or a 44442  
successor organization that is recognized by the board and 44443  
completion of the required number of hours of continuing medical 44444  
education. 44445

(F) The board shall provide for pro rata reductions by month 44446  
of the number of hours of continuing education that must be 44447  
completed for individuals who are in their first certification 44448  
period, who have been disabled due to illness or accident, or who 44449  
have been absent from the country. The board shall adopt rules, in 44450  
accordance with Chapter 119. of the Revised Code, as necessary to 44451  
implement this division. 44452

~~(G)(1) A certificate to practice that is not renewed on or 44453  
before its expiration date is automatically suspended on its 44454  
expiration date. Continued practice after suspension of the 44455  
certificate shall be considered as practicing in violation of 44456  
division (A) of section 4730.02 of the Revised Code. 44457~~

~~(2) If a certificate has been suspended pursuant to division 44458  
(G)(1) of this section for two years or less, it may be 44459  
reinstated. The board shall reinstate a certificate suspended for 44460  
failure to renew upon an applicant's submission of a renewal 44461  
application, the biennial renewal fee, and any applicable monetary 44462  
penalty. 44463~~

~~If a certificate has been suspended pursuant to division 44464  
(G)(1) of this division for more than two years, it may be 44465  
restored. In accordance with section 4730.28 of the Revised Code, 44466  
the board may restore a certificate suspended for failure to renew 44467  
upon an applicant's submission of a restoration application, the 44468~~

~~biennial renewal fee, and any applicable monetary penalty and 44469  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 44470  
The board shall not restore to an applicant a certificate to 44471  
practice as a physician assistant unless the board, in its 44472  
discretion, decides that the results of the criminal records check 44473  
do not make the applicant ineligible for a certificate issued 44474  
pursuant to section 4730.12 of the Revised Code. 44475~~

~~The penalty for reinstatement shall be fifty dollars and the 44476  
penalty for restoration shall be one hundred dollars. The board 44477  
shall deposit penalties in accordance with section 4731.24 of the 44478  
Revised Code. 44479~~

~~(H) If an individual certifies that the individual has 44480  
completed the number of hours and type of continuing medical 44481  
education required for renewal or reinstatement of a certificate 44482  
to practice as a physician assistant, and the board finds through 44483  
a random sample conducted under division (E) of this section or 44484  
through any other means that the individual did not complete the 44485  
requisite continuing medical education, The board may impose a 44486  
civil penalty of not more than five thousand dollars if, through a 44487  
random sample it conducts under this section or through other 44488  
means, it finds that an individual certified that the individual 44489  
completed the number of hours and type of continuing medical 44490  
education required for renewal of a certificate to practice as a 44491  
physician assistant when the individual did not fulfill the 44492  
requirement. ~~The board's finding shall be made pursuant to an 44493  
adjudication under Chapter 119. of the Revised Code and by an 44494  
affirmative vote of not fewer than six members. 44495~~~~

~~A civil penalty imposed under this division may be in 44496  
addition to or in lieu of any other action the board may take 44497  
under section 4730.25 of the Revised Code. The board shall deposit 44498  
civil penalties in accordance with section 4731.24 shall not 44499  
conduct an adjudication under Chapter 119. of the Revised Code if 44500~~

the board imposes only a civil penalty. 44501

Pursuant to section 4730.25 of the Revised Code, the board 44502  
may suspend an individual's certificate to practice as a physician 44503  
assistant for failure to renew the certificate and comply with 44504  
this section. If an individual continues to practice after 44505  
suspension, that activity constitutes practicing in violation of 44506  
section 4730.02 of the Revised Code. If the certificate has been 44507  
suspended for two years or less, it may be reinstated. The board 44508  
shall reinstate a certificate to practice as a physician assistant 44509  
for failure to renew on an applicant's submission of a renewal 44510  
application, the biennial renewal fee, and the applicable monetary 44511  
penalty. If the certificate has been suspended for more than two 44512  
years, it may be restored. Subject to section 4730.28 of the 44513  
Revised Code, the board may restore a certificate to practice as a 44514  
physician assistant suspended for failure to renew on an 44515  
applicant's submission of a restoration application, the biennial 44516  
renewal fee, and the applicable monetary penalty and compliance 44517  
with sections 4776.01 to 4776.04 of the Revised Code. The board 44518  
shall not restore an applicant's certificate to practice as a 44519  
physician assistant unless the board decides that the results of 44520  
the criminal records check do not make the applicant ineligible 44521  
for a certificate issued pursuant to section 4730.12 of the 44522  
Revised Code. 44523

The monetary penalty for reinstatement is fifty dollars. The 44524  
monetary penalty for restoration is one hundred dollars. 44525

Amounts received from payment of civil penalties and monetary 44526  
penalties imposed under this division shall be deposited in 44527  
accordance with section 4731.24 of the Revised Code. 44528

**Sec. 4730.252.** (A)(1) If a physician assistant violates any 44529  
section of this chapter other than section 4730.14 of the Revised 44530  
Code or violates any rule adopted under this chapter, the state 44531

medical board may, pursuant to an adjudication under Chapter 119. 44532  
of the Revised Code and an affirmative vote of not fewer than six 44533  
of its members, impose a civil penalty. The amount of the civil 44534  
penalty shall be determined by the board in accordance with the 44535  
guidelines adopted under division (A)(2) of this section. The 44536  
civil penalty may be in addition to any other action the board may 44537  
take under section 4730.25 of the Revised Code. 44538

(2) The board shall adopt and may amend guidelines regarding 44539  
the amounts of civil penalties to be imposed under this section. 44540  
Adoption or amendment of the guidelines requires the approval of 44541  
not fewer than six board members. 44542

Under the guidelines, no civil penalty amount shall exceed 44543  
twenty thousand dollars. 44544

(B) Amounts received from payment of civil penalties imposed 44545  
under this section shall be deposited by the board in accordance 44546  
with section 4731.24 of the Revised Code. Amounts received from 44547  
payment of civil penalties imposed for violations of division 44548  
(B)(5) of section 4730.25 of the Revised Code shall be used by the 44549  
board solely for investigations, enforcement, and compliance 44550  
monitoring. 44551

**Sec. 4731.15.** (A)(1) The state medical board also shall 44552  
regulate the following limited branches of medicine: massage 44553  
therapy and cosmetic therapy, and to the extent specified in 44554  
section 4731.151 of the Revised Code, naprapathy and 44555  
mechanotherapy. The board shall adopt rules governing the limited 44556  
branches of medicine under its jurisdiction. The rules shall be 44557  
adopted in accordance with Chapter 119. of the Revised Code. 44558

(2) As used in this chapter: 44559

(a) "Cosmetic therapy" means the permanent removal of hair 44560  
from the human body through the use of electric modalities 44561

approved by the board for use in cosmetic therapy, and 44562  
additionally may include the systematic friction, stroking, 44563  
slapping, and kneading or tapping of the face, neck, scalp, or 44564  
shoulders. 44565

(b) "Massage therapy" means the treatment of disorders of the 44566  
human body by the manipulation of soft tissue through the 44567  
systematic external application of massage techniques including 44568  
touch, stroking, friction, vibration, percussion, kneading, 44569  
stretching, compression, and joint movements within the normal 44570  
physiologic range of motion; and adjunctive thereto, the external 44571  
application of water, heat, cold, topical preparations, and 44572  
mechanical devices. 44573

(B) A certificate to practice a limited branch of medicine 44574  
issued by the state medical board is valid for a two-year period, 44575  
except when an initial certificate is issued for a shorter period 44576  
or when division (C)(2) of this section is applicable. The 44577  
certificate may be renewed in accordance with division (C) of this 44578  
section. 44579

(C)(1) Except as provided in division (C)(2) of this section, 44580  
all of the following apply with respect to the renewal of 44581  
certificates to practice a limited branch of medicine: 44582

(a) Each person seeking to renew a certificate to practice a 44583  
limited branch of medicine shall apply for biennial registration 44584  
with the state medical board on a renewal application form 44585  
prescribed by the board. An applicant for renewal shall pay a 44586  
biennial registration fee of one hundred dollars. 44587

(b) At least six months before a certificate expires, the 44588  
board shall mail or cause to be mailed a renewal notice to the 44589  
certificate holder's last known address. 44590

(c) At least three months before a certificate expires, the 44591  
certificate holder shall submit the renewal application and 44592

biennial registration fee to the board. 44593

(2) Beginning with the 2009 registration period, the board 44594  
shall implement a staggered renewal system that is substantially 44595  
similar to the staggered renewal system the board uses under 44596  
division ~~(B)~~(A) of section 4731.281 of the Revised Code. 44597

(D) All persons who hold a certificate to practice a limited 44598  
branch of medicine issued by the state medical board shall provide 44599  
the board written notice of any change of address. The notice 44600  
shall be submitted to the board not later than thirty days after 44601  
the change of address. 44602

(E) A certificate to practice a limited branch of medicine 44603  
shall be automatically suspended if the certificate holder fails 44604  
to renew the certificate in accordance with division (C) of this 44605  
section. Continued practice after the suspension of the 44606  
certificate to practice shall be considered as practicing in 44607  
violation of sections 4731.34 and 4731.41 of the Revised Code. 44608

If a certificate to practice has been suspended pursuant to 44609  
this division for two years or less, it may be reinstated. The 44610  
board shall reinstate the certificate upon an applicant's 44611  
submission of a renewal application and payment of the biennial 44612  
registration fee and the applicable monetary penalty. With regard 44613  
to reinstatement of a certificate to practice cosmetic therapy, 44614  
the applicant also shall submit with the application a 44615  
certification that the number of hours of continuing education 44616  
necessary to have a suspended certificate reinstated have been 44617  
completed, as specified in rules the board shall adopt in 44618  
accordance with Chapter 119. of the Revised Code. The penalty for 44619  
reinstatement shall be twenty-five dollars. 44620

If a certificate has been suspended pursuant to this division 44621  
for more than two years, it may be restored. Subject to section 44622  
4731.222 of the Revised Code, the board may restore the 44623

certificate upon an applicant's submission of a restoration 44624  
application, the biennial registration fee, and the applicable 44625  
monetary penalty and compliance with sections 4776.01 to 4776.04 44626  
of the Revised Code. The board shall not restore to an applicant a 44627  
certificate to practice unless the board, in its discretion, 44628  
decides that the results of the criminal records check do not make 44629  
the applicant ineligible for a certificate issued pursuant to 44630  
section 4731.17 of the Revised Code. The penalty for restoration 44631  
is fifty dollars. 44632

**Sec. 4731.22.** (A) The state medical board, by an affirmative 44633  
vote of not fewer than six of its members, may limit, revoke, or 44634  
suspend an individual's certificate to practice, refuse to grant a 44635  
certificate to an individual, refuse to register an individual, 44636  
refuse to reinstate a certificate, or reprimand or place on 44637  
probation the holder of a certificate if the individual or 44638  
certificate holder is found by the board to have committed fraud 44639  
during the administration of the examination for a certificate to 44640  
practice or to have committed fraud, misrepresentation, or 44641  
deception in applying for or securing any certificate to practice 44642  
or certificate of registration issued by the board. 44643

(B) The board, by an affirmative vote of not fewer than six 44644  
members, shall, to the extent permitted by law, limit, revoke, or 44645  
suspend an individual's certificate to practice, refuse to 44646  
register an individual, refuse to reinstate a certificate, or 44647  
reprimand or place on probation the holder of a certificate for 44648  
one or more of the following reasons: 44649

(1) Permitting one's name or one's certificate to practice or 44650  
certificate of registration to be used by a person, group, or 44651  
corporation when the individual concerned is not actually 44652  
directing the treatment given; 44653

(2) Failure to maintain minimal standards applicable to the 44654

selection or administration of drugs, or failure to employ 44655  
acceptable scientific methods in the selection of drugs or other 44656  
modalities for treatment of disease; 44657

(3) Selling, giving away, personally furnishing, prescribing, 44658  
or administering drugs for other than legal and legitimate 44659  
therapeutic purposes or a plea of guilty to, a judicial finding of 44660  
guilt of, or a judicial finding of eligibility for intervention in 44661  
lieu of conviction of, a violation of any federal or state law 44662  
regulating the possession, distribution, or use of any drug; 44663

(4) Willfully betraying a professional confidence. 44664

For purposes of this division, "willfully betraying a 44665  
professional confidence" does not include providing any 44666  
information, documents, or reports ~~to a child fatality review~~ 44667  
~~board~~ under sections 307.621 to 307.629 of the Revised Code to a 44668  
child fatality review board; does not include providing any 44669  
information, documents, or reports to the director of health 44670  
pursuant to guidelines established under section 3701.70 of the 44671  
Revised Code; and does not include the making of a report of an 44672  
employee's use of a drug of abuse, or a report of a condition of 44673  
an employee other than one involving the use of a drug of abuse, 44674  
to the employer of the employee as described in division (B) of 44675  
section 2305.33 of the Revised Code. Nothing in this division 44676  
affects the immunity from civil liability conferred by that 44677  
section upon a physician who makes either type of report in 44678  
accordance with division (B) of that section. As used in this 44679  
division, "employee," "employer," and "physician" have the same 44680  
meanings as in section 2305.33 of the Revised Code. 44681

(5) Making a false, fraudulent, deceptive, or misleading 44682  
statement in the solicitation of or advertising for patients; in 44683  
relation to the practice of medicine and surgery, osteopathic 44684  
medicine and surgery, podiatric medicine and surgery, or a limited 44685  
branch of medicine; or in securing or attempting to secure any 44686

certificate to practice or certificate of registration issued by 44687  
the board. 44688

As used in this division, "false, fraudulent, deceptive, or 44689  
misleading statement" means a statement that includes a 44690  
misrepresentation of fact, is likely to mislead or deceive because 44691  
of a failure to disclose material facts, is intended or is likely 44692  
to create false or unjustified expectations of favorable results, 44693  
or includes representations or implications that in reasonable 44694  
probability will cause an ordinarily prudent person to 44695  
misunderstand or be deceived. 44696

(6) A departure from, or the failure to conform to, minimal 44697  
standards of care of similar practitioners under the same or 44698  
similar circumstances, whether or not actual injury to a patient 44699  
is established; 44700

(7) Representing, with the purpose of obtaining compensation 44701  
or other advantage as personal gain or for any other person, that 44702  
an incurable disease or injury, or other incurable condition, can 44703  
be permanently cured; 44704

(8) The obtaining of, or attempting to obtain, money or 44705  
anything of value by fraudulent misrepresentations in the course 44706  
of practice; 44707

(9) A plea of guilty to, a judicial finding of guilt of, or a 44708  
judicial finding of eligibility for intervention in lieu of 44709  
conviction for, a felony; 44710

(10) Commission of an act that constitutes a felony in this 44711  
state, regardless of the jurisdiction in which the act was 44712  
committed; 44713

(11) A plea of guilty to, a judicial finding of guilt of, or 44714  
a judicial finding of eligibility for intervention in lieu of 44715  
conviction for, a misdemeanor committed in the course of practice; 44716

(12) Commission of an act in the course of practice that 44717  
constitutes a misdemeanor in this state, regardless of the 44718  
jurisdiction in which the act was committed; 44719

(13) A plea of guilty to, a judicial finding of guilt of, or 44720  
a judicial finding of eligibility for intervention in lieu of 44721  
conviction for, a misdemeanor involving moral turpitude; 44722

(14) Commission of an act involving moral turpitude that 44723  
constitutes a misdemeanor in this state, regardless of the 44724  
jurisdiction in which the act was committed; 44725

(15) Violation of the conditions of limitation placed by the 44726  
board upon a certificate to practice; 44727

(16) Failure to pay license renewal fees specified in this 44728  
chapter; 44729

(17) Except as authorized in section 4731.31 of the Revised 44730  
Code, engaging in the division of fees for referral of patients, 44731  
or the receiving of a thing of value in return for a specific 44732  
referral of a patient to utilize a particular service or business; 44733

(18) Subject to section 4731.226 of the Revised Code, 44734  
violation of any provision of a code of ethics of the American 44735  
medical association, the American osteopathic association, the 44736  
American podiatric medical association, or any other national 44737  
professional organizations that the board specifies by rule. The 44738  
state medical board shall obtain and keep on file current copies 44739  
of the codes of ethics of the various national professional 44740  
organizations. The individual whose certificate is being suspended 44741  
or revoked shall not be found to have violated any provision of a 44742  
code of ethics of an organization not appropriate to the 44743  
individual's profession. 44744

For purposes of this division, a "provision of a code of 44745  
ethics of a national professional organization" does not include 44746  
any provision that would preclude the making of a report by a 44747

physician of an employee's use of a drug of abuse, or of a 44748  
condition of an employee other than one involving the use of a 44749  
drug of abuse, to the employer of the employee as described in 44750  
division (B) of section 2305.33 of the Revised Code. Nothing in 44751  
this division affects the immunity from civil liability conferred 44752  
by that section upon a physician who makes either type of report 44753  
in accordance with division (B) of that section. As used in this 44754  
division, "employee," "employer," and "physician" have the same 44755  
meanings as in section 2305.33 of the Revised Code. 44756

(19) Inability to practice according to acceptable and 44757  
prevailing standards of care by reason of mental illness or 44758  
physical illness, including, but not limited to, physical 44759  
deterioration that adversely affects cognitive, motor, or 44760  
perceptive skills. 44761

In enforcing this division, the board, upon a showing of a 44762  
possible violation, may compel any individual authorized to 44763  
practice by this chapter or who has submitted an application 44764  
pursuant to this chapter to submit to a mental examination, 44765  
physical examination, including an HIV test, or both a mental and 44766  
a physical examination. The expense of the examination is the 44767  
responsibility of the individual compelled to be examined. Failure 44768  
to submit to a mental or physical examination or consent to an HIV 44769  
test ordered by the board constitutes an admission of the 44770  
allegations against the individual unless the failure is due to 44771  
circumstances beyond the individual's control, and a default and 44772  
final order may be entered without the taking of testimony or 44773  
presentation of evidence. If the board finds an individual unable 44774  
to practice because of the reasons set forth in this division, the 44775  
board shall require the individual to submit to care, counseling, 44776  
or treatment by physicians approved or designated by the board, as 44777  
a condition for initial, continued, reinstated, or renewed 44778  
authority to practice. An individual affected under this division 44779

shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's certificate. For the purpose of this division, any individual who applies for or receives a certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except when civil penalties are imposed under section 4731.225 or ~~4731.281~~ 4731.282 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the public health council pursuant

to section 3701.341 of the Revised Code; 44812

(22) Any of the following actions taken by an agency 44813  
responsible for authorizing, certifying, or regulating an 44814  
individual to practice a health care occupation or provide health 44815  
care services in this state or another jurisdiction, for any 44816  
reason other than the nonpayment of fees: the limitation, 44817  
revocation, or suspension of an individual's license to practice; 44818  
acceptance of an individual's license surrender; denial of a 44819  
license; refusal to renew or reinstate a license; imposition of 44820  
probation; or issuance of an order of censure or other reprimand; 44821

(23) The violation of section 2919.12 of the Revised Code or 44822  
the performance or inducement of an abortion upon a pregnant woman 44823  
with actual knowledge that the conditions specified in division 44824  
(B) of section 2317.56 of the Revised Code have not been satisfied 44825  
or with a heedless indifference as to whether those conditions 44826  
have been satisfied, unless an affirmative defense as specified in 44827  
division (H)(2) of that section would apply in a civil action 44828  
authorized by division (H)(1) of that section; 44829

(24) The revocation, suspension, restriction, reduction, or 44830  
termination of clinical privileges by the United States department 44831  
of defense or department of veterans affairs or the termination or 44832  
suspension of a certificate of registration to prescribe drugs by 44833  
the drug enforcement administration of the United States 44834  
department of justice; 44835

(25) Termination or suspension from participation in the 44836  
medicare or medicaid programs by the department of health and 44837  
human services or other responsible agency for any act or acts 44838  
that also would constitute a violation of division (B)(2), (3), 44839  
(6), (8), or (19) of this section; 44840

(26) Impairment of ability to practice according to 44841  
acceptable and prevailing standards of care because of habitual or 44842

excessive use or abuse of drugs, alcohol, or other substances that 44843  
impair ability to practice. 44844

For the purposes of this division, any individual authorized 44845  
to practice by this chapter accepts the privilege of practicing in 44846  
this state subject to supervision by the board. By filing an 44847  
application for or holding a certificate to practice under this 44848  
chapter, an individual shall be deemed to have given consent to 44849  
submit to a mental or physical examination when ordered to do so 44850  
by the board in writing, and to have waived all objections to the 44851  
admissibility of testimony or examination reports that constitute 44852  
privileged communications. 44853

If it has reason to believe that any individual authorized to 44854  
practice by this chapter or any applicant for certification to 44855  
practice suffers such impairment, the board may compel the 44856  
individual to submit to a mental or physical examination, or both. 44857  
The expense of the examination is the responsibility of the 44858  
individual compelled to be examined. Any mental or physical 44859  
examination required under this division shall be undertaken by a 44860  
treatment provider or physician who is qualified to conduct the 44861  
examination and who is chosen by the board. 44862

Failure to submit to a mental or physical examination ordered 44863  
by the board constitutes an admission of the allegations against 44864  
the individual unless the failure is due to circumstances beyond 44865  
the individual's control, and a default and final order may be 44866  
entered without the taking of testimony or presentation of 44867  
evidence. If the board determines that the individual's ability to 44868  
practice is impaired, the board shall suspend the individual's 44869  
certificate or deny the individual's application and shall require 44870  
the individual, as a condition for initial, continued, reinstated, 44871  
or renewed certification to practice, to submit to treatment. 44872

Before being eligible to apply for reinstatement of a 44873  
certificate suspended under this division, the impaired 44874

practitioner shall demonstrate to the board the ability to resume 44875  
practice in compliance with acceptable and prevailing standards of 44876  
care under the provisions of the practitioner's certificate. The 44877  
demonstration shall include, but shall not be limited to, the 44878  
following: 44879

(a) Certification from a treatment provider approved under 44880  
section 4731.25 of the Revised Code that the individual has 44881  
successfully completed any required inpatient treatment; 44882

(b) Evidence of continuing full compliance with an aftercare 44883  
contract or consent agreement; 44884

(c) Two written reports indicating that the individual's 44885  
ability to practice has been assessed and that the individual has 44886  
been found capable of practicing according to acceptable and 44887  
prevailing standards of care. The reports shall be made by 44888  
individuals or providers approved by the board for making the 44889  
assessments and shall describe the basis for their determination. 44890

The board may reinstate a certificate suspended under this 44891  
division after that demonstration and after the individual has 44892  
entered into a written consent agreement. 44893

When the impaired practitioner resumes practice, the board 44894  
shall require continued monitoring of the individual. The 44895  
monitoring shall include, but not be limited to, compliance with 44896  
the written consent agreement entered into before reinstatement or 44897  
with conditions imposed by board order after a hearing, and, upon 44898  
termination of the consent agreement, submission to the board for 44899  
at least two years of annual written progress reports made under 44900  
penalty of perjury stating whether the individual has maintained 44901  
sobriety. 44902

(27) A second or subsequent violation of section 4731.66 or 44903  
4731.69 of the Revised Code; 44904

(28) Except as provided in division (N) of this section: 44905

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement

entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 44937  
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(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 44939  
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(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision; 44949  
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(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant; 44952  
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(37) Assisting suicide, as defined in section 3795.01 of the Revised Code; 44955  
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(38) Failure to comply with the requirements of section 2317.561 of the Revised Code; 44957  
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(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants; 44959  
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(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code; 44962  
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(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code 44965  
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for the operation of or the provision of care at a pain management clinic;	44967 44968
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	44969 44970 44971 44972
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	44973 44974 44975 44976
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	44977 44978 44979 44980
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	44981 44982 44983 44984 44985
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	44986 44987 44988 44989
(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman;	44990 44991 44992 44993 44994
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section	44995 44996 44997

3719.01 of the Revised Code. 44998

(C) Disciplinary actions taken by the board under divisions 44999  
(A) and (B) of this section shall be taken pursuant to an 45000  
adjudication under Chapter 119. of the Revised Code, except that 45001  
in lieu of an adjudication, the board may enter into a consent 45002  
agreement with an individual to resolve an allegation of a 45003  
violation of this chapter or any rule adopted under it. A consent 45004  
agreement, when ratified by an affirmative vote of not fewer than 45005  
six members of the board, shall constitute the findings and order 45006  
of the board with respect to the matter addressed in the 45007  
agreement. If the board refuses to ratify a consent agreement, the 45008  
admissions and findings contained in the consent agreement shall 45009  
be of no force or effect. 45010

A telephone conference call may be utilized for ratification 45011  
of a consent agreement that revokes or suspends an individual's 45012  
certificate to practice. The telephone conference call shall be 45013  
considered a special meeting under division (F) of section 121.22 45014  
of the Revised Code. 45015

If the board takes disciplinary action against an individual 45016  
under division (B) of this section for a second or subsequent plea 45017  
of guilty to, or judicial finding of guilt of, a violation of 45018  
section 2919.123 of the Revised Code, the disciplinary action 45019  
shall consist of a suspension of the individual's certificate to 45020  
practice for a period of at least one year or, if determined 45021  
appropriate by the board, a more serious sanction involving the 45022  
individual's certificate to practice. Any consent agreement 45023  
entered into under this division with an individual that pertains 45024  
to a second or subsequent plea of guilty to, or judicial finding 45025  
of guilt of, a violation of that section shall provide for a 45026  
suspension of the individual's certificate to practice for a 45027  
period of at least one year or, if determined appropriate by the 45028  
board, a more serious sanction involving the individual's 45029

certificate to practice. 45030

(D) For purposes of divisions (B)(10), (12), and (14) of this 45031  
section, the commission of the act may be established by a finding 45032  
by the board, pursuant to an adjudication under Chapter 119. of 45033  
the Revised Code, that the individual committed the act. The board 45034  
does not have jurisdiction under those divisions if the trial 45035  
court renders a final judgment in the individual's favor and that 45036  
judgment is based upon an adjudication on the merits. The board 45037  
has jurisdiction under those divisions if the trial court issues 45038  
an order of dismissal upon technical or procedural grounds. 45039

(E) The sealing of conviction records by any court shall have 45040  
no effect upon a prior board order entered under this section or 45041  
upon the board's jurisdiction to take action under this section 45042  
if, based upon a plea of guilty, a judicial finding of guilt, or a 45043  
judicial finding of eligibility for intervention in lieu of 45044  
conviction, the board issued a notice of opportunity for a hearing 45045  
prior to the court's order to seal the records. The board shall 45046  
not be required to seal, destroy, redact, or otherwise modify its 45047  
records to reflect the court's sealing of conviction records. 45048

(F)(1) The board shall investigate evidence that appears to 45049  
show that a person has violated any provision of this chapter or 45050  
any rule adopted under it. Any person may report to the board in a 45051  
signed writing any information that the person may have that 45052  
appears to show a violation of any provision of this chapter or 45053  
any rule adopted under it. In the absence of bad faith, any person 45054  
who reports information of that nature or who testifies before the 45055  
board in any adjudication conducted under Chapter 119. of the 45056  
Revised Code shall not be liable in damages in a civil action as a 45057  
result of the report or testimony. Each complaint or allegation of 45058  
a violation received by the board shall be assigned a case number 45059  
and shall be recorded by the board. 45060

(2) Investigations of alleged violations of this chapter or 45061

any rule adopted under it shall be supervised by the supervising 45062  
member elected by the board in accordance with section 4731.02 of 45063  
the Revised Code and by the secretary as provided in section 45064  
4731.39 of the Revised Code. The president may designate another 45065  
member of the board to supervise the investigation in place of the 45066  
supervising member. No member of the board who supervises the 45067  
investigation of a case shall participate in further adjudication 45068  
of the case. 45069

(3) In investigating a possible violation of this chapter or 45070  
any rule adopted under this chapter, or in conducting an 45071  
inspection under division (E) of section 4731.054 of the Revised 45072  
Code, the board may question witnesses, conduct interviews, 45073  
administer oaths, order the taking of depositions, inspect and 45074  
copy any books, accounts, papers, records, or documents, issue 45075  
subpoenas, and compel the attendance of witnesses and production 45076  
of books, accounts, papers, records, documents, and testimony, 45077  
except that a subpoena for patient record information shall not be 45078  
issued without consultation with the attorney general's office and 45079  
approval of the secretary and supervising member of the board. 45080

(a) Before issuance of a subpoena for patient record 45081  
information, the secretary and supervising member shall determine 45082  
whether there is probable cause to believe that the complaint 45083  
filed alleges a violation of this chapter or any rule adopted 45084  
under it and that the records sought are relevant to the alleged 45085  
violation and material to the investigation. The subpoena may 45086  
apply only to records that cover a reasonable period of time 45087  
surrounding the alleged violation. 45088

(b) On failure to comply with any subpoena issued by the 45089  
board and after reasonable notice to the person being subpoenaed, 45090  
the board may move for an order compelling the production of 45091  
persons or records pursuant to the Rules of Civil Procedure. 45092

(c) A subpoena issued by the board may be served by a 45093

sheriff, the sheriff's deputy, or a board employee designated by 45094  
the board. Service of a subpoena issued by the board may be made 45095  
by delivering a copy of the subpoena to the person named therein, 45096  
reading it to the person, or leaving it at the person's usual 45097  
place of residence, usual place of business, or address on file 45098  
with the board. When serving a subpoena to an applicant for or the 45099  
holder of a certificate issued under this chapter, service of the 45100  
subpoena may be made by certified mail, return receipt requested, 45101  
and the subpoena shall be deemed served on the date delivery is 45102  
made or the date the person refuses to accept delivery. If the 45103  
person being served refuses to accept the subpoena or is not 45104  
located, service may be made to an attorney who notifies the board 45105  
that the attorney is representing the person. 45106

(d) A sheriff's deputy who serves a subpoena shall receive 45107  
the same fees as a sheriff. Each witness who appears before the 45108  
board in obedience to a subpoena shall receive the fees and 45109  
mileage provided for under section 119.094 of the Revised Code. 45110

(4) All hearings, investigations, and inspections of the 45111  
board shall be considered civil actions for the purposes of 45112  
section 2305.252 of the Revised Code. 45113

(5) A report required to be submitted to the board under this 45114  
chapter, a complaint, or information received by the board 45115  
pursuant to an investigation or pursuant to an inspection under 45116  
division (E) of section 4731.054 of the Revised Code is 45117  
confidential and not subject to discovery in any civil action. 45118

The board shall conduct all investigations or inspections and 45119  
proceedings in a manner that protects the confidentiality of 45120  
patients and persons who file complaints with the board. The board 45121  
shall not make public the names or any other identifying 45122  
information about patients or complainants unless proper consent 45123  
is given or, in the case of a patient, a waiver of the patient 45124  
privilege exists under division (B) of section 2317.02 of the 45125

Revised Code, except that consent or a waiver of that nature is 45126  
not required if the board possesses reliable and substantial 45127  
evidence that no bona fide physician-patient relationship exists. 45128

The board may share any information it receives pursuant to 45129  
an investigation or inspection, including patient records and 45130  
patient record information, with law enforcement agencies, other 45131  
licensing boards, and other governmental agencies that are 45132  
prosecuting, adjudicating, or investigating alleged violations of 45133  
statutes or administrative rules. An agency or board that receives 45134  
the information shall comply with the same requirements regarding 45135  
confidentiality as those with which the state medical board must 45136  
comply, notwithstanding any conflicting provision of the Revised 45137  
Code or procedure of the agency or board that applies when it is 45138  
dealing with other information in its possession. In a judicial 45139  
proceeding, the information may be admitted into evidence only in 45140  
accordance with the Rules of Evidence, but the court shall require 45141  
that appropriate measures are taken to ensure that confidentiality 45142  
is maintained with respect to any part of the information that 45143  
contains names or other identifying information about patients or 45144  
complainants whose confidentiality was protected by the state 45145  
medical board when the information was in the board's possession. 45146  
Measures to ensure confidentiality that may be taken by the court 45147  
include sealing its records or deleting specific information from 45148  
its records. 45149

(6) On a quarterly basis, the board shall prepare a report 45150  
that documents the disposition of all cases during the preceding 45151  
three months. The report shall contain the following information 45152  
for each case with which the board has completed its activities: 45153

(a) The case number assigned to the complaint or alleged 45154  
violation; 45155

(b) The type of certificate to practice, if any, held by the 45156  
individual against whom the complaint is directed; 45157

(c) A description of the allegations contained in the 45158  
complaint; 45159

(d) The disposition of the case. 45160

The report shall state how many cases are still pending and 45161  
shall be prepared in a manner that protects the identity of each 45162  
person involved in each case. The report shall be a public record 45163  
under section 149.43 of the Revised Code. 45164

(G) If the secretary and supervising member determine both of 45165  
the following, they may recommend that the board suspend an 45166  
individual's certificate to practice without a prior hearing: 45167

(1) That there is clear and convincing evidence that an 45168  
individual has violated division (B) of this section; 45169

(2) That the individual's continued practice presents a 45170  
danger of immediate and serious harm to the public. 45171

Written allegations shall be prepared for consideration by 45172  
the board. The board, upon review of those allegations and by an 45173  
affirmative vote of not fewer than six of its members, excluding 45174  
the secretary and supervising member, may suspend a certificate 45175  
without a prior hearing. A telephone conference call may be 45176  
utilized for reviewing the allegations and taking the vote on the 45177  
summary suspension. 45178

The board shall issue a written order of suspension by 45179  
certified mail or in person in accordance with section 119.07 of 45180  
the Revised Code. The order shall not be subject to suspension by 45181  
the court during pendency of any appeal filed under section 119.12 45182  
of the Revised Code. If the individual subject to the summary 45183  
suspension requests an adjudicatory hearing by the board, the date 45184  
set for the hearing shall be within fifteen days, but not earlier 45185  
than seven days, after the individual requests the hearing, unless 45186  
otherwise agreed to by both the board and the individual. 45187

Any summary suspension imposed under this division shall 45188  
remain in effect, unless reversed on appeal, until a final 45189  
adjudicative order issued by the board pursuant to this section 45190  
and Chapter 119. of the Revised Code becomes effective. The board 45191  
shall issue its final adjudicative order within seventy-five days 45192  
after completion of its hearing. A failure to issue the order 45193  
within seventy-five days shall result in dissolution of the 45194  
summary suspension order but shall not invalidate any subsequent, 45195  
final adjudicative order. 45196

(H) If the board takes action under division (B)(9), (11), or 45197  
(13) of this section and the judicial finding of guilt, guilty 45198  
plea, or judicial finding of eligibility for intervention in lieu 45199  
of conviction is overturned on appeal, upon exhaustion of the 45200  
criminal appeal, a petition for reconsideration of the order may 45201  
be filed with the board along with appropriate court documents. 45202  
Upon receipt of a petition of that nature and supporting court 45203  
documents, the board shall reinstate the individual's certificate 45204  
to practice. The board may then hold an adjudication under Chapter 45205  
119. of the Revised Code to determine whether the individual 45206  
committed the act in question. Notice of an opportunity for a 45207  
hearing shall be given in accordance with Chapter 119. of the 45208  
Revised Code. If the board finds, pursuant to an adjudication held 45209  
under this division, that the individual committed the act or if 45210  
no hearing is requested, the board may order any of the sanctions 45211  
identified under division (B) of this section. 45212

(I) The certificate to practice issued to an individual under 45213  
this chapter and the individual's practice in this state are 45214  
automatically suspended as of the date of the individual's second 45215  
or subsequent plea of guilty to, or judicial finding of guilt of, 45216  
a violation of section 2919.123 of the Revised Code, or the date 45217  
the individual pleads guilty to, is found by a judge or jury to be 45218  
guilty of, or is subject to a judicial finding of eligibility for 45219

intervention in lieu of conviction in this state or treatment or 45220  
intervention in lieu of conviction in another jurisdiction for any 45221  
of the following criminal offenses in this state or a 45222  
substantially equivalent criminal offense in another jurisdiction: 45223  
aggravated murder, murder, voluntary manslaughter, felonious 45224  
assault, kidnapping, rape, sexual battery, gross sexual 45225  
imposition, aggravated arson, aggravated robbery, or aggravated 45226  
burglary. Continued practice after suspension shall be considered 45227  
practicing without a certificate. 45228

The board shall notify the individual subject to the 45229  
suspension by certified mail or in person in accordance with 45230  
section 119.07 of the Revised Code. If an individual whose 45231  
certificate is automatically suspended under this division fails 45232  
to make a timely request for an adjudication under Chapter 119. of 45233  
the Revised Code, the board shall do whichever of the following is 45234  
applicable: 45235

(1) If the automatic suspension under this division is for a 45236  
second or subsequent plea of guilty to, or judicial finding of 45237  
guilt of, a violation of section 2919.123 of the Revised Code, the 45238  
board shall enter an order suspending the individual's certificate 45239  
to practice for a period of at least one year or, if determined 45240  
appropriate by the board, imposing a more serious sanction 45241  
involving the individual's certificate to practice. 45242

(2) In all circumstances in which division (I)(1) of this 45243  
section does not apply, enter a final order permanently revoking 45244  
the individual's certificate to practice. 45245

(J) If the board is required by Chapter 119. of the Revised 45246  
Code to give notice of an opportunity for a hearing and if the 45247  
individual subject to the notice does not timely request a hearing 45248  
in accordance with section 119.07 of the Revised Code, the board 45249  
is not required to hold a hearing, but may adopt, by an 45250  
affirmative vote of not fewer than six of its members, a final 45251

order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a certificate made under the

provisions of this chapter may not be withdrawn without approval 45283  
of the board. 45284

(3) Failure by an individual to renew a certificate of 45285  
registration in accordance with this chapter shall not remove or 45286  
limit the board's jurisdiction to take any disciplinary action 45287  
under this section against the individual. 45288

(4) At the request of the board, a certificate holder shall 45289  
immediately surrender to the board a certificate that the board 45290  
has suspended, revoked, or permanently revoked. 45291

(N) Sanctions shall not be imposed under division (B)(28) of 45292  
this section against any person who waives deductibles and 45293  
copayments as follows: 45294

(1) In compliance with the health benefit plan that expressly 45295  
allows such a practice. Waiver of the deductibles or copayments 45296  
shall be made only with the full knowledge and consent of the plan 45297  
purchaser, payer, and third-party administrator. Documentation of 45298  
the consent shall be made available to the board upon request. 45299

(2) For professional services rendered to any other person 45300  
authorized to practice pursuant to this chapter, to the extent 45301  
allowed by this chapter and rules adopted by the board. 45302

(O) Under the board's investigative duties described in this 45303  
section and subject to division (F) of this section, the board 45304  
shall develop and implement a quality intervention program 45305  
designed to improve through remedial education the clinical and 45306  
communication skills of individuals authorized under this chapter 45307  
to practice medicine and surgery, osteopathic medicine and 45308  
surgery, and podiatric medicine and surgery. In developing and 45309  
implementing the quality intervention program, the board may do 45310  
all of the following: 45311

(1) Offer in appropriate cases as determined by the board an 45312  
educational and assessment program pursuant to an investigation 45313

the board conducts under this section; 45314

(2) Select providers of educational and assessment services, 45315  
including a quality intervention program panel of case reviewers; 45316

(3) Make referrals to educational and assessment service 45317  
providers and approve individual educational programs recommended 45318  
by those providers. The board shall monitor the progress of each 45319  
individual undertaking a recommended individual educational 45320  
program. 45321

(4) Determine what constitutes successful completion of an 45322  
individual educational program and require further monitoring of 45323  
the individual who completed the program or other action that the 45324  
board determines to be appropriate; 45325

(5) Adopt rules in accordance with Chapter 119. of the 45326  
Revised Code to further implement the quality intervention 45327  
program. 45328

An individual who participates in an individual educational 45329  
program pursuant to this division shall pay the financial 45330  
obligations arising from that educational program. 45331

**Sec. 4731.222.** (A) This section applies to both of the 45332  
following: 45333

(1) An applicant seeking restoration of a certificate issued 45334  
under this chapter that has been in a suspended or inactive state 45335  
for any cause for more than two years; 45336

(2) An applicant seeking issuance of a certificate pursuant 45337  
to section 4731.17, 4731.29, 4731.295, 4731.57, or 4731.571 of the 45338  
Revised Code who for more than two years has not been engaged in 45339  
the practice of medicine and surgery, osteopathic medicine and 45340  
surgery, podiatric medicine and surgery, or a limited branch of 45341  
medicine as any of the following: 45342

(a) An active practitioner; 45343

(b) A participant in a program of graduate medical education, 45344  
as defined in section 4731.091 of the Revised Code; 45345

(c) A student in a college of podiatry determined by the 45346  
state medical board to be in good standing; 45347

(d) A student in a school, college, or institution giving 45348  
instruction in a limited branch of medicine determined by the 45349  
board to be in good standing under section 4731.16 of the Revised 45350  
Code. 45351

(B) Before restoring a certificate to good standing for or 45352  
issuing a certificate to an applicant subject to this section, the 45353  
state medical board may impose terms and conditions including any 45354  
one or more of the following: 45355

(1) Requiring the applicant to pass an oral or written 45356  
examination, or both, to determine the applicant's present fitness 45357  
to resume practice; 45358

(2) Requiring the applicant to obtain additional training and 45359  
to pass an examination upon completion of such training; 45360

(3) Requiring an assessment of the applicant's physical 45361  
skills for purposes of determining whether the applicant's 45362  
coordination, fine motor skills, and dexterity are sufficient for 45363  
performing medical evaluations and procedures in a manner that 45364  
meets the minimal standards of care; 45365

(4) Requiring an assessment of the applicant's skills in 45366  
recognizing and understanding diseases and conditions; 45367

(5) Requiring the applicant to undergo a comprehensive 45368  
physical examination, which may include an assessment of physical 45369  
abilities, evaluation of sensory capabilities, or screening for 45370  
the presence of neurological disorders; 45371

(6) Restricting or limiting the extent, scope, or type of 45372  
practice of the applicant. 45373

The board shall consider the moral background and the 45374  
activities of the applicant during the period of suspension or 45375  
inactivity, in accordance with section 4731.08, 4731.19, or 45376  
4731.52 of the Revised Code. The board shall not restore a 45377  
certificate under this section unless the applicant complies with 45378  
sections 4776.01 to 4776.04 of the Revised Code. 45379

**Sec. 4731.225.** (A) If the holder of a certificate issued 45380  
under this chapter violates division (A), (B), or (C) of section 45381  
4731.66 or section 4731.69 of the Revised Code, or if any other 45382  
person violates division (B) or (C) of section 4731.66 or section 45383  
4731.69 of the Revised Code, the state medical board, pursuant to 45384  
an adjudication under Chapter 119. of the Revised Code and an 45385  
affirmative vote of not fewer than six of its members, shall: 45386

~~(A)(1)~~ For a first violation, impose a civil penalty of not 45387  
more than five thousand dollars; 45388

~~(B)(2)~~ For each subsequent violation, impose a civil penalty 45389  
of not more than twenty thousand dollars and, if the violator is a 45390  
certificate holder, proceed under division (B)(27) of section 45391  
4731.22 of the Revised Code. 45392

(B)(1) If the holder of a certificate issued under this 45393  
chapter violates any section of this chapter other than section 45394  
4731.281 of the Revised Code or the sections specified in division 45395  
(A) of this section, or violates any rule adopted under this 45396  
chapter, the board may, pursuant to an adjudication under Chapter 45397  
119. of the Revised Code and an affirmative vote of not fewer than 45398  
six of its members, impose a civil penalty. The amount of the 45399  
civil penalty shall be determined by the board in accordance with 45400  
the guidelines adopted under division (B)(2) of this section. The 45401  
civil penalty may be in addition to any other action the board may 45402  
take under section 4731.22 of the Revised Code. 45403

(2) The board shall adopt and may amend guidelines regarding 45404

the amounts of civil penalties to be imposed under this section. 45405  
Adoption or amendment of the guidelines requires the approval of 45406  
not fewer than six board members. 45407

Under the guidelines, no civil penalty amount shall exceed 45408  
twenty thousand dollars. 45409

(C) Amounts received from payment of civil penalties imposed 45410  
under this section shall be deposited by the board in accordance 45411  
with section 4731.24 of the Revised Code. Amounts received from 45412  
payment of civil penalties imposed for violations of division 45413  
(B)(26) of section 4731.22 of the Revised Code shall be used by 45414  
the board solely for investigations, enforcement, and compliance 45415  
monitoring. 45416

**Sec. 4731.24.** Except as provided in sections 4731.281 and 45417  
4731.40 of the Revised Code, all receipts of the state medical 45418  
board, from any source, shall be deposited in the state treasury. 45419  
~~Until July 1, 1998, the funds shall be deposited to the credit of~~ 45420  
~~the occupational licensing and regulatory fund. On and after July~~ 45421  
~~1, 1998, the~~ The funds shall be deposited to the credit of the 45422  
state medical board operating fund, which is hereby created ~~on~~ 45423  
~~July 1, 1998. All~~ Except as provided in sections 4730.252, 45424  
4731.225, 4760.133, 4762.133, 4774.133, and 4778.141 of the 45425  
Revised Code, all funds deposited into the state treasury under 45426  
this section shall be used solely for the administration and 45427  
enforcement of this chapter and Chapters 4730., 4760., 4762., 45428  
4774., and 4778. of the Revised Code by the board. 45429

**Sec. 4731.281.** (A) ~~On or before the deadline established~~ 45430  
~~under division (B) of this section for applying for renewal of a~~ 45431  
~~certificate of registration, each person holding a certificate~~ 45432  
~~under this chapter to practice medicine and surgery, osteopathic~~ 45433  
~~medicine and surgery, or podiatric medicine and surgery shall~~ 45434

~~certify to the state medical board that in the preceding two years 45435  
the person has completed one hundred hours of continuing medical 45436  
education. The certification shall be made upon the application 45437  
for biennial registration submitted pursuant to division (B) of 45438  
this section. The board shall adopt rules providing for pro rata 45439  
reductions by month of the number of hours of continuing education 45440  
required for persons who are in their first registration period, 45441  
who have been disabled due to illness or accident, or who have 45442  
been absent from the country. 45443~~

~~In determining whether a course, program, or activity 45444  
qualifies for credit as continuing medical education, the board 45445  
shall approve all continuing medical education taken by persons 45446  
holding a certificate to practice medicine and surgery that is 45447  
certified by the Ohio state medical association, all continuing 45448  
medical education taken by persons holding a certificate to 45449  
practice osteopathic medicine and surgery that is certified by the 45450  
Ohio osteopathic association, and all continuing medical education 45451  
taken by persons holding a certificate to practice podiatric 45452  
medicine and surgery that is certified by the Ohio podiatric 45453  
medical association. Each person holding a certificate to practice 45454  
under this chapter shall be given sufficient choice of continuing 45455  
education programs to ensure that the person has had a reasonable 45456  
opportunity to participate in continuing education programs that 45457  
are relevant to the person's medical practice in terms of subject 45458  
matter and level. 45459~~

~~The board may require a random sample of persons holding a 45460  
certificate to practice under this chapter to submit materials 45461  
documenting completion of the continuing medical education 45462  
requirement during the preceding registration period, but this 45463  
provision shall not limit the board's authority to investigate 45464  
pursuant to section 4731.22 of the Revised Code. 45465~~

~~(B)(1) Every person holding a certificate under this chapter 45466~~

to practice medicine and surgery, osteopathic medicine and 45467  
surgery, or podiatric medicine and surgery wishing to renew that 45468  
certificate shall apply to the board for a certificate of 45469  
registration upon an application furnished by the board, and pay 45470  
to the board at the time of application a fee of three hundred 45471  
five dollars, according to the following schedule: 45472

(a) Persons whose last name begins with the letters "A" 45473  
through "B," on or before April 1, 2001, and the first day of 45474  
April of every odd-numbered year thereafter; 45475

(b) Persons whose last name begins with the letters "C" 45476  
through "D," on or before January 1, 2001, and the first day of 45477  
January of every odd-numbered year thereafter; 45478

(c) Persons whose last name begins with the letters "E" 45479  
through "G," on or before October 1, 2000, and the first day of 45480  
October of every even-numbered year thereafter; 45481

(d) Persons whose last name begins with the letters "H" 45482  
through "K," on or before July 1, 2000, and the first day of July 45483  
of every even-numbered year thereafter; 45484

(e) Persons whose last name begins with the letters "L" 45485  
through "M," on or before April 1, 2000, and the first day of 45486  
April of every even-numbered year thereafter; 45487

(f) Persons whose last name begins with the letters "N" 45488  
through "R," on or before January 1, 2000, and the first day of 45489  
January of every even-numbered year thereafter; 45490

(g) Persons whose last name begins with the letter "S," on or 45491  
before October 1, 1999, and the first day of October of every 45492  
odd-numbered year thereafter; 45493

(h) Persons whose last name begins with the letters "T" 45494  
through "Z," on or before July 1, 1999, and the first day of July 45495  
of every odd-numbered year thereafter. 45496

The board shall deposit the fee in accordance with section 45497  
4731.24 of the Revised Code, except that the board shall deposit 45498  
twenty dollars of the fee into the state treasury to the credit of 45499  
the physician loan repayment fund created by section 3702.78 of 45500  
the Revised Code. 45501

(2) The board shall mail or cause to be mailed to every 45502  
person registered to practice medicine and surgery, osteopathic 45503  
medicine and surgery, or podiatric medicine and surgery, a notice 45504  
of registration renewal addressed to the person's last known 45505  
address or may cause the notice to be sent to the person through 45506  
the secretary of any recognized medical, osteopathic, or podiatric 45507  
society, according to the following schedule: 45508

(a) To persons whose last name begins with the letters "A" 45509  
through "B," on or before January 1, 2001, and the first day of 45510  
January of every odd-numbered year thereafter; 45511

(b) To persons whose last name begins with the letters "C" 45512  
through "D," on or before October 1, 2000, and the first day of 45513  
October of every even-numbered year thereafter; 45514

(c) To persons whose last name begins with the letters "E" 45515  
through "G," on or before July 1, 2000, and the first day of July 45516  
of every even-numbered year thereafter; 45517

(d) To persons whose last name begins with the letters "H" 45518  
through "K," on or before April 1, 2000, and the first day of 45519  
April of every even-numbered year thereafter; 45520

(e) To persons whose last name begins with the letters "L" 45521  
through "M," on or before January 1, 2000, and the first day of 45522  
January of every even-numbered year thereafter; 45523

(f) To persons whose last name begins with the letters "N" 45524  
through "R," on or before October 1, 1999, and the first day of 45525  
October of every odd-numbered year thereafter; 45526

(g) To persons whose last name begins with the letter "S," on 45527  
or before July 1, 1999, and the first day of July of every 45528  
odd-numbered year thereafter; 45529

(h) To persons whose last name begins with the letters "T" 45530  
through "Z," on or before April 1, 1999, and the first day of 45531  
April of every odd-numbered year thereafter. 45532

(3) Failure of any person to receive a notice of renewal from 45533  
the board shall not excuse the person from the requirements 45534  
contained in this section. 45535

(4) The board's notice shall inform the applicant of the 45536  
renewal procedure. The board shall provide the application for 45537  
registration renewal in a form determined by the board. 45538

(5) The applicant shall provide in the application the 45539  
applicant's full name, principal practice address and residence 45540  
address, the number of the applicant's certificate to practice, 45541  
and any other information required by the board. 45542

(6)(a) Except as provided in division ~~(B)~~(A)(6)(b) of this 45543  
section, in the case of an applicant who prescribes or personally 45544  
furnishes opioid analgesics or benzodiazepines, as defined in 45545  
section 3719.01 of the Revised Code, the applicant shall certify 45546  
to the board whether the applicant has been granted access to the 45547  
drug database established and maintained by the state board of 45548  
pharmacy pursuant to section 4729.75 of the Revised Code. 45549

(b) The requirement in division ~~(B)~~(A)(6)(a) of this section 45550  
does not apply if any of the following is the case: 45551

(i) The state board of pharmacy notifies the state medical 45552  
board pursuant to section 4729.861 of the Revised Code that the 45553  
applicant has been restricted from obtaining further information 45554  
from the drug database. 45555

(ii) The state board of pharmacy no longer maintains the drug 45556

database. 45557

(iii) The applicant does not practice medicine and surgery, 45558  
osteopathic medicine and surgery, or podiatric medicine and 45559  
surgery in this state. 45560

(c) If an applicant certifies to the state medical board that 45561  
the applicant has been granted access to the drug database and the 45562  
board finds through an audit or other means that the applicant has 45563  
not been granted access, the board may take action under section 45564  
4731.22 of the Revised Code. 45565

(7) The applicant shall include with the application a list 45566  
of the names and addresses of any clinical nurse specialists, 45567  
certified nurse-midwives, or certified nurse practitioners with 45568  
whom the applicant is currently collaborating, as defined in 45569  
section 4723.01 of the Revised Code. Every person registered under 45570  
this section shall give written notice to the state medical board 45571  
of any change of principal practice address or residence address 45572  
or in the list within thirty days of the change. 45573

(8) The applicant shall report any criminal offense to which 45574  
the applicant has pleaded guilty, of which the applicant has been 45575  
found guilty, or for which the applicant has been found eligible 45576  
for intervention in lieu of conviction, since last filing an 45577  
application for a certificate of registration. 45578

(9) The applicant shall execute and deliver the application 45579  
to the board in a manner prescribed by the board. 45580

~~(C)~~(B) The board shall issue to any person holding a 45581  
certificate under this chapter to practice medicine and surgery, 45582  
osteopathic medicine and surgery, or podiatric medicine and 45583  
surgery, upon application and qualification therefor in accordance 45584  
with this section, a certificate of registration under the seal of 45585  
the board. A certificate of registration shall be valid for a 45586  
two-year period. 45587

~~(D) Failure of any certificate holder to register and comply with this section shall operate automatically to suspend the holder's certificate to practice. Continued practice after the suspension of the certificate to practice shall be considered as practicing in violation of section 4731.41, 4731.43, or 4731.60 of the Revised Code. If the certificate has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate a certificate to practice suspended for failure to register upon an applicant's submission of a renewal application, the biennial registration fee, and the applicable monetary penalty. The penalty for reinstatement shall be fifty dollars. If the certificate has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4731.222 of the Revised Code, the board may restore a certificate to practice suspended for failure to register upon an applicant's submission of a restoration application, the biennial registration fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore to an applicant a certificate to practice unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4731.14, 4731.56, or 4731.57 of the Revised Code. The penalty for restoration shall be one hundred dollars. The board shall deposit the penalties in accordance with section 4731.24 of the Revised Code.~~

~~(E) If an individual certifies completion of the number of hours and type of continuing medical education required to receive a certificate of registration or reinstatement of a certificate to practice, and the board finds through the random samples it conducts under this section or through any other means that the individual did not complete the requisite continuing medical education, the board may impose a civil penalty of not more than~~

~~five thousand dollars. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members.~~

~~A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4731.22 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.~~

(F)(C) Pursuant to section 4731.22 of the Revised Code, the board may suspend an individual's certificate to practice for failure to register and comply with this section. If an individual continues to practice after suspension, that activity constitutes practicing in violation of section 4731.41 or 4731.60 of the Revised Code. If the certificate has been suspended for two years or less, it may be reinstated. The board shall reinstate a certificate to practice for failure to register on an applicant's submission of a renewal application, the biennial registration fee, and the applicable monetary penalty. If the certificate has been suspended for more than two years, it may be restored. Subject to section 4731.222 of the Revised Code, the board may restore a certificate to practice suspended for failure to register on an applicant's submission of a restoration application, the biennial registration fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore to an applicant a certificate to practice unless the board, in its discretion, decides that the results of the criminal records check required by section 4776.02 of the Revised Code do not make the applicant ineligible for a certificate issued pursuant to section 4731.14, 4731.56, or 4731.57 of the Revised Code.

The monetary penalty for reinstatement is one hundred dollars. The monetary penalty for restoration is two hundred

dollars. 45653

Amounts received from payment of civil penalties and monetary 45654  
penalties imposed under this division shall be deposited in 45655  
accordance with section 4731.24 of the Revised Code. 45656

(D) The state medical board may obtain information not 45657  
protected by statutory or common law privilege from courts and 45658  
other sources concerning malpractice claims against any person 45659  
holding a certificate to practice under this chapter or practicing 45660  
as provided in section 4731.36 of the Revised Code. 45661

~~(G)~~(E) Each mailing sent by the board under division 45662  
~~(B)~~(A)(2) of this section to a person registered to practice 45663  
medicine and surgery or osteopathic medicine and surgery shall 45664  
inform the applicant of the reporting requirement established by 45665  
division (H) of section 3701.79 of the Revised Code. At the 45666  
discretion of the board, the information may be included on the 45667  
application for registration or on an accompanying page. 45668

**Sec. 4731.282.** ~~Not later than ninety days after the effective~~ 45669  
~~date of this section, the state medical board shall approve one or~~ 45670  
~~more continuing medical education courses of study included within~~ 45671  
~~the programs certified by the Ohio state medical association and~~ 45672  
~~the Ohio osteopathic association pursuant to section 4731.281 of~~ 45673  
~~the Revised Code that assist doctors of medicine and doctors of~~ 45674  
~~osteopathic medicine in recognizing~~ (A)(1) Except as provided in 45675  
division (D) of this section, each person holding a certificate to 45676  
practice medicine and surgery, osteopathic medicine and surgery, 45677  
or podiatric medicine and surgery issued by the state medical 45678  
board shall complete biennially not less than one hundred hours of 45679  
continuing medical education that has been approved by the board. 45680

(2) Each person holding a certificate to practice shall be 45682  
given sufficient choice of continuing education programs to ensure 45683

that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level. 45684  
45685  
45686

(B) In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all of the following: 45687  
45688  
45689

(1) Continuing medical education completed by holders of certificates to practice medicine and surgery that is certified by the Ohio state medical association; 45690  
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(2) Continuing medical education completed by holders of certificates to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association; 45693  
45694  
45695

(3) Continuing medical education completed by holders of certificates to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association. 45696  
45697  
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(C) The board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic association under divisions (B)(1) and (2) of this section that assist doctors of medicine and doctors of osteopathic medicine in both of the following: 45699  
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45701  
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(1) Recognizing the signs of domestic violence and its relationship to child abuse. ~~Doctors are not required to take the courses;~~ 45705  
45706  
45707

(2) Diagnosing and treating chronic pain, as defined in section 4731.052 of the Revised Code. 45708  
45709

(D) The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for certificate holders who are in their first registration period, have been disabled by illness or 45710  
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accident, or have been absent from the country. The board shall 45714  
adopt the rules in accordance with Chapter 119. of the Revised 45715  
Code. 45716

(E) The board may require a random sample of holders of 45717  
certificates to practice medicine and surgery, osteopathic 45718  
medicine and surgery, or podiatric medicine and surgery to submit 45719  
materials documenting completion of the required number of hours 45720  
of continuing medical education. This division does not limit the 45721  
board's authority to conduct investigations pursuant to section 45722  
4731.22 of the Revised Code. 45723

(F) The board may impose a civil penalty of not more than 45724  
five thousand dollars if, through a random sample conducted under 45725  
division (E) of this section or any other means, it finds that an 45726  
individual falsely certified that the individual completed the 45727  
number of hours and type of continuing medical education required 45728  
for renewal of a certificate of registration. If the civil penalty 45729  
is imposed in addition to any other action the board takes under 45730  
section 4731.22 of the Revised Code, the board's finding shall be 45731  
made pursuant to an adjudication under Chapter 119. of the Revised 45732  
Code and by an affirmative vote of not fewer than six of its 45733  
members. 45734

A civil penalty imposed under this division may be in 45735  
addition to or in lieu of any other action the board takes under 45736  
section 4731.22 of the Revised Code. The board shall deposit civil 45737  
penalties in accordance with section 4731.24 of the Revised Code. 45738

**Sec. 4731.293.** (A) The state medical board may issue, without 45739  
examination, a clinical research faculty certificate to any person 45740  
who applies for the certificate and provides to the board all of 45741  
the following: 45742

(1) Evidence satisfactory to the board of all of the 45743  
following: 45744

(a) That the applicant holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country;

(b) That the applicant has been appointed to serve in this state on the academic staff of a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association;

(c) That the applicant is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory.

(2) An affidavit and supporting documentation from the dean of the medical school or the department director or chairperson of a teaching hospital affiliated with the school that the applicant is qualified to perform teaching and research activities and will be permitted to work only under the authority of the department director or chairperson of a teaching hospital affiliated with the medical school where the applicant's teaching and research activities will occur;

(3) A description from the medical school or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;

(4) A description from the medical school or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities.

(B) An applicant for an initial clinical research faculty certificate shall pay a fee of three hundred seventy-five dollars.

(C) The holder of a clinical research faculty certificate may practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or

research duties at the medical school or a teaching hospital 45776  
affiliated with the school. The board may revoke a certificate on 45777  
receiving proof satisfactory to the board that the certificate 45778  
holder has engaged in practice in this state outside the scope of 45779  
the certificate or that there are grounds for action against the 45780  
certificate holder under section 4731.22 of the Revised Code. 45781

(D) A clinical research faculty certificate is valid for 45782  
three years, except that the certificate ceases to be valid if the 45783  
holder's appointment to the academic staff of the school is no 45784  
longer valid or the certificate is revoked pursuant to division 45785  
(C) of this section. 45786

(E)(1) Three months before a clinical research faculty 45787  
certificate expires, the board shall mail or cause to be mailed to 45788  
the certificate holder a notice of renewal addressed to the 45789  
certificate holder's last known address. Failure of a certificate 45790  
holder to receive a notice of renewal from the board shall not 45791  
excuse the certificate holder from the requirements contained in 45792  
this section. The notice shall inform the certificate holder of 45793  
the renewal procedure. The notice also shall inform the 45794  
certificate holder of the reporting requirement established by 45795  
division (H) of section 3701.79 of the Revised Code. At the 45796  
discretion of the board, the information may be included on the 45797  
application for renewal or on an accompanying page. 45798

(2) A clinical research faculty certificate may be renewed 45799  
for an additional three-year period. There is no limit on the 45800  
number of times a certificate may be renewed. A person seeking 45801  
renewal of a certificate shall apply to the board. The board shall 45802  
provide the application for renewal in a form determined by the 45803  
board. 45804

(3) An applicant is eligible for renewal if the applicant 45805  
does all of the following: 45806

(a) Pays a renewal fee of three hundred seventy-five dollars; 45807

(b) Reports any criminal offense to which the applicant has 45808  
pleaded guilty, of which the applicant has been found guilty, or 45809  
for which the applicant has been found eligible for intervention 45810  
in lieu of conviction, since last filing an application for a 45811  
clinical research faculty certificate; 45812

(c) Provides to the board an affidavit and supporting 45813  
documentation from the dean of the medical school or the 45814  
department director or chairperson of a teaching hospital 45815  
affiliated with the school that the applicant is in compliance 45816  
with the applicant's current clinical research faculty 45817  
certificate; 45818

(d) Provides evidence satisfactory to the board of all of the 45819  
following: 45820

(i) That the applicant continues to maintain a current, 45821  
unrestricted license to practice medicine and surgery or 45822  
osteopathic medicine and surgery issued by another state or 45823  
country; 45824

(ii) That the applicant's initial appointment to serve in 45825  
this state on the academic staff of a medical school is still 45826  
valid or has been renewed; 45827

(iii) That the applicant has completed one hundred fifty 45828  
hours of continuing medical education that meet the requirements 45829  
set forth in section ~~4731.281~~ 4731.282 of the Revised Code. 45830

(4) Regardless of whether the certificate has expired, a 45831  
person who was granted a visiting medical faculty certificate 45832  
under this section as it existed immediately prior to ~~the~~ 45833  
~~effective date of this amendment~~ June 6, 2012, may apply for a 45834  
clinical research faculty certificate as a renewal. The board may 45835  
issue the clinical research faculty certificate if the applicant 45836  
meets the requirements of division (E)(3) of this section. The 45837

board may not issue a clinical research faculty certificate if the 45838  
visiting medical faculty certificate was revoked. 45839

(F) The board shall maintain a register of all persons who 45840  
hold clinical research faculty certificates. 45841

(G) The board may adopt any rules it considers necessary to 45842  
implement this section. The rules shall be adopted in accordance 45843  
with Chapter 119. of the Revised Code. 45844

**Sec. 4731.295.** (A)(1) As used in this section, "indigent and 45845  
uninsured person" and "operation" have the same meanings as in 45846  
section 2305.234 of the Revised Code. 45847

(2) For the purposes of this section, a person shall be 45848  
considered retired from practice if the person's license or 45849  
certificate has expired with the person's intention of ceasing to 45850  
practice medicine and surgery or osteopathic medicine and surgery 45851  
for remuneration. 45852

(B) The state medical board may issue, without examination, a 45853  
volunteer's certificate to a person who is retired from practice 45854  
so that the person may provide medical services to indigent and 45855  
uninsured persons. The board shall deny issuance of a volunteer's 45856  
certificate to a person who is not qualified under this section to 45857  
hold a volunteer's certificate. 45858

(C) An application for a volunteer's certificate shall 45859  
include all of the following: 45860

(1) A copy of the applicant's degree of medicine or 45861  
osteopathic medicine. 45862

(2) One of the following, as applicable: 45863

(a) A copy of the applicant's most recent license or 45864  
certificate authorizing the practice of medicine and surgery or 45865  
osteopathic medicine and surgery issued by a jurisdiction in the 45866  
United States that licenses persons to practice medicine and 45867

surgery or osteopathic medicine and surgery. 45868

(b) A copy of the applicant's most recent license equivalent 45869  
to a license to practice medicine and surgery or osteopathic 45870  
medicine and surgery in one or more branches of the United States 45871  
armed services that the United States government issued. 45872

(3) Evidence of one of the following, as applicable: 45873

(a) That the applicant has maintained for at least ten years 45874  
prior to retirement full licensure in good standing in any 45875  
jurisdiction in the United States that licenses persons to 45876  
practice medicine and surgery or osteopathic medicine and surgery. 45877

(b) That the applicant has practiced for at least ten years 45878  
prior to retirement in good standing as a doctor of medicine and 45879  
surgery or osteopathic medicine and surgery in one or more of the 45880  
branches of the United States armed services. 45881

(4) A notarized statement from the applicant, on a form 45882  
prescribed by the board, that the applicant will not accept any 45883  
form of remuneration for any medical services rendered while in 45884  
possession of a volunteer's certificate. 45885

(D) The holder of a volunteer's certificate may provide 45886  
medical services only to indigent and uninsured persons. The 45887  
holder shall not accept any form of remuneration for providing 45888  
medical services while in possession of the certificate. Except in 45889  
a medical emergency, the holder shall not perform any operation or 45890  
deliver babies. The board may revoke a volunteer's certificate on 45891  
receiving proof satisfactory to the board that the holder has 45892  
engaged in practice in this state outside the scope of the 45893  
certificate. 45894

(E)(1) A volunteer's certificate shall be valid for a period 45895  
of three years, unless earlier revoked under division (D) of this 45896  
section or pursuant to section 4731.22 of the Revised Code. A 45897  
volunteer's certificate may be renewed upon the application of the 45898

holder. The board shall maintain a register of all persons who 45899  
hold volunteer's certificates. The board shall not charge a fee 45900  
for issuing or renewing a certificate pursuant to this section. 45901

(2) To be eligible for renewal of a volunteer's certificate 45902  
the holder of the certificate shall certify to the board 45903  
completion of one hundred fifty hours of continuing medical 45904  
education that meets the requirements of section ~~4731.281~~ 4731.282 45905  
of the Revised Code regarding certification by private 45906  
associations and approval by the board. The board may not renew a 45907  
certificate if the holder has not complied with the continuing 45908  
medical education requirements. Any entity for which the holder 45909  
provides medical services may pay for or reimburse the holder for 45910  
any costs incurred in obtaining the required continuing medical 45911  
education credits. 45912

(3) The board shall issue to each person who qualifies under 45913  
this section for a volunteer's certificate a wallet certificate 45914  
and a wall certificate that state that the certificate holder is 45915  
authorized to provide medical services pursuant to the laws of 45916  
this state. The holder shall keep the wallet certificate on the 45917  
holder's person while providing medical services and shall display 45918  
the wall certificate prominently at the location where the holder 45919  
primarily practices. 45920

(4) The holder of a volunteer's certificate issued pursuant 45921  
to this section is subject to the immunity provisions in section 45922  
2305.234 of the Revised Code. 45923

(F) The board shall adopt rules in accordance with Chapter 45924  
119. of the Revised Code to administer and enforce this section. 45925

**Sec. 4731.296.** (A) For the purposes of this section, "the 45926  
practice of telemedicine" means the practice of medicine in this 45927  
state through the use of any communication, including oral, 45928  
written, or electronic communication, by a physician located 45929

outside this state. 45930

(B) A person who wishes to practice telemedicine in this 45931  
state shall file an application with the state medical board, 45932  
together with a fee in the amount of the fee described in division 45933  
(D) of section 4731.29 of the Revised Code and shall comply with 45934  
sections 4776.01 to 4776.04 of the Revised Code. If the board, in 45935  
its discretion, decides that the results of the criminal records 45936  
check do not make the person ineligible for a telemedicine 45937  
certificate, the board may issue, without examination, a 45938  
telemedicine certificate to a person who meets all of the 45939  
following requirements: 45940

(1) The person holds a current, unrestricted license to 45941  
practice medicine and surgery or osteopathic medicine and surgery 45942  
issued by another state that requires license holders to complete 45943  
at least fifty hours of continuing medical education every two 45944  
years. 45945

(2) The person's principal place of practice is in that 45946  
state. 45947

(3) The person does not hold a certificate issued under this 45948  
chapter authorizing the practice of medicine and surgery or 45949  
osteopathic medicine and surgery in this state. 45950

(4) The person meets the same age, moral character, and 45951  
educational requirements individuals must meet under sections 45952  
4731.08, 4731.09, 4731.091, and 4731.14 of the Revised Code and, 45953  
if applicable, demonstrates proficiency in spoken English in 45954  
accordance with division (E) of section 4731.29 of the Revised 45955  
Code. 45956

(C) The holder of a telemedicine certificate may engage in 45957  
the practice of telemedicine in this state. A person holding a 45958  
telemedicine certificate shall not practice medicine in person in 45959  
this state without obtaining a special activity certificate under 45960

section 4731.294 of the Revised Code. 45961

(D) The board may revoke a certificate issued under this 45962  
section or take other disciplinary action against a certificate 45963  
holder pursuant to section 4731.22 of the Revised Code on 45964  
receiving proof satisfactory to the board that the certificate 45965  
holder has engaged in practice in this state outside the scope of 45966  
the certificate or that there are grounds for action against the 45967  
holder under section 4731.22 of the Revised Code. 45968

(E) A telemedicine certificate shall be valid for a period 45969  
specified by the board, and the initial renewal shall be in 45970  
accordance with a schedule established by the board. Thereafter, 45971  
the certificate shall be valid for two years. A certificate may be 45972  
renewed on application of the holder. 45973

To be eligible for renewal, the holder of the certificate 45974  
shall do both of the following: 45975

(1) Pay a fee in the amount of the fee described in division 45976  
~~(B)~~(A)(1) of section 4731.281 of the Revised Code; 45977

(2) Certify to the board compliance with the continuing 45978  
medical education requirements of the state in which the holder's 45979  
principal place of practice is located. 45980

The board may require a random sample of persons holding a 45981  
telemedicine certificate to submit materials documenting 45982  
completion of the continuing medical education requirements 45983  
described in this division. 45984

(F) The board shall convert a telemedicine certificate to a 45985  
certificate issued under section 4731.29 of the Revised Code on 45986  
receipt of a written request from the certificate holder. Once the 45987  
telemedicine certificate is converted, the holder is subject to 45988  
all requirements and privileges attendant to a certificate issued 45989  
under section 4731.29 of the Revised Code, including continuing 45990  
medical education requirements. 45991

<b>Sec. 4731.297.</b> (A) As used in this section:	45992
(1) "Academic medical center" means a medical school and its affiliated teaching hospitals and clinics partnering to do all of the following:	45993 45994 45995
(a) Provide the highest quality of patient care from expert physicians;	45996 45997
(b) Conduct groundbreaking research leading to medical advancements for current and future patients;	45998 45999
(c) Provide medical education and graduate medical education to educate and train physicians.	46000 46001
(2) "Affiliated physician group practice" means a medical practice that consists of one or more physicians authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and that is affiliated with an academic medical center to further the objectives described in divisions (A)(1)(a) to (c) of this section.	46002 46003 46004 46005 46006 46007
(B) The state medical board shall issue, without examination, to an applicant who meets the requirements of this section a certificate of conceded eminence authorizing the practice of medicine and surgery or osteopathic medicine and surgery as part of the applicant's employment with an academic medical center in this state or affiliated physician group practice in this state.	46008 46009 46010 46011 46012 46013
(C) To be eligible for a certificate of conceded eminence, an applicant shall provide to the board all of the following:	46014 46015
(1) Evidence satisfactory to the board of all of the following:	46016 46017
(a) That the applicant is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory;	46018 46019 46020

(b) That the applicant has been appointed to serve in this 46021  
state as a full-time faculty member of a medical school accredited 46022  
by the liaison committee on medical education or an osteopathic 46023  
medical school accredited by the American osteopathic association; 46024

(c) That the applicant has accepted an offer of employment 46025  
with an academic medical center in this state or affiliated 46026  
physician group practice in this state; 46027

(d) That the applicant holds a license in good standing in 46028  
another state or country authorizing the practice of medicine and 46029  
surgery or osteopathic medicine and surgery; 46030

(e) That the applicant has unique talents and extraordinary 46031  
abilities not generally found within the applicant's specialty, as 46032  
demonstrated by satisfying at least four of the following: 46033

(i) The applicant has achieved educational qualifications 46034  
beyond those that are required for entry into the applicant's 46035  
specialty, including advanced degrees, special certifications, or 46036  
other academic credentials. 46037

(ii) The applicant has written multiple articles in journals 46038  
listed in the index medicus or an equivalent scholarly publication 46039  
acceptable to the board. 46040

(iii) The applicant has a sustained record of excellence in 46041  
original research, at least some of which involves serving as the 46042  
principal investigator or co-principal investigator for a research 46043  
project. 46044

(iv) The applicant has received nationally or internationally 46045  
recognized prizes or awards for excellence. 46046

(v) The applicant has participated in peer review in a field 46047  
of specialization that is the same as or similar to the 46048  
applicant's specialty. 46049

(vi) The applicant has developed new procedures or treatments 46050

for complex medical problems that are recognized by peers as a 46051  
significant advancement in the applicable field of medicine. 46052

(vii) The applicant has held previous academic appointments 46053  
with or been employed by a health care organization that has a 46054  
distinguished national or international reputation. 46055

(viii) The applicant has been the recipient of a national 46056  
institutes of health or other competitive grant award. 46057

(f) That the applicant has received staff membership or 46058  
professional privileges from the academic medical center pursuant 46059  
to standards adopted under section 3701.351 of the Revised Code on 46060  
a basis that requires the applicant's medical education and 46061  
graduate medical education to be at least equivalent to that of a 46062  
physician educated and trained in the United States; 46063

(g) That the applicant has sufficient written and oral 46064  
English skills to communicate effectively and reliably with 46065  
patients, their families, and other medical professionals; 46066

(h) That the applicant will have professional liability 46067  
insurance through the applicant's employment with the academic 46068  
medical center or affiliated physician group practice. 46069

(2) An affidavit from the applicant agreeing to practice only 46070  
within the clinical setting of the academic medical center or for 46071  
the affiliated physician group practice; 46072

(3) Three letters of reference from distinguished experts in 46073  
the applicant's specialty attesting to the unique capabilities of 46074  
the applicant, at least one of which must be from outside the 46075  
academic medical center or affiliated physician group practice; 46076

(4) An affidavit from the dean of the medical school where 46077  
the applicant has been appointed to serve as a faculty member 46078  
stating that the applicant meets all of the requirements of 46079  
division (C)(1) of this section and that the letters of reference 46080

submitted under division (C)(3) of this section are from 46081  
distinguished experts in the applicant's specialty, and 46082  
documentation to support the affidavit; 46083

(5) A fee of one thousand dollars for the certificate. 46084

(D)(1) The holder of a certificate of conceded eminence may 46085  
practice medicine and surgery or osteopathic medicine and surgery 46086  
only within the clinical setting of the academic medical center 46087  
with which the certificate holder is employed or for the 46088  
affiliated physician group practice with which the certificate 46089  
holder is employed. 46090

(2) A certificate holder may supervise medical students, 46091  
physicians participating in graduate medical education, advanced 46092  
practice nurses, and physician assistants when performing clinical 46093  
services in the certificate holder's area of specialty. 46094

(E) The board may revoke a certificate issued under this 46095  
section on receiving proof satisfactory to the board that the 46096  
certificate holder has engaged in practice in this state outside 46097  
the scope of the certificate or that there are grounds for action 46098  
against the certificate holder under section 4731.22 of the 46099  
Revised Code. 46100

(F) A certificate of conceded eminence is valid for the 46101  
shorter of two years or the duration of the certificate holder's 46102  
employment with the academic medical center or affiliated 46103  
physician group practice. The certificate ceases to be valid if 46104  
the holder resigns or is otherwise terminated from the academic 46105  
medical center or affiliated physician group practice. 46106

(G) A certificate of conceded eminence may be renewed for an 46107  
additional two-year period. There is no limit on the number of 46108  
times a certificate may be renewed. A person seeking renewal of a 46109  
certificate shall apply to the board and is eligible for renewal 46110  
if the applicant does all of the following: 46111

(1) Pays the renewal fee of one thousand dollars;	46112
(2) Provides to the board an affidavit and supporting documentation from the academic medical center or affiliated physician group practice of all of the following:	46113 46114 46115
(a) That the applicant's initial appointment to the medical faculty is still valid or has been renewed;	46116 46117
(b) That the applicant's clinical practice is consistent with the established standards in the field;	46118 46119
(c) That the applicant has demonstrated continued scholarly achievement;	46120 46121
(d) That the applicant has demonstrated continued professional achievement consistent with the academic medical center's requirements, established pursuant to standards adopted under section 3701.351 of the Revised Code, for physicians with staff membership or professional privileges with the academic medical center.	46122 46123 46124 46125 46126 46127
(3) Satisfies the same continuing medical education requirements set forth in section <del>4731.281</del> <u>4731.282</u> of the Revised Code that apply to a person who holds a certificate to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter.	46128 46129 46130 46131 46132
(4) Complies with any other requirements established by the board.	46133 46134
(H) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.	46135 46136 46137
<b>Sec. 4731.299.</b> (A) The state medical board may issue, without examination, to an applicant who meets all of the requirements of this section an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement.	46138 46139 46140 46141

46142

(B) An individual who seeks an expedited certificate to 46143  
practice medicine and surgery or osteopathic medicine and surgery 46144  
by endorsement shall file with the board a written application on 46145  
a form prescribed and supplied by the board. The application shall 46146  
include all of the information the board considers necessary to 46147  
process it. 46148

(C) To be eligible to receive an expedited certificate by 46149  
endorsement, an applicant shall do both of the following: 46150

(1) Provide evidence satisfactory to the board that the 46151  
applicant meets all of the following requirements: 46152

(a) Has passed one of the following: 46153

(i) Steps one, two, and three of the United States medical 46154  
licensing examination; 46155

(ii) Levels one, two, and three of the comprehensive 46156  
osteopathic medical licensing examination of the United States; 46157

(iii) Any other medical licensing examination recognized by 46158  
the board. 46159

(b) For at least five years immediately preceding the date of 46160  
application, has held a current, unrestricted license to practice 46161  
medicine and surgery or osteopathic medicine and surgery issued by 46162  
the licensing authority of another state or a Canadian province; 46163

(c) For at least two years immediately preceding the date of 46164  
application, has actively practiced medicine and surgery or 46165  
osteopathic medicine and surgery in a clinical setting; 46166

(d) Is in compliance with the medical education and training 46167  
requirements in sections 4731.091 and 4731.14 of the Revised Code. 46168

(2) Certify to the board that all of the following are the 46169  
case: 46170

(a) Not more than two malpractice claims have been filed 46171  
against the applicant within a period of ten years and no 46172  
malpractice claim against the applicant has resulted in total 46173  
payment of more than five hundred thousand dollars. 46174

(b) The applicant does not have a criminal record according 46175  
to the criminal records check required by section 4731.081 of the 46176  
Revised Code. 46177

(c) The applicant does not have a medical condition that 46178  
could affect the applicant's ability to practice according to 46179  
acceptable and prevailing standards of care. 46180

(d) No adverse action has been taken against the applicant by 46181  
a health care institution. 46182

(e) To the applicant's knowledge, no federal agency, medical 46183  
society, medical association, or branch of the United States 46184  
military has investigated or taken action against the applicant. 46185

(f) No professional licensing or regulatory authority has 46186  
filed a complaint against, investigated, or taken action against 46187  
the applicant and the applicant has not withdrawn a professional 46188  
license application. 46189

(g) The applicant has not been suspended or expelled from any 46190  
institution of higher education or school, including a medical 46191  
school. 46192

(D) An applicant for an expedited certificate by endorsement 46193  
shall comply with section 4731.081 of the Revised Code. 46194

(E) At the time of application, the applicant shall pay to 46195  
the board a fee of one thousand dollars, no part of which shall be 46196  
returned. No application shall be considered filed until the board 46197  
receives the fee. 46198

(F) The secretary and supervising member of the board shall 46199  
review all applications received under this section. ~~if~~ 46200

If the board determines secretary and supervising member 46201  
determine that an applicant meets the requirements for an 46202  
expedited certificate to practice medicine and surgery or 46203  
osteopathic medicine and surgery by endorsement, the board shall 46204  
issue the certificate to the applicant. ~~Each~~ 46205

If the secretary and supervising member determine that an 46206  
applicant does not meet the requirements for an expedited 46207  
certificate to practice medicine and surgery or osteopathic 46208  
medicine and surgery by endorsement, the application shall be 46209  
treated as an application under section 4731.08 of the Revised 46210  
Code. 46211

(G) Each certificate issued by the board under this section 46212  
shall be signed by the president and secretary of the board and 46213  
attested by ~~its~~ the board's seal. 46214

~~(G)~~(H) Within sixty days after ~~the effective date of this~~ 46215  
~~section~~ September 29, 2013, the board shall approve acceptable 46216  
means of demonstrating compliance with sections 4731.091 and 46217  
4731.14 of the Revised Code as required by division (C)(1)(d) of 46218  
this section. 46219

**Sec. 4735.06.** (A) Application for a license as a real estate 46220  
broker shall be made to the superintendent of real estate on forms 46221  
furnished by the superintendent and filed with the superintendent 46222  
and shall be signed by the applicant or its members or officers. 46223  
Each application shall state the name of the person applying and 46224  
the location of the place of business for which the license is 46225  
desired, and give such other information as the superintendent 46226  
requires in the form of application prescribed by the 46227  
superintendent. 46228

If the applicant is a partnership, limited liability company, 46229  
limited liability partnership, or association, the names of all 46230  
the members also shall be stated, and, if the applicant is a 46231

corporation, the names of its president and of each of its 46232  
officers also shall be stated. The superintendent has the right to 46233  
reject the application of any partnership, association, limited 46234  
liability company, limited liability partnership, or corporation 46235  
if the name proposed to be used by such partnership, association, 46236  
limited liability company, limited liability partnership, or 46237  
corporation is likely to mislead the public or if the name is not 46238  
such as to distinguish it from the name of any existing 46239  
partnership, association, limited liability company, limited 46240  
liability partnership, or corporation licensed under this chapter, 46241  
unless there is filed with the application the written consent of 46242  
such existing partnership, association, limited liability company, 46243  
limited liability partnership, or corporation, executed by a duly 46244  
authorized representative of it, permitting the use of the name of 46245  
such existing partnership, association, limited liability company, 46246  
limited liability partnership, or corporation. 46247

(B) A fee of one hundred dollars shall accompany the 46248  
application for a real estate broker's license. The initial 46249  
licensing period commences at the time the license is issued and 46250  
ends on the applicant's first birthday thereafter. However, if the 46251  
applicant was an inactive or active salesperson immediately 46252  
preceding application for a broker's license, then the initial 46253  
licensing period shall commence at the time the broker's license 46254  
is issued and ends on the date the licensee's continuing education 46255  
is due as set when the applicant was a salesperson. The 46256  
application fee shall be nonrefundable. A fee of one hundred 46257  
dollars shall be charged by the superintendent for each successive 46258  
application made by an applicant. In the case of issuance of a 46259  
three-year license, upon passing the examination, or upon waiver 46260  
of the examination requirement, if the superintendent determines 46261  
it is necessary, the applicant shall submit an additional fee 46262  
determined by the superintendent based upon the number of years 46263  
remaining in a real estate salesperson's licensing period. 46264

(C) One dollar of each application fee for a real estate broker's license shall be credited to the real estate education and research fund, which is hereby created in the state treasury. The Ohio real estate commission may use the fund in discharging the duties prescribed in divisions (E), (F), (G), and (H) of section 4735.03 of the Revised Code and shall use it in the advancement of education and research in real estate at any institution of higher education in the state, or in contracting with any such institution or a trade organization for a particular research or educational project in the field of real estate, or in advancing loans, not exceeding two thousand dollars, to applicants for salesperson licenses, to defray the costs of satisfying the educational requirements of division (F) of section 4735.09 of the Revised Code. Such loans shall be made according to rules established by the commission under the procedures of Chapter 119. of the Revised Code, and they shall be repaid to the fund within three years of the time they are made. No more than ~~ten~~ twenty-five thousand dollars shall be lent from the fund in any one fiscal year.

The governor may appoint a representative from the executive branch to be a member ex officio of the commission for the purpose of advising on research requests or educational projects. The commission shall report to the general assembly on the third Tuesday after the third Monday in January of each year setting forth the total amount contained in the fund and the amount of each research grant that it has authorized and the amount of each research grant requested. A copy of all research reports shall be submitted to the state library of Ohio and the library of the legislative service commission.

(D) If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate broker's examination,

pursuant to division (A) of section 4735.07 of the Revised Code, 46297  
the superintendent may require an applicant to pay the testing 46298  
service's examination fee directly to the testing service. If the 46299  
superintendent requires the payment of the examination fee 46300  
directly to the testing service, each applicant shall submit to 46301  
the superintendent a processing fee in an amount determined by the 46302  
Ohio real estate commission pursuant to division (A)(2) of section 46303  
4735.10 of the Revised Code. 46304

**Sec. 4735.13.** (A) Every real estate broker licensed under 46305  
this chapter shall have and maintain a definite place of business 46306  
in this state. A post office box address is not a definite place 46307  
of business for purposes of this section. The license of a real 46308  
estate broker shall be prominently displayed in the office or 46309  
place of business of the broker, and no license shall authorize 46310  
the licensee to do business except from the location specified in 46311  
it. If the broker maintains more than one place of business within 46312  
the state, the broker shall apply for and procure a duplicate 46313  
license for each branch office maintained by the broker. Each 46314  
branch office shall be in the charge of a licensed broker or 46315  
salesperson. The branch office license shall be prominently 46316  
displayed at the branch office location. 46317

(B) The license of each real estate salesperson shall be 46318  
mailed to and remain in the possession of the licensed broker with 46319  
whom the salesperson is or is to be associated until the licensee 46320  
places the license on inactive or resigned status or until the 46321  
salesperson leaves the brokerage or is terminated. The broker 46322  
shall keep each salesperson's license in a way that it can, and 46323  
shall on request, be made immediately available for public 46324  
inspection at the office or place of business of the broker. 46325  
Except as provided in divisions (G) and (H) of this section, 46326  
immediately upon the salesperson's leaving the association or 46327  
termination of the association of a real estate salesperson with 46328

the broker, the broker shall return the salesperson's license to 46329  
the superintendent of real estate. 46330

The failure of a broker to return the license of a real 46331  
estate salesperson or broker who leaves or who is terminated, via 46332  
certified mail return receipt requested, within three business 46333  
days of the receipt of a written request from the superintendent 46334  
for the return of the license, is prima-facie evidence of 46335  
misconduct under division (A)(6) of section 4735.18 of the Revised 46336  
Code. 46337

(C) A licensee shall notify the superintendent in writing 46338  
within fifteen days of any of the following occurrences: 46339

(1) The licensee is convicted of a felony. 46340

(2) The licensee is convicted of a crime involving moral 46341  
turpitude. 46342

(3) The licensee is found to have violated any federal, 46343  
state, or municipal civil rights law pertaining to discrimination 46344  
in housing. 46345

(4) The licensee is found to have engaged in a discriminatory 46346  
practice pertaining to housing accommodations described in 46347  
division (H) of section 4112.02 of the Revised Code. 46348

(5) The licensee is the subject of an order by the department 46349  
of commerce, the department of insurance, or the department of 46350  
agriculture revoking or permanently surrendering any professional 46351  
license, certificate, or registration. 46352

(6) The licensee is the subject of an order by any government 46353  
agency concerning real estate, financial matters, or the 46354  
performance of fiduciary duties with respect to any license, 46355  
certificate, or registration. 46356

If a licensee fails to notify the superintendent within the 46357  
required time, the superintendent immediately may suspend the 46358

license of the licensee. 46359

Any court that convicts a licensee of a violation of any 46360  
municipal civil rights law pertaining to housing discrimination 46361  
also shall notify the Ohio civil rights commission within fifteen 46362  
days of the conviction. 46363

(D) In case of any change of business location, a broker 46364  
shall give notice to the superintendent, on a form prescribed by 46365  
the superintendent, within thirty days after the change of 46366  
location, whereupon the superintendent shall issue new licenses 46367  
for the unexpired period without charge. If a broker changes a 46368  
business location without giving the required notice and without 46369  
receiving new licenses that action is prima-facie evidence of 46370  
misconduct under division (A)(6) of section 4735.18 of the Revised 46371  
Code. 46372

(E) If a real estate broker desires to associate with another 46373  
real estate broker in the capacity of a real estate salesperson, 46374  
the broker shall apply to the superintendent to deposit the 46375  
broker's real estate broker's license with the superintendent and 46376  
for the issuance of a real estate salesperson's license. The 46377  
application shall be made on a form prescribed by the 46378  
superintendent and shall be accompanied by the recommendation of 46379  
the real estate broker with whom the applicant intends to become 46380  
associated and a fee of twenty-five dollars for the real estate 46381  
salesperson's license. One dollar of the fee shall be credited to 46382  
the real estate education and research fund. If the superintendent 46383  
is satisfied that the applicant is honest, truthful, and of good 46384  
reputation, has not been convicted of a felony or a crime 46385  
involving moral turpitude, and has not been finally adjudged by a 46386  
court to have violated any municipal, state, or federal civil 46387  
rights laws relevant to the protection of purchasers or sellers of 46388  
real estate, and that the association of the real estate broker 46389  
and the applicant will be in the public interest, the 46390

superintendent shall grant the application and issue a real estate 46391  
salesperson's license to the applicant. Any license so deposited 46392  
with the superintendent shall be subject to this chapter. A broker 46393  
who intends to deposit the broker's license with the 46394  
superintendent, as provided in this section, shall give written 46395  
notice of this fact in a format prescribed by the superintendent 46396  
to all salespersons associated with the broker when applying to 46397  
place the broker's license on deposit. 46398

(F) If a real estate broker desires to become a member or 46399  
officer of a partnership, association, limited liability company, 46400  
limited liability partnership, or corporation that is or intends 46401  
to become a licensed real estate broker, the broker shall notify 46402  
the superintendent of the broker's intentions. The notice of 46403  
intention shall be on a form prescribed by the superintendent and 46404  
shall be accompanied by a fee of twenty-five dollars. One dollar 46405  
of the fee shall be credited to the real estate education and 46406  
research fund. 46407

A licensed real estate broker who is a member or officer of a 46408  
partnership, association, limited liability company, limited 46409  
liability partnership, or corporation shall only act as a real 46410  
estate broker for such partnership, association, limited liability 46411  
company, limited liability partnership, or corporation. 46412

(G)(1) If a real estate broker or salesperson enters the 46413  
armed forces, the broker or salesperson may place the broker's or 46414  
salesperson's license on deposit with the Ohio real estate 46415  
commission. The licensee shall not be required to renew the 46416  
license until the renewal date that follows the date of discharge 46417  
from the armed forces. Any license deposited with the commission 46418  
shall be subject to this chapter. ~~Any~~ 46419

Any licensee whose license is on deposit under this division 46420  
and who fails to meet the continuing education requirements of 46421  
section 4735.141 of the Revised Code because the licensee is in 46422

the armed forces shall satisfy the commission that the licensee 46423  
has complied with the continuing education requirements within 46424  
twelve months of the licensee's first birthday after discharge or 46425  
within the amount of time equal to the total number of months the 46426  
licensee spent on active duty, whichever is greater. The licensee 46427  
shall submit proper documentation of active duty service and the 46428  
length of that active duty service to the superintendent. The 46429  
extension shall not exceed the total number of months that the 46430  
licensee served in active duty. The superintendent shall notify 46431  
the licensee of the licensee's obligations under section 4735.141 46432  
of the Revised Code at the time the licensee applies for 46433  
reactivation of the licensee's license. 46434

(2) If a licensee is a spouse of a member of the armed forces 46435  
and the spouse's service resulted in the licensee's absence from 46436  
this state, both of the following apply: 46437

(a) The licensee shall not be required to renew the license 46438  
until the renewal date that follows the date of the spouse's 46439  
discharge from the armed forces. 46440

(b) If the licensee fails to meet the continuing education 46441  
requirements of section 4735.141 of the Revised Code, the licensee 46442  
shall satisfy the commission that the licensee has complied with 46443  
the continuing education requirements within twelve months after 46444  
the licensee's first birthday after the spouse's discharge or 46445  
within the amount of time equal to the total number of months the 46446  
licensee's spouse spent on active duty, whichever is greater. The 46447  
licensee shall submit proper documentation of the spouse's active 46448  
duty service and the length of that active duty service. This 46449  
extension shall not exceed the total number of months that the 46450  
licensee's spouse served in active duty. 46451

(3) In the case of a licensee as described in division (G)(2) 46452  
of this section, who holds the license through a reciprocity 46453  
agreement with another state, the spouse's service shall have 46454

resulted in the licensee's absence from the licensee's state of residence for the provisions of that division to apply. 46455  
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(4) As used in this division, "armed forces" means the armed forces of the United States or reserve component of the armed forces of the United States including the Ohio national guard or the national guard of any other state. 46457  
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(H) If a licensed real estate salesperson submits an application to the superintendent to leave the association of one broker to associate with a different broker, the broker possessing the licensee's license need not return the salesperson's license to the superintendent. The superintendent may process the application regardless of whether the licensee's license is returned to the superintendent. 46461  
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**Sec. 4735.141.** (A) Except as otherwise provided in this division and in section 4735.13 of the Revised Code and except for a licensee who has placed the licensee's license in resigned status pursuant to section 4735.142 of the Revised Code, each person licensed under section 4735.07 or 4735.09 of the Revised Code shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed thirty hours of continuing education, as prescribed by the Ohio real estate commission pursuant to section 4735.10 of the Revised Code, on or before the licensee's birthday occurring three years after the licensee's date of initial licensure, and on or before the licensee's birthday every three years thereafter. 46468  
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Persons licensed as real estate salespersons who subsequently become licensed real estate brokers shall continue to submit proof of continuing education in accordance with the time period established in this section. 46480  
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The requirements of this section shall not apply to any disabled licensee as provided in division (E) of this section. 46484  
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Each licensee who is seventy years of age or older, within a continuing education reporting period, shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed a total of nine classroom hours of continuing education, including instruction in Ohio real estate law; recently enacted state and federal laws affecting the real estate industry; municipal, state, and federal civil rights law; and canons of ethics for the real estate industry as adopted by the commission. The required proof of completion shall be submitted on or before the licensee's birthday that falls in the third year of that continuing education reporting period. A licensee who is seventy years of age or older whose license is in an inactive status is exempt from the continuing education requirements specified in this section. The commission shall adopt reasonable rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this paragraph.

(B) The continuing education requirements of this section shall be completed in schools, seminars, and educational institutions approved by the commission. Such approval shall be given according to rules established by the commission under the procedures of Chapter 119. of the Revised Code, and shall not be limited to institutions providing two-year or four-year degrees. Each school, seminar, or educational institution approved under this division shall be open to all licensees on an equal basis.

(C) If the requirements of this section are not met by a licensee within the period specified, the licensee's license shall be suspended automatically without the taking of any action by the superintendent. The superintendent shall notify the licensee of the license suspension, and such notification shall be sent by regular mail to the personal residence address of the licensee that is on file with the division. Any license so suspended shall remain suspended until it is reactivated by the superintendent. No

such license shall be reactivated until it is established, to the 46518  
satisfaction of the superintendent, that the requirements of this 46519  
section have been met. If the requirements of this section are not 46520  
met within twelve months from the date the license was suspended, 46521  
the license shall be revoked automatically without the taking of 46522  
any action by the superintendent. 46523

(D) If the license of a real estate broker is suspended 46524  
pursuant to division (C) of this section, the license of a real 46525  
estate salesperson associated with that broker correspondingly is 46526  
suspended pursuant to division (H) of section 4735.20 of the 46527  
Revised Code. A sole broker shall notify affiliated salespersons 46528  
of the suspension in writing within three days of receiving the 46529  
notice required by division (C) of this section. 46530

(1) The suspended license of the associated real estate 46531  
salesperson shall be reactivated and no fee shall be charged or 46532  
collected for that reactivation if that broker subsequently 46533  
submits proof to the superintendent that the broker has complied 46534  
with the requirements of this section and requests that the 46535  
broker's license as a real estate broker be reactivated, and the 46536  
superintendent then reactivates the broker's license as a real 46537  
estate broker. 46538

(2) If the real estate salesperson submits an application to 46539  
leave the association of the suspended broker in order to 46540  
associate with a different broker, the suspended license of the 46541  
associated real estate salesperson shall be reactivated and no fee 46542  
shall be charged or collected for that reactivation. The 46543  
superintendent may process the application regardless of whether 46544  
the licensee's license is returned to the superintendent. 46545

Any person whose license is reactivated pursuant to this 46546  
division shall comply with the requirements of this section and 46547  
otherwise be in compliance with this chapter. 46548

(E) Any licensee who is a disabled licensee at any time 46549  
during the last three months of the third year of the licensee's 46550  
continuing education reporting period may receive an extension of 46551  
time as deemed appropriate by the superintendent to submit proof 46552  
to the superintendent that the licensee has satisfactorily 46553  
completed the required thirty hours of continuing education. To 46554  
receive an extension of time, the licensee shall submit a request 46555  
to the division of real estate for the extension and proof 46556  
satisfactory to the commission that the licensee was a disabled 46557  
licensee at some time during the last three months of the 46558  
three-year reporting period. The proof shall include, but is not 46559  
limited to, a signed statement by the licensee's attending 46560  
physician describing the disability, certifying that the 46561  
licensee's disability is of such a nature as to prevent the 46562  
licensee from attending any instruction lasting at least three 46563  
hours in duration, and stating the expected duration of the 46564  
disability. The licensee shall request the extension and provide 46565  
the physician's statement to the division no later than one month 46566  
prior to the end of the licensee's three-year continuing education 46567  
reporting period, unless the disability did not arise until the 46568  
last month of the three-year reporting period, in which event the 46569  
licensee shall request the extension and provide the physician's 46570  
statement as soon as practical after the occurrence of the 46571  
disability. A licensee granted an extension pursuant to this 46572  
division who is no longer a disabled licensee and who submits 46573  
proof of completion of the continuing education during the 46574  
extension period, shall submit, for future continuing education 46575  
reporting periods, proof of completion of the continuing education 46576  
requirements according to the schedule established in division (A) 46577  
of this section. 46578

(F) The superintendent shall not renew a license if the 46579  
licensee fails to comply with this section, and the licensee shall 46580  
be required to pay the penalty fee provided in section 4735.14 of 46581

the Revised Code. 46582

(G) A licensee shall submit proof of completion of the 46583  
required continuing education with the licensee's notice of 46584  
renewal. The proof shall be submitted in the manner provided by 46585  
the superintendent. 46586

**Sec. 4736.12.** (A) The state board of sanitarian registration 46587  
shall charge the following fees: 46588

(1) To apply as a sanitarian-in-training, eighty dollars; 46589

(2) For sanitarians-in-training to apply for registration as 46590  
sanitarians, eighty dollars. The applicant shall pay this fee only 46591  
once regardless of the number of times the applicant takes an 46592  
examination required under section 4736.08 of the Revised Code. 46593

(3) For persons other than sanitarians-in-training to apply 46594  
for registration as sanitarians, including persons meeting the 46595  
requirements of section 4736.16 of the Revised Code, one hundred 46596  
sixty dollars. The applicant shall pay this fee only once 46597  
regardless of the number of times the applicant takes an 46598  
examination required under section 4736.08 of the Revised Code. 46599

(4) The renewal fee for registered sanitarians shall be 46600  
~~eighty~~ ninety dollars. 46601

(5) The renewal fee for sanitarians-in-training shall be 46602  
~~eighty~~ ninety dollars. 46603

(6) For late application for renewal, an additional ~~fifty~~ 46604  
seventy-five dollars. 46605

The board of sanitarian registration, with the approval of 46606  
the controlling board, may establish fees in excess of the amounts 46607  
provided in this section, provided that such fees do not exceed 46608  
the amounts permitted by this section by more than fifty per cent. 46609

(B) The board of sanitarian registration shall charge 46610

separate fees for examinations as required by section 4736.08 of 46611  
the Revised Code, provided that the fees are not in excess of the 46612  
actual cost to the board of conducting the examinations. 46613

(C) The board of sanitarian registration may adopt rules 46614  
establishing fees for all of the following: 46615

(1) Application for the registration of a training agency 46616  
approved under rules adopted by the board pursuant to section 46617  
4736.11 of the Revised Code and for the annual registration 46618  
renewal of an approved training agency; 46619

(2) Application for the review of continuing education hours 46620  
submitted for the board's approval by approved training agencies 46621  
or by registered sanitarians or sanitarians-in-training; 46622

(3) Additional copies of pocket identification cards and wall 46623  
certificates. 46624

**Sec. 4741.03.** (A) The state veterinary medical licensing 46625  
board shall meet at least once in each calendar year and may hold 46626  
additional meetings as often as it considers necessary to conduct 46627  
the business of the board. The president of the board may call 46628  
special meetings, and the executive director shall call special 46629  
meetings upon the written request of three members of the board. 46630  
The board shall organize by electing a president and 46631  
vice-president from its veterinarian members and such other 46632  
officers as the board prescribes by rule. Each officer shall serve 46633  
for a term specified by board rule or until a successor is elected 46634  
and qualified. A quorum of the board consists of four members of 46635  
which at least three are members who are veterinarians. The 46636  
concurrence of four members is necessary for the board to take any 46637  
action. 46638

(B) The board may appoint a person, not one of its members, 46639  
to serve as its executive director. The executive director is in 46640

the unclassified service and serves at the pleasure of the board. 46641  
The executive director shall serve as the board's 46642  
secretary-treasurer ex officio. The board may employ additional 46643  
employees for professional, technical, clerical, and special work 46644  
as it considers necessary. The executive director shall give a 46645  
surety bond to the state in the sum the board requires, 46646  
conditioned upon the faithful performance of the executive 46647  
director's duties. The board shall pay the cost of the bond. The 46648  
executive director shall keep a complete accounting of all funds 46649  
received and of all vouchers presented by the board to the 46650  
director of budget and management for the disbursement of funds. 46651  
The president or executive director shall approve all vouchers of 46652  
the board. All money received by the board shall be credited to 46653  
the occupational licensing and regulatory fund. 46654

(C) In addition to any other duty required under this 46655  
chapter, the board shall do all of the following: 46656

(1) Prescribe a seal; 46657

(2) ~~Accept and review applications for admission to an~~ 46658  
~~examination in accordance with section 4741.09 of the Revised Code~~ 46659  
~~and review~~ Review the results of board-approved, nationally 46660  
recognized examinations taken by applicants in accordance with 46661  
rules adopted by the board. 46662

(3) Keep a record of all of its meetings and proceedings; 46663

(4) Maintain a register that records all applicants for a 46664  
certificate of license or a temporary permit, all persons who have 46665  
been denied a license or permit, all persons who have been granted 46666  
or reissued a license or permit, and all persons whose license or 46667  
permit has been revoked or suspended. The register shall also 46668  
include a record of persons licensed prior to October 17, 1975. 46669

(5) Maintain a register, in such form as the board determines 46670  
by rule, of all colleges and universities that teach veterinary 46671

medicine and veterinary technology that are approved by the board; 46672

(6) Enforce this chapter, and for that purpose, make 46673  
investigations relative as provided in section 4741.26 of the 46674  
Revised Code; 46675

(7) Issue licenses and permits to persons who meet the 46676  
qualifications set forth in this chapter; 46677

(8) Approve colleges and universities which meet the board's 46678  
requirements for veterinary medicine and associated fields of 46679  
study and withdraw or deny, after an adjudication conducted in 46680  
accordance with Chapter 119. of the Revised Code, approval from 46681  
colleges and universities which fail to meet those requirements; 46682

(9) Adopt rules, in accordance with Chapter 119. of the 46683  
Revised Code, which are necessary for its government and for the 46684  
administration and enforcement of this chapter. 46685

(D) The board may do all of the following: 46686

(1) Subpoena witnesses and require their attendance and 46687  
testimony, and require the production by witnesses of books, 46688  
papers, public records, animal patient records, and other 46689  
documentary evidence and examine them, in relation to any matter 46690  
that the board has authority to investigate, inquire into, or 46691  
hear. Except for any officer or employee of the state or any 46692  
political subdivision of the state, the treasurer of state shall 46693  
pay all witnesses in any proceeding before the board, upon 46694  
certification from the board, witness fees and mileage in the 46695  
amount provided for under section 119.094 of the Revised Code. 46696

(2) Examine and inspect books, papers, public records, animal 46697  
patient records, and other documentary evidence at the location 46698  
where the books, papers, records, and other evidence are normally 46699  
stored or maintained. 46700

(E) All registers, books, and records kept by the board are 46701

the property of the board and are open for public examination and 46702  
inspection at all reasonable times in accordance with section 46703  
149.43 of the Revised Code. The registers, books, and records are 46704  
prima-facie evidence of the matters contained in them. 46705

**Sec. 4741.11.** Whenever an applicant for a license to practice 46706  
veterinary medicine ~~passes the examination specified in section~~ 46707  
~~4741.09 of the Revised Code, and~~ has graduated from a veterinary 46708  
college approved by the state veterinary medical licensing board 46709  
or accredited by the American veterinary medical association or 46710  
has been issued a certificate on or after May 1, 1987, by the 46711  
education commission for foreign veterinary graduates of the 46712  
American veterinary medical association or by the program for the 46713  
assessment of veterinary education equivalence of the American 46714  
association of veterinary state boards, and is not in violation of 46715  
this chapter, the board shall issue a certificate of license to 46716  
that effect, signed by the members and bearing the seal of the 46717  
board. The certificate shall show that the successful applicant 46718  
has qualified under the laws of this state and the requirements of 46719  
the board and that the applicant is duly licensed and qualified to 46720  
practice veterinary medicine. 46721

~~Upon request, the board shall furnish to an applicant for a~~ 46722  
~~license who fails to pass the examination a written report showing~~ 46723  
~~reasons for the applicant's failure in the examination.~~ 46724

**Sec. 4741.12.** The state veterinary medical licensing board 46725  
may issue a license to practice veterinary medicine without the 46726  
examination required pursuant to section 4741.11 of the Revised 46727  
Code to an applicant from another state, territory, country, or 46728  
the District of Columbia who furnishes satisfactory proof to the 46729  
board that the applicant meets all of the following criteria: 46730

(A) The applicant is a graduate of a veterinary college 46731

accredited by the American veterinary medical association or holds 46732  
a certificate issued, on or after May 1, 1987, by the education 46733  
commission for foreign veterinary graduates of the American 46734  
veterinary medical association or ~~issued by any other nationally~~ 46735  
~~recognized certification program the board approves by rule by the~~ 46736  
program for the assessment of veterinary education equivalence of 46737  
the American association of veterinary state boards. 46738

(B) The applicant holds a license, which is not under 46739  
suspension, revocation, or other disciplinary action, issued by an 46740  
agency similar to this board of another state, territory, country, 46741  
or the District of Columbia, having requirements equivalent to 46742  
those of this state, provided the laws of such state, territory, 46743  
country, or district accord equal rights to the holder of a 46744  
license to practice in this state who removes to such state, 46745  
territory, country, or district. 46746

(C) The applicant is of good moral character, as determined 46747  
by the board. 46748

(D) The applicant is not under investigation for an act which 46749  
would constitute a violation of this chapter that would require 46750  
the revocation of or refusal to renew a license. 46751

(E) The applicant has a thorough knowledge of the laws and 46752  
rules governing the practice of veterinary medicine in this state, 46753  
as determined by the board. 46754

**Sec. 4741.17.** (A) Applicants or registrants shall pay to the 46755  
state veterinary medical licensing board: 46756

(1) For an initial veterinary license ~~based on examination,~~ 46757  
on or after the first day of March in an even-numbered year, ~~three~~ 46758  
~~hundred seventy-five~~ four hundred twenty-five dollars, and on or 46759  
after the first day of March in an odd-numbered year, ~~two hundred~~ 46760  
~~fifty~~ three hundred dollars; 46761

(2) For an initial limited license to practice veterinary medicine for an intern, resident in a veterinary specialty, or graduate student, thirty-five dollars; 46762  
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(3) For an initial limited license to practice veterinary medicine for an instructor, researcher, or diagnostician, one hundred fifty-five dollars; 46765  
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~~(4) For a veterinary license by reciprocity issued on or after the first day of March in an even numbered year, four hundred twenty-five dollars, and on or after the first day of March in an odd numbered year, three hundred dollars;~~ 46768  
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~~(5)~~ For a veterinary temporary permit, one hundred dollars; 46772

~~(6)~~(5) For a duplicate license, thirty-five dollars; 46773

~~(7)~~(6) For the veterinary license biennial renewal fee, where the application is postmarked no later than the first day of March, one hundred fifty-five dollars; where the application is postmarked after the first day of March, but no later than the first day of April, two hundred twenty-five dollars; and where the application is postmarked after the first day of April, four hundred fifty dollars. Notwithstanding section 4741.25 of the Revised Code, the board shall deposit ten dollars of each veterinary license biennial renewal fee that it collects into the state treasury to the credit of the veterinarian loan repayment fund created in section 4741.46 of the Revised Code. 46774  
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~~(8)~~(7) For the limited license to practice veterinary medicine biennial renewal fee, where the application is postmarked not later than the first day of July, one hundred fifty-five dollars; where the application is postmarked after the first day of July, but not later than the first day of August, two hundred twenty-five dollars; and where the application is postmarked after the first day of August, four hundred fifty dollars. Notwithstanding section 4741.25 of the Revised Code, the board 46785  
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shall deposit ten dollars of each limited license biennial renewal 46793  
fee that it collects from instructors, researchers, and 46794  
diagnosticians into the state treasury to the credit of the 46795  
veterinarian loan repayment fund. 46796

~~(9)~~(8) For an initial registered veterinary technician 46797  
registration fee on or after the first day of March in an 46798  
odd-numbered year, thirty-five dollars, and on or after the first 46799  
day of March in an even-numbered year, twenty-five dollars; 46800

~~(10)~~(9) For the biennial renewal registration fee of a 46801  
registered veterinary technician, where the application is 46802  
postmarked no later than the first day of March, thirty-five 46803  
dollars; where the application is postmarked after the first day 46804  
of March, but no later than the first day of April, forty-five 46805  
dollars; and where the application is postmarked after the first 46806  
day of April, sixty dollars; 46807

~~(11)~~(10) For a specialist certificate, fifty dollars. The 46808  
certificate is not subject to renewal. 46809

~~(12)~~(11) For the reinstatement of a suspended license, or for 46810  
reinstatement of a license that has lapsed more than one year, an 46811  
additional fee of seventy-five dollars; 46812

~~(13) For examinations offered by the board, a fee, which 46813  
shall be established by the board, in an amount adequate to cover 46814  
the expense of procuring, administering, and scoring examinations; 46815~~

~~(14)~~(12) For a provisional veterinary graduate license, one 46816  
hundred dollars. 46817

(B) For the purposes of divisions (A)~~(6)~~, (7), ~~(8)~~, and 46818  
~~(10)~~(9) of this section, a date stamp of the office of the board 46819  
may serve in lieu of a postmark. 46820

**Sec. 4741.19.** (A) Unless exempted under this chapter, no 46821  
person shall practice veterinary medicine, or any of its branches, 46822

without a license or limited license issued by the state 46823  
veterinary medical licensing board pursuant to sections 4741.11 to 46824  
4741.13 of the Revised Code, a temporary permit issued pursuant to 46825  
section 4741.14 of the Revised Code, or a registration certificate 46826  
issued pursuant to division (C) of this section, or with an 46827  
inactive, expired, suspended, terminated, or revoked license, 46828  
temporary permit, or registration. 46829

(B) No veterinary student shall: 46830

(1) Perform or assist surgery unless under direct veterinary 46831  
supervision and unless the student has had the minimum education 46832  
and experience prescribed by rule of the board; 46833

(2) Engage in any other work related to the practice of 46834  
veterinary medicine unless under veterinary supervision; 46835

(3) Participate in the operation of a branch office, clinic, 46836  
or allied establishment unless a licensed veterinarian is present 46837  
on the establishment premises. 46838

(C) No person shall act as a registered veterinary technician 46839  
unless the person is registered with the board on a biennial basis 46840  
and pays the biennial registration fee. A registered veterinary 46841  
technician registration expires biennially on the first day of 46842  
March in the odd-numbered years and may be renewed in accordance 46843  
with the standard renewal procedures contained in Chapter 4745. of 46844  
the Revised Code upon payment of the biennial registration fee and 46845  
fulfillment of ten continuing education hours during the two years 46846  
immediately preceding renewal for registration. Each registered 46847  
veterinary technician shall notify in writing the executive 46848  
director of the board of any change in the registered veterinary 46849  
technician's office address or employment within ninety days after 46850  
the change has taken place. 46851

(1) A registered veterinary technician operating under 46852  
veterinary supervision may perform the following duties: 46853

(a) Prepare or supervise the preparation of patients, instruments, equipment, and medications for surgery;	46854 46855
(b) Collect or supervise the collection of specimens and perform laboratory procedures as required by the supervising veterinarian;	46856 46857 46858
(c) Apply wound dressings, casts, or splints as required by the supervising veterinarian;	46859 46860
(d) Assist a veterinarian in immunologic, diagnostic, medical, and surgical procedures;	46861 46862
(e) Suture skin incisions;	46863
(f) Administer or supervise the administration of topical, oral, or parenteral medication under the direction of the supervising veterinarian;	46864 46865 46866
(g) Other ancillary veterinary technician functions that are performed pursuant to the order and control and under the full responsibility of a licensed veterinarian.	46867 46868 46869
(h) Any additional duties as established by the board in rule.	46870 46871
(2) A registered veterinary technician operating under direct veterinary supervision may perform all of the following:	46872 46873
(a) Induce and monitor general anesthesia according to medically recognized and appropriate methods;	46874 46875
(b) Dental prophylaxis, periodontal care, and extraction not involving sectioning of teeth or resection of bone or both of these;	46876 46877 46878
(c) Equine dental procedures, including the floating of molars, premolars, and canine teeth; removal of deciduous teeth; and the extraction of first premolars or wolf teeth.	46879 46880 46881
The degree of supervision by a licensed veterinarian over the	46882

functions performed by the registered veterinary technician shall 46883  
be consistent with the standards of generally accepted veterinary 46884  
medical practices. 46885

(D) A veterinarian licensed to practice in this state shall 46886  
not present the person's self as or state a claim that the person 46887  
is a specialist unless the veterinarian has previously met the 46888  
requirements for certification by a specialty organization 46889  
recognized by the American board of veterinary specialties for a 46890  
specialty or such other requirements set by rule of the board and 46891  
has paid the fee required by division (A)~~(11)~~(10) of section 46892  
4741.17 of the Revised Code. 46893

(E) Notwithstanding division (A) of this section, any animal 46894  
owner or the owner's designee may engage in the practice of embryo 46895  
transfer on the owner's animal if a licensed veterinarian directly 46896  
supervises the owner or the owner's designee and the means used to 46897  
perform the embryo transfer are nonsurgical. 46898

(F) Allied medical support may assist a licensed veterinarian 46899  
to the extent to which the law that governs the individual 46900  
providing the support permits, if all of the following apply: 46901

(1) A valid veterinary-client-patient-relationship exists. 46902

(2) The individual acts under direct veterinary supervision. 46903

(3) The allied medical support individual receives informed, 46904  
written, client consent. 46905

(4) The veterinarian maintains responsibility for the patient 46906  
and keeps the patient's medical records. 46907

The board may inspect the facilities of an allied medical 46908  
support individual in connection with an investigation based on a 46909  
complaint received in accordance with section 4741.26 of the 46910  
Revised Code involving that individual. 46911

**Sec. 4760.133.** (A)(1) If an anesthesiologist assistant 46912

violates any section of this chapter or any rule adopted under 46913  
this chapter, the state medical board may, pursuant to an 46914  
adjudication under Chapter 119. of the Revised Code and an 46915  
affirmative vote of not fewer than six of its members, impose a 46916  
civil penalty. The amount of the civil penalty shall be determined 46917  
by the board in accordance with the guidelines adopted under 46918  
division (A)(2) of this section. The civil penalty may be in 46919  
addition to any other action the board may take under section 46920  
4760.13 of the Revised Code. 46921

(2) The board shall adopt and may amend guidelines regarding 46922  
the amounts of civil penalties to be imposed under this section. 46923  
Adoption or amendment of the guidelines requires the approval of 46924  
not fewer than six board members. 46925

Under the guidelines, no civil penalty amount shall exceed 46926  
twenty thousand dollars. 46927

(B) Amounts received from payment of civil penalties imposed 46928  
under this section shall be deposited by the board in accordance 46929  
with section 4731.24 of the Revised Code. Amounts received from 46930  
payment of civil penalties imposed for violations of division 46931  
(B)(6) of section 4760.13 of the Revised Code shall be used by the 46932  
board solely for investigations, enforcement, and compliance 46933  
monitoring. 46934

**Sec. 4762.133.** (A)(1) If an oriental medicine practitioner or 46935  
acupuncturist violates any section of this chapter or any rule 46936  
adopted under this chapter, the state medical board may, pursuant 46937  
to an adjudication under Chapter 119. of the Revised Code and an 46938  
affirmative vote of not fewer than six of its members, impose a 46939  
civil penalty. The amount of the civil penalty shall be determined 46940  
by the board in accordance with the guidelines adopted under 46941  
division (A)(2) of this section. The civil penalty may be in 46942  
addition to any other action the board may take under section 46943

4762.13 of the Revised Code. 46944

(2) The board shall adopt and may amend guidelines regarding 46945  
the amounts of civil penalties to be imposed under this section. 46946  
Adoption or amendment of the guidelines requires the approval of 46947  
not fewer than six board members. 46948

Under the guidelines, no civil penalty amount shall exceed 46949  
twenty thousand dollars. 46950

(B) Amounts received from payment of civil penalties imposed 46951  
under this section shall be deposited by the board in accordance 46952  
with section 4731.24 of the Revised Code. Amounts received from 46953  
payment of civil penalties imposed for violations of division 46954  
(B)(6) of section 4762.13 of the Revised Code shall be used by the 46955  
board solely for investigations, enforcement, and compliance 46956  
monitoring. 46957

**Sec. 4763.01.** As used in this chapter: 46958

(A) "Real estate appraisal" or "appraisal" means an analysis, 46959  
opinion, or conclusion relating to the nature, quality, value, or 46960  
utility of specified interests in, or aspects of identified real 46961  
estate that is classified as either a valuation or an analysis. 46962

(B) "Valuation" means an estimate of the value of real 46963  
estate. 46964

(C) "Analysis" means a study of real estate for purposes 46965  
other than valuation. 46966

(D) "Appraisal report" means a written communication of a 46967  
real estate appraisal, or appraisal review, or appraisal 46968  
consulting service or an oral communication of a real estate 46969  
appraisal, or appraisal review, or appraisal consulting service 46970  
that is documented by a writing that supports the oral 46971  
communication. 46972

(E) "Appraisal assignment" means an engagement for which a 46973

person licensed or certified under this chapter is employed, 46974  
retained, or engaged to act, or would be perceived by third 46975  
parties or the public as acting, as a disinterested third party in 46976  
rendering an unbiased real estate appraisal. 46977

(F) "Specialized services" means all appraisal services, 46978  
other than appraisal assignments, including, but not limited to, 46979  
valuation and analysis given in connection with activities such as 46980  
real estate brokerage, mortgage banking, real estate counseling, 46981  
and real estate tax counseling, and specialized marketing, 46982  
financing, and feasibility studies. 46983

(G) "Real estate" has the same meaning as in section 4735.01 46984  
of the Revised Code. 46985

(H) "Appraisal foundation" means a nonprofit corporation 46986  
incorporated under the laws of the state of Illinois on November 46987  
30, 1987, for the purposes of establishing and improving uniform 46988  
appraisal standards by defining, issuing, and promoting those 46989  
standards; establishing appropriate criteria for the certification 46990  
and recertification of qualified appraisers by defining, issuing, 46991  
and promoting the qualification criteria and disseminating the 46992  
qualification criteria to others; and developing or assisting in 46993  
development of appropriate examinations for qualified appraisers. 46994

(I) "Prepare" means to develop and communicate, whether 46995  
through a personal physical inspection or through the act or 46996  
process of critically studying a report prepared by another who 46997  
made the physical inspection, an appraisal, analysis, or opinion, 46998  
or specialized service and to report the results. If the person 46999  
who develops and communicates the appraisal or specialized service 47000  
does not make the personal inspection, the name of the person who 47001  
does make the personal inspection shall be identified on the 47002  
appraisal or specialized service reported. 47003

(J) "Report" means any communication, written, oral, or by 47004

any other means of transmission of information, of a real estate appraisal, appraisal review, ~~appraisal consulting service~~, or specialized service that is transmitted to a client or employer upon completion of the appraisal or service.

(K) "State-certified general real estate appraiser" means any person who satisfies the certification requirements of this chapter relating to the appraisal of all types of real property and who holds a current and valid certificate or renewal certificate issued to the person pursuant to this chapter.

(L) "State-certified residential real estate appraiser" means any person who satisfies the certification requirements only relating to the appraisal of one to four units of single-family residential real estate without regard to transaction value or complexity and who holds a current and valid certificate or renewal certificate issued to the person pursuant to this chapter.

(M) "State-licensed residential real estate appraiser" means any person who satisfies the licensure requirements of this chapter relating to the appraisal of noncomplex one-to-four unit single-family residential real estate having a transaction value of less than one million dollars and complex one-to-four unit single-family residential real estate having a transaction value of less than two hundred fifty thousand dollars and who holds a current and valid license or renewal license issued to the person pursuant to this chapter.

(N) "Certified or licensed real estate appraisal" means an appraisal prepared and reported by a certificate holder or licensee under this chapter acting within the scope of certification or licensure and as a disinterested third party.

(O) "State-registered real estate appraiser assistant" means any person, other than a state-certified general real estate appraiser, state-certified residential real estate appraiser, or a

state-licensed residential real estate appraiser, who satisfies 47036  
the registration requirements of this chapter for participating in 47037  
the development and preparation of real estate appraisals and who 47038  
holds a current and valid registration or renewal registration 47039  
issued to the person pursuant to this chapter. 47040

(P) "Institution of higher education" means a state 47041  
university or college, a private college or university located in 47042  
this state that possesses a certificate of authorization issued by 47043  
the ~~Ohio board of regents~~ director of higher education pursuant to 47044  
Chapter 1713. of the Revised Code, or an accredited college or 47045  
university located outside this state that is accredited by an 47046  
accrediting organization or professional accrediting association 47047  
recognized by the ~~Ohio board of regents~~ director of higher 47048  
education. 47049

(Q) "Division of real estate" may be used interchangeably 47050  
with, and for all purposes has the same meaning as, "division of 47051  
real estate and professional licensing." 47052

(R) "Superintendent" or "superintendent of real estate" means 47053  
the superintendent of the division of real estate and professional 47054  
licensing of this state. Whenever the division or superintendent 47055  
of real estate is referred to or designated in any statute, rule, 47056  
contract, or other document, the reference or designation shall be 47057  
deemed to refer to the division or superintendent of real estate 47058  
and professional licensing, as the case may be. 47059

(S) "Appraisal review" means the act or process of developing 47060  
and communicating an opinion about the quality of another 47061  
appraiser's work that was performed as part of an appraisal, or 47062  
appraisal review, ~~or appraisal consulting assignment~~. 47063

(T) ~~"Appraisal consulting" means the act or process of~~ 47064  
~~developing an analysis, recommendation, or opinion to solve a~~ 47065  
~~problem related to real estate.~~ 47066

(U) "Work file" means documentation used during the 47067  
preparation of an appraisal report or necessary to support an 47068  
appraiser's analyses, opinions, or conclusions. 47069

**Sec. 4763.07.** (A) Every state-certified general real estate 47070  
appraiser, state-certified residential real estate appraiser and 47071  
state-licensed residential real estate appraiser shall submit 47072  
proof of successfully completing a minimum of fourteen classroom 47073  
hours of continuing education instruction in courses or seminars 47074  
approved by the real estate appraiser board. The certificate 47075  
holder and licensee shall have satisfied the fourteen-hour 47076  
continuing education requirements within the one-year period 47077  
immediately following the issuance of the initial certificate or 47078  
license and shall satisfy those requirements annually thereafter. 47079  
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In accordance with federal law, each state-registered real 47081  
estate appraiser assistant who remains in this classification for 47082  
more than two years shall satisfy in the third and successive 47083  
years this section's requirements submit proof of successfully 47084  
completing a minimum of fourteen classroom hours of continuing 47085  
education instruction in courses or seminars approved by the real 47086  
estate appraiser board. Each registrant shall satisfy the 47087  
fourteen-hour continuing education requirements annually. 47088

This division does not apply to an appraiser with a 47089  
certification or license from another state that is temporarily 47090  
recognized in this state pursuant to division (E)(2) of section 47091  
4763.05 of the Revised Code. A 47092

A certificate holder, licensee, or registrant who fails to 47093  
submit proof to the superintendent of meeting these requirements 47094  
is ineligible to obtain a renewal certificate, license, or 47095  
registration and shall comply with section 4763.05 of the Revised 47096  
Code in order to regain a certificate, license, or registration, 47097

except that the certificate holder, licensee, or registrant may 47098  
submit proof to the superintendent of meeting these requirements 47099  
within three months after the date of expiration of the 47100  
certificate, license, or registration, or by obtaining a medical 47101  
exception under division (E) of this section, without having to 47102  
comply with section 4763.05 of the Revised Code. A certificate 47103  
holder, licensee, or registrant may not engage in any activities 47104  
permitted by the certificate, license, or registration during the 47105  
three-month period following the certificate's, license's, or 47106  
registration's normal expiration date or during the time period 47107  
for which a medical exception applies. 47108

A certificate holder, licensee, or registrant may satisfy all 47109  
or a portion of the required hours of classroom instruction in the 47110  
following manner: 47111

(1) Completion of an educational program of study determined 47112  
by the board to be equivalent, for continuing education purposes, 47113  
to courses or seminars approved by the board; 47114

(2) Participation, other than as a student, in educational 47115  
processes or programs approved by the board that relate to real 47116  
estate appraisal theory, practices, or techniques. 47117

A certificate holder, licensee, or registrant shall present 47118  
to the superintendent of real estate evidence of the manner in 47119  
which the certificate holder, licensee, or registrant satisfied 47120  
the requirements of division (A) of this section. 47121

(B) The board shall adopt rules for implementing a continuing 47122  
education program for state-certified general real estate 47123  
appraisers, state-certified residential real estate appraisers, 47124  
state-licensed residential real estate appraisers, and 47125  
state-registered real estate appraiser assistants for the purpose 47126  
of assuring that certificate holders, licensees, and registrants 47127  
have current knowledge of real estate appraisal theories, 47128

practices, and techniques that will provide a high degree of 47129  
service and protection to members of the public. In addition to 47130  
any other provisions the board considers appropriate, the rules 47131  
adopted by the board shall prescribe the following: 47132

(1) Policies and procedures for obtaining board approval of 47133  
courses of instruction and seminars; 47134

(2) Standards, policies, and procedures to be applied in 47135  
evaluating the alternative methods of complying with continuing 47136  
education requirements set forth in divisions (A)(1) and (2) of 47137  
this section; 47138

(3) Standards, monitoring methods, and systems for recording 47139  
attendance to be employed by course sponsors as a prerequisite to 47140  
approval of courses for continuing education credit. 47141

(C) No amendment or rescission of a rule the board adopts 47142  
pursuant to division (B) of this section shall operate to deprive 47143  
a certificate holder or licensee of credit toward renewal of 47144  
certification or licensure for any course of instruction completed 47145  
by the certificate holder or licensee prior to the effective date 47146  
of the amendment or rescission that would have qualified for 47147  
credit under the rule as it existed prior to amendment or 47148  
rescission. 47149

(D) The superintendent of real estate shall not issue a 47150  
renewal certificate, registration, or license to any person who 47151  
does not meet applicable minimum criteria for state certification, 47152  
registration, or licensure prescribed by federal law or rule. 47153

(E) The superintendent may grant a medical exception upon 47154  
application by a person certified, registered, or licensed under 47155  
this chapter. To receive an exception, the certificate holder, 47156  
registrant, or licensee shall submit a request to the 47157  
superintendent with proof satisfactory that a medical exception is 47158  
warranted. If the superintendent makes a determination that 47159

satisfactory proof has not been presented, within fifteen days of 47160  
the date of the denial of the medical exception, the certificate 47161  
holder, registrant, or licensee may file with the division of real 47162  
estate a request that the real estate appraiser board review the 47163  
determination. The board may adopt reasonable rules in accordance 47164  
with Chapter 119. of the Revised Code to implement this division. 47165

Sec. 4774.133. (A)(1) If a radiologist assistant violates any 47166  
section of this chapter or any rule adopted under this chapter, 47167  
the state medical board may, pursuant to an adjudication under 47168  
Chapter 119. of the Revised Code and an affirmative vote of not 47169  
fewer than six of its members, impose a civil penalty. The amount 47170  
of the civil penalty shall be determined by the board in 47171  
accordance with the guidelines adopted under division (A)(2) of 47172  
this section. The civil penalty may be in addition to any other 47173  
action the board may take under section 4774.13 of the Revised 47174  
Code. 47175

(2) The board shall adopt and may amend guidelines regarding 47176  
the amounts of civil penalties to be imposed under this section. 47177  
Adoption or amendment of the guidelines requires the approval of 47178  
not fewer than six board members. 47179

Under the guidelines, no civil penalty amount shall exceed 47180  
twenty thousand dollars. 47181

(B) Amounts received from payment of civil penalties imposed 47182  
under this section shall be deposited by the board in accordance 47183  
with section 4731.24 of the Revised Code. Amounts received from 47184  
payment of civil penalties imposed for violations of division 47185  
(B)(6) of section 4774.13 of the Revised Code shall be used by the 47186  
board solely for investigations, enforcement, and compliance 47187  
monitoring. 47188

**Sec. 4778.06.** (A) An individual seeking to renew a license to 47189

practice as a genetic counselor shall, on or before the 47190  
thirty-first day of January of each even-numbered year, apply for 47191  
renewal of the license. The state medical board shall send renewal 47192  
notices at least one month prior to the expiration date. 47193

Renewal applications shall be submitted to the board in a 47194  
manner prescribed by the board. Each application shall be 47195  
accompanied by a biennial renewal fee of one hundred fifty 47196  
dollars. 47197

The applicant shall report any criminal offense to which the 47198  
applicant has pleaded guilty, of which the applicant has been 47199  
found guilty, or for which the applicant has been found eligible 47200  
for intervention in lieu of conviction, since last signing an 47201  
application for a license to practice as a genetic counselor. 47202

(B) To be eligible for renewal, a genetic counselor shall 47203  
certify to the board that the counselor has done both of the 47204  
following: 47205

(1) Maintained the counselor's status as a certified genetic 47206  
counselor; 47207

(2) Completed at least thirty hours of continuing education 47208  
in genetic counseling that has been approved by the national 47209  
society of genetic counselors or American board of genetic 47210  
counseling. 47211

(C) If an applicant submits a renewal application that the 47212  
board considers to be complete and qualifies for renewal pursuant 47213  
to division (B) of this section, the board shall issue to the 47214  
applicant a renewed license to practice as a genetic counselor. 47215

(D) The board may require a random sample of genetic 47216  
counselors to submit materials documenting that their status as 47217  
certified genetic counselors has been maintained and that the 47218  
number of hours of continuing education required under division 47219  
(B)(2) of this section has been completed. 47220

If a genetic counselor certifies that the genetic counselor has completed the number of hours and type of continuing education required for renewal of a license, and the board finds through the random sample or any other means that the genetic counselor did not complete the requisite continuing education, the board may impose a civil penalty of not more than five thousand dollars. The If a civil penalty is imposed in addition to any other action the board takes under section 4778.14 of the Revised Code, the board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members. A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4778.14 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

Sec. 4778.141. (A)(1) If a genetic counselor violates any section of this chapter other than section 4778.06 of the Revised Code or violates any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4778.14 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members.

Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars.

(B) Amounts received from payment of civil penalties imposed 47252  
under this section shall be deposited by the board in accordance 47253  
with section 4731.24 of the Revised Code. Amounts received from 47254  
payment of civil penalties imposed for violations of division 47255  
(B)(6) of section 4778.14 of the Revised Code shall be used by the 47256  
board solely for investigations, enforcement, and compliance 47257  
monitoring. 47258

**Sec. 4905.71.** (A) Every telephone or electric light company 47259  
that is a public utility as defined by section 4905.02 of the 47260  
Revised Code and, subject to section 4927.15 of the Revised Code, 47261  
every incumbent local exchange carrier as defined by section 47262  
4927.01 of the Revised Code shall permit, upon reasonable terms 47263  
and conditions and the payment of reasonable charges, the 47264  
attachment of any wire, cable, facility, or apparatus to its 47265  
poles, pedestals, or placement of same in conduit duct space, by 47266  
any person or entity other than a public utility that is 47267  
authorized and has obtained, under law, any necessary public or 47268  
private authorization and permission to construct and maintain the 47269  
attachment, so long as the attachment does not interfere, 47270  
obstruct, or delay the service and operation of the ~~telephone or~~ 47271  
~~electric light~~ company or carrier, or create a hazard to safety. 47272  
Every such ~~telephone or electric light~~ company or carrier shall 47273  
file tariffs with the public utilities commission containing the 47274  
charges, terms, and conditions established for such use. 47275

(B) The commission shall regulate the justness and 47276  
reasonableness of the charges, terms, and conditions contained in 47277  
any such tariff, and may, upon complaint of any persons in which 47278  
it appears that reasonable grounds for complaint are stated, or 47279  
upon its own initiative, investigate such charges, terms, and 47280  
conditions and conduct a hearing to establish just and reasonable 47281  
charges, terms, and conditions, and to resolve any controversy 47282  
that may arise among the parties as to such attachment. 47283

Sec. 4905.81. The public utilities commission shall: 47284

(A) Supervise and regulate each motor carrier; 47285

(B) Regulate the safety of operation of each motor carrier, 47286  
and of each intermodal equipment provider as defined in section 47287  
4923.041 of the Revised Code; 47288

(C) Adopt reasonable safety rules applicable to the highway 47289  
transportation of persons or property in interstate and intrastate 47290  
commerce by motor carriers; 47291

(D) Adopt safety rules applicable to the transportation and 47292  
offering for transportation of hazardous materials in interstate 47293  
and intrastate commerce by motor carriers. The rules shall not be 47294  
incompatible with the requirements of the United States department 47295  
of transportation. 47296

(E) Require the filing of reports and other data by motor 47297  
carriers; 47298

(F) Adopt reasonable rules for the administration and 47299  
enforcement of this chapter and Chapters 4901., 4903., 4907., 47300  
4909., 4921., and 4923. of the Revised Code applying to each motor 47301  
carrier in this state; 47302

(G) Supervise and regulate motor carriers in all other 47303  
matters affecting the relationship between those carriers and the 47304  
public to the exclusion of all local authorities, except as 47305  
provided in this section. The commission, in the exercise of the 47306  
jurisdiction conferred upon it by this chapter and Chapters 4901., 47307  
4903., 4907., 4909., 4921., and 4923. of the Revised Code, may 47308  
adopt rules affecting motor carriers, notwithstanding the 47309  
provisions of any ordinance, resolution, license, or permit 47310  
enacted, adopted, or granted by any township, municipal 47311  
corporation, municipal corporation and county, or county. In case 47312  
of conflict between any such ordinance, resolution, license, or 47313

permit, the order or rule of the commission shall prevail. Local 47314  
subdivisions may adopt reasonable local police rules within their 47315  
respective boundaries not inconsistent with those chapters and 47316  
rules adopted under them. 47317

The commission has jurisdiction to receive, hear, and 47318  
determine as a question of fact, upon complaint of any party or 47319  
upon its own motion, and upon not less than fifteen days' notice 47320  
of the time and place of the hearing and the matter to be heard, 47321  
whether any corporation, company, association, joint-stock 47322  
association, person, firm, or copartnership, or their lessees, 47323  
legal or personal representatives, trustees, or receivers or 47324  
trustees appointed by any court, is engaged as a motor carrier. 47325  
The finding of the commission on such a question is a final order 47326  
that may be reviewed as provided in section 4923.15 of the Revised 47327  
Code. 47328

**Sec. 4905.95.** (A) Except as otherwise provided in division 47329  
(C) of this section: 47330

(1) The public utilities commission, regarding any proceeding 47331  
under this section, shall provide reasonable notice and the 47332  
opportunity for a hearing in accordance with rules adopted under 47333  
section 4901.13 of the Revised Code. 47334

(2) Sections 4903.02 to 4903.082, 4903.09 to 4903.16, and 47335  
4903.20 to 4903.23 of the Revised Code apply to all proceedings 47336  
and orders of the commission under this section and to all 47337  
operators subject to those proceedings and orders. 47338

(B) If, pursuant to a proceeding it specially initiates or to 47339  
any other proceeding and after the hearing provided for under 47340  
division (A) of this section, the commission finds that: 47341

(1) An operator has violated or failed to comply with, or is 47342  
violating or failing to comply with, sections 4905.90 to 4905.96 47343

of the Revised Code or the pipe-line safety code, the commission 47344  
by order: 47345

(a) Shall require the operator to comply and to undertake 47346  
corrective action necessary to protect the public safety; 47347

(b) May assess upon the operator forfeitures of not more than 47348  
~~one~~ two hundred thousand dollars for each day of each violation or 47349  
noncompliance, except that the aggregate of such forfeitures shall 47350  
not exceed ~~one~~ two million dollars for any related series of 47351  
violations or noncompliances. In determining the amount of any 47352  
such forfeiture, the commission shall consider all of the 47353  
following: 47354

(i) The gravity of the violation or noncompliance; 47355

(ii) The operator's history of prior violations or 47356  
noncompliances; 47357

(iii) The operator's good faith efforts to comply and 47358  
undertake corrective action; 47359

(iv) The operator's ability to pay the forfeiture; 47360

(v) The effect of the forfeiture on the operator's ability to 47361  
continue as an operator; 47362

(vi) Such other matters as justice may require. 47363

All forfeitures collected under this division or section 4905.96 47364  
of the Revised Code shall be deposited in the state treasury to 47365  
the credit of the general revenue fund. 47366

(c) May direct the attorney general to seek the remedies 47367  
provided in section 4905.96 of the Revised Code. 47368

(2) An intrastate pipe-line transportation facility is 47369  
hazardous to life or property, the commission by order: 47370

(a) Shall require the operator of the facility to take 47371  
corrective action to remove the hazard. Such corrective action may 47372

include suspended or restricted use of the facility, physical 47373  
inspection, testing, repair, replacement, or other action. 47374

(b) May direct the attorney general to seek the remedies 47375  
provided in section 4905.96 of the Revised Code. 47376

(C) If, pursuant to a proceeding it specially initiates or to 47377  
any other proceeding, the commission finds that an emergency 47378  
exists due to a condition on an intrastate pipe-line 47379  
transportation facility posing a clear and immediate danger to 47380  
life or health or threatening a significant loss of property and 47381  
requiring immediate corrective action to protect the public 47382  
safety, the commission may issue, without notice or prior hearing, 47383  
an order reciting its finding and may direct the attorney general 47384  
to seek the remedies provided in section 4905.96 of the Revised 47385  
Code. The order shall remain in effect for not more than forty 47386  
days after the date of its issuance. The order shall provide for a 47387  
hearing as soon as possible, but not later than thirty days after 47388  
the date of its issuance. After the hearing the commission shall 47389  
continue, revoke, or modify the order and may make findings under 47390  
and seek appropriate remedies as provided in division (B) of this 47391  
section. 47392

**Sec. 4923.04.** (A)~~(1)~~ The public utilities commission shall 47393  
adopt rules applicable to ~~the~~ all of the following: 47394

(1) The transportation of persons or property by motor 47395  
carriers operating in interstate and intrastate commerce;i 47396

(2) The ~~commission shall adopt rules applicable to the~~ 47397  
highway transportation and offering for transportation of 47398  
hazardous materials by motor carriers, and persons engaging in the 47399  
highway transportation and offering for transportation of 47400  
hazardous materials, operating in interstate or intrastate 47401  
commerce;i 47402

(3) The use and interchange of intermodal equipment, as those 47403  
terms are defined in section 4923.041 of the Revised Code. 47404

(B) The rules adopted under division (A) of this section 47405  
shall not be incompatible with the requirements of the United 47406  
States department of transportation. 47407

(C) To achieve the purposes of this chapter and to assist the 47408  
commission in the performance of any of its powers or duties, the 47409  
commission, either through the public utilities commissioners or 47410  
employees authorized by it, may do either or both of the 47411  
following: 47412

(1) Apply for, and any judge of a court of record of 47413  
competent jurisdiction may issue, an appropriate search warrant; 47414

(2) Examine under oath, at the offices of the commission, any 47415  
officer, agent, or employee of any person subject to this chapter. 47416  
The commission, by subpoena, also may compel the attendance of a 47417  
witness for the purpose of the examination and, by subpoena duces 47418  
tecum, may compel the production of all books, contracts, records, 47419  
and documents that relate to ~~the transportation and offering for~~ 47420  
~~transportation of hazardous materials~~ compliance with this chapter 47421  
or compliance with rules adopted under this chapter. 47422

**Sec. 4923.041.** (A) As used in section 4923.04 of the Revised 47423  
Code: 47424

"Interchange" means the act of providing intermodal equipment 47425  
to a motor carrier pursuant to an intermodal equipment interchange 47426  
agreement for the purpose of transporting the equipment for 47427  
loading or unloading by any person or repositioning the equipment 47428  
for the benefit of the equipment provider, but it does not include 47429  
the leasing of equipment to a motor carrier for primary use in the 47430  
motor carrier's freight hauling operations. 47431

"Intermodal equipment" means trailing equipment that is used 47432

in the intermodal transportation of containers over public 47433  
highways in interstate commerce, including trailers and chassis. 47434

(B) As used in this section: 47435

"Intermodal equipment interchange agreement" means the 47436  
uniform intermodal interchange and facilities access agreement or 47437  
any other written document executed by an intermodal equipment 47438  
provider or its agent and a motor carrier or its agent, the 47439  
primary purpose of which is to establish the responsibilities and 47440  
liabilities of both parties with respect to the interchange of the 47441  
intermodal equipment. 47442

"Intermodal equipment provider" means any person that 47443  
interchanges intermodal equipment with a motor carrier pursuant to 47444  
a written interchange agreement or has a contractual 47445  
responsibility for the maintenance of the intermodal equipment. 47446

"Person" means any individual, partnership, association, 47447  
corporation, business trust, or any other organized group of 47448  
individuals. 47449

**Sec. 4927.01.** (A) As used in this chapter: 47450

(1) "Basic local exchange service" means residential-end-user 47451  
access to and usage of telephone-company-provided services over a 47452  
single line or small-business-end-user access to and usage of 47453  
telephone-company-provided services over the primary access line 47454  
of service, which in the case of residential and small-business 47455  
access and usage is not part of a bundle or package of services, 47456  
that does both of the following: 47457

(a) Enables a customer to originate or receive voice 47458  
communications within a local service area as that area exists on 47459  
September 13, 2010, ~~the effective date of the amendment of this~~ 47460  
~~section by S.B. 162 of the 128th general assembly or as that area~~ 47461  
is changed with the approval of the public utilities commission; 47462

(b) Consists of all of the following services:	47463
(i) Local dial tone service;	47464
(ii) For residential end users, flat-rate telephone exchange service;	47465 47466
(iii) Touch tone dialing service;	47467
(iv) Access to and usage of 9-1-1 services, where such services are available;	47468 47469
(v) Access to operator services and directory assistance;	47470
(vi) Provision of a telephone directory in any reasonable format for no additional charge and a listing in that directory, with reasonable accommodations made for private listings;	47471 47472 47473
(vii) Per call, caller identification blocking services;	47474
(viii) Access to telecommunications relay service; and	47475
(ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies.	47476 47477
<u>"Basic local exchange service" excludes any voice service to which customers are transitioned following a withdrawal of basic local exchange service under section 4927.10 of the Revised Code.</u>	47478 47479 47480
(2) "Bundle or package of services" means one or more telecommunications services or other services offered together as one service option at a single price.	47481 47482 47483
(3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access.	47484 47485 47486 47487 47488 47489
(4) "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the	47490 47491

United States department of health and human services in 47492  
accordance with section 673(2) of the "Omnibus Reconciliation Act 47493  
of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 47494  
size equal to the size of the family of the person whose income is 47495  
being determined. 47496

(5) "Incumbent local exchange carrier" means, with respect to 47497  
an area, the local exchange carrier that: 47498

(a) On February 8, 1996, provided telephone exchange service 47499  
in such area; and 47500

(b)(i) On February 8, 1996, was deemed to be a member of the 47501  
exchange carrier association pursuant to 47 C.F.R. 69.601(b); or 47502

(ii) Is a person or entity that, on or after February 8, 47503  
1996, became a successor or assign of a member described in 47504  
division (A)(5)(b)(i) of this section. 47505

(6) "Internet protocol-enabled services" means any services, 47506  
capabilities, functionalities, or applications that are provided 47507  
using internet protocol or a successor protocol to enable an end 47508  
user to send or receive communications in internet protocol format 47509  
or a successor format, regardless of how any particular such 47510  
service is classified by the federal communications commission, 47511  
and includes voice over internet protocol service. 47512

(7) "Interstate-access component" means the portion of 47513  
carrier access that is within the jurisdiction of the federal 47514  
communications commission. 47515

(8) "Local exchange carrier" means any person engaged in the 47516  
provision of telephone exchange service, or the offering of access 47517  
to telephone exchange service or facilities for the purpose of 47518  
originating or terminating telephone toll service. 47519

~~(8)~~(9) "Local service area" means the geographic area that 47520  
may encompass more than one exchange area and within which a 47521

telephone customer, by paying the rate for basic local exchange 47522  
service, may complete calls to other telephone customers without 47523  
being assessed long distance toll charges. 47524

~~(9)~~(10) "Small business" means a nonresidential service 47525  
customer with three or fewer service access lines. 47526

~~(10)~~(11) "Telecommunications" means the transmission, between 47527  
or among points specified by the user, of information of the 47528  
user's choosing, without change in the form or content of the 47529  
information as sent and received. 47530

~~(11)~~(12) "Telecommunications carrier" has the same meaning as 47531  
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 47532  
153. 47533

~~(12)~~(13) "Telecommunications service" means the offering of 47534  
telecommunications for a fee directly to the public, or to such 47535  
classes of users as to be effectively available directly to the 47536  
public, regardless of the facilities used. 47537

~~(13)~~(14) "Telephone company" means a company described in 47538  
division (A) of section 4905.03 of the Revised Code that is a 47539  
public utility under section 4905.02 of the Revised Code. 47540

~~(14)~~(15) "Telephone exchange service" means 47541  
telecommunications service that is within a telephone exchange, or 47542  
within a connected system of telephone exchanges within the same 47543  
exchange area operated to furnish to subscribers 47544  
intercommunicating service of the character ordinarily furnished 47545  
by a single exchange, and that is covered by the exchange service 47546  
charge; or comparable service provided through a system of 47547  
switches, transmission equipment, or other facilities, or 47548  
combination thereof, by which a customer can originate and 47549  
terminate a telecommunications service. 47550

~~(15)~~(16) "Telephone toll service" means telephone service 47551  
between stations in different exchange areas for which there is 47552

made a separate charge not included in contracts with customers 47553  
for exchange service. 47554

~~(16)~~(17) "Voice over internet protocol service" means a 47555  
service that ~~uses a broadband connection from an end user's~~ 47556  
~~location and~~ enables real-time, two-way, voice communications that 47557  
originate or terminate from the user's location using internet 47558  
protocol or a successor protocol, including, but not limited to, 47559  
any such service that permits an end user to receive calls from 47560  
and terminate calls to the public switched network. 47561

~~(17)~~(18) "Voice service" includes all of the applicable 47562  
functionalities described in 47 C.F.R. 54.101(a). "Voice service" 47563  
is not the same as basic local exchange service. 47564

(19) "Wireless service" means federally licensed commercial 47565  
mobile service as defined in the "Telecommunications Act of 1996," 47566  
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 47567  
commercial mobile radio service in 47 C.F.R. 20.3. Under division 47568  
(A)~~(17)~~(19) of this section, commercial mobile radio service is 47569  
specifically limited to mobile telephone, mobile cellular 47570  
telephone, paging, personal communications services, and 47571  
specialized mobile radio service provided by a common carrier in 47572  
this state and excludes fixed wireless service. 47573

~~(18)~~(20) "Wireless service provider" means a facilities-based 47574  
provider of wireless service to one or more end users in this 47575  
state. 47576

(B) The definitions of this section shall be applied 47577  
consistent with the definitions in the "Telecommunications Act of 47578  
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 47579  
federal decisions interpreting those definitions. 47580

**Sec. 4927.02.** (A) It is the policy of this state to: 47581

(1) Ensure the availability of adequate basic local exchange 47582

service or voice service to citizens throughout the state; 47583

(2) Provide incentives for competing providers of 47584  
telecommunications service to provide advanced, high-quality 47585  
telecommunications service to citizens throughout the state; 47586

(3) Rely primarily on market forces, where they exist, to 47587  
maintain reasonable service levels for telecommunications services 47588  
at reasonable rates; 47589

(4) Encourage innovation in the telecommunications industry 47590  
and the deployment of advanced telecommunications services; 47591

(5) Create a regulatory climate that provides incentives to 47592  
create and maintain high technology jobs for Ohioans; 47593

(6) Promote diversity and options in the supply of 47594  
telecommunications services and equipment throughout the state; 47595

(7) Recognize the continuing emergence of a competitive 47596  
telecommunications environment through flexible regulatory 47597  
treatment of telecommunications services where appropriate; 47598

(8) Consider the regulatory treatment of competing and 47599  
functionally equivalent services and, to the extent practicable, 47600  
provide for equivalent regulation of all telephone companies and 47601  
services; 47602

(9) Not unduly favor or advantage any provider and not unduly 47603  
disadvantage providers of competing and functionally equivalent 47604  
services; and 47605

(10) Protect the affordability of telephone service for 47606  
low-income subscribers through the continuation of federal 47607  
lifeline assistance programs. 47608

(B) The public utilities commission shall consider the policy 47609  
set forth in this section in carrying out this chapter. 47610

**Sec. 4927.07.** (A) ~~A~~ Except as provided under the notice 47611

requirements of section 4927.10 of the Revised Code, a telephone 47612  
company may withdraw any telecommunications service if it gives at 47613  
least thirty days' prior notice to the public utilities commission 47614  
and to its affected customers. 47615

(B) ~~A~~ Except as provided under the notice requirements of 47616  
section 4927.10 of the Revised Code, a telephone company may 47617  
abandon entirely telecommunications service in this state if it 47618  
gives at least thirty days' prior notice to the commission, to its 47619  
wholesale and retail customers, and to any telephone company 47620  
wholesale provider of its services. 47621

(C) Divisions (A) and (B) of this section do not apply to any 47622  
of the following: 47623

~~(1) Basic local exchange service provided by an incumbent~~ 47624  
~~local exchange carrier;~~ 47625

~~(2)~~ Pole attachments under section 4905.71 of the Revised 47626  
Code; 47627

~~(3)~~(2) Conduit occupancy under section 4905.71 of the Revised 47628  
Code; 47629

~~(4)~~(3) Interconnection and resale agreements approved under 47630  
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 47631  
et seq., as amended. 47632

(D) ~~An~~ Except as provided in section 4927.10 of the Revised 47633  
Code, an incumbent local exchange carrier may not withdraw or 47634  
abandon basic local exchange service. 47635

(E) ~~A~~ Neither a telephone company nor an incumbent local 47636  
exchange carrier may ~~not~~, without first filing a request with the 47637  
commission and obtaining commission approval, withdraw any tariff 47638  
filed with the commission for pole attachments or conduit 47639  
occupancy under section 4905.71 of the Revised Code or abandon 47640  
service provided under that section. 47641

Sec. 4927.10. (A) Subject to division (B) of this section, if 47642  
the federal communications commission adopts an order that allows 47643  
an incumbent local exchange carrier to withdraw the 47644  
interstate-access component of its basic local exchange service 47645  
under 47 U.S.C. 214, neither of the following shall apply, 47646  
beginning when the order is adopted, with regard to any exchange 47647  
area in which an incumbent local exchange carrier withdraws that 47648  
component: 47649

(1) The prohibition contained in division (D) of section 47650  
4927.07 of the Revised Code against the withdrawal or abandonment 47651  
of basic local exchange service by an incumbent local exchange 47652  
carrier, provided that the carrier gives at least one hundred 47653  
twenty days' prior notice to the public utilities commission and 47654  
to its affected customers of the withdrawal or abandonment; 47655

(2) The requirements contained in division (A) of section 47656  
4927.11 of the Revised Code. 47657

(B) If a residential customer to whom notice has been given 47658  
under this section will be unable to obtain reasonable and 47659  
comparatively priced voice service upon the carrier's withdrawal 47660  
or abandonment of basic local exchange service, the customer may 47661  
file a petition with the public utilities commission not later 47662  
than ninety days prior to the effective date of the withdrawal or 47663  
abandonment. If a residential customer is identified by the 47664  
collaborative process established under Section 749.10 of H.B. 47665  
of the 131st general assembly as a customer who will be unable to 47666  
obtain reasonable and comparatively priced voice service upon the 47667  
withdrawal or abandonment of basic local exchange service, that 47668  
customer shall be treated as though the customer filed a timely 47669  
petition under this division. 47670

(1) The public utilities commission shall issue an order 47671  
disposing of the petition not later than ninety days after the 47672

filing of the petition. 47673

(a) If the public utilities commission determines after an investigation that no reasonable and comparatively priced voice service will be available to the customer at the customer's residence, the public utilities commission shall attempt to identify a willing provider of a reasonable and comparatively priced voice service to serve the customer. 47674  
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(b) If no willing provider is identified, the public utilities commission may order the withdrawing or abandoning carrier to provide a reasonable and comparatively priced voice service to the customer at the customer's residence. 47680  
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(c) The willing provider or the carrier, as applicable, may utilize any technology or service arrangement to provide the voice service. 47684  
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(2) Except as provided in division (B)(2) of this section, an order adopted under division (B)(1)(b) of this section shall not be in effect for more than twelve months after the date that it is issued. If an order is issued under division (B)(1)(b) of this section, the public utilities commission shall evaluate, during the twelve-month period in which the order is effective, whether an alternative reasonable and comparatively priced voice service is found to exist for the affected customer. If no such voice service is available, the public utilities commission may extend the order for one additional twelve-month period. If, at the end of the second twelve-month period, no alternative reasonable and comparatively priced voice service is available, the public utilities commission may order the withdrawing or abandoning carrier to continue to provide a reasonable and comparatively priced voice service to the affected customer, utilizing any technology or service arrangement to provide the voice service. 47687  
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(3) For purposes of this division, the public utilities 47703

commission shall define the term "reasonable and comparatively  
priced voice service" to include service that provides voice grade  
access to the public switched network or its functional  
equivalent, access to 9-1-1, and that is competitively priced,  
when considering all the alternatives in the marketplace and their  
functionalities.

**Sec. 4927.101.** (A) Section 4927.10 of the Revised Code and  
the amendments to sections 4927.01, 4927.02, 4927.07, and 4927.11  
of the Revised Code made by H.B. of the 131st general assembly  
shall not affect any of the following:

(1) Any contractual obligation, including agreements under  
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 251  
and 252, as amended;

(2) Any right or obligation under federal law or rules;

(3) The carrier-access requirements under section 4927.15 of  
the Revised Code;

(4) Any right or obligation under section 4905.71 of the  
Revised Code.

(B) The amendments to section 4927.15 of the Revised Code  
made by H.B. ... of the 131st general assembly shall not affect  
the obligations and rights described in divisions (A)(1), (2), and  
(4) of this section.

**Sec. 4927.11.** (A) Except as otherwise provided in this  
section and section 4927.10 of the Revised Code, an incumbent  
local exchange carrier shall provide basic local exchange service  
to all persons or entities in its service area requesting that  
service, and that service shall be provided on a reasonable and  
nondiscriminatory basis.

(B)(1) An incumbent local exchange carrier is not obligated

to construct facilities and provide basic local exchange service, 47733  
or any other telecommunications service, to the occupants of 47734  
multitenant real estate, including, but not limited to, 47735  
apartments, condominiums, subdivisions, office buildings, or 47736  
office parks, if the owner, operator, or developer of the 47737  
multitenant real estate does any of the following to the benefit 47738  
of any other telecommunications service provider: 47739

(a) Permits only one provider of telecommunications service 47740  
to install the company's facilities or equipment during the 47741  
construction or development phase of the multitenant real estate; 47742

(b) Accepts or agrees to accept incentives or rewards that 47743  
are offered by a telecommunications service provider to the owner, 47744  
operator, developer, or occupants of the multitenant real estate 47745  
and are contingent on the provision of telecommunications service 47746  
by that provider to the occupants, to the exclusion of services 47747  
provided by other telecommunications service providers; 47748

(c) Collects from the occupants of the multitenant real 47749  
estate any charges for the provision of telecommunications service 47750  
to the occupants, including charges collected through rents, fees, 47751  
or dues. 47752

(2) A carrier not obligated to construct facilities and 47753  
provide basic local exchange service pursuant to division (B)(1) 47754  
of this section shall notify the public utilities commission of 47755  
that fact within one hundred twenty days of receiving knowledge 47756  
thereof. 47757

(3) The commission by rule may establish a process for 47758  
determining a necessary successor telephone company to provide 47759  
service to real estate described in division (B)(1) of this 47760  
section when the circumstances described in that division cease to 47761  
exist. 47762

(4) An incumbent local exchange carrier that receives a 47763

request from any person or entity to provide service under the 47764  
circumstances described in division (B)(1) of this section shall, 47765  
within fifteen days of such receipt, provide notice to the person 47766  
or entity specifying whether the carrier will provide the 47767  
requested service. If the carrier provides notice that it will not 47768  
serve the person or entity, the notice shall describe the person's 47769  
or entity's right to file a complaint with the commission under 47770  
section 4927.21 of the Revised Code within thirty days after 47771  
receipt of the notice. In resolving any such complaint, the 47772  
commission's determination shall be limited to whether any 47773  
circumstance described in divisions (B)(1)(a) to (c) of this 47774  
section exists. Upon a finding by the commission that such a 47775  
circumstance exists, the complaint shall be dismissed. Upon a 47776  
finding that such circumstances do not exist, the person's or 47777  
entity's sole remedy shall be provision by the carrier of the 47778  
requested service within a reasonable time. 47779

(C) An incumbent local exchange carrier may apply to the 47780  
commission for a waiver from compliance with division (A) of this 47781  
section. The application shall include, at a minimum, the reason 47782  
for the requested waiver, the number of persons or entities who 47783  
would be impacted by the waiver, and the alternatives that would 47784  
be available to those persons or entities if the waiver were 47785  
granted. The incumbent local exchange carrier applying for the 47786  
waiver shall publish notice of the waiver application one time in 47787  
a newspaper of general circulation throughout the service area 47788  
identified in the application and shall provide additional notice 47789  
to affected persons or entities as required by the commission in 47790  
rules adopted under this division. The commission's rules shall 47791  
define "affected" for purposes of this division. The commission 47792  
shall afford such persons or entities a reasonable opportunity to 47793  
comment to the commission on the application. This opportunity 47794  
shall include a public hearing conducted in accordance with rules 47795  
adopted under this division and conducted in the service area 47796

identified in the application. After a reasonable opportunity to  
comment has been provided, but not later than one hundred twenty  
days after the application is filed, the commission either shall  
issue an order granting the waiver if, upon investigation, it  
finds the waiver to be just, reasonable, and not contrary to the  
public interest, and that the applicant demonstrates a financial  
hardship or an unusual technical limitation, or shall issue an  
order denying the waiver based on a failure to meet those  
standards and specifying the reasons for the denial. The  
commission shall adopt rules to implement division (C) of this  
section.

**Sec. 4927.15.** (A)(1) The rates, terms, and conditions for  
9-1-1 service provided in this state by a telephone company or a  
telecommunications carrier and each of the following provided in  
this state by a telephone company shall be approved and tariffed  
in the manner prescribed by rule adopted by the public utilities  
commission and shall be subject to the applicable laws, including  
rules or regulations adopted and orders issued by the commission  
or the federal communications commission:

~~(1) Carrier access;~~

~~(2)(a) N-1-1 services, other than 9-1-1 service;~~

~~(3) Pole attachments and conduit occupancy under section  
4905.71 of the Revised Code;~~

~~(4)(b) Pay telephone access lines;~~

~~(5)(c) Toll presubscription;~~

~~(6)(d) Telecommunications relay service.~~

(2) The rates, terms, and conditions for both of the  
following provided in this state by a telephone company or an  
incumbent local exchange carrier shall be approved and tariffed in  
the manner prescribed by rule adopted by the public utilities

commission and shall be subject to the applicable laws, including 47827  
rules or regulations adopted and orders issued by the commission 47828  
or the federal communications commission: 47829

(a) Carrier access; 47830

(b) Pole attachments and conduit occupancy under section 47831  
4905.71 of the Revised Code. 47832

(B) The public utilities commission may order changes in a 47833  
telephone company's rates for carrier access in this state subject 47834  
to this division. In the event that the public utilities 47835  
commission reduces a telephone company's rates for carrier access 47836  
that are in effect on September 13, 2010, that reduction shall be 47837  
on a revenue-neutral basis under terms and conditions established 47838  
by the public utilities commission, and any resulting rate changes 47839  
necessary to comply with division (B) or (C) of this section shall 47840  
be in addition to any upward rate alteration made under section 47841  
4927.12 of the Revised Code. 47842

(C) The public utilities commission has authority to address 47843  
carrier access policy and to create and administer mechanisms for 47844  
carrier access reform, including, but not limited to, high cost 47845  
support. 47846

**Sec. 5101.073.** There is hereby created in the state treasury 47847  
the ODJFS ~~general services administration~~ audit settlements and 47848  
~~operating~~ contingency fund. The ~~director of job and family~~ 47849  
~~services may submit a deposit modification and payment detail~~ 47850  
~~report to the treasurer of state after the completion of the~~ 47851  
~~reconciliation of all final transactions with the federal~~ 47852  
~~government regarding a federal grant for a program the department~~ 47853  
~~of job and family services administers and a final closeout for~~ 47854  
~~the grant. On receipt of the report, the treasurer of state shall~~ 47855  
~~transfer the money in the refunds and audit settlements fund that~~ 47856  
~~is the subject of the report to the ODJFS general services~~ 47857

~~administration and operating fund. Money in the ODJFS general~~ 47858  
~~services administration and operating fund shall be used to pay~~ 47859  
~~for the expenses of the programs the department administers and~~ 47860  
~~the department's administrative expenses, including the costs of~~ 47861  
~~state hearings under section 5101.35 of the Revised Code, required~~ 47862  
~~audit adjustments~~ audits, settlements, contingencies, and other 47863  
related expenses. As necessary for the purposes of the fund, the 47864  
director of job and family services may request the director of 47865  
budget and management to transfer money from any of the funds used 47866  
by the department of job and family services, except the general 47867  
revenue fund, to the ODJFS audit settlements and contingency fund. 47868  
Upon receipt of such a request, the director of budget and 47869  
management may transfer the money requested. The director of 47870  
budget and management, in consultation with the director of job 47871  
and family services, may transfer money from the ODJFS audit 47872  
settlements and contingency fund to any fund used by the 47873  
department or to the general revenue fund. 47874

**Sec. 5101.60.** As used in sections 5101.60 to 5101.71 of the 47875  
Revised Code: 47876

(A) "Abuse" means the infliction upon an adult by self or 47877  
others of injury, unreasonable confinement, intimidation, or cruel 47878  
punishment with resulting physical harm, pain, or mental anguish. 47879

(B) "Adult" means any person sixty years of age or older 47880  
within this state who is handicapped by the infirmities of aging 47881  
or who has a physical or mental impairment which prevents the 47882  
person from providing for the person's own care or protection, and 47883  
who resides in an independent living arrangement. An "independent 47884  
living arrangement" is a domicile of a person's own choosing, 47885  
including, but not limited to, a private home, apartment, trailer, 47886  
or rooming house. An "independent living arrangement" includes a 47887  
residential facility licensed under section 5119.34 of the Revised 47888

Code that provides accommodations, supervision, and personal care 47889  
services for three to sixteen unrelated adults, but does not 47890  
include other institutions or facilities licensed by the state or 47891  
facilities in which a person resides as a result of voluntary, 47892  
civil, or criminal commitment. 47893

(C) "Caretaker" means the person assuming the responsibility 47894  
for the care of an adult on a voluntary basis, by contract, 47895  
through receipt of payment for care, as a result of a family 47896  
relationship, or by order of a court of competent jurisdiction. 47897

(D) "Court" means the probate court in the county where an 47898  
adult resides. 47899

(E) "Emergency" means that the adult is living in conditions 47900  
which present a substantial risk of immediate and irreparable 47901  
physical harm or death to self or any other person. 47902

(F) "Emergency services" means protective services furnished 47903  
to an adult in an emergency. 47904

(G) "Exploitation" means the unlawful or improper act of a 47905  
caretaker using an adult or an adult's resources for monetary or 47906  
personal benefit, profit, or gain when the caretaker obtained or 47907  
exerted control over the adult or the adult's resources in any of 47908  
the following ways: 47909

(1) Without the adult's consent or the consent of the person 47910  
authorized to give consent on the adult's behalf; 47911

(2) Beyond the scope of the express or implied consent of the 47912  
adult or the person authorized to give consent on the adult's 47913  
behalf; 47914

(3) By deception; 47915

(4) By threat; 47916

(5) By intimidation. 47917

(H) "In need of protective services" means an adult known or 47918

suspected to be suffering from abuse, neglect, or exploitation to 47919  
an extent that either life is endangered or physical harm, mental 47920  
anguish, or mental illness results or is likely to result. 47921

(I) "Incapacitated person" means a person who is impaired for 47922  
any reason to the extent that the person lacks sufficient 47923  
understanding or capacity to make and carry out reasonable 47924  
decisions concerning the person's self or resources, with or 47925  
without the assistance of a caretaker. Refusal to consent to the 47926  
provision of services shall not be the sole determinative that the 47927  
person is incapacitated. "Reasonable decisions" are decisions made 47928  
in daily living which facilitate the provision of food, shelter, 47929  
clothing, and health care necessary for life support. 47930

(J) "Mental illness" means a substantial disorder of thought, 47931  
mood, perception, orientation, or memory that grossly impairs 47932  
judgment, behavior, capacity to recognize reality, or ability to 47933  
meet the ordinary demands of life. 47934

(K) "Neglect" means the failure of an adult to provide for 47935  
self the goods or services necessary to avoid physical harm, 47936  
mental anguish, or mental illness or the failure of a caretaker to 47937  
provide such goods or services. 47938

(L) "Peace officer" means a peace officer as defined in 47939  
section 2935.01 of the Revised Code. 47940

(M) "Physical harm" means bodily pain, injury, impairment, or 47941  
disease suffered by an adult. 47942

(N) "Protective services" means services provided by the 47943  
county department of job and family services or its designated 47944  
agency to an adult who has been determined by evaluation to 47945  
require such services for the prevention, correction, or 47946  
discontinuance of an act of as well as conditions resulting from 47947  
abuse, neglect, or exploitation. Protective services may include, 47948  
but are not limited to, case work services, medical care, mental 47949

health services, legal services, fiscal management, home health 47950  
care, homemaker services, housing-related services, guardianship 47951  
services, and placement services as well as the provision of such 47952  
commodities as food, clothing, and shelter. 47953

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 47954  
and Friday, except when such day is a holiday as defined in 47955  
section 1.14 of the Revised Code. 47956

**Sec. 5101.61.** (A) As used in this section: 47957

(1) "Senior service provider" means any person who provides 47958  
care or services to a person who is an adult as defined in 47959  
division (B) of section 5101.60 of the Revised Code. 47960

(2) "Ambulatory health facility" means a nonprofit, public or 47961  
proprietary freestanding organization or a unit of such an agency 47962  
or organization that: 47963

(a) Provides preventive, diagnostic, therapeutic, 47964  
rehabilitative, or palliative items or services furnished to an 47965  
outpatient or ambulatory patient, by or under the direction of a 47966  
physician or dentist in a facility which is not a part of a 47967  
hospital, but which is organized and operated to provide medical 47968  
care to outpatients; 47969

(b) Has health and medical care policies which are developed 47970  
with the advice of, and with the provision of review of such 47971  
policies, an advisory committee of professional personnel, 47972  
including one or more physicians, one or more dentists, if dental 47973  
care is provided, and one or more registered nurses; 47974

(c) Has a medical director, a dental director, if dental care 47975  
is provided, and a nursing director responsible for the execution 47976  
of such policies, and has physicians, dentists, nursing, and 47977  
ancillary staff appropriate to the scope of services provided; 47978

(d) Requires that the health care and medical care of every 47979

patient be under the supervision of a physician, provides for 47980  
medical care in a case of emergency, has in effect a written 47981  
agreement with one or more hospitals and other centers or clinics, 47982  
and has an established patient referral system to other resources, 47983  
and a utilization review plan and program; 47984

(e) Maintains clinical records on all patients; 47985

(f) Provides nursing services and other therapeutic services 47986  
in accordance with programs and policies, with such services 47987  
supervised by a registered professional nurse, and has a 47988  
registered professional nurse on duty at all times of clinical 47989  
operations; 47990

(g) Provides approved methods and procedures for the 47991  
dispensing and administration of drugs and biologicals; 47992

(h) Has established an accounting and record keeping system 47993  
to determine reasonable and allowable costs; 47994

(i) "Ambulatory health facilities" also includes an 47995  
alcoholism treatment facility approved by the joint commission on 47996  
accreditation of healthcare organizations as an alcoholism 47997  
treatment facility or certified by the department of mental health 47998  
and addiction services, and such facility shall comply with other 47999  
provisions of this division not inconsistent with such 48000  
accreditation or certification. 48001

(3) "Community mental health facility" means a facility which 48002  
provides community mental health services and is included in the 48003  
comprehensive mental health plan for the alcohol, drug addiction, 48004  
and mental health service district in which it is located. 48005

(4) "Community mental health service" means services, other 48006  
than inpatient services, provided by a community mental health 48007  
facility. 48008

(5) "Home health agency" means an institution or a distinct 48009

part of an institution operated in this state which: 48010

(a) Is primarily engaged in providing home health services; 48011

(b) Has home health policies which are established by a group 48012  
of professional personnel, including one or more duly licensed 48013  
doctors of medicine or osteopathy and one or more registered 48014  
professional nurses, to govern the home health services it 48015  
provides and which includes a requirement that every patient must 48016  
be under the care of a duly licensed doctor of medicine or 48017  
osteopathy; 48018

(c) Is under the supervision of a duly licensed doctor of 48019  
medicine or doctor of osteopathy or a registered professional 48020  
nurse who is responsible for the execution of such home health 48021  
policies; 48022

(d) Maintains comprehensive records on all patients; 48023

(e) Is operated by the state, a political subdivision, or an 48024  
agency of either, or is operated not for profit in this state and 48025  
is licensed or registered, if required, pursuant to law by the 48026  
appropriate department of the state, county, or municipality in 48027  
which it furnishes services; or is operated for profit in this 48028  
state, meets all the requirements specified in divisions (A)(5)(a) 48029  
to (d) of this section, and is certified under Title XVIII of the 48030  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 48031  
amended. 48032

(6) "Home health service" means the following items and 48033  
services, provided, except as provided in division (A)(6)(g) of 48034  
this section, on a visiting basis in a place of residence used as 48035  
the patient's home: 48036

(a) Nursing care provided by or under the supervision of a 48037  
registered professional nurse; 48038

(b) Physical, occupational, or speech therapy ordered by the 48039

patient's attending physician;	48040
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	48041 48042 48043
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	48044 48045 48046
(e) Medical supplies and the use of medical appliances;	48047
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	48048 48049 48050 48051
(g) Any of the foregoing items and services which:	48052
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	48053 48054 48055
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	48056 48057 48058 48059 48060
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, any employee of a nursing home, residential care facility, or home for	48061 48062 48063 48064 48065 48066 48067 48068 48069

the aging, as defined in section 3721.01 of the Revised Code, any 48070  
senior service provider, any peace officer, coroner, member of the 48071  
clergy, any employee of a community mental health facility, and 48072  
any person engaged in professional counseling, social work, or 48073  
marriage and family therapy having reasonable cause to believe 48074  
that an adult is being abused, neglected, or exploited, or is in a 48075  
condition which is the result of abuse, neglect, or exploitation 48076  
shall immediately report such belief to the county department of 48077  
job and family services. This section does not apply to employees 48078  
of any hospital or public hospital as defined in section 5122.01 48079  
of the Revised Code. 48080

(B) Any person having reasonable cause to believe that an 48081  
adult has suffered abuse, neglect, or exploitation may report, or 48082  
cause reports to be made of such belief to the department. 48083

(C) The reports made under this section shall be made orally 48084  
or in writing except that oral reports shall be followed by a 48085  
written report if a written report is requested by the department. 48086  
Written reports shall include: 48087

(1) The name, address, and approximate age of the adult who 48088  
is the subject of the report; 48089

(2) The name and address of the individual responsible for 48090  
the adult's care, if any individual is, and if the individual is 48091  
known; 48092

(3) The nature and extent of the alleged abuse, neglect, or 48093  
exploitation of the adult; 48094

(4) The basis of the reporter's belief that the adult has 48095  
been abused, neglected, or exploited. 48096

(D) Any person with reasonable cause to believe that an adult 48097  
is suffering abuse, neglect, or exploitation who makes a report 48098  
pursuant to this section or who testifies in any administrative or 48099  
judicial proceeding arising from such a report, or any employee of 48100

the state or any of its subdivisions who is discharging 48101  
responsibilities under section 5101.62 of the Revised Code shall 48102  
be immune from civil or criminal liability on account of such 48103  
investigation, report, or testimony, except liability for perjury, 48104  
unless the person has acted in bad faith or with malicious 48105  
purpose. 48106

(E) No employer or any other person with the authority to do 48107  
so shall discharge, demote, transfer, prepare a negative work 48108  
performance evaluation, or reduce benefits, pay, or work 48109  
privileges, or take any other action detrimental to an employee or 48110  
in any way retaliate against an employee as a result of the 48111  
employee's having filed a report under this section. 48112

(F) ~~Neither the~~ The written or oral report provided for in 48113  
this section ~~nor~~ and the investigatory report provided for in 48114  
section 5101.62 of the Revised Code ~~shall be considered a~~ are 48115  
confidential and are not public record records, as defined in 48116  
section 149.43 of the Revised Code. ~~Information~~ In accordance with 48117  
rules adopted by the department of job and family services, 48118  
information contained in the report shall upon request be made 48119  
available to the adult who is the subject of the report, ~~to~~ 48120  
~~agencies authorized by the department to receive information~~ 48121  
~~contained in the report,~~ and to legal counsel for the adult. 48122

(G) The county department of job and family services shall be 48123  
available to receive the written or oral report provided for in 48124  
this section twenty-four hours a day and seven days a week. 48125

**Sec. 5101.611.** (A) If a county department of job and family 48126  
services knows or has reasonable cause to believe that the subject 48127  
of a report made under section 5101.61 or of an investigation 48128  
conducted under sections 5101.62 to 5101.64 ~~or on the initiative~~ 48129  
~~of the department~~ of the Revised Code is ~~mentally retarded or~~ 48130  
~~developmentally disabled~~ an individual with a developmental 48131

disability as defined in section 5126.01 of the Revised Code, the 48132  
county department shall refer the case to the county board of 48133  
developmental disabilities of that county for review pursuant to 48134  
section 5126.31 of the Revised Code. 48135

If a county board of developmental disabilities refers a case 48136  
to the county department of job and family services in accordance 48137  
with section 5126.31, the county department of job and family 48138  
services shall proceed with the case in accordance with sections 48139  
5101.60 to 5101.71 of the Revised Code. 48140

(B) If a county department of job and family services knows 48141  
or has reasonable cause to believe that the subject of a report 48142  
made under section 5101.61 or of an investigation conducted under 48143  
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 48144  
long-term care facility, as defined in section 173.14 of the 48145  
Revised Code, the department shall refer the case to the office of 48146  
the state long-term care ombudsman program for review pursuant to 48147  
section 173.19 of the Revised Code. 48148

If the state ombudsman or regional long-term care ombudsman 48149  
program refers a case to the county department of job and family 48150  
services in accordance with rules adopted pursuant to section 48151  
173.20 of the Revised Code, the county department shall proceed 48152  
with the case in accordance with sections 5101.60 to 5101.71 of 48153  
the Revised Code. 48154

(C) If a county department of job and family services knows 48155  
or has reasonable cause to believe that the subject of a report 48156  
made under section 5101.61 or of an investigation conducted under 48157  
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 48158  
nursing home, as defined in section 3721.01 of the Revised Code, 48159  
and has allegedly been abused, neglected, or exploited by an 48160  
employee of the nursing home, the department shall refer the case 48161  
to the department of health for investigation pursuant to section 48162  
3721.031 of the Revised Code. 48163

(D) If a county department of job and family services knows or has reasonable cause to believe that the subject of a report made under section 5101.61 or of an investigation conducted under sections 5101.62 to 5101.64 of the Revised Code is a child, as defined in section 5153.01 of the Revised Code, the department shall refer the case to the public children services agency of that county.

(E) A referral by the county department of job and family services of a case to another public regulatory agency or investigatory entity pursuant to this section shall be made in accordance with rules adopted by the department of job and family services.

**Sec. 5101.612.** (A) The department of job and family services shall establish and maintain a uniform statewide automated adult protective services information system. The information system shall contain records regarding all of the following:

(1) All reports of abuse, neglect, or exploitation of adults made to county departments of job and family services under section 5101.61 of the Revised Code;

(2) Investigations conducted under section 5101.62 of the Revised Code;

(3) Protective services provided to adults pursuant to sections 5101.60 to 5101.71 of the Revised Code;

(4) Any other information related to adults in need of protective services that state or federal law, regulation, or rule requires the department or a county department to maintain.

(B) The department shall plan implementation of the information system on a county-by-county basis. The department shall promptly notify all county departments of the initiation and completion of statewide implementation of the information system.

(C) Except as provided in division (C)(3) of this section and 48194  
in rules adopted by the department pursuant to that division: 48195

(1) The information contained in or obtained from the 48196  
information system is confidential and is not subject to 48197  
disclosure pursuant to section 149.43 or 1347.08 of the Revised 48198  
Code. 48199

(2) No person shall knowingly do either of the following: 48200

(a) Access or use information contained in the information 48201  
system; 48202

(b) Disclose information obtained from the information 48203  
system. 48204

(3) Information contained in the information system may be 48205  
accessed or used only in a manner, to the extent, and for the 48206  
purposes, authorized by rules adopted by the department. 48207

**Sec. 5101.62.** The county department of job and family 48208  
services or its designee shall be responsible for the 48209  
investigation of all reports provided for in section 173.20 or 48210  
5101.61 and all cases referred to it under section 5126.31 of the 48211  
Revised Code and for evaluating the need for and, ~~to the extent of~~ 48212  
~~available funds, providing or~~ arranging for the provision of 48213  
protective services. ~~The department may designate another agency~~ 48214  
~~to perform the department's duties under this section.~~ 48215

Investigation of the report provided for in section 5101.61 48216  
or a case referred to the department under section 5126.31 of the 48217  
Revised Code shall be initiated within twenty-four hours after the 48218  
department receives the report or case if any emergency exists; 48219  
otherwise investigation shall be initiated within three working 48220  
days. 48221

Investigation of the need for protective services shall 48222  
include a face-to-face visit with the adult who is the subject of 48223

the report, preferably in the adult's residence, and consultation 48224  
with the person who made the report, if feasible, and agencies or 48225  
persons who have information about the adult's alleged abuse, 48226  
neglect, or exploitation. 48227

The department shall give written notice of the intent of the 48228  
investigation and an explanation of the notice in language 48229  
reasonably understandable to the adult who is the subject of the 48230  
investigation, at the time of the initial interview with that 48231  
person. 48232

Upon completion of the investigation, the department shall 48233  
determine from its findings whether or not the adult who is the 48234  
subject of the report is in need of protective services. No adult 48235  
shall be determined to be abused, neglected, or in need of 48236  
protective services for the sole reason that, in lieu of medical 48237  
treatment, the adult relies on or is being furnished spiritual 48238  
treatment through prayer alone in accordance with the tenets and 48239  
practices of a church or religious denomination of which the adult 48240  
is a member or adherent. The department shall write a report which 48241  
confirms or denies the need for protective services and states why 48242  
it reached this conclusion. 48243

Sec. 5101.621. (A) Each county department of job and family 48244  
services shall prepare a memorandum of understanding that is 48245  
signed by all of the following: 48246

(1) The director of the county department of job and family 48247  
services; 48248

(2) If the county department has entered into an interagency 48249  
agreement with a local agency pursuant to section 5101.622 of the 48250  
Revised Code, the director of the local agency; 48251

(3) The county peace officer; 48252

(4) All chief municipal peace officers within the county; 48253

<u>(5) Other law enforcement officers handling adult abuse,</u>	48254
<u>neglect, and exploitation cases in the county;</u>	48255
<u>(6) The prosecuting attorney of the county;</u>	48256
<u>(7) The coroner of the county.</u>	48257
<u>(B) The memorandum of understanding shall set forth the</u>	48258
<u>procedures to be followed by the persons listed in division (A) of</u>	48259
<u>this section in the execution of their respective responsibilities</u>	48260
<u>related to cases of adult abuse, neglect, and exploitation. The</u>	48261
<u>memorandum of understanding shall establish all of the following:</u>	48262
<u>(1) An interdisciplinary team to coordinate efforts related</u>	48263
<u>to the prevention, reporting, and treatment of abuse, neglect, and</u>	48264
<u>exploitation of adults;</u>	48265
<u>(2) The roles and responsibilities for handling cases that</u>	48266
<u>have been referred by the county department to another agency</u>	48267
<u>pursuant to section 5101.611 of the Revised Code;</u>	48268
<u>(3) The roles and responsibilities for filing criminal</u>	48269
<u>charges against persons alleged to have abused, neglected, or</u>	48270
<u>exploited adults.</u>	48271
<u>Failure to follow the procedure set forth in the memorandum</u>	48272
<u>of understanding is not grounds for, and shall not result in, the</u>	48273
<u>dismissal of any charge or complaint arising from a report of</u>	48274
<u>abuse, neglect, or exploitation or the suppression of any evidence</u>	48275
<u>obtained as a result of a report of abuse, neglect, or</u>	48276
<u>exploitation and does not give any rights or grounds for appeal or</u>	48277
<u>post-conviction relief to any person.</u>	48278
<u>(C) The memorandum of understanding may, in addition, be</u>	48279
<u>signed by any of the following persons who are also members of the</u>	48280
<u>interdisciplinary team described in division (B)(1) of this</u>	48281
<u>section:</u>	48282
<u>(1) A representative of the area agency on aging, as defined</u>	48283

<u>in section 173.14 of the Revised Code;</u>	48284
<u>(2) The regional long-term care ombudsman;</u>	48285
<u>(3) A representative of the board of alcohol, drug addiction, and mental health services;</u>	48286 48287
<u>(4) A representative of the board of health of a city or general health district;</u>	48288 48289
<u>(5) A representative of the county board of developmental disabilities;</u>	48290 48291
<u>(6) A representative of a victim assistance program;</u>	48292
<u>(7) A representative of a local housing authority;</u>	48293
<u>(8) Any other person whose participation furthers the goals of the memorandum of understanding.</u>	48294 48295
<u>Sec. 5101.622. The county department of job and family services may enter into an agreement or contract with another public agency to perform the following duties:</u>	48296 48297 48298
<u>(A) In accordance with division (G) of section 5101.61 of the Revised Code, receive reports made under that section;</u>	48299 48300
<u>(B) Perform the county department's duties under section 5101.62 of the Revised Code;</u>	48301 48302
<u>(C) Petition the court pursuant to section 5101.65 of the Revised Code for an order authorizing the provision of protective services.</u>	48303 48304 48305
<u>Sec. 5101.69. (A) Upon petition by the county department of human job and family services, the court may issue an order authorizing the provision of protective services on an emergency basis to an adult. The petition for any emergency order shall include all of the following:</u>	48306 48307 48308 48309 48310
(1) The name, age, and address of the adult in need of	48311

protective services; 48312

(2) The nature of the emergency; 48313

(3) The proposed protective services; 48314

(4) The petitioner's reasonable belief, together with facts 48315  
supportive thereof, as to the existence of the circumstances 48316  
described in divisions (D)(1) to (3) of this section; 48317

(5) Facts showing the petitioner's attempts to obtain the 48318  
adult's consent to the protective services. 48319

(B) Notice of the filing and contents of the petition 48320  
provided for in division (A) of this section, the rights of the 48321  
person in the hearing provided for in division (C) of this 48322  
section, and the possible consequences of a court order, shall be 48323  
given to the adult. Notice shall also be given to the spouse of 48324  
the adult or, if ~~he~~ the adult has none, to ~~his~~ the adult's adult 48325  
children or next of kin, and ~~his~~ the adult's guardian, if any, if 48326  
~~his~~ the guardian's whereabouts are known. The notice shall be 48327  
given in language reasonably understandable to its recipients at 48328  
least twenty-four hours prior to the hearing provided for in this 48329  
section. The court may waive the twenty-four ~~hour~~ hours' notice 48330  
~~requiemnt~~ requirement upon a showing that both of the following 48331  
are the case: 48332

(1) Immediate and irreparable physical harm or immediate and 48333  
irreparable financial harm to the adult or others will result from 48334  
the twenty-four hour delay; ~~and~~ 48335

(2) Reasonable attempts have been made to notify the adult, 48336  
~~his~~ the adult's spouse, or, if ~~he~~ the adult has none, ~~his~~ the 48337  
adult's adult children or next of kin, if any, and ~~his~~ the adult's 48338  
guardian, if any, if ~~his~~ the guardian's whereabouts are known. 48339

Notice of the court's determination shall be given to all 48340  
persons receiving notice of the filing of the petition provided 48341

for in this division. 48342

(C) Upon receipt of a petition for an order for emergency 48343  
services, the court shall hold a hearing no sooner than 48344  
twenty-four and no later than seventy-two hours after the notice 48345  
provided for in division (B) of this section has been given, 48346  
unless the court has waived the notice. The adult who is the 48347  
subject of the petition shall have the right to be present at the 48348  
hearing, present, evidence, and examine and cross-examine 48349  
witnesses. 48350

(D) The court shall issue an order authorizing the provision 48351  
of protective services on an emergency basis if it finds, on the 48352  
basis of clear and convincing evidence, ~~that~~ all of the following: 48353

(1) The adult is an incapacitated person; 48354

(2) An emergency exists; 48355

(3) No person authorized by law or court order to give 48356  
consent for the adult is available or willing to consent to 48357  
emergency services. 48358

(E) In issuing an emergency order, the court shall adhere to 48359  
the following limitations: 48360

(1) The court shall order only such protective services as 48361  
are necessary and available locally to remove the conditions 48362  
creating the emergency, and the court shall specifically designate 48363  
those protective services the adult shall receive; 48364

(2) The court shall not order any change of residence under 48365  
this section unless the court specifically finds that a change of 48366  
residence is necessary; 48367

(3) The court may order emergency ~~services~~ services only for 48368  
fourteen days. The county department may petition the court for a 48369  
renewal of the order for a fourteen-day period upon a showing that 48370  
continuation of the order is necessary to remove the emergency. 48371

(4) In its order the court shall authorize the director of 48372  
the county department or ~~his~~ the director's designee to give 48373  
consent for the person for the approved emergency services until 48374  
the expiration of the order; 48375

(5) The court shall not order a person to a hospital or 48376  
public hospital as defined in section 5122.01 of the Revised Code. 48377

(F) If the county department determines that the adult 48378  
continues to need protective services after the order provided for 48379  
in division (D) of this section has expired, the county department 48380  
may petition the court for an order to continue protective 48381  
services, pursuant to section 5101.65 of the Revised Code. After 48382  
the filing of the petition, the county department may continue to 48383  
provide protective services pending a hearing by the court. 48384

Sec. 5101.691. (A) A court, through a probate judge or a 48385  
magistrate under the direction of a probate judge, may issue by 48386  
telephone an ex parte emergency order authorizing the provision of 48387  
protective services, including the relief available under division 48388  
(B) of section 5101.692 of the Revised Code, to an adult on an 48389  
emergency basis if all of the following are the case: 48390

(1) The court receives notice from the county department of 48391  
job and family services, or an authorized employee of the county 48392  
department, that the county department or employee believes an 48393  
emergency order is needed as described in this section. 48394

(2) There is reasonable cause to believe that the adult is 48395  
incapacitated. 48396

(3) There is reasonable cause to believe that there is a 48397  
substantial risk to the adult of immediate and irreparable 48398  
physical harm, immediate and irreparable financial harm, or death. 48399

(B)(1) The judge or magistrate shall journalize any order 48400  
issued under this section. 48401

(2) An order issued under this section shall be in effect for not longer than twenty-four hours, except that if the day following the day on which the order is issued is not a working day, the order shall remain in effect until the next working day. 48402  
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(C)(1) Except as provided in division (C)(2) of this section, not later than twenty-four hours after an order is issued under this section, a petition shall be filed with the court in accordance with division (A) of section 5101.69 of the Revised Code. 48406  
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(2) If the day following the day on which the order was issued is not a working day, the petition shall be filed with the court on the next working day. 48411  
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(3) Except as provided in section 5101.692 of the Revised Code, proceedings on the petition shall be conducted in accordance with section 5101.69 of the Revised Code. 48414  
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**Sec. 5101.692.** (A) If an order is issued pursuant to section 5101.691 of the Revised Code, the court shall hold a hearing not later than twenty-four hours after the issuance to determine whether there is probable cause for the order, except that if the day following the day on which the order is issued is not a working day, the court shall hold the hearing on the next working day. 48417  
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(B) At the hearing, the court: 48424

(1) Shall determine whether protective services are the least restrictive alternative available for meeting the adult's needs; 48425  
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(2) May issue temporary orders to protect the adult from immediate and irreparable physical harm or immediate and irreparable financial harm, including, but not limited to, temporary protection orders, evaluations, and orders requiring a party to vacate the adult's place of residence or legal 48427  
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settlement; 48432

(3) May order emergency services; 48433

(4) May freeze the financial assets of the adult. 48434

(C) A temporary order issued pursuant to division (B)(2) of 48435  
this section is effective for thirty days. The court may renew the 48436  
order for an additional thirty-day period. 48437

Information contained in the order may be entered into the 48438  
law enforcement automated data system. 48439

**Sec. 5101.71.** (A) The county departments of job and family 48440  
services shall implement sections 5101.60 to 5101.71 of the 48441  
Revised Code. The department of job and family services ~~may~~ shall 48442  
provide a program of ongoing, comprehensive, formal training ~~to~~ 48443  
~~county departments and other agencies authorized to implement~~ 48444  
regarding the implementation of sections 5101.60 to 5101.71 of the 48445  
Revised Code and require all adult protective services caseworkers 48446  
and their supervisors to undergo the training. Training shall not 48447  
be limited to the procedures for implementing section 5101.62 of 48448  
the Revised Code. The department of job and family services shall 48449  
adopt any rules it deems necessary regarding the training. 48450

(B) The director of job and family services may adopt rules 48451  
in accordance with section 111.15 of the Revised Code ~~governing~~ 48452  
~~the county departments' implementation to carry out the purposes~~ 48453  
of sections 5101.60 to 5101.71 of the Revised Code. The rules 48454  
adopted pursuant to this division may include a requirement that 48455  
the county departments provide on forms prescribed by the rules a 48456  
plan of proposed expenditures, and a report of actual 48457  
expenditures, of funds necessary to implement sections 5101.60 to 48458  
5101.71 of the Revised Code and other requirements for intake 48459  
procedures, investigations, case management, and the provision of 48460  
protective services. 48461

**Sec. 5101.72.** The department of job and family services, ~~to~~ 48462  
~~the extent of available funds,~~ may reimburse county departments of 48463  
job and family services for all or part of the costs they incur in 48464  
implementing sections 5101.60 to 5101.71 of the Revised Code. The 48465  
director of job and family services shall adopt internal 48466  
management rules in accordance with section 111.15 of the Revised 48467  
Code that provide for reimbursement of county departments of job 48468  
and family services under this section. 48469

The director shall adopt internal management rules in 48470  
accordance with section 111.15 of the Revised Code that do both of 48471  
the following: 48472

(A) Implement sections 5101.60 to 5101.71 of the Revised 48473  
Code; 48474

(B) Require the county departments to collect and submit to 48475  
the department, or ensure that a designated agency collects and 48476  
submits to the department, data concerning the implementation of 48477  
sections 5101.60 to 5101.71 of the Revised Code. 48478

**Sec. 5101.99.** (A) Whoever violates division (A) or (B) of 48479  
section 5101.61 of the Revised Code shall be fined not more than 48480  
five hundred dollars. 48481

(B) Whoever violates division (A) of section 5101.27 of the 48482  
Revised Code is guilty of a misdemeanor of the first degree. 48483

(C) Whoever violates section 5101.133 or division (C)(2) of 48484  
section 5101.612 of the Revised Code is guilty of a misdemeanor of 48485  
the fourth degree. 48486

**Sec. 5104.01.** As used in this chapter: 48487

(A) "Administrator" means the person responsible for the 48488  
daily operation of a center, type A home, or type B home. The 48489  
administrator and the owner may be the same person. 48490

(B) "Approved child day camp" means a child day camp approved 48491  
pursuant to section 5104.22 of the Revised Code. 48492

(C) "Border state child care provider" means a child care 48493  
provider that is located in a state bordering Ohio and that is 48494  
licensed, certified, or otherwise approved by that state to 48495  
provide child care. 48496

(D) "Career pathways model" means an alternative pathway to 48497  
meeting the requirements to be a child-care staff member or 48498  
administrator that does both of the following: 48499

(1) Uses a framework approved by the director of job and 48500  
family services to document formal education, training, 48501  
experience, and specialized credentials and certifications; 48502

(2) Allows the child-care staff member or administrator to 48503  
achieve a designation as an early childhood professional level 48504  
one, two, three, four, five, or six. 48505

(E) "Caretaker parent" means the father or mother of a child 48506  
whose presence in the home is needed as the caretaker of the 48507  
child, a person who has legal custody of a child and whose 48508  
presence in the home is needed as the caretaker of the child, a 48509  
guardian of a child whose presence in the home is needed as the 48510  
caretaker of the child, and any other person who stands in loco 48511  
parentis with respect to the child and whose presence in the home 48512  
is needed as the caretaker of the child. 48513

(F) "Chartered nonpublic school" means a school that meets 48514  
standards for nonpublic schools prescribed by the state board of 48515  
education for nonpublic schools pursuant to section 3301.07 of the 48516  
Revised Code. 48517

(G) "Child" includes an infant, toddler, preschool-age child, 48518  
or school-age child. 48519

(H) "Child care block grant act" means the "Child Care and 48520

Development Block Grant Act of 1990," established in section 5082 48521  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 48522  
1388-236 (1990), 42 U.S.C. 9858, as amended. 48523

(I) "Child day camp" means a program in which only school-age 48524  
children attend or participate, that operates for no more than 48525  
seven hours per day, that operates only during one or more public 48526  
school district's regular vacation periods or for no more than 48527  
fifteen weeks during the summer, and that operates outdoor 48528  
activities for each child who attends or participates in the 48529  
program for a minimum of fifty per cent of each day that children 48530  
attend or participate in the program, except for any day when 48531  
hazardous weather conditions prevent the program from operating 48532  
outdoor activities for a minimum of fifty per cent of that day. 48533  
For purposes of this division, the maximum seven hours of 48534  
operation time does not include transportation time from a child's 48535  
home to a child day camp and from a child day camp to a child's 48536  
home. 48537

(J) "Child care" means ~~administering~~ all of the following: 48538

(1) Administering to the needs of infants, toddlers, 48539  
preschool-age children, and school-age children outside of school 48540  
hours ~~by;~~ 48541

(2) By persons other than their parents ~~or,~~ guardians, or 48542  
custodians, ~~or relatives by blood, marriage, or adoption for;~~ 48543

(3) For any part of the twenty-four-hour day ~~in;~~ 48544

(4) In a place ~~or residence~~ other than a child's own home, 48545  
except that an in-home aide provides child care in the child's own 48546  
home. 48547

(K) "Child day-care center" and "center" mean any place in 48548  
which child care or publicly funded child care is provided for 48549  
thirteen or more children at one time or any place that is not the 48550  
permanent residence of the licensee or administrator in which 48551

child care or publicly funded child care is provided for seven to 48552  
twelve children at one time. In counting children for the purposes 48553  
of this division, any children under six years of age who are 48554  
related to a licensee, administrator, or employee and who are on 48555  
the premises of the center shall be counted. "Child day-care 48556  
center" and "center" do not include any of the following: 48557

(1) A place located in and operated by a hospital, as defined 48558  
in section 3727.01 of the Revised Code, in which the needs of 48559  
children are administered to, if all the children whose needs are 48560  
being administered to are monitored under the on-site supervision 48561  
of a physician licensed under Chapter 4731. of the Revised Code or 48562  
a registered nurse licensed under Chapter 4723. of the Revised 48563  
Code, and the services are provided only for children who, in the 48564  
opinion of the child's parent, guardian, or custodian, are 48565  
exhibiting symptoms of a communicable disease or other illness or 48566  
are injured; 48567

(2) A child day camp; 48568

(3) A place that provides child care, but not publicly funded 48569  
child care, if all of the following apply: 48570

(a) An organized religious body provides the child care; 48571

(b) A parent, custodian, or guardian of at least one child 48572  
receiving child care is on the premises and readily accessible at 48573  
all times; 48574

(c) The child care is not provided for more than thirty days 48575  
a year; 48576

(d) The child care is provided only for preschool-age and 48577  
school-age children. 48578

(L) "Child care resource and referral service organization" 48579  
means a community-based nonprofit organization that provides child 48580  
care resource and referral services but not child care. 48581

(M) "Child care resource and referral services" means all of the following services:	48582 48583
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	48584 48585 48586
(2) Provision of individualized consumer education to families seeking child care;	48587 48588
(3) Provision of timely referrals of available child care providers to families seeking child care;	48589 48590
(4) Recruitment of child care providers;	48591
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	48592 48593 48594 48595
(6) Collection and analysis of data on the supply of and demand for child care in the community;	48596 48597
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	48598 48599 48600
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	48601 48602 48603
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	48604 48605
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	48606 48607 48608 48609
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative	48610 48611

child care centers and parent cooperative type A family day-care homes. 48612  
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(N) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties. 48614  
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(O) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis. 48619  
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(P) "Employee" means a person who either: 48623

(1) Receives compensation for duties performed in a child day-care center or type A family day-care home; 48624  
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(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home. 48626  
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(Q) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter. 48628  
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(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. 48632  
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(S) "Head start program" means a comprehensive child development program serving birth to three years old and preschool-age children that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center. 48637  
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(T) "Income" means gross income, as defined in section 48642  
5107.10 of the Revised Code, less any amounts required by federal 48643  
statutes or regulations to be disregarded. 48644

(U) "Indicator checklist" means an inspection tool, used in 48645  
conjunction with an instrument-based program monitoring 48646  
information system, that contains selected licensing requirements 48647  
that are statistically reliable indicators or predictors of a 48648  
child day-care center's type A family day-care home's, or licensed 48649  
type B family day-care home's compliance with licensing 48650  
requirements. 48651

(V) "Infant" means a child who is less than eighteen months 48652  
of age. 48653

(W) "In-home aide" means a person who does not reside with 48654  
the child but provides care in the child's home and is certified 48655  
by a county director of job and family services pursuant to 48656  
section 5104.12 of the Revised Code to provide publicly funded 48657  
child care to a child in a child's own home pursuant to this 48658  
chapter and any rules adopted under it. 48659

(X) "Instrument-based program monitoring information system" 48660  
means a method to assess compliance with licensing requirements 48661  
for child day-care centers, type A family day-care homes, and 48662  
licensed type B family day-care homes in which each licensing 48663  
requirement is assigned a weight indicative of the relative 48664  
importance of the requirement to the health, growth, and safety of 48665  
the children that is used to develop an indicator checklist. 48666

(Y) "License capacity" means the maximum number in each age 48667  
category of children who may be cared for in a child day-care 48668  
center or type A family day-care home at one time as determined by 48669  
the director of job and family services considering building 48670  
occupancy limits established by the department of commerce, amount 48671  
of available indoor floor space and outdoor play space, and amount 48672

of available play equipment, materials, and supplies. For the 48673  
purposes of a provisional license issued under this chapter, the 48674  
director shall also consider the number of available child-care 48675  
staff members when determining "license capacity" for the 48676  
provisional license. 48677

(Z) "Licensed child care program" means any of the following: 48678

(1) A child day-care center licensed by the department of job 48679  
and family services pursuant to this chapter; 48680

(2) A type A family day-care home or type B family day-care 48681  
home licensed by the department of job and family services 48682  
pursuant to this chapter; 48683

(3) A licensed preschool program or licensed school child 48684  
program. 48685

(AA) "Licensed preschool program" or "licensed school child 48686  
program" means a preschool program or school child program, as 48687  
defined in section 3301.52 of the Revised Code, that is licensed 48688  
by the department of education pursuant to sections 3301.52 to 48689  
3301.59 of the Revised Code. 48690

(BB) "Licensed type B family day-care home" and "licensed 48691  
type B home" mean a type B family day-care home for which there is 48692  
a valid license issued by the director of job and family services 48693  
pursuant to section 5104.03 of the Revised Code. 48694

(CC) "Licensee" means the owner of a child day-care center, 48695  
type A family day-care home, or type B family day-care home that 48696  
is licensed pursuant to this chapter and who is responsible for 48697  
ensuring its compliance with this chapter and rules adopted 48698  
pursuant to this chapter. 48699

(DD) "Operate a child day camp" means to operate, establish, 48700  
manage, conduct, or maintain a child day camp. 48701

(EE) "Owner" includes a person, as defined in section 1.59 of 48702

the Revised Code, ~~or~~ government entity, firm, organization, 48703  
institution, agency, as well as any individual governing board 48704  
members, partners, incorporators, agents, or authorized 48705  
representatives of the owner. 48706

(FF) "Parent cooperative child day-care center," "parent 48707  
cooperative center," "parent cooperative type A family day-care 48708  
home," and "parent cooperative type A home" mean a corporation or 48709  
association organized for providing educational services to the 48710  
children of members of the corporation or association, without 48711  
gain to the corporation or association as an entity, in which the 48712  
services of the corporation or association are provided only to 48713  
children of the members of the corporation or association, 48714  
ownership and control of the corporation or association rests 48715  
solely with the members of the corporation or association, and at 48716  
least one parent-member of the corporation or association is on 48717  
the premises of the center or type A home during its hours of 48718  
operation. 48719

(GG) "Part-time child day-care center," "part-time center," 48720  
"part-time type A family day-care home," and "part-time type A 48721  
home" mean a center or type A home that provides child care or 48722  
publicly funded child care for ~~no~~ not more than four hours a day 48723  
for any child or not more than fifteen consecutive weeks per year, 48724  
regardless of the number of hours per day. 48725

(HH) "Place of worship" means a building where activities of 48726  
an organized religious group are conducted and includes the 48727  
grounds and any other buildings on the grounds used for such 48728  
activities. 48729

(II) "Preschool-age child" means a child who is three years 48730  
old or older but is not a school-age child. 48731

(JJ) "Protective child care" means publicly funded child care 48732  
for the direct care and protection of a child to whom either of 48733

the following applies: 48734

(1) A case plan prepared and maintained for the child 48735  
pursuant to section 2151.412 of the Revised Code indicates a need 48736  
for protective care and the child resides with a parent, 48737  
stepparent, guardian, or another person who stands in loco 48738  
parentis as defined in rules adopted under section 5104.38 of the 48739  
Revised Code; 48740

(2) The child and the child's caretaker either temporarily 48741  
reside in a facility providing emergency shelter for homeless 48742  
families or are determined by the county department of job and 48743  
family services to be homeless, and are otherwise ineligible for 48744  
publicly funded child care. 48745

(KK) "Publicly funded child care" means administering to the 48746  
needs of infants, toddlers, preschool-age children, and school-age 48747  
children under age thirteen during any part of the 48748  
twenty-four-hour day by persons other than their caretaker parents 48749  
for remuneration wholly or in part with federal or state funds, 48750  
including funds available under the child care block grant act, 48751  
Title IV-A, and Title XX, distributed by the department of job and 48752  
family services. 48753

(LL) "Religious activities" means any of the following: 48754  
worship or other religious services; religious instruction; Sunday 48755  
school classes or other religious classes conducted during or 48756  
prior to worship or other religious services; youth or adult 48757  
fellowship activities; choir or other musical group practices or 48758  
programs; meals; festivals; or meetings conducted by an organized 48759  
religious group. 48760

(MM) "School-age child" means a child who is enrolled in or 48761  
is eligible to be enrolled in a grade of kindergarten or above but 48762  
is less than fifteen years old. 48763

(NN) "School-age child care center" and "school-age child 48764

type A home" mean a center or type A home that provides child care 48765  
for school-age children only and that does either or both of the 48766  
following: 48767

(1) Operates only during that part of the day that 48768  
immediately precedes or follows the public school day of the 48769  
school district in which the center or type A home is located; 48770

(2) Operates only when the public schools in the school 48771  
district in which the center or type A home is located are not 48772  
open for instruction with pupils in attendance. 48773

(OO) "Serious risk noncompliance" means a licensure or 48774  
certification rule violation that leads to a great risk of harm 48775  
to, or death of, a child, and is observable, not inferable. 48776

(PP) "State median income" means the state median income 48777  
calculated by the department of development pursuant to division 48778  
(A)(1)(g) of section 5709.61 of the Revised Code. 48779

(QQ) "Title IV-A" means Title IV-A of the "Social Security 48780  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 48781

(RR) "Title XX" means Title XX of the "Social Security Act," 48782  
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 48783

(SS) "Toddler" means a child who is at least eighteen months 48784  
of age but less than three years of age. 48785

(TT) "Type A family day-care home" and "type A home" mean a 48786  
permanent residence of the administrator in which child care or 48787  
publicly funded child care is provided for seven to twelve 48788  
children at one time or a permanent residence of the administrator 48789  
in which child care is provided for four to twelve children at one 48790  
time if four or more children at one time are under two years of 48791  
age. In counting children for the purposes of this division, any 48792  
children under six years of age who are related to a licensee, 48793  
administrator, or employee and who are on the premises of the type 48794

A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp. 48795  
48796

(UU) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp. 48797  
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**Sec. 5104.013.** (A)(1) At the times specified in division (A)(3) of this section, the director of job and family services, as part of the process of licensure of child day-care centers, type A family day-care homes, and ~~licensed~~ type B family day-care homes shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to the following persons: 48806  
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(a) Any owner, licensee, or administrator of a ~~child day-care center~~; 48813  
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(b) Any owner, licensee, or administrator of a type A ~~family day-care home~~ or type B home and any person eighteen years of age or older who resides in a type A ~~family day-care home~~; 48815  
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~~(c) Any administrator of a licensed type B family day-care home and any person eighteen years of age or older who resides in a licensed type B family day-care home or type B home.~~ 48818  
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(2) At the time specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of in-home aides, shall request the superintendent of the bureau of criminal 48821  
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identification and investigation to conduct a criminal records check with respect to any in-home aide.

(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every five years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every five years thereafter. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. In all other cases in which the director of job and family services or the director of a county department of job and family services requests a criminal records check for an applicant pursuant to division (A)(1) or (2) of this section, the director may request that the superintendent include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.

(4) The director of job and family services shall review the results of a criminal records check subsequent to a request made pursuant to divisions (A)(1) and (3) of this section prior to approval of a license. The director of a county department of job

and family services shall review the results of a criminal records 48857  
check subsequent to a request made pursuant to divisions (A)(2) 48858  
and (3) of this section prior to approval of certification. 48859

(B) The director of job and family services or the director 48860  
of a county department of job and family services shall provide to 48861  
each person for whom a criminal records check is required under 48862  
this section a copy of the form prescribed pursuant to division 48863  
(C)(1) of section 109.572 of the Revised Code and a standard 48864  
impression sheet to obtain fingerprint impressions prescribed 48865  
pursuant to division (C)(2) of that section, obtain the completed 48866  
form and impression sheet from that person, and forward the 48867  
completed form and impression sheet to the superintendent of the 48868  
bureau of criminal identification and investigation. 48869

(C) A person who receives pursuant to division (B) of this 48870  
section a copy of the form and standard impression sheet described 48871  
in that division and who is requested to complete the form and 48872  
provide a set of fingerprint impressions shall complete the form 48873  
or provide all the information necessary to complete the form and 48874  
shall provide the impression sheet with the impressions of the 48875  
person's fingerprints. If the person, upon request, fails to 48876  
provide the information necessary to complete the form or fails to 48877  
provide impressions of the person's fingerprints, the director may 48878  
consider the failure as a reason to deny licensure or 48879  
certification. 48880

(D) Except as provided in rules adopted under division ~~(G)~~(N) 48881  
of this section, ~~the:~~ 48882

(1) ~~The~~ director of job and family services shall not grant a 48883  
license to a ~~child day care~~ center, type A ~~family day care~~ home, 48884  
or type B ~~family day care~~ home and a county director of job and 48885  
family services shall not certify an in-home aide if a person for 48886  
whom a criminal records check was required in connection with the 48887  
center or home previously has been convicted of or pleaded guilty 48888

to any of the violations described in division (A)(5) of section 48889  
109.572 of the Revised Code. 48890

(2) The director of job and family services shall not grant a 48891  
license to a type A home or type B home if a resident of the type 48892  
A home or type B home is under eighteen years of age and has been 48893  
adjudicated a delinquent child for committing a violation of any 48894  
section listed in division (A)(5) of section 109.572 of the 48895  
Revised Code. 48896

(E) Each ~~child day care center, type A family day care home,~~ 48897  
and type B ~~family day care~~ home shall pay to the bureau of 48898  
criminal identification and investigation the fee prescribed 48899  
pursuant to division (C)(3) of section 109.572 of the Revised Code 48900  
for each criminal records check conducted in accordance with that 48901  
section upon a request made pursuant to division (A) of this 48902  
section. 48903

(F)(1) At the times specified in division (F)(2) of this 48904  
section, the administrator of a center, type A home or licensed 48905  
type B home shall request the superintendent of the bureau of 48906  
criminal identification and investigation to conduct a criminal 48907  
records check with respect to any applicant who has applied to the 48908  
center, type A home, or licensed type B home for employment. 48909

(2) The administrator shall request a criminal records check 48910  
pursuant to division (F)(1) of this section at the time of the 48911  
applicant's initial application for employment and every five 48912  
years thereafter. When the administrator requests pursuant to 48913  
division (F)(1) of this section a criminal records check for an 48914  
applicant at the time of the applicant's initial application for 48915  
employment, the administrator shall request that the 48916  
superintendent obtain information from the federal bureau of 48917  
investigation as a part of the criminal records check for the 48918  
applicant, including fingerprint-based checks of national crime 48919  
information databases as described in 42 U.S.C. 671, for the 48920

person subject to the criminal records check. In all other cases 48921  
in which the administrator requests a criminal records check for 48922  
an applicant pursuant to division (F)(1) of this section, the 48923  
administrator may request that the superintendent include 48924  
information from the federal bureau of investigation in the 48925  
criminal records check, including fingerprint-based checks of 48926  
national crime information databases as described in 42 U.S.C. 48927  
671. 48928

(G) Any person required by division (F) of this section to 48929  
request a criminal records check shall inform each person, at the 48930  
time of the person's initial application for employment, that the 48931  
person is required to provide a set of impressions of the person's 48932  
fingerprints and that a criminal records check is required to be 48933  
conducted and satisfactorily completed in accordance with section 48934  
109.572 of the Revised Code if the person comes under final 48935  
consideration for appointment or employment as a precondition to 48936  
employment for that position. 48937

(H) A person required by division (F) of this section to 48938  
request a criminal records check shall provide to each applicant a 48939  
copy of the form prescribed pursuant to division (C)(1) of section 48940  
109.572 of the Revised Code, provide to each applicant a standard 48941  
impression sheet to obtain fingerprint impressions prescribed 48942  
pursuant to division (C)(2) of section 109.572 of the Revised 48943  
Code, obtain the completed form and impression sheet from each 48944  
applicant, and forward the completed form and impression sheet to 48945  
the superintendent of the bureau of criminal identification and 48946  
investigation at the time the person requests a criminal records 48947  
check pursuant to division (F) of this section. 48948

(I) An applicant who receives pursuant to division (H) of 48949  
this section a copy of the form prescribed pursuant to division 48950  
(C)(1) of section 109.572 of the Revised Code and a copy of an 48951  
impression sheet prescribed pursuant to division (C)(2) of that 48952

section and who is requested to complete the form and provide a 48953  
set of fingerprint impressions shall complete the form or provide 48954  
all the information necessary to complete the form and shall 48955  
provide the impression sheet with the impressions of the 48956  
applicant's fingerprints. If an applicant, upon request, fails to 48957  
provide the information necessary to complete the form or fails to 48958  
provide impressions of the applicant's fingerprints, the center or 48959  
type A home shall not employ that applicant for any position for 48960  
which a criminal records check is required by division (F) of this 48961  
section. 48962

(J)(1) Except as provided in rules adopted under division (N) 48963  
of this section, no center, type A home, or licensed type B home 48964  
shall employ or contract with another entity for the services of a 48965  
person if the person previously has been convicted of or pleaded 48966  
guilty to any of the violations described in division (A)(5) of 48967  
section 109.572 of the Revised Code. 48968

(2) A center, type A home, or licensed type B home may employ 48969  
an applicant conditionally until the criminal records check 48970  
required by this section is completed and the center or home 48971  
receives the results of the criminal records check. If the results 48972  
of the criminal records check indicate that, pursuant to division 48973  
(J)(1) of this section, the applicant does not qualify for 48974  
employment, the center, type A home, or licensed type B home shall 48975  
release the applicant from employment. 48976

(3) The administrator of a center, type A home, or licensed 48977  
type B home shall review the results of the criminal records check 48978  
before an applicant has sole responsibility for the care, custody, 48979  
or control of any child. 48980

(K)(1) Each center, type A home, and licensed type B home 48981  
shall pay to the bureau of criminal identification and 48982  
investigation the fee prescribed pursuant to division (C)(3) of 48983  
section 109.572 of the Revised Code for each criminal records 48984

check conducted in accordance with that section upon the request 48985  
pursuant to division (F) of this section of the administrator of 48986  
the center, type A home, or licensed type B home. 48987

(2) A center, type A home, or licensed type B home may charge 48988  
an applicant a fee for the costs it incurs in obtaining a criminal 48989  
records check under this section. A fee charged under this 48990  
division shall not exceed the amount of fees the center, type A 48991  
home, or licensed type B home pays under division (K)(1) of this 48992  
section. If a fee is charged under this division, the center, type 48993  
A home, or licensed type B home shall notify the applicant at the 48994  
time of the applicant's initial application for employment of the 48995  
amount of the fee and that, unless the fee is paid, the center, 48996  
type A home, or licensed type B home will not consider the 48997  
applicant for employment. 48998

~~(F)~~(L) The report of any criminal records check conducted by 48999  
the bureau of criminal identification and investigation in 49000  
accordance with section 109.572 of the Revised Code and pursuant 49001  
to a request made under division (A) or (F) of this section is not 49002  
a public record for the purposes of section 149.43 of the Revised 49003  
Code and shall not be made available to any person other than the 49004  
person who is the subject of the criminal records check or the 49005  
person's representative, the director of job and family services, 49006  
the director of a county department of job and family services, 49007  
the center, type A home, or type B home involved, and any court, 49008  
hearing officer, or other necessary individual involved in a case 49009  
dealing with a denial of licensure or certification related to the 49010  
criminal records check. 49011

(M)(1) Each of the following persons shall sign a statement 49012  
on forms prescribed by the director of job and family services 49013  
attesting to the fact that the person has not been convicted of or 49014  
pleaded guilty to any offense set forth in division (A)(5) of 49015  
section 109.572 of the Revised Code and that no child has been 49016

removed from the person's home pursuant to section 2151.353 of the 49017  
Revised Code: 49018

(a) An employee of a center, type A home, or licensed type B 49019  
home; 49020

(b) A person eighteen years of age or older who resides in a 49021  
type A home or licensed type B home; 49022

(c) An in-home aide; 49023

(d) An owner, licensee, or administrator of a center, type A 49024  
home, or licensed type B home. 49025

(2) Each licensee of a type A home or type B home shall sign 49026  
a statement on a form prescribed by the director of job and family 49027  
services attesting to the fact that no person who resides at the 49028  
type A home or licensed type B home and is under eighteen years of 49029  
age has been adjudicated a delinquent child for committing a 49030  
violation of any section listed in division (A)(5) of section 49031  
109.572 of the Revised Code. 49032

(3) The statements required under divisions (M)(1) and (2) of 49033  
this section shall be kept on file as follows: 49034

(a) With respect to an owner, licensee, administrator, or 49035  
employee of a center, type A home, or licensed type B home, or a 49036  
person eighteen years of age or older residing in a type A home or 49037  
licensed type B home, at the center, type A home, or licensed type 49038  
B home; 49039

(b) With respect to in-home aides, at the county department 49040  
of job and family services. 49041

(4) No owner, administrator, licensee, or employee of a 49042  
center, type A home, or licensed type B home, and no person 49043  
eighteen years of age or older residing in a type A home or 49044  
licensed type B home, shall withhold information from, or falsify 49045  
information on, any statement required pursuant to division (M)(1) 49046

or (2) of this section. 49047

~~(G)~~(N) The director of job and family services shall adopt 49048  
rules in accordance with Chapter 119. of the Revised Code to 49049  
implement this section, including rules specifying exceptions to 49050  
the ~~prohibition~~ prohibitions in ~~division~~ divisions (D) and (J) of 49051  
this section for persons who have been convicted of an offense 49052  
listed in ~~that division~~ division (A)(5) of section 109.572 of the 49053  
Revised Code but who meet standards in regard to rehabilitation 49054  
set by the director. 49055

~~(H)~~(O) As used in this section, ~~"criminal:~~ 49056

(1) "Applicant" means a person who is under final 49057  
consideration for appointment to or employment in a position with 49058  
a center, a type A home, or licensed type B home or any person who 49059  
would serve in any position with a center, type A home, or 49060  
licensed type B home pursuant to a contract with another entity. 49061

(2) "Criminal records check" has the same meaning as in 49062  
section 109.572 of the Revised Code. 49063

**Sec. 5104.015.** The director of job and family services shall 49064  
adopt rules in accordance with Chapter 119. of the Revised Code 49065  
governing the operation of child day-care centers, including 49066  
parent cooperative centers, part-time centers, drop-in centers, 49067  
and school-age child care centers. The rules shall reflect the 49068  
various forms of child care and the needs of children receiving 49069  
child care or publicly funded child care and shall include 49070  
specific rules for school-age child care centers that are 49071  
developed in consultation with the department of education. The 49072  
rules shall not require an existing school facility that is in 49073  
compliance with applicable building codes to undergo an additional 49074  
building code inspection or to have structural modifications. The 49075  
rules shall include the following: 49076

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;	49077 49078 49079 49080
(B) Standards for ensuring that the physical surroundings of the center are safe and sanitary including the physical environment, the physical plant, and the equipment of the center;	49081 49082 49083
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;	49084 49085 49086
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.	49087 49088 49089 49090 49091 49092 49093 49094 49095 49096
(E) Admissions policies and procedures;	49097
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	49098 49099
(G) First aid and emergency procedures;	49100
(H) Procedures for discipline and supervision of children;	49101
(I) Standards for the provision of nutritious meals and snacks;	49102 49103
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	49104 49105 49106

(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	49107 49108
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	49109 49110 49111 49112
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	49113 49114 49115
(N) Procedures for record keeping, organization, and administration;	49116 49117
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	49118 49119 49120
(P) Inspection procedures;	49121
(Q) Procedures and standards for setting initial license application fees;	49122 49123
(R) Procedures for receiving, recording, and responding to complaints about centers;	49124 49125
(S) Procedures for enforcing section 5104.04 of the Revised Code;	49126 49127
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	49128 49129 49130 49131 49132
(U) Requirements for the training of administrators and child-care staff members, <u>including training</u> in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. <del>Training</del>	49133 49134 49135 49136

~~requirements for child day care centers adopted under this~~ 49137  
~~division shall be consistent with sections 5104.034 and 5104.037~~ 49138  
~~of the Revised Code.~~ 49139

(V) Standards providing for the special needs of children who 49140  
are handicapped or who require treatment for health conditions 49141  
while the child is receiving child care or publicly funded child 49142  
care in the center; 49143

(W) A procedure for reporting of injuries of children that 49144  
occur at the center; 49145

(X) Standards for licensing child day-care centers for 49146  
children with short-term illnesses and other temporary medical 49147  
conditions; 49148

(Y) Minimum requirements for instructional time for child 49149  
day-care centers rated through the tiered quality rating and 49150  
improvement system established pursuant to section 5104.30 of the 49151  
Revised Code; 49152

(Z) Any other procedures and standards necessary to carry out 49153  
the provisions of this chapter regarding child day-care centers. 49154

**Sec. 5104.016.** The director of job and family services, in 49155  
addition to the rules adopted under section 5104.015 of the 49156  
Revised Code, shall adopt rules establishing minimum requirements 49157  
for child day-care centers. The rules shall include the 49158  
requirements set forth in sections 5104.032 to ~~5104.037~~ 5104.036 49159  
of the Revised Code. Except as provided in section 5104.07 of the 49160  
Revised Code, the rules shall not change the square footage 49161  
requirements of section 5104.032 of the Revised Code; the maximum 49162  
number of children per child-care staff member and maximum group 49163  
size requirements of section 5104.033 of the Revised Code; the 49164  
educational and experience requirements of section 5104.035 of the 49165  
Revised Code; the age, educational, and experience requirements of 49166

section 5104.036 of the Revised Code; ~~the number and type of~~ 49167  
~~inservice training hours required under section 5104.037 of the~~ 49168  
~~Revised Code;~~ however, the rules shall provide procedures for 49169  
determining compliance with those requirements. 49170

**Sec. 5104.017.** The director of job and family services shall 49171  
adopt rules pursuant to Chapter 119. of the Revised Code governing 49172  
the operation of type A family day-care homes, including parent 49173  
cooperative type A homes, part-time type A homes, drop-in type A 49174  
homes, and school-age child type A homes. The rules shall reflect 49175  
the various forms of child care and the needs of children 49176  
receiving child care. The rules shall include the following: 49177

(A) Submission of a site plan and descriptive plan of 49178  
operation to demonstrate how the type A home proposes to meet the 49179  
requirements of this chapter and rules adopted pursuant to this 49180  
chapter for the initial license application; 49181

(B) Standards for ensuring that the physical surroundings of 49182  
the type A home are safe and sanitary, including the physical 49183  
environment, the physical plant, and the equipment of the type A 49184  
home; 49185

(C) Standards for the supervision, care, and discipline of 49186  
children receiving child care or publicly funded child care in the 49187  
type A home; 49188

(D) Standards for a program of activities, and for play 49189  
equipment, materials, and supplies, to enhance the development of 49190  
each child; however, any educational curricula, philosophies, and 49191  
methodologies that are developmentally appropriate and that 49192  
enhance the social, emotional, intellectual, and physical 49193  
development of each child shall be permissible; 49194

(E) Admissions policies and procedures; 49195

(F) Health care policies and procedures, including procedures 49196

for the isolation of children with communicable diseases;	49197
(G) First aid and emergency procedures;	49198
(H) Procedures for discipline and supervision of children;	49199
(I) Standards for the provision of nutritious meals and snacks;	49200 49201
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	49202 49203 49204
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	49205 49206
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	49207 49208 49209 49210
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	49211 49212 49213
(N) Procedures for record keeping, organization, and administration;	49214 49215
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	49216 49217 49218
(P) Inspection procedures;	49219
(Q) Procedures and standards for setting initial license application fees;	49220 49221
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	49222 49223
(S) Procedures for enforcing section 5104.04 of the Revised Code;	49224 49225

(T) A standard requiring the inclusion of a current	49226
department of job and family services toll-free telephone number	49227
on each type A home license that any person may use to report a	49228
suspected violation by the type A home of this chapter or rules	49229
adopted pursuant to this chapter;	49230
(U) Requirements for the training of administrators and	49231
child-care staff members in first aid, in prevention, recognition,	49232
and management of communicable diseases, and in child abuse	49233
recognition and prevention;	49234
(V) Standards providing for the special needs of children who	49235
are handicapped or who require treatment for health conditions	49236
while the child is receiving child care or publicly funded child	49237
care in the type A home;	49238
(W) Standards for the maximum number of children per	49239
child-care staff member;	49240
(X) Requirements for the amount of usable indoor floor space	49241
for each child;	49242
(Y) Requirements for safe outdoor play space;	49243
(Z) Qualifications and training requirements for	49244
administrators and for child-care staff members;	49245
(AA) Procedures for granting a parent who is the residential	49246
parent and legal custodian, or a custodian or guardian access to	49247
the type A home during its hours of operation;	49248
(BB) Standards for the preparation and distribution of a	49249
roster of parents, custodians, and guardians;	49250
(CC) <u>Minimum requirements for instructional time for type A</u>	49251
<u>homes rated through the tiered quality rating and improvement</u>	49252
<u>system established pursuant to section 5104.30 of the Revised</u>	49253
<u>Code;</u>	49254
(DD) Any other procedures and standards necessary to carry	49255

out the provisions of this chapter regarding type A homes. 49256

**Sec. 5104.018.** The director of job and family services shall 49257  
adopt rules in accordance with Chapter 119. of the Revised Code 49258  
governing the licensure of type B family day-care homes. The rules 49259  
shall provide for safeguarding the health, safety, and welfare of 49260  
children receiving child care or publicly funded child care in a 49261  
licensed type B family day-care home and shall include all of the 49262  
following: 49263

(A) Requirements for the type B home to notify parents with 49264  
children in the type B home that the type B home is certified as a 49265  
foster home under section 5103.03 of the Revised Code; *i* 49266

(B) Standards for ensuring that the type B home and the 49267  
physical surroundings of the type B home are safe and sanitary, 49268  
including physical environment, physical plant, and equipment; 49269

(C) Standards for the supervision, care, and discipline of 49270  
children receiving child care or publicly funded child care in the 49271  
home; 49272

(D) Standards for a program of activities, and for play 49273  
equipment, materials, and supplies to enhance the development of 49274  
each child; however, any educational curricula, philosophies, and 49275  
methodologies that are developmentally appropriate and that 49276  
enhance the social, emotional, intellectual, and physical 49277  
development of each child shall be permissible; 49278

(E) Admission policies and procedures; 49279

(F) Health care, first aid and emergency procedures; 49280

(G) Procedures for the care of sick children; 49281

(H) Procedures for discipline and supervision of children; 49282

(I) Nutritional standards; 49283

(J) Procedures for screening children, including any 49284

necessary physical examinations and the immunizations required	49285
pursuant to section 5104.014 of the Revised Code;	49286
(K) Procedures for screening administrators and employees,	49287
including any necessary physical examinations and immunizations;	49288
(L) Methods of encouraging parental participation and	49289
ensuring that the rights of children, parents, and administrators	49290
are protected and the responsibilities of parents and	49291
administrators are met;	49292
(M) Standards for the safe transport of children when under	49293
the care of administrators;	49294
(N) Procedures for issuing, denying, or revoking licenses;	49295
(O) Procedures for the inspection of type B homes that	49296
require, at a minimum, that each type B home be inspected prior to	49297
licensure to ensure that the home is safe and sanitary;	49298
(P) Procedures for record keeping and evaluation;	49299
(Q) Procedures for receiving, recording, and responding to	49300
complaints;	49301
(R) Standards providing for the special needs of children who	49302
are handicapped or who receive treatment for health conditions	49303
while the child is receiving child care or publicly funded child	49304
care in the type B home;	49305
(S) Requirements for the amount of usable indoor floor space	49306
for each child;	49307
(T) Requirements for safe outdoor play space;	49308
(U) Qualification and training requirements for	49309
administrators;	49310
(V) Procedures for granting a parent who is the residential	49311
parent and legal custodian, or a custodian or guardian access to	49312
the type B home during its hours of operation;	49313

(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;

(X) Minimum requirements for instructional time for type B homes rated through the tiered quality rating and improvement system established pursuant to section 5104.30 of the Revised Code;

(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.

**Sec. 5104.03.** (A) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund.

(B)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age category of children of the center, type A home, or type B home and to determine whether the center, type A home, or type B home complies with this chapter and rules adopted pursuant to this

chapter. When, after investigation and inspection, the director is 49345  
satisfied that this chapter and rules adopted pursuant to it are 49346  
complied with, subject to division (H) of this section, a license 49347  
shall be issued as soon as practicable in such form and manner as 49348  
prescribed by the director. The license shall be designated as 49349  
provisional and shall be valid for twelve months from the date of 49350  
issuance unless revoked. 49351

(2) The director may contract with a government entity or a 49352  
private nonprofit entity for the entity to inspect type A or type 49353  
B family day-care homes pursuant to this section. If the director 49354  
contracts with a government entity or private nonprofit entity for 49355  
that purpose, the entity may contract with another government 49356  
entity or private nonprofit entity for the other entity to inspect 49357  
type A or type B homes pursuant to this section. The director, 49358  
government entity, or private nonprofit entity shall conduct an 49359  
inspection prior to the issuance of a license for a type A or type 49360  
B home and, as part of that inspection, ensure that the ~~type B~~ 49361  
home is safe and sanitary. 49362

(C)(1) On receipt of an application for licensure as a type B 49363  
family day-care home to provide publicly funded child care, the 49364  
director shall search the uniform statewide automated child 49365  
welfare information system for information concerning any abuse or 49366  
neglect report made pursuant to section 2151.421 of the Revised 49367  
Code of which the applicant, any other adult residing in the 49368  
applicant's home, or a person designated by the applicant to be an 49369  
emergency or substitute caregiver for the applicant is the 49370  
subject. 49371

(2) The director shall consider any information discovered 49372  
pursuant to division (C)(1) of this section or that is provided by 49373  
a public children services agency pursuant to section 5153.175 of 49374  
the Revised Code. If the director determines that the information, 49375  
when viewed within the totality of the circumstances, reasonably 49376

leads to the conclusion that the applicant may directly or 49377  
indirectly endanger the health, safety, or welfare of children, 49378  
the director shall deny the application for licensure or revoke 49379  
the license of a type B family day-care home. 49380

(D) The director shall investigate and inspect the center, 49381  
type A home, or type B home at least once during operation under a 49382  
license designated as provisional. If after the investigation and 49383  
inspection the director determines that the requirements of this 49384  
chapter and rules adopted pursuant to this chapter are met, 49385  
subject to division (H) of this section, the director shall issue 49386  
a new license to the center or home. 49387

(E) Each license shall state the name of the licensee, the 49388  
name of the administrator, the address of the center, type A home, 49389  
or licensed type B home, and the license capacity for each age 49390  
category of children. The license shall include thereon, in 49391  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 49392  
Revised Code, the toll-free telephone number to be used by persons 49393  
suspecting that the center, type A home, or licensed type B home 49394  
has violated a provision of this chapter or rules adopted pursuant 49395  
to this chapter. A license is valid only for the licensee, 49396  
administrator, address, and license capacity for each age category 49397  
of children designated on the license. The license capacity 49398  
specified on the license is the maximum number of children in each 49399  
age category that may be cared for in the center, type A home, or 49400  
licensed type B home at one time. 49401

The center or type A home licensee shall notify the director 49402  
when the administrator of the center or home changes. The director 49403  
shall amend the current license to reflect a change in an 49404  
administrator, if the administrator meets the requirements of this 49405  
chapter and rules adopted pursuant to this chapter, or a change in 49406  
license capacity for any age category of children as determined by 49407  
the director of job and family services. 49408

(F) If the director revokes the license of a center, a type A home, or a type B home, the director shall not issue another license to the owner of the center, type A home, or type B home until five years have elapsed from the date the license is revoked.

If the director denies an application for a license, the director shall not ~~accept~~ consider another application from the applicant until five years have elapsed from the date the application is denied.

(G) If during the application for licensure process the director determines that the license of the owner has been revoked, the investigation of the center, type A home, or type B home shall cease. This action does not constitute denial of the application and may not be appealed under division (H) of this section.

(H) ~~All~~ (1) Except as provided in division (H)(2) of this section, all actions of the director with respect to licensing centers, type A homes, or type B homes, refusal to license, and revocation of a license shall be in accordance with Chapter 119. of the Revised Code. ~~Any~~ Except as provided in division (H)(2) of this section, any applicant who is denied a license or any owner whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(2) The following actions by the director are not subject to Chapter 119. of the Revised Code:

(a) The director does not issue a license to the owner of a center, type A home, or type B home because the owner sought a license before five years had elapsed from the date the previous license was revoked.

(b) The director does not issue a license because the applicant applied for licensure before five years had elapsed from

the date the previous application was denied. 49440

(I) In no case shall the director issue a license under this 49441  
section for a center, type A home, or type B home if the director, 49442  
based on documentation provided by the appropriate county 49443  
department of job and family services, determines that the 49444  
applicant had been certified as a type B family day-care home when 49445  
such certifications were issued by county departments prior to 49446  
January 1, 2014, that the county department revoked that 49447  
certification within the immediately preceding five years, that 49448  
the revocation was based on the applicant's refusal or inability 49449  
to comply with the criteria for certification, and that the 49450  
refusal or inability resulted in a risk to the health or safety of 49451  
children. 49452

(J)(1) Except as provided in division (J)(2) of this section, 49453  
an administrator of a type B family day-care home that receives a 49454  
license pursuant to this section to provide publicly funded child 49455  
care is an independent contractor and is not an employee of the 49456  
department of job and family services. 49457

(2) For purposes of Chapter 4141. of the Revised Code, 49458  
determinations concerning the employment of an administrator of a 49459  
type B family day-care home that receives a license pursuant to 49460  
this section shall be determined under Chapter 4141. of the 49461  
Revised Code. 49462

**Sec. 5104.036.** (A) All child-care staff members of a child 49463  
day-care center shall be at least eighteen years of age, shall 49464  
comply with the training requirements set forth in rules adopted 49465  
pursuant to section 5104.015 of the Revised Code, and shall 49466  
furnish the director of job and family services or the director's 49467  
designee evidence of at least high school graduation or 49468  
certification of high school equivalency by the state board of 49469  
education or the appropriate agency of another state or evidence 49470

of completion of a training program approved by the department of 49471  
job and family services or state board of education, except as 49472  
follows: 49473

(B) A child-care staff member may be less than eighteen years 49474  
of age if the staff member is either of the following: 49475

(1) A graduate of a two-year vocational child-care training 49476  
program approved by the state board of education; 49477

(2) A student enrolled in the second year of a vocational 49478  
child-care training program approved by the state board of 49479  
education which leads to high school graduation, provided that the 49480  
student performs the student's duties in the child day-care center 49481  
under the continuous supervision of an experienced child-care 49482  
staff member, receives periodic supervision from the vocational 49483  
child-care training program teacher-coordinator in the student's 49484  
high school, and meets all other requirements of this chapter and 49485  
rules adopted pursuant to this chapter. 49486

(C) A child-care staff member shall be exempt from the 49487  
educational requirements of division (A) of this section if the 49488  
staff member: 49489

(1) Prior to January 1, 1972, was employed or designated by a 49490  
child day-care center and has been continuously employed since 49491  
either by the same child day-care center employer or at the same 49492  
child day-care center; 49493

(2) Is a student enrolled in the second year of a vocational 49494  
child-care training program approved by the state board of 49495  
education which leads to high school graduation, provided that the 49496  
student performs the student's duties in the child day-care center 49497  
under the continuous supervision of an experienced child-care 49498  
staff member, receives periodic supervision from the vocational 49499  
child-care training program teacher-coordinator in the student's 49500

high school, and meets all other requirements of this chapter and 49501  
rules adopted pursuant to this chapter; 49502

(3) Is receiving or has completed the final year of 49503  
instruction at home as authorized under section 3321.04 of the 49504  
Revised Code or has graduated from a nonchartered, nonpublic 49505  
school in Ohio. 49506

**Sec. 5104.04.** (A) The department of job and family services 49507  
shall establish procedures to be followed in investigating, 49508  
inspecting, and licensing child day-care centers, type A family 49509  
day-care homes, and licensed type B family day-care homes. 49510

(B)(1)(a) The department shall, at least once during every 49511  
twelve-month period of operation of a center, type A home, or 49512  
licensed type B home, inspect the center, type A home, or licensed 49513  
type B home. The department shall inspect a part-time center or 49514  
part-time type A home at least once during every twelve-month 49515  
period of operation. The department shall provide a written 49516  
inspection report to the licensee within a reasonable time after 49517  
each inspection. The licensee shall display its most recent 49518  
inspection report in a conspicuous place in the center, type A 49519  
home, or licensed type B home. 49520

Inspections may be unannounced. No person, firm, 49521  
organization, institution, or agency shall interfere with the 49522  
inspection of a center, type A home, or licensed type B home by 49523  
any state or local official engaged in performing duties required 49524  
of the state or local official by this chapter or rules adopted 49525  
pursuant to this chapter, including inspecting the center, type A 49526  
home, or licensed type B home, reviewing records, or interviewing 49527  
licensees, employees, children, or parents. 49528

(b) Upon receipt of any complaint that a center, type A home 49529  
or licensed type B home is out of compliance with the requirements 49530  
of this chapter or rules adopted pursuant to this chapter, the 49531

department shall investigate the center or home, and both of the 49532  
following apply: 49533

(i) If the complaint alleges that a child suffered physical 49534  
harm while receiving child care at the center or home or that the 49535  
noncompliance alleged in the complaint involved, resulted in, or 49536  
poses a substantial risk of physical harm to a child receiving 49537  
child care at the center or home, the department shall inspect the 49538  
center or home. 49539

(ii) If division (B)(1)(b)(i) of this section does not apply 49540  
regarding the complaint, the department may inspect the center or 49541  
home. 49542

(c) Division (B)(1)(b) of this section does not limit, 49543  
restrict, or negate any duty of the department to inspect a 49544  
center, type A home, or licensed type B home that otherwise is 49545  
imposed under this section, or any authority of the department to 49546  
inspect a center, type A home, or licensed type B home that 49547  
otherwise is granted under this section when the department 49548  
believes the inspection is necessary and it is permitted under the 49549  
grant. 49550

(2) If the department implements an instrument-based program 49551  
monitoring information system, it may use an indicator checklist 49552  
to comply with division (B)(1) of this section. 49553

(3) The department shall contract with a third party by the 49554  
first day of October in each even-numbered year to collect 49555  
information concerning the amounts charged by the center or home 49556  
for providing child care services for use in establishing 49557  
reimbursement ceilings and payment pursuant to section 5104.30 of 49558  
the Revised Code. The third party shall compile the information 49559  
and report the results of the survey to the department not later 49560  
than the first day of December in each even-numbered year. 49561

(C) The department may deny an application or revoke a 49562

license of a center, type A home, or licensed type B home, if the 49563  
applicant knowingly makes a false statement on the application, 49564  
the center or home does not comply with the requirements of this 49565  
chapter or rules adopted pursuant to this chapter, or the 49566  
applicant or owner has pleaded guilty to or been convicted of an 49567  
offense described in division (A)(5) of section ~~5104.09~~ 109.572 of 49568  
the Revised Code. 49569

(D) If the department finds, after notice and hearing 49570  
pursuant to Chapter 119. of the Revised Code, that any applicant, 49571  
person, firm, organization, institution, or agency applying for 49572  
licensure or licensed under section 5104.03 of the Revised Code is 49573  
in violation of any provision of this chapter or rules adopted 49574  
pursuant to this chapter, the department may issue an order of 49575  
denial to the applicant or an order of revocation to the center, 49576  
type A home, or licensed type B home revoking the license 49577  
previously issued by the department. Upon the issuance of such an 49578  
order, the person whose application is denied or whose license is 49579  
revoked may appeal in accordance with section 119.12 of the 49580  
Revised Code. 49581

(E) The surrender of a center, type A home, or licensed type 49582  
B home license to the department or the withdrawal of an 49583  
application for licensure by the owner or administrator of the 49584  
center, type A home, or licensed type B home shall not prohibit 49585  
the department from instituting any of the actions set forth in 49586  
this section. 49587

(F) Whenever the department receives a complaint, is advised, 49588  
or otherwise has any reason to believe that a center or type A 49589  
home is providing child care without a license issued pursuant to 49590  
section 5104.03 and is not exempt from licensing pursuant to 49591  
section 5104.02 of the Revised Code, the department shall 49592  
investigate the center or type A home and may inspect the areas 49593  
children have access to or areas necessary for the care of 49594

children in the center or type A home during suspected hours of 49595  
operation to determine whether the center or type A home is 49596  
subject to the requirements of this chapter or rules adopted 49597  
pursuant to this chapter. 49598

(G) The department, upon determining that the center or type 49599  
A home is operating without a license, shall notify the attorney 49600  
general, the prosecuting attorney of the county in which the 49601  
center or type A home is located, or the city attorney, village 49602  
solicitor, or other chief legal officer of the municipal 49603  
corporation in which the center or type A home is located, that 49604  
the center or type A home is operating without a license. Upon 49605  
receipt of the notification, the attorney general, prosecuting 49606  
attorney, city attorney, village solicitor, or other chief legal 49607  
officer of a municipal corporation shall file a complaint in the 49608  
court of common pleas of the county in which the center or type A 49609  
home is located requesting that the court grant an order enjoining 49610  
the owner from operating the center or type A home in violation of 49611  
section 5104.02 of the Revised Code. The court shall grant such 49612  
injunctive relief upon a showing that the respondent named in the 49613  
complaint is operating a center or type A home and is doing so 49614  
without a license. 49615

(H) The department shall prepare an annual report on 49616  
inspections conducted under this section. The report shall include 49617  
the number of inspections conducted, the number and types of 49618  
violations found, and the steps taken to address the violations. 49619  
The department shall file the report with the governor, the 49620  
president and minority leader of the senate, and the speaker and 49621  
minority leader of the house of representatives on or before the 49622  
first day of January of each year, beginning in 1999. 49623

**Sec. 5104.042.** (A) The department of job and family services 49624  
may suspend, without a prior hearing, the license of a child 49625

day-care center, type A family day-care home, or licensed type B 49626  
family day-care home if any of the following occur: 49627

(1) A child dies or suffers a serious injury while receiving 49628  
child care in the center, type A home, or licensed type B home. 49629

(2) A public children services agency receives a report 49630  
pursuant to section 2151.421 of the Revised Code, and the person 49631  
alleged to have inflicted abuse or neglect on the child who is the 49632  
subject of the report is any of the following: 49633

(a) The owner, licensee, or administrator of the center, type 49634  
A home, or licensed type B home; 49635

(b) An employee of the center, type A home, or licensed type 49636  
B home; 49637

(c) Any person who resides in the type A home or licensed 49638  
type B home. 49639

(3) An owner, licensee, administrator, or employee of the 49640  
center, type A home, or licensed type B home, or a resident of the 49641  
type A home or licensed type B home is charged by an indictment, 49642  
information, or complaint with an offense relating to the abuse or 49643  
neglect of a child. 49644

(4) The department or a county department of job and family 49645  
services determines that the center, type A home, or licensed type 49646  
B home created a serious risk to the health or safety of a child 49647  
receiving child care in the center, type A home, or licensed type 49648  
B home that resulted in or could have resulted in a child's death 49649  
or injury. 49650

(5) The owner, licensee, or administrator of the center, type 49651  
A home, or licensed type B home is charged by indictment, 49652  
information, or complaint with fraud. 49653

(B) The department shall issue a written order of suspension 49654  
and furnish a copy to the licensee. The licensee may appeal the 49655

suspension in accordance with section 119.12 of the Revised Code. 49656

(C) Except as provided in division (D) of this section, any 49657  
summary suspension imposed under this section shall remain in 49658  
effect, unless reversed on appeal, until any of the following 49659  
occurs: 49660

(1) The public children services agency completes its 49661  
investigation of the report pursuant to section 2151.421 of the 49662  
Revised Code. 49663

(2) All criminal charges are disposed of through dismissal, a 49664  
finding of not guilty, conviction, or a plea of guilty. 49665

(3) A final order is issued by the department pursuant to 49666  
Chapter 119. of the Revised Code becomes effective. 49667

(D) If the department initiates the revocation of a license 49668  
that has been suspended pursuant to this section, the suspension 49669  
shall continue until the revocation process is completed. 49670

(E) The center, type A home, or licensed type B home shall 49671  
not provide child care while the summary suspension remains in 49672  
effect. Upon issuance of the order of suspension, the licensee 49673  
shall inform the caretaker parent of each child receiving child 49674  
care in the center, type A home, or licensed type B home of the 49675  
suspension. 49676

(F) The director of job and family services may adopt rules 49677  
in accordance with Chapter 119. of the Revised Code establishing 49678  
standards and procedures for the summary suspension of licenses. 49679

**Sec. 5104.09.** ~~(A)(1) Except as provided in rules adopted~~ 49680  
~~pursuant to division (D) of this section, no individual who has~~ 49681  
~~been convicted of or pleaded guilty to a violation described in~~ 49682  
~~division (A)(5) of section 109.572 of the Revised Code, a~~ 49683  
~~violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05,~~ 49684  
~~2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35~~ 49685

~~of the Revised Code or a violation of an existing or former law or ordinance of any municipal corporation, this state, any other state, or the United States that is substantially equivalent to any of those violations, or two violations of section 4511.19 of the Revised Code during operation of the center or home shall be certified as an in-home aide or be employed in any capacity in or own or operate a child day care center, type A family day care home, type B family day care home, or licensed type B family day care home.~~

~~(2) Each employee of a child day care center and type A home and every person eighteen years of age or older residing in a type A home or licensed type B home shall sign a statement on forms prescribed by the director of job and family services attesting to the fact that the employee or resident person has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the employee's or resident person's home pursuant to section 2151.353 of the Revised Code. Each licensee of a type A family day care home or type B family day care home shall sign a statement on a form prescribed by the director attesting to the fact that no person who resides at the type A home or licensed type B home and who is under the age of eighteen has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(1) of this section. The statements shall be kept on file at the center, type A home, or licensed type B home.~~

~~(3) Each in-home aide shall sign a statement on forms prescribed by the director of job and family services attesting that the aide has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the aide's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file~~

~~at the county department of job and family services.~~ 49718

~~(4) Each administrator and licensee of a center, type A home, 49719  
or licensed type B home shall sign a statement on a form 49720  
prescribed by the director of job and family services attesting 49721  
that the administrator or licensee has not been convicted of or 49722  
pleaded guilty to any offense set forth in division (A)(1) of this 49723  
section and that no child has been removed from the 49724  
administrator's or licensee's home pursuant to section 2151.353 of 49725  
the Revised Code. The statement shall be kept on file at the 49726  
center, type A home, or licensed type B home.~~ 49727

~~(B) No in home aide, no administrator, licensee, or employee 49728  
of a center, type A home, or licensed type B home, and no person 49729  
eighteen years of age or older residing in a type A home or 49730  
licensed type B home shall withhold information from, or falsify 49731  
information on, any statement required pursuant to division 49732  
(A)(2), (3), or (4) of this section.~~ 49733

~~(C) No administrator, licensee, or child-care staff member 49734  
shall discriminate in the enrollment of children in a child 49735  
day-care center upon the basis of race, color, religion, sex, or 49736  
national origin.~~ 49737

~~(D) The director of job and family services shall adopt rules 49738  
in accordance with Chapter 119. of the Revised Code to implement 49739  
this section, including rules specifying exceptions to the 49740  
prohibition in division (A) of this section for persons who have 49741  
been convicted of an offense listed in that division but meet 49742  
rehabilitation standards set by the director.~~ 49743

**Sec. 5104.30.** (A) The department of job and family services 49744  
is hereby designated as the state agency responsible for 49745  
administration and coordination of federal and state funding for 49746  
publicly funded child care in this state. Publicly funded child 49747  
care shall be provided to the following: 49748

(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code; 49749  
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(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code; 49751  
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(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code; 49753  
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(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line; 49758  
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(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code. 49761  
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The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care. 49764  
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(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may 49775  
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use any state funds appropriated for publicly funded child care as 49780  
the state share required to match any federal funds appropriated 49781  
for publicly funded child care. 49782

(C) In the use of federal funds available under the child 49783  
care block grant act, all of the following apply: 49784

(1) The department may use the federal funds to hire staff to 49785  
prepare any rules required under this chapter and to administer 49786  
and coordinate federal and state funding for publicly funded child 49787  
care. 49788

(2) Not more than five per cent of the aggregate amount of 49789  
the federal funds received for a fiscal year may be expended for 49790  
administrative costs. 49791

(3) The department shall allocate and use at least four per 49792  
cent of the federal funds for the following: 49793

(a) Activities designed to provide comprehensive consumer 49794  
education to parents and the public; 49795

(b) Activities that increase parental choice; 49796

(c) Activities, including child care resource and referral 49797  
services, designed to improve the quality, and increase the 49798  
supply, of child care; 49799

(d) Establishing a tiered quality rating and improvement 49800  
system in which participation in the program may allow child 49801  
day-care providers to be eligible for grants, technical 49802  
assistance, training, or other assistance and become eligible for 49803  
unrestricted monetary awards for maintaining a quality rating. 49804

(4) The department shall ensure that the federal funds will 49805  
be used only to supplement, and will not be used to supplant, 49806  
federal, state, and local funds available on the effective date of 49807  
the child care block grant act for publicly funded child care and 49808  
related programs. If authorized by rules adopted by the department 49809

pursuant to section 5104.42 of the Revised Code, county 49810  
departments of job and family services may purchase child care 49811  
from funds obtained through any other means. 49812

(D) The department shall encourage the development of 49813  
suitable child care throughout the state, especially in areas with 49814  
high concentrations of recipients of public assistance and 49815  
families with low incomes. The department shall encourage the 49816  
development of suitable child care designed to accommodate the 49817  
special needs of migrant workers. On request, the department, 49818  
through its employees or contracts with state or community child 49819  
care resource and referral service organizations, shall provide 49820  
consultation to groups and individuals interested in developing 49821  
child care. The department of job and family services may enter 49822  
into interagency agreements with the department of education, the 49823  
~~board of regents~~ director of higher education, the department of 49824  
development, and other state agencies and entities whenever the 49825  
cooperative efforts of the other state agencies and entities are 49826  
necessary for the department of job and family services to fulfill 49827  
its duties and responsibilities under this chapter. 49828

The department shall develop and maintain a registry of 49829  
persons providing child care. The director shall adopt rules in 49830  
accordance with Chapter 119. of the Revised Code establishing 49831  
procedures and requirements for the registry's administration. 49832

(E)(1) The director shall adopt rules in accordance with 49833  
Chapter 119. of the Revised Code establishing both of the 49834  
following: 49835

(a) Reimbursement ceilings for providers of publicly funded 49836  
child care not later than the first day of July in each 49837  
odd-numbered year; 49838

(b) A procedure for reimbursing and paying providers of 49839  
publicly funded child care. 49840

(2) In establishing reimbursement ceilings under division	49841
(E)(1)(a) of this section, the director shall do all of the	49842
following:	49843
(a) Use the information obtained under division (B)(3) of	49844
section 5104.04 of the Revised Code;	49845
(b) Establish an enhanced reimbursement ceiling for providers	49846
who provide child care for caretaker parents who work	49847
nontraditional hours;	49848
(c) For an in-home aide, establish a <u>an hourly</u> reimbursement	49849
ceiling <del>that is seventy five per cent of the reimbursement ceiling</del>	49850
<del>that applies to a licensed type B family day care home;</del>	49851
(d) With regard to the tiered quality rating and improvement	49852
system established pursuant to division (C)(3)(d) of this section,	49853
do both of the following:	49854
(i) Establish enhanced reimbursement ceilings for child	49855
day-care providers that participate in the system and maintain	49856
quality ratings under the system;	49857
(ii) In the case of child day-care providers that have been	49858
given access to the system by the department, weigh any reduction	49859
in reimbursement ceilings more heavily against those providers	49860
that do not participate in the system or do not maintain quality	49861
ratings under the system.	49862
(3) In establishing reimbursement ceilings under division	49863
(E)(1)(a) of this section, the director may establish different	49864
reimbursement ceilings based on any of the following:	49865
(a) Geographic location of the provider;	49866
(b) Type of care provided;	49867
(c) Age of the child served;	49868
(d) Special needs of the child served;	49869

(e) Whether the expanded hours of service are provided;	49870
(f) Whether weekend service is provided;	49871
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	49872 49873
(h) Any other factors the director considers appropriate.	49874
(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the tiered quality rating and improvement system described in division (C)(3)(d) of this section.	49875 49876 49877 49878
<b>Sec. 5104.37.</b> (A) As used in this section, "eligible provider" means an individual or entity eligible to provide publicly funded child care pursuant to section 5104.31 of the Revised Code.	49879 49880 49881 49882
(B) The department of job and family services may withhold any money due under this chapter and recover through any appropriate method any money erroneously paid under this chapter if evidence exists of less than full compliance with this chapter and any rules adopted under it.	49883 49884 49885 49886 49887
(C) Notwithstanding any other provision of this chapter to the contrary, the department shall take action against an eligible provider as described in this section.	49888 49889 49890
(D) Subject to the notice and appeal provisions of divisions (G) and (H) of this section, the department may suspend a contract entered into under section 5104.32 of the Revised Code with an eligible provider if the department has initiated an investigation of the provider for either of the following reasons:	49891 49892 49893 49894 49895
(1) The department has evidence that the eligible provider received an improper child care payment as a result of the provider's intentional act.	49896 49897 49898

(2) The department receives notice and a copy of an indictment, information, or complaint charging the eligible provider or the owner or operator of the provider with committing any of the following:

(a) An act that is a felony or misdemeanor relating to providing or billing for publicly funded child care or providing management or administrative services relating to providing publicly funded child care;

(b) An act that would constitute an offense described in division (A)(5) of section ~~5104.09~~ 109.572 of the Revised Code.

(E)(1) Except as provided in division (E)(2) of this section, the suspension of a contract under division (D) of this section shall continue until the department completes its investigation or all criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty.

(2) If the department initiates the termination of a contract that has been suspended pursuant to division (D) of this section, the suspension shall continue until the termination process is completed.

(F) An eligible provider shall not provide publicly funded child care while the provider's contract is under suspension pursuant to division (D) of this section. As of the date the eligible provider's contract is suspended, the department shall withhold payment to the eligible provider for publicly funded child care.

(G) Before suspending an eligible provider's contract pursuant to division (D) of this section, the department shall notify the eligible provider. The notice shall include all of the following:

(1) A description, which need not disclose specific information concerning any ongoing administrative or criminal

investigation, of the reason that the department initiated its 49930  
investigation of the provider; 49931

(2) A statement that the eligible provider will be prohibited 49932  
from providing publicly funded child care while the contract is 49933  
under suspension; 49934

(3) A statement that the suspension will continue until the 49935  
department completes its investigation or all criminal charges are 49936  
disposed of through dismissal, a finding of not guilty, 49937  
conviction, or a plea of guilty, and that if the department 49938  
initiates the termination of the contract, the suspension will 49939  
continue until the termination process is completed. 49940

(H) An eligible provider may file an appeal with the 49941  
department regarding any proposal by the department to suspend the 49942  
provider's contract pursuant to division (D) of this section. The 49943  
appeal must be received by the department not later than fifteen 49944  
days after the date the provider receives the notification 49945  
described in division (G) of this section. The department shall 49946  
review the evidence and issue a decision not later than thirty 49947  
days after receiving the appeal. The department shall not suspend 49948  
a contract pursuant to division (D) of this section until the time 49949  
for filing the appeal has passed or, if the provider files a 49950  
timely appeal, the department has issued a decision on the appeal. 49951

**Sec. 5104.38.** In addition to any other rules adopted under 49952  
this chapter, the director of job and family services shall adopt 49953  
rules in accordance with Chapter 119. of the Revised Code 49954  
governing financial and administrative requirements for publicly 49955  
funded child care and establishing all of the following: 49956

(A) Procedures and criteria to be used in making 49957  
determinations of eligibility for publicly funded child care that 49958  
give priority to children of families with lower incomes and 49959  
procedures and criteria for eligibility for publicly funded 49960

protective child care. The rules shall specify the maximum amount 49961  
of income a family may have for initial and continued eligibility. 49962  
The maximum amount shall not exceed ~~two~~ three hundred per cent of 49963  
the federal poverty line. The rules may specify exceptions to the 49964  
eligibility requirements in the case of a family that previously 49965  
received publicly funded child care and is seeking to have the 49966  
child care reinstated after the family's eligibility was 49967  
terminated. 49968

(B) Procedures under which an applicant for publicly funded 49969  
child care may receive publicly funded child care while the county 49970  
department of job and family services determines eligibility and 49971  
under which a licensed child care program may appeal a denial of 49972  
payment under division (A)(2)(b) of section 5104.34 of the Revised 49973  
Code; 49974

(C) A schedule of fees requiring all eligible caretaker 49975  
parents to pay a fee for publicly funded child care according to 49976  
income and family size, which shall be uniform for all types of 49977  
publicly funded child care, except as authorized by rule, and, to 49978  
the extent permitted by federal law, shall permit the use of state 49979  
and federal funds to pay the customary deposits and other advance 49980  
payments that a provider charges all children who receive child 49981  
care from that provider. ~~The schedule of fees may not provide for~~ 49982  
~~a caretaker parent to pay a fee that exceeds ten per cent of the~~ 49983  
~~parent's family income.~~ 49984

(D) A formula for determining the amount of state and federal 49985  
funds appropriated for publicly funded child care that may be 49986  
allocated to a county department to use for administrative 49987  
purposes; 49988

(E) Procedures to be followed by the department and county 49989  
departments in recruiting individuals and groups to become 49990  
providers of child care; 49991

(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;	49992 49993 49994 49995 49996
(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	49997 49998
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	49999 50000
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	50001 50002
(J) A definition of "person who stands in loco parentis" for the purposes of division (JJ)(1) of section 5104.01 of the Revised Code;	50003 50004 50005
(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;	50006 50007 50008 50009 50010
(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;	50011 50012 50013 50014 50015
(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the	50016 50017 50018 50019 50020 50021 50022

thirty-day period; 50023

(N) Any other rules necessary to carry out sections 5104.30 50024  
to 5104.43 of the Revised Code. 50025

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 50026  
Revised Code shall be punished as follows: 50027

(1) For each offense, the offender shall be fined not less 50028  
than one hundred dollars nor more than five hundred dollars 50029  
multiplied by the number of children receiving child care at the 50030  
child day-care center or type A family day-care home that either 50031  
exceeds the number of children to which a type B family day-care 50032  
home may provide child care or, if the offender is a licensed type 50033  
A family day-care home that is operating as a child day-care 50034  
center without being licensed as a center, exceeds the license 50035  
capacity of the type A home. 50036

(2) In addition to the fine specified in division (A)(1) of 50037  
this section, all of the following apply: 50038

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 50039  
of this section, the court shall order the offender to reduce the 50040  
number of children to which it provides child care to a number 50041  
that does not exceed either the number of children to which a type 50042  
B family day-care home may provide child care or, if the offender 50043  
is a licensed type A family day-care home that is operating as a 50044  
child day-care center without being licensed as a center, the 50045  
license capacity of the type A home. 50046

(b) If the offender previously has been convicted of or 50047  
pleaded guilty to one violation of section 5104.02 of the Revised 50048  
Code, the court shall order the offender to cease the provision of 50049  
child care to any person until it obtains a child day-care center 50050  
license or a type A family day-care home license, as appropriate, 50051  
under section 5104.03 of the Revised Code. 50052

(c) If the offender previously has been convicted of or 50053  
pleaded guilty to two violations of section 5104.02 of the Revised 50054  
Code, the offender is guilty of a misdemeanor of the first degree, 50055  
and the court shall order the offender to cease the provision of 50056  
child care to any person until it obtains a child day-care center 50057  
license or a type A family day-care home license, as appropriate, 50058  
under section 5104.03 of the Revised Code. The court shall impose 50059  
the fine specified in division (A)(1) of this section and may 50060  
impose an additional fine provided that the total amount of the 50061  
fines so imposed does not exceed the maximum fine authorized for a 50062  
misdemeanor of the first degree under section 2929.28 of the 50063  
Revised Code. 50064

(d) If the offender previously has been convicted of or 50065  
pleaded guilty to three or more violations of section 5104.02 of 50066  
the Revised Code, the offender is guilty of a felony of the fifth 50067  
degree, and the court shall order the offender to cease the 50068  
provision of child care to any person until it obtains a child 50069  
day-care center license or a type A family day-care home license, 50070  
as appropriate, under section 5104.03 of the Revised Code. The 50071  
court shall impose the fine specified in division (A)(1) of this 50072  
section and may impose an additional fine provided that the total 50073  
amount of the fines so imposed does not exceed the maximum fine 50074  
authorized for a felony of the fifth degree under section 2929.18 50075  
of the Revised Code. 50076

(B) Whoever violates division ~~(B)~~(M)(4) of section ~~5104.09~~ 50077  
5104.013 of the Revised Code is guilty of a misdemeanor of the 50078  
first degree. If the offender is a licensee of a center ~~or~~, type A 50079  
home, or licensed type B home, the conviction shall constitute 50080  
grounds for denial or revocation of an application for licensure 50081  
pursuant to section 5104.04 of the Revised Code. Except as 50082  
otherwise provided in this division, the offense established under 50083  
division (M)(4) of section 5104.013 of the Revised Code is a 50084

strict liability offense, and section 2901.20 of the Revised Code 50085  
does not apply. If the offender is a person eighteen years of age 50086  
or older residing in a ~~center or~~ type A home or licensed type B 50087  
home or is an employee of a center ~~or a~~, type A home, or licensed 50088  
type B home and if the licensee had knowledge of, and acquiesced 50089  
in, the commission of the offense, the conviction shall constitute 50090  
grounds for denial or revocation of an application for licensure 50091  
pursuant to section 5104.04 of the Revised Code. 50092

(C) Whoever violates ~~division (C) of~~ section 5104.09 of the 50093  
Revised Code is guilty of a misdemeanor of the third degree. 50094

**Sec. 5107.64.** County departments of job and family services 50095  
shall establish and administer alternative work activities for 50096  
minor heads of households and adults participating in Ohio works 50097  
first. In establishing alternative work activities, county 50098  
departments are not limited by the restrictions Title IV-A imposes 50099  
on work activities. The following are examples of alternative work 50100  
activities that a county department may establish: 50101

(A) Parenting classes and life-skills training; 50102

(B) Participation in addiction services or recovery supports 50103  
provided by a community addiction services provider certified by 50104  
~~the department of mental health and addiction services under~~ 50105  
section 5119.36, as defined in section 5119.01 of the Revised 50106  
Code; 50107

(C) In the case of a homeless assistance group, finding a 50108  
home; 50109

(D) In the case of a minor head of household or adult with a 50110  
disability, active work in an individual written rehabilitation 50111  
plan with the opportunities for Ohioans with disabilities agency; 50112

(E) In the case of a minor head of household or adult who has 50113  
been the victim of domestic violence, residing in a domestic 50114

violence shelter, receiving counseling or treatment related to the 50115  
domestic violence, or participating in criminal justice activities 50116  
against the domestic violence offender; 50117

(F) An education program under which a participant who does 50118  
not speak English attends English as a second language course. 50119

**Sec. 5108.01.** As used in this chapter: 50120

(A) "Additional benefits and services" means the benefits and 50121  
services that a county department of job and family services may 50122  
include in its county prevention, retention, and contingency 50123  
program plan. "Additional benefits and services" are in addition 50124  
to required benefits and services. 50125

(B) "County family services planning committee" means the 50126  
county family services planning committee established under 50127  
section 329.06 of the Revised Code or the board created by 50128  
consolidation under division (C) of section 6301.06 of the Revised 50129  
Code. 50130

~~(B)~~(C) "County prevention, retention, and contingency program 50131  
plan" and "county plan" mean the plan each county department of 50132  
job and family services must adopt under section 5108.04 of the 50133  
Revised Code. 50134

(D) "Ohio works first" has the same meaning as in section 50135  
5107.02 of the Revised Code. 50136

(E) "Prevention, retention, and contingency program" means 50137  
the program established by this chapter and funded in part with 50138  
federal funds provided under Title IV-A. 50139

~~(C)~~(F) "Required benefits and services" means the benefits 50140  
and services specified in rules adopted under section 5108.03 of 50141  
the Revised Code that a county department of job and family 50142  
services must include in its county prevention, retention, and 50143  
contingency program plan. 50144

(G) "Title IV-A" means Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 50145  
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Sec. 5108.021. All of the following apply to all benefits and services provided under the prevention, retention, and contingency program, regardless of whether they are required benefits and services or additional benefits and services: 50147  
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(A) The benefits and services must be allowable uses of federal Title IV-A funds under sections 401 and 404(a) of the "Social Security Act," 42 U.S.C. 601 and 604(a). 50151  
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(B) The benefits and services must not be "assistance" as defined in 45 C.F.R. 260.31(a) and, except as provided in division (C) of this section, must be benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of "assistance." 50154  
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(C) The benefits and services must not include work subsidies specified in 45 C.F.R. 260.31(b)(2). 50158  
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(D) The benefits and services must have the following primary purposes: 50160  
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(1) Diverting families from participating in Ohio works first; 50162  
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(2) Meeting an emergent need that, if not met, would threaten the safety, health, or well-being of one or more members of a family. 50164  
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Sec. 5108.03. (A) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this chapter. The rules shall specify and establish all of the following: 50167  
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(1) The required benefits and services that each county department of job and family services must include in its county prevention, retention, and contingency program plan; 50171  
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(2) Income and other eligibility requirements for required benefits and services and maximum eligibility requirements for additional benefits and services; 50174  
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(3) The maximum amount of required benefits and services and additional benefits and services an eligible individual may receive in a year; 50177  
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(4) Other requirements for county prevention, retention, and contingency program plans, including requirements for adopting, updating, amending, and suspending county plans. 50180  
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(B) All of the following shall be specified as required benefits and services in the rules adopted under division (A)(1) of this section: 50183  
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(1) Short-term supportive services; 50186

(2) Disaster assistance; 50187

(3) Any other benefits and services the director specifies. 50188

**Sec. 5108.04.** Each county department of job and family services shall adopt a written ~~statement of policies governing the~~ county prevention, retention, and contingency program plan for the county. The ~~statement of policies~~ initial county plan shall be adopted not later than ~~October 1~~ November 15, 2003, and 2015. The county plan shall be updated not later than October 1, 2017, and at least every two years thereafter. A county department may amend ~~and suspend~~ its ~~statement of policies to modify, terminate, and~~ establish new policies county plan. A county department also may ~~amend its statement of policies to suspend operation of its~~ prevent, retention, and contingency program temporarily. The county director of job and family services shall sign and date the ~~statement of policies~~ county plan and any amendment to it. Neither the ~~statement of policies~~ county plan nor any amendment to it may have an effective date that is earlier than the date of the county 50189  
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director's signature. 50204

Each county department ~~of job and family services~~ shall 50205  
provide the department of job and family services a written copy 50206  
of the ~~statement of policies~~ county department's initial and 50207  
updated county plans, and any amendments it adopts to ~~the~~ 50208  
statement a county plan, not later than ten calendar days after 50209  
the ~~statement~~ county plan's or amendment's effective date. 50210

Each county department shall comply with rules adopted under 50211  
section 5108.03 of the Revised Code when adopting, updating, 50212  
amending, or suspending a county plan under this section. 50213

**Sec. 5108.05 5108.041.** ~~In adopting a statement of policies~~ 50214  
~~under section 5108.04 of the Revised Code for the county's (A)~~ 50215  
Each county prevention, retention, and contingency program, ~~each~~ 50216  
~~county department of job and family services~~ plan shall ~~do all of~~ 50217  
~~the following:~~ 50218

~~(A) Establish or specify all of the following:~~ 50219

~~(1) Benefits~~ include all required benefits and services and 50220  
may include additional benefits and services ~~to be provided under~~ 50221  
~~the program that are allowable uses of federal Title IV A funds~~ 50222  
~~under 42 U.S.C. 601 and 604(a), except that they may not be~~ 50223  
~~"assistance" as defined in 45 C.F.R. 260.31(a) but rather benefits~~ 50224  
~~and services that 45 C.F.R. 260.31(b) excludes from the definition~~ 50225  
~~of assistance;~~ 50226

~~(2).~~ If a county plan includes additional benefits and 50227  
services, the county plan shall establish or specify all of the 50228  
following: 50229

(1) Restrictions on the amount, duration, and frequency of 50230  
the additional benefits and services; 50231

~~(3).~~(2) Eligibility requirements for the additional benefits 50232  
and services that do not exceed the maximum eligibility 50233

<u>requirements for additional benefits and services specified in</u>	50234
<u>rules adopted under section 5108.03 of the Revised Code;</u>	50235
<del>(4)</del> (3) Fair and equitable procedures for both of the	50236
following:	50237
(a) The certification of eligibility for the <u>additional</u>	50238
benefits and services that do not have a financial need	50239
eligibility requirement;	50240
(b) The determination and verification of eligibility for the	50241
<u>additional</u> benefits and services that have a financial need	50242
eligibility requirement.	50243
<del>(5)</del> (4) Objective criteria for the delivery of the <u>additional</u>	50244
benefits and services;	50245
<del>(6)</del> (5) Administrative requirements;	50246
<del>(7)</del> (6) Other matters the county department <u>of job and family</u>	50247
<u>services</u> determines are necessary.	50248
(B) <del>Provide for the statement of policies to be</del> <u>Each county</u>	50249
<u>prevention, retention, and contingency program plan shall be</u>	50250
consistent with all of the following:	50251
(1) The plan of cooperation the board of county commissioners	50252
develops under section 307.983 of the Revised Code;	50253
(2) The review and analysis of the county family services	50254
committee conducted in accordance with division (B)(2) of section	50255
329.06 of the Revised Code;	50256
(3) Title IV-A, federal regulations, state law, the Title	50257
IV-A state plan submitted to the United States secretary of health	50258
and human services under section 5101.80 of the Revised Code, <del>and</del>	50259
<u>amendments to the plan, and rules adopted under section 5108.03 of</u>	50260
<u>the Revised Code.</u>	50261
(C) <del>Either</del> <u>Each county department of job and family services</u>	50262
<u>shall either</u> provide the public and local government entities at	50263

least thirty days to submit comments on, or have the county family 50264  
services planning committee review, the ~~statement of policies~~ 50265  
county prevention, retention, and contingency program plan, 50266  
including the design of the county's prevention, retention, and 50267  
contingency program, before the county ~~director signs and dates~~ 50268  
~~the statement of policies plan is submitted to the department of~~ 50269  
job and family services under section 5108.04 of the Revised Code. 50270

**Sec. ~~5108.051~~ 5108.042.** A county department of job and family 50271  
services is not required to follow division (C) of section ~~5108.05~~ 50272  
5108.041 of the Revised Code when amending its ~~statement of~~ 50273  
~~policies~~ county prevention, retention, and contingency program 50274  
plan under section 5108.04 of the Revised Code. Division (C) of 50275  
section ~~5108.05~~ 5108.041 of the Revised Code applies only when a 50276  
county department adopts its initial and updated ~~statement of~~ 50277  
~~policies~~ county plans under section 5108.04 of the Revised Code. 50278

**Sec. ~~5108.03~~ 5108.05.** ~~Under the prevention, retention, and~~ 50279  
~~contingency program, each~~ Each county department of job and family 50280  
services shall do ~~both~~ all of the following in accordance with its 50281  
county prevention, retention, and contingency program plan and the 50282  
~~statement of policies the county department develops~~ rules adopted 50283  
under section ~~5108.04~~ 5108.03 of the Revised Code: 50284

(A) ~~Provide~~ Make all required benefits and services ~~that~~ 50285  
~~individuals need to overcome immediate barriers to achieving or~~ 50286  
~~maintaining self-sufficiency and personal responsibility~~ available 50287  
in the county or counties the county department serves; 50288

(B) Make the additional benefits and services, if any, 50289  
included in its county plan available in the county or counties 50290  
the county department serves; 50291

~~(B)(C)~~ Perform related administrative duties. 50292

**Sec. 5108.06.** In adopting a ~~statement of policies under~~ 50293  
~~section 5108.04 of the Revised Code for the county's prevention,~~ 50294  
~~retention, and contingency program~~ county prevention, retention, 50295  
and contingency program plan, a county department of job and 50296  
family services may specify both of the following: 50297

(A) Benefits and services to be provided under the program 50298  
that prevent and reduce the incidence of out-of-wedlock 50299  
pregnancies or encourage the formation and maintenance of 50300  
two-parent families as permitted by 45 C.F.R. 260.20(c) and (d); 50301

(B) How the county department will certify individuals' 50302  
eligibility for such benefits and services. 50303

**Sec. 5108.07.** (A) Each ~~statement of policies adopted under~~ 50304  
~~section 5108.04 of the Revised Code~~ county prevention, retention, 50305  
and contingency program plan shall include the board of county 50306  
commissioners' certification that the county department of job and 50307  
family services complied with this chapter and rules adopted under 50308  
section 5108.03 of the Revised Code in adopting the ~~statement of~~ 50309  
~~policies~~ county plan. 50310

(B) The board of county commissioners shall revise its 50311  
certification under division (A) of this section if the county 50312  
department ~~adopts an amendment under section 5108.04 of the~~ 50313  
~~Revised Code~~ amends its county prevention, retention, and 50314  
contingency program plan to suspend operation of its prevention, 50315  
retention, and contingency program temporarily or to make any 50316  
other ~~amendment under that section~~ change the board considers to 50317  
be significant. 50318

**Sec. 5108.09.** When a state hearing under division (B) of 50319  
section 5101.35 of the Revised Code or an administrative appeal 50320  
under division (C) of that section is held regarding the 50321  
prevention, retention, and contingency program, the hearing 50322

officer, director of job and family services, or director's 50323  
designee shall base the decision in the hearing or appeal on the 50324  
county department of job and family services' ~~written statement of~~ 50325  
~~policies adopted under section 5108.04 of the Revised Code~~ county 50326  
prevention, retention, and contingency program plan and any 50327  
amendments ~~the county department adopted~~ to the ~~statement~~ county 50328  
plan if the county department provides a written copy of the 50329  
~~statement of policies~~ county plan and all amendments to the 50330  
hearing officer, director, or director's designee at the hearing 50331  
or appeal. 50332

**Sec. 5108.11.** (A) To the extent permitted by section 307.982 50333  
of the Revised Code, a board of county commissioners may enter 50334  
into a written contract with a private or government entity for 50335  
the entity to do either or both of the following for the county's 50336  
prevention, retention, and contingency program: 50337

(1) Certify eligibility for benefits and services that do not 50338  
have a financial need eligibility requirement; 50339

(2) Accept applications and determine and verify eligibility 50340  
for benefits and services that have a financial need eligibility 50341  
requirement. 50342

(B) If a board of county commissioners enters into a contract 50343  
under division (A) of this section with a private or government 50344  
entity, the county department of job and family services shall do 50345  
all of the following: 50346

(1) Ensure that eligibility for benefits and services is 50347  
certified or determined and verified in accordance with the 50348  
~~statement of policies adopted under section 5108.04~~ county 50349  
prevention, retention, and contingency program plan and rules 50350  
adopted under section 5108.03 of the Revised Code; 50351

(2) Ensure that the private or government entity maintains 50352

all records that are necessary for audits; 50353

(3) Monitor the private or government entity for compliance 50354  
with Title IV-A, this chapter of the Revised Code, ~~and the~~ 50355  
~~statement of policies~~ county prevention, retention, and 50356  
contingency program plan, and rules adopted under section 5108.03 50357  
of the Revised Code; 50358

(4) Take actions that are necessary to recover any funds that 50359  
are not spent in accordance with Title IV-A ~~or~~, this chapter of 50360  
the Revised Code, or rules adopted under section 5108.03 of the 50361  
Revised Code. 50362

**Sec. 5115.04.** ~~(A)~~ The department of job and family services 50363  
shall supervise and administer the disability financial assistance 50364  
program, ~~except that the~~ subject to the following exceptions: 50365

The department may require county departments of job and 50366  
family services to perform any administrative function for the 50367  
program, as specified in rules adopted by the director of job and 50368  
family services. 50369

~~(B)~~ If the department requires county departments to perform 50370  
administrative functions under this ~~section~~ division, the director 50371  
shall adopt rules in accordance with section 111.15 of the Revised 50372  
Code governing the performance of the functions ~~to be performed~~ by 50373  
county departments. County departments shall perform the functions 50374  
in accordance with the rules. The director shall conduct 50375  
investigations to determine whether disability financial 50376  
assistance is being administered in compliance with the Revised 50377  
Code and rules adopted by the director. 50378

~~(C)~~ If disability financial assistance payments are made by 50379  
the county department of job and family services, the department 50380  
shall advance sufficient funds to provide the county treasurer 50381  
with the amount estimated for the payments. Financial assistance 50382

payments shall be distributed in accordance with sections 126.35, 50383  
319.16, and 329.03 of the Revised Code. 50384

The department may enter into an agreement with a state 50385  
agency whereby the state agency agrees to make eligibility 50386  
determinations for the program. If the department enters into such 50387  
an agreement, the department shall cover the administrative costs 50388  
incurred by the state agency to make the eligibility 50389  
determinations. 50390

As used in this division, "state agency" has the same meaning 50391  
as in section 117.01 of the Revised Code. 50392

**Sec. 5119.01.** (A) As used in this chapter: 50393

(1) "Addiction" means the chronic and habitual use of 50394  
alcoholic beverages, the use of a drug of abuse as defined in 50395  
section 3719.011 of the Revised Code, or the use of gambling by an 50396  
individual to the extent that the individual no longer can control 50397  
the individual's use of alcohol, the individual becomes physically 50398  
or psychologically dependent on the drug, the individual's use of 50399  
alcohol or drugs endangers the health, safety, or welfare of the 50400  
individual or others, or the individual's gambling causes 50401  
psychological, financial, emotional, marital, legal, or other 50402  
difficulties endangering the health, safety, or welfare of the 50403  
individual or others. 50404

(2) "Addiction services" means services, including 50405  
intervention, for the treatment of persons with alcohol, drug, or 50406  
gambling addictions, and for the prevention of such addictions. 50407

(3) "Alcohol and drug addiction services" means services, 50408  
including intervention, for the treatment of alcoholics or persons 50409  
who abuse drugs of abuse and for the prevention of alcoholism and 50410  
drug addiction. 50411

(4) "Alcoholic" means a person suffering from alcoholism. 50412

(5) "Alcoholism" means the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can control the individual's use of alcohol or endangers the health, safety, or welfare of the individual or others.

(6) "Community addiction services provider" means an agency, association, corporation, individual, or program that provides ~~community alcohol~~, any one or more of the following:

(a) Alcohol or drug addiction, or gambling addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;

(b) Gambling addiction services;

(c) Recovery supports that are paid for with local, state, or federal funds administered by a board of alcohol, drug addiction, and mental health services or the department.

(7) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides ~~community mental~~ either or both of the following:

(a) Mental health services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;

(b) Recovery supports that are paid for with local, state, or federal funds administered by a board of alcohol, drug addiction, and mental health services or the department.

(8) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others.

(9) "Gambling addiction" means the use of gambling by an

individual to the extent that it causes psychological, financial, 50443  
emotional, marital, legal, or other difficulties endangering the 50444  
health, safety, or welfare of the individual or others. 50445

(10) "Gambling addiction services" means services for the 50446  
treatment of persons who have a gambling addiction and for the 50447  
prevention of gambling addiction. 50448

(11) "Hospital" means a hospital or inpatient unit licensed 50449  
by the department of mental health and addiction services under 50450  
section 5119.33 of the Revised Code, and any institution, 50451  
hospital, or other place established, controlled, or supervised by 50452  
the department under Chapter 5119. of the Revised Code. 50453

(12) "Mental illness" means a substantial disorder of 50454  
thought, mood, perception, orientation, or memory that grossly 50455  
impairs judgment, behavior, capacity to recognize reality, or 50456  
ability to meet the ordinary demands of life. 50457

(13) "Mental health services" means services for the 50458  
assessment, care, or treatment of persons who have a mental 50459  
illness as defined in this section. 50460

(14)~~(a)~~ "Recovery support" means a form of nonclinical 50461  
assistance that is intended to help an individual with addiction 50462  
or mental health needs, or a member of that individual's family,  
to initiate or sustain the individual's recovery from alcoholism,  
drug addiction, or mental illness. 50463  
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A "recovery support" does not include a treatment or 50466  
prevention service. 50467

(15)(a) "Residence" means a person's physical presence in a 50468  
county with intent to remain there, except in either of the 50469  
following circumstances: 50470

(i) If a person is receiving a mental health treatment 50471  
service at a facility that includes nighttime sleeping 50472

accommodations, "residence" means that county in which the person 50473  
maintained the person's primary place of residence at the time the 50474  
person entered the facility; 50475

(ii) If a person is committed pursuant to section 2945.38, 50476  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 50477  
"residence" means the county where the criminal charges were 50478  
filed. 50479

(b) When the residence of a person is disputed, the matter of 50480  
residence shall be referred to the department of mental health and 50481  
addiction services for investigation and determination. Residence 50482  
shall not be a basis for a board of alcohol, drug addiction, and 50483  
mental health services to deny services to any person present in 50484  
the board's service district, and the board shall provide services 50485  
for a person whose residence is in dispute while residence is 50486  
being determined and for a person in an emergency situation. 50487

(B) Any reference in this chapter to a board of alcohol, drug 50488  
addiction, and mental health services also refers to an alcohol 50489  
and drug addiction services board or a community mental health 50490  
board in a service district in which an alcohol and drug addiction 50491  
services board or a community mental health board has been 50492  
established under section 340.021 or former section 340.02 of the 50493  
Revised Code. 50494

**Sec. 5119.10.** (A) The director of mental health and addiction 50495  
services is the chief executive and appointing authority of the 50496  
department of mental health and addiction services. The director 50497  
may organize the department for its efficient operation, including 50498  
creating divisions or offices as necessary. The director may 50499  
establish procedures for the governance of the department, conduct 50500  
of its employees and officers, performance of its business, and 50501  
custody, use, and preservation of departmental records, papers, 50502  
books, documents, and property. Whenever the Revised Code imposes 50503

a duty upon or requires an action of the department or any of its 50504  
institutions, the director or the director's designee shall 50505  
perform the action or duty in the name of the department, except 50506  
that the medical director appointed pursuant to section 5119.11 of 50507  
the Revised Code shall be responsible for decisions relating to 50508  
medical diagnosis, treatment, rehabilitation, quality assurance, 50509  
and the clinical aspects of the following: licensure of hospitals 50510  
and residential facilities, research, community addiction and 50511  
mental health ~~services~~ plans, and certification and delivery of 50512  
~~mental health and~~ addiction and mental health services. 50513

(B) The director shall: 50514  
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(1) Adopt rules for the proper execution of the powers and 50516  
duties of the department with respect to the institutions under 50517  
its control, and require the performance of additional duties by 50518  
the officers of the institutions as necessary to fully meet the 50519  
requirements, intents, and purposes of this chapter. In case of an 50520  
apparent conflict between the powers conferred upon any managing 50521  
officer and those conferred by such sections upon the department, 50522  
the presumption shall be conclusive in favor of the department. 50523

(2) Adopt rules for the nonpartisan management of the 50524  
institutions under the department's control. An officer or 50525  
employee of the department or any officer or employee of any 50526  
institution under its control who, by solicitation or otherwise, 50527  
exerts influence directly or indirectly to induce any other 50528  
officer or employee of the department or any of its institutions 50529  
to adopt the exerting officer's or employee's political views or 50530  
to favor any particular person, issue, or candidate for office 50531  
shall be removed from the exerting officer's or employee's office 50532  
or position, by the department in case of an officer or employee, 50533  
and by the governor in case of the director. 50534

(3) Appoint such employees, including the medical director, 50535

as are necessary for the efficient conduct of the department, and 50536  
prescribe their titles and duties; 50537

(4) Prescribe the forms of affidavits, applications, medical 50538  
certificates, orders of hospitalization and release, and all other 50539  
forms, reports, and records that are required in the 50540  
hospitalization or admission and release of all persons to the 50541  
institutions under the control of the department, or are otherwise 50542  
required under this chapter or Chapter 5122. of the Revised Code; 50543

(5) Exercise the powers and perform the duties relating to 50544  
~~community~~ addiction and mental health facilities and, addiction 50545  
and mental health services, and recovery supports that are 50546  
assigned to the director under this chapter and Chapter 340. of 50547  
the Revised Code; 50548

(6) Develop and implement clinical evaluation and monitoring 50549  
of services that are operated by the department; 50550

(7) Adopt rules establishing standards for the performance of 50551  
evaluations by a forensic center or other psychiatric program or 50552  
facility of the mental condition of defendants ordered by the 50553  
court under section 2919.271, or 2945.371 of the Revised Code, and 50554  
for the treatment of defendants who have been found incompetent to 50555  
stand trial and ordered by the court under section 2945.38, 50556  
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 50557  
treatment in facilities; 50558

(8) On behalf of the department, have the authority and 50559  
responsibility for entering into contracts and other agreements 50560  
with providers, agencies, institutions, and other entities, both 50561  
public and private, as necessary for the department to carry out 50562  
its duties under this chapter and Chapters 340., 2919., 2945., and 50563  
5122. of the Revised Code. Chapter 125. of the Revised Code does 50564  
not apply to contracts the director enters into under this section 50565  
for addiction and mental health services or recovery supports 50566

provided to individuals with mental illness by providers, 50567  
agencies, institutions, and other entities not owned or operated 50568  
by the department. 50569

(9) Adopt rules in accordance with Chapter 119. of the 50570  
Revised Code specifying the supplemental services that may be 50571  
provided through a trust authorized by section 5815.28 of the 50572  
Revised Code; 50573

(10) Adopt rules in accordance with Chapter 119. of the 50574  
Revised Code establishing standards for the maintenance and 50575  
distribution to a beneficiary of assets of a trust authorized by 50576  
section 5815.28 of the Revised Code. 50577

(C) The director may contract with hospitals licensed by the 50578  
department under section 5119.33 of the Revised Code for the care 50579  
and treatment of mentally ill patients, or with persons, 50580  
organizations, or agencies for the custody, evaluation, 50581  
supervision, care, or treatment of mentally ill persons receiving 50582  
services elsewhere than within the enclosure of a hospital 50583  
operated under section 5119.14 of the Revised Code. 50584

**Sec. 5119.11.** (A) The director of mental health and addiction 50585  
services shall appoint a medical director who is eligible or 50586  
certified by the American board of psychiatry and neurology or the 50587  
American osteopathic board of neurology and psychiatry, and has at 50588  
least five years of clinical and two years of administrative 50589  
experience. The medical director shall also have certification or 50590  
substantial training and experience in the field of addiction 50591  
medicine or addiction psychiatry. The medical director shall be 50592  
responsible for decisions relating to medical diagnosis, 50593  
treatment, prevention, rehabilitation, quality assurance, and the 50594  
clinical aspects of ~~mental health and~~ addiction and mental health 50595  
services involving all of the following: 50596

(1) Licensure of hospitals, residential facilities, and 50597

outpatient facilities; 50598

(2) Research; 50599

(3) Community addiction and mental health ~~services~~ plans; 50600

(4) Certification and delivery of ~~mental health and~~ addiction 50601  
and mental health services. 50602

(B) The medical director shall also exercise clinical 50603  
supervision of the chief clinical officers of hospitals and 50604  
institutions under the jurisdiction of the department and shall 50605  
review and approve decisions relating to the employment of the 50606  
chief clinical officers. The medical director or the medical 50607  
director's designee shall advise the director on matters relating 50608  
to licensure, research, and the certification and delivery of 50609  
~~mental health and~~ addiction and mental health services and 50610  
community addiction and mental health plans. The medical director 50611  
shall participate in the development of guidelines for community 50612  
addiction and mental health ~~services~~ plans. The director of mental 50613  
health and addiction services may establish other duties of the 50614  
medical director. 50615

**Sec. 5119.161.** The department of mental health and addiction 50616  
services, in conjunction with the department of job and family 50617  
services, shall develop a joint state plan to improve the 50618  
accessibility and timeliness of alcohol and drug addiction 50619  
services for individuals identified by a public children services 50620  
agency as in need of those services. The plan shall address the 50621  
fact that Ohio works first participants may be among the persons 50622  
receiving services under section 340.15 of the Revised Code and 50623  
shall require the department of job and family services to seek 50624  
federal funds available under Title IV-A of the "Social Security 50625  
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, for the 50626  
provision of the services to Ohio works first participants who are 50627  
receiving services under section 340.15 of the Revised Code. 50628

~~The plan shall address the need and manner for sharing information and include a request for the general assembly to appropriate an amount of funds specified in the report to be used by the departments to pay for services under section 340.15 of the Revised Code. The departments shall review and amend the plan as necessary.~~ 50629  
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~~Not later than the first day of July of each even numbered year, the departments shall submit a report on the progress made under the joint state plan to the governor, president of the senate, and speaker of the house of representatives. The report shall include information on treatment capacity, needs assessments, and number of individuals who received services pursuant to section 340.15 of the Revised Code.~~ 50635  
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**Sec. 5119.186.** (A) The director of mental health and addiction services or the managing officer of an institution of the department may enter into an agreement with boards of trustees or boards of directors of one or more institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code to establish, manage, and conduct collaborative training efforts for students enrolled in courses of studies for occupations or professions that involve the care and treatment for persons receiving ~~mental health or~~ addiction or mental health services. 50642  
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(B) Such collaborative training efforts may include but are not limited to programs in psychiatry, psychology, nursing, social work, counseling professions, and others considered appropriate by the director of mental health and addiction services. Any such program shall be approved or accredited by its respective professional organization or state board having jurisdiction over the profession. 50652  
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(1) The department shall require that the following be 50659

provided for in agreements between the department and institutions 50660  
of higher education or hospitals licensed pursuant to section 50661  
5119.33 of the Revised Code: 50662

(a) Establishment of inter-disciplinary committees to advise 50663  
persons responsible for training programs. Each committee shall 50664  
have representation drawn from the geographical community the 50665  
institution of higher education or hospital serves and shall 50666  
include representatives of agencies, boards, targeted populations 50667  
as determined by the department, racial and ethnic minority 50668  
groups, and publicly funded programs; 50669

(b) Funding procedures; 50670

(c) Specific outcomes and accomplishments that are expected 50671  
or required of a program under such agreement; 50672

(d) The types of services to be provided under such 50673  
agreement. 50674

(2) The department may require that the following be provided 50675  
for in agreements between the department and institutions of 50676  
higher education or hospitals licensed pursuant to section 5119.33 50677  
of the Revised Code: 50678

(a) Special arrangements for individual residents or trainees 50679  
to encourage their employment in publicly funded settings upon 50680  
completion of their training; 50681

(b) Procedures for the selection of residents or trainees to 50682  
promote the admission, retention, and graduation of women, 50683  
minorities, and disabled persons; 50684

(c) Cross-cultural training and other subjects considered 50685  
necessary to enhance training efforts and the care and treatment 50686  
of patients and clients; 50687

(d) Funding of faculty positions oriented toward meeting the 50688  
needs of publicly funded programs. 50689

Subject to appropriations by the general assembly, the 50690  
director of mental health and addiction services has final 50691  
approval of the funding of these collaborative training efforts. 50692

**Sec. 5119.21.** (A) The department of mental health and 50693  
addiction services shall: 50694

(1) To the extent the department has available resources and 50695  
in consultation with boards of alcohol, drug addiction, and mental 50696  
health services, support a continuum of care in accordance with 50697  
Chapter 340. of the Revised Code on a district or multi-district 50698  
basis. The department shall define the essential elements of a 50699  
continuum of care, shall assist in identifying resources, and may 50700  
prioritize support for one or more of the elements. 50701

(2) Provide training, consultation, and technical assistance 50702  
regarding ~~mental health and~~ addiction and mental health services, 50703  
recovery supports, and appropriate prevention, recovery, and 50704  
mental health promotion activities, including those that are 50705  
culturally competent, to employees of the department, community 50706  
mental health and addiction services providers, boards of alcohol, 50707  
drug addiction, and mental health services, and other agencies 50708  
providing ~~mental health and~~ addiction and mental health services 50709  
or recovery supports; 50710

(3) To the extent the department has available resources, 50711  
promote and support a full range of ~~mental health and~~ addiction 50712  
and mental health services and recovery supports that are 50713  
available and accessible to all residents of this state, 50714  
especially for severely mentally disabled children, adolescents, 50715  
adults, pregnant women, parents, guardians or custodians of 50716  
children at risk of abuse or neglect, and other special target 50717  
populations, including racial and ethnic minorities, as determined 50718  
by the department; 50719

(4) Develop standards and measures for evaluating the 50720

effectiveness of ~~mental health and~~ addiction and mental health 50721  
services, (including services that use methadone treatment) and 50722  
recovery supports, of ~~gambling addiction services~~, and for 50723  
increasing the accountability of community mental health and 50724  
~~alcohol and~~ addiction services providers ~~and of gambling addiction~~ 50725  
~~services providers~~; 50726

(5) Design and set criteria for the determination of priority 50727  
populations; 50728

(6) Promote, direct, conduct, and coordinate scientific 50729  
research, taking ethnic and racial differences into consideration, 50730  
concerning the causes and prevention of mental illness and 50731  
addiction, methods of providing effective addiction and mental 50732  
health services and treatment, and means of enhancing the mental 50733  
health of and recovery from addiction of all residents of this 50734  
state; 50735

(7) Foster the establishment and availability of vocational 50736  
rehabilitation services and the creation of employment 50737  
opportunities for consumers of ~~mental health and~~ with addiction 50738  
~~services and mental health needs~~, including members of racial and 50739  
ethnic minorities; 50740

(8) Establish a program to protect and promote the rights of 50741  
persons receiving ~~mental health and~~ addiction and mental health 50742  
services and recovery supports, including the issuance of 50743  
guidelines on informed consent and other rights; 50744

(9) Promote the involvement of persons who are receiving or 50745  
have received ~~mental health or~~ addiction or mental health services 50746  
or recovery supports, including families and other persons having 50747  
a close relationship to a person receiving those services or 50748  
supports, in the planning, evaluation, delivery, and operation of 50749  
~~mental health and~~ addiction and mental health services or recovery 50750  
supports; 50751

(10) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of mental health and addiction services. These constituencies shall include consumers of ~~mental health and addiction~~ and mental health services and recovery supports and their families, and may include public and private providers, employee organizations, and others when appropriate. Whenever the department proposes the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code, the notification and consultation required by this division shall occur prior to the commencement of proceedings under Chapter 119. The department shall adopt rules under Chapter 119. of the Revised Code that establish procedures for the notification and consultation required by this division.

(11) Provide consultation to the department of rehabilitation and correction concerning the delivery of ~~mental health and addiction~~ and mental health services in state correctional institutions-;i

(12) Promote and coordinate efforts in the provision of alcohol and drug addiction services and of gambling addiction services by other state agencies, as defined in section 1.60 of the Revised Code; courts; hospitals; clinics; physicians in private practice; public health authorities; boards of alcohol, drug addiction, and mental health services; ~~alcohol and drug~~ community addiction services providers; law enforcement agencies; ~~gambling addiction services providers;~~ and related groups;

(13) Provide to each court of record, and biennially update, a list of the treatment and education programs within that court's jurisdiction that the court may require an offender, sentenced pursuant to section 4511.19 of the Revised Code, to attend;

(14) Make the warning sign described in sections 3313.752, 3345.41, and 3707.50 of the Revised Code available on the

department's internet web site; 50784

(15) Provide a program of gambling addiction services on 50785  
behalf of the state lottery commission, pursuant to an agreement 50786  
entered into with the director of the commission under division 50787  
(K) of section 3770.02 of the Revised Code, and provide a program 50788  
of gambling addiction services on behalf of the Ohio casino 50789  
control commission, under an agreement entered into with the 50790  
executive director of the commission under section 3772.062 of the 50791  
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 50792  
Constitution, the department may enter into agreements with boards 50793  
of alcohol, drug addiction, and mental health services, including 50794  
boards with districts in which a casino facility is not located, 50795  
and nonprofit organizations to provide gambling addiction services 50796  
and ~~substance abuse~~ alcohol and drug addiction services, and with 50797  
state institutions of higher education or private nonprofit 50798  
institutions that possess a certificate of authorization issued 50799  
under Chapter 1713. of the Revised Code to perform related 50800  
research. 50801

(B) The department may accept and administer grants from 50802  
public or private sources for carrying out any of the duties 50803  
enumerated in this section. 50804

(C) ~~Pursuant to Chapter 119. of the Revised Code, the~~ 50805  
~~department shall adopt a rule defining the term "intervention" as~~ 50806  
~~it is used in this chapter in connection with alcohol and drug~~ 50807  
~~addiction services and in connection with gambling addiction~~ 50808  
~~services.~~ The department may adopt ~~other~~ rules in accordance with 50809  
Chapter 119. of the Revised Code as necessary to implement the 50810  
requirements of this chapter. 50811

**Sec. 5119.22.** The director of mental health and addiction 50812  
services, with respect to all mental health and addiction 50813  
facilities ~~and~~, addiction and mental health services, and recovery 50814

supports established and operated or provided under Chapter 340. 50815  
of the Revised Code, shall do all of the following: 50816

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 50817  
that may be necessary to carry out the purposes of this chapter 50818  
and Chapters 340. and 5122. of the Revised Code; 50819

(B) Review and evaluate the continuum of care in each service 50820  
district, taking into account the findings and recommendations of 50821  
the board of alcohol, drug addiction, and mental health services 50822  
of the district submitted under division (A)(4) of section 340.03 50823  
of the Revised Code and the priorities and plans of the 50824  
department, including the needs of residents of the district 50825  
currently receiving services in state-operated hospitals, and make 50826  
recommendations for needed improvements to boards of alcohol, drug 50827  
addiction, and mental health services; 50828

(C) At the director's discretion, provide to boards of 50829  
alcohol, drug addiction, and mental health services state or 50830  
federal funds, in addition to those allocated under section 50831  
5119.23 of the Revised Code, for special programs or projects the 50832  
director considers necessary but for which local funds are not 50833  
available; 50834

(D) Establish, in consultation with ~~board~~ representatives of 50835  
boards of alcohol, drug addiction, and mental health ~~service~~ 50836  
~~representatives~~ services and after consideration of the 50837  
recommendations of the medical director, guidelines for the 50838  
development of community mental health and addiction ~~services~~ 50839  
plans and the review and approval or disapproval of such plans 50840  
submitted pursuant to section 340.03 of the Revised Code. 50841

(E) Establish criteria by which a board of alcohol, drug 50842  
addiction, and mental health services reviews and evaluates the 50843  
quality, effectiveness, and efficiency of its contracted addiction 50844  
and mental health services and recovery supports. The criteria 50845

shall include requirements ensuring appropriate service 50846  
utilization. The department shall assess a board's evaluation of 50847  
services and supports and the compliance of each board with this 50848  
section, Chapter 340. of the Revised Code, and other state or 50849  
federal law and regulations. The department, in cooperation with 50850  
the board, periodically shall review and evaluate the quality, 50851  
effectiveness, and efficiency of services and supports provided 50852  
through each board. The department shall collect information that 50853  
is necessary to perform these functions. 50854

(F) To the extent the director determines necessary and after 50855  
consulting with boards of alcohol, drug addiction, and mental 50856  
health services and community addiction and mental health services 50857  
providers, develop and operate, or contract for the operation of, 50858  
a community behavioral health information system or systems. The 50859  
department shall specify the information that must be provided by 50860  
boards of alcohol, drug addiction, and mental health services and 50861  
by community addiction and mental health services providers for 50862  
inclusion in the system or systems. 50863

Boards of alcohol, drug addiction, and mental health services 50864  
and community addiction and mental health services providers shall 50865  
submit information requested by the department in the form and 50866  
manner and in accordance with time frames prescribed by the 50867  
department. Information collected by the department may include 50868  
all of the following: 50869

(1) Information on addiction and mental health services and 50870  
recovery supports provided; 50871

(2) Financial information regarding expenditures of federal, 50872  
state, or local funds; 50873

(3) Information about persons served. 50874

The department shall not collect any personal information 50875  
from the boards or providers except as required or permitted by 50876

state or federal law for purposes related to payment, health care 50877  
operations, program and service evaluation, reporting activities, 50878  
research, system administration, and oversight. 50879

(G)(1) Review each board's community mental health and 50880  
addiction ~~services~~ plan, budget, and statement of addiction and 50881  
mental health services to be made available and recovery supports 50882  
submitted pursuant to sections 340.03 and 340.08 of the Revised 50883  
Code and approve or disapprove the plan, the budget, and the 50884  
statement of services and supports in whole or in part. 50885

The department may withhold all or part of the funds 50886  
allocated to a board if it disapproves all or part of a plan, 50887  
budget, or statement of services and supports. Prior to a final 50888  
decision to disapprove a plan, budget, or statement of services 50889  
and supports, or to withhold funds from a board, a representative 50890  
of the director of mental health and addiction services shall meet 50891  
with the board and discuss the reason for the action the 50892  
department proposes to take and any corrective action that should 50893  
be taken to make the plan, budget, or statement of services and 50894  
supports acceptable to the department. In addition, the department 50895  
shall offer technical assistance to the board to assist it to make 50896  
the plan, budget, or statement of services and supports 50897  
acceptable. The department shall give the board a reasonable time 50898  
in which to revise the plan, budget, or statement of services and 50899  
supports. The board thereafter shall submit a revised plan, 50900  
budget, or statement of services and supports, or a new plan, 50901  
budget, or statement of services and supports. 50902

(2) If a board determines that it is necessary to amend the 50903  
plan, budget, or statement of services and supports that has been 50904  
approved under this section, the board shall submit the proposed 50905  
amendment to the department. The department may approve or 50906  
disapprove all or part of the amendment. 50907

(3) If the director disapproves of all or part of any 50908

proposed amendment, the director shall provide the board an 50909  
opportunity to present its position. The director shall inform the 50910  
board of the reasons for the disapproval and of the criteria that 50911  
must be met before the proposed amendment may be approved. The 50912  
director shall give the board a reasonable time within which to 50913  
meet the criteria and shall offer technical assistance to the 50914  
board to help it meet the criteria. 50915

(4) The department shall establish procedures for the review 50916  
of plans, budgets, and statements of services and supports, and a 50917  
timetable for submission and review of plans, budgets, and 50918  
statements of services and supports and for corrective action and 50919  
submission of new or revised plans, budgets, and statements of 50920  
services and supports. 50921

**Sec. 5119.23.** (A) The department of mental health and 50922  
addiction services shall establish a methodology for allocating to 50923  
boards of alcohol, drug addiction, and mental health services the 50924  
funds appropriated by the general assembly to the department for 50925  
the purpose of ~~local mental health and addiction services~~ 50926  
~~continuum~~ the continuum of care that each board establishes under 50927  
section 340.03 of the Revised Code. The department shall establish 50928  
the methodology after notifying and consulting with relevant 50929  
constituencies as required by division (A)(10) of section 5119.21 50930  
of the Revised Code. The methodology may provide for the funds to 50931  
be allocated to boards on a district or multi-district basis. 50932

(B) Subject to section 5119.25 of the Revised Code, and to 50933  
required submissions and approvals under section 340.08 of the 50934  
Revised Code, the department shall allocate the funds to the 50935  
boards in a manner consistent with the methodology, this section, 50936  
other state and federal laws, rules, and regulations. 50937

(C) In consultation with boards, community addiction services 50938  
providers, community mental health ~~and addiction~~ services 50939

providers, and persons receiving addiction or mental health 50940  
services, the department shall establish guidelines for the use of 50941  
funds allocated ~~and distributed~~ under this section. 50942

**Sec. 5119.25.** (A) The director of mental health and addiction 50943  
services, in whole or in part, may withhold funds otherwise to be 50944  
allocated to a board of alcohol, drug addiction, and mental health 50945  
services under section 5119.23 of the Revised Code if the board 50946  
fails to comply with Chapter 340. or ~~section 5119.22, 5119.24,~~ 50947  
~~5119.36, or 5119.371~~ 5119. of the Revised Code or rules of the 50948  
department of mental health and addiction services. However, 50949  
beginning September 15, 2016, the director shall withhold all such 50950  
funds from the board when required to do so under division (A)(4) 50951  
of section 340.08 of the Revised Code or division (G)(1) of 50952  
section 5119.22 of the Revised Code. 50953

(B) The director of mental health and addiction services may 50954  
withhold funds otherwise to be allocated to a board of alcohol, 50955  
drug addiction, and mental health services under section 5119.23 50956  
of the Revised Code if the board denies available service on the 50957  
basis of race, color, religion, creed, sex, age, national origin, 50958  
disability as defined in section 4112.01 of the Revised Code, or 50959  
developmental disability. 50960

(C) The director shall issue a notice identifying the areas 50961  
of noncompliance and the action necessary to achieve compliance. 50962  
The director may offer technical assistance to the board to 50963  
achieve compliance. The board shall have thirty days from receipt 50964  
of the notice of noncompliance to present its position that it is 50965  
in compliance or to submit to the director evidence of corrective 50966  
action the board took to achieve compliance. Before withholding 50967  
funds, the director or the director's designee shall hold a 50968  
hearing within thirty days of receipt of the board's position or 50969  
evidence to determine if there are continuing violations and that 50970

either assistance is rejected or the board is unable, or has 50971  
failed, to achieve compliance. The director may appoint a 50972  
representative from another board of alcohol, drug addiction, and 50973  
mental health services to serve as a mentor for the board in 50974  
developing and executing a plan of corrective action to achieve 50975  
compliance. Any such representative shall be from a board that is 50976  
in compliance with ~~Chapter~~ Chapters 340. and 5119. of the Revised 50977  
Code, ~~sections 5119.22, 5119.24, 5119.36, and 5119.371 of the~~ 50978  
~~Revised Code,~~ and the department's rules. Subsequent to the 50979  
hearing process, if it is determined that compliance has not been 50980  
achieved, the director may allocate all or part of the withheld 50981  
funds to one or more community mental health services providers or 50982  
community addiction services providers to provide the ~~community~~ 50983  
mental health ~~or community~~ service, addiction service, or recovery 50984  
support for which the board is not in compliance until the time 50985  
that there is compliance. The director shall adopt rules in 50986  
accordance with Chapter 119. of the Revised Code to implement this 50987  
section. 50988

**Sec. 5119.28.** (A) All records, and reports, other than court 50989  
journal entries or court docket entries, identifying a person and 50990  
pertaining to the person's mental health condition, assessment, 50991  
provision of care ~~or,~~ treatment, or recovery supports, or payment 50992  
for assessment, care ~~or,~~ treatment, or recovery supports that are 50993  
maintained in connection with any services certified by the 50994  
department of mental health and addiction services, or recovery 50995  
supports funded by the department or a board of alcohol, drug 50996  
addiction, and mental health services, or any hospitals or 50997  
facilities licensed or operated by the department, shall be kept 50998  
confidential and shall not be disclosed by any person except: 50999

(1) If the person identified, or the person's legal guardian, 51000  
if any, or if the person is a minor, the person's parent or legal 51001  
guardian, consents; 51002

(2) When disclosure is provided for in this chapter or 51003  
Chapter 340. or 5122. of the Revised Code or in accordance with 51004  
other provisions of state or federal law authorizing such 51005  
disclosure; 51006

(3) That hospitals, boards of alcohol, drug addiction, and 51007  
mental health services, licensed facilities, and community mental 51008  
health services providers may release necessary information to 51009  
insurers and other third-party payers, including government 51010  
entities responsible for processing and authorizing payment, to 51011  
obtain payment for goods and services furnished to the person; 51012

(4) Pursuant to a court order signed by a judge; 51013

(5) That a person shall be granted access to the person's own 51014  
psychiatric and medical records, unless access specifically is 51015  
restricted in a person's treatment plan for clear treatment 51016  
reasons; 51017

(6) That the department of mental health and addiction 51018  
services may exchange psychiatric records and other pertinent 51019  
information with community mental health services providers and 51020  
boards of alcohol, drug addiction, and mental health services 51021  
relating to the person's care or services. Records and information 51022  
that may be exchanged pursuant to this division shall be limited 51023  
to medication history, physical health status and history, 51024  
financial status, summary of course of treatment, summary of 51025  
treatment needs, and a discharge summary, if any. 51026

(7) That the department of mental health and addiction 51027  
services, hospitals and community providers operated by the 51028  
department, hospitals licensed by the department under section 51029  
5119.33 of the Revised Code, and community mental health services 51030  
providers may exchange psychiatric records and other pertinent 51031  
information with payers and other providers of treatment and 51032  
health services if the purpose of the exchange is to facilitate 51033

continuity of care for the person or for the emergency treatment 51034  
of the person; 51035

(8) That the department of mental health and addiction 51036  
services and community mental health services providers may 51037  
exchange psychiatric records and other pertinent information with 51038  
boards of alcohol, drug addiction, and mental health services for 51039  
purposes of any board function set forth in Chapter 340. of the 51040  
Revised Code. Boards of alcohol, drug addiction, and mental health 51041  
services shall not access any personal information from the 51042  
department or providers except as required or permitted by this 51043  
section, or Chapter 340. or 5122. of the Revised Code for purposes 51044  
related to payment, care coordination, health care operations, 51045  
program and service evaluation, reporting activities, research, 51046  
system administration, oversight, or other authorized purposes. 51047

(9) That a person's family member who is involved in the 51048  
provision, planning, and monitoring of services to the person may 51049  
receive medication information, a summary of the person's 51050  
diagnosis and prognosis, and a list of the services and personnel 51051  
available to assist the person and the person's family, if the 51052  
person's treatment provider determines that the disclosure would 51053  
be in the best interests of the person. No such disclosure shall 51054  
be made unless the person is notified first and receives the 51055  
information and does not object to the disclosure. 51056

(10) That community mental health services providers may 51057  
exchange psychiatric records and certain other information with 51058  
the board of alcohol, drug addiction, and mental health services 51059  
and other providers in order to provide services to a person 51060  
involuntarily committed to a board. Release of records under this 51061  
division shall be limited to medication history, physical health 51062  
status and history, financial status, summary of course of 51063  
treatment, summary of treatment needs, and discharge summary, if 51064  
any. 51065

(11) That information may be disclosed to the executor or the administrator of an estate of a deceased person when the information is necessary to administer the estate;

(12) That information may be disclosed to staff members of the appropriate board or to staff members designated by the director of mental health and addiction services for the purpose of evaluating the quality, effectiveness, and efficiency of addiction and mental health services and recovery supports and determining if the services or supports meet minimum standards. Information obtained during such evaluations shall not be retained with the name of any person.

(13) That records pertaining to the person's diagnosis, course of treatment, treatment needs, and prognosis shall be disclosed and released to the appropriate prosecuting attorney if the person was committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or to the attorney designated by the board for proceedings pursuant to involuntary commitment under Chapter 5122. of the Revised Code-~~i~~

(14) That the department of mental health and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates and offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The

release of records under this division is limited to records 51098  
regarding an inmate's or offender's medication history, physical 51099  
health status and history, summary of course of treatment, summary 51100  
of treatment needs, and a discharge summary, if any. 51101

(15) That a community mental health services provider that 51102  
ceases to operate may transfer to either a community mental health 51103  
services provider that assumes its caseload or to the board of 51104  
alcohol, drug addiction, and mental health services of the service 51105  
district in which the person resided at the time services were 51106  
most recently provided any treatment records that have not been 51107  
transferred elsewhere at the person's request; 51108

(16) That records and reports relating to a person who has 51109  
been deceased for fifty years or more are no longer considered 51110  
confidential. 51111

(B) Before records are disclosed pursuant to divisions 51112  
(A)(3), (6), and (10) of this section, the custodian of the 51113  
records shall attempt to obtain the person's consent for the 51114  
disclosure. 51115

(C) No person shall reveal the content of a medical record of 51116  
a person that is confidential pursuant to this section, except as 51117  
authorized by law. 51118

**Sec. 5119.31.** The department of administrative services shall 51119  
purchase all supplies needed for the proper support and 51120  
maintenance of the institutions under the control of the 51121  
department of mental health and addiction services in accordance 51122  
with the competitive selection procedures of Chapter 125. of the 51123  
Revised Code and such rules as the department of administrative 51124  
services adopts. All bids shall be publicly opened on the day and 51125  
hour and at the place specified in the advertisement. 51126

Preference shall be given to bidders in localities wherein 51127

the institution is located, if the price is fair and reasonable 51128  
and not greater than the usual price; but bids not meeting the 51129  
specifications shall be rejected. 51130

The department of administrative services may require such 51131  
security as it considers proper to accompany the bids and shall 51132  
fix the security to be given by the contractor. 51133

The department of administrative services may reject any or 51134  
all bids and secure new bids, if for any reason it is deemed for 51135  
the best interest of the state to do so, and it may authorize the 51136  
managing officer of any institution to purchase perishable goods 51137  
and supplies for use in cases of emergency, in which cases such 51138  
managing officer shall certify such fact in writing and the 51139  
department of administrative services shall record the reasons for 51140  
such purchase. 51141

**Sec. 5119.33.** (A)(1) The department of mental health and 51142  
addiction services shall inspect and license all hospitals that 51143  
receive mentally ill persons, except those hospitals managed by 51144  
the department. No hospital may receive for care or treatment, 51145  
either at public or private expense, any person who is or appears 51146  
to be mentally ill, whether or not so adjudicated, unless the 51147  
hospital has received a license from the department authorizing it 51148  
to receive for care or treatment persons who are mentally ill or 51149  
the hospital is managed by the department. 51150

(2) No such license shall be granted to a hospital for the 51151  
treatment of mentally ill persons unless the department is 51152  
satisfied, after investigation, that the hospital is managed and 51153  
operated by qualified persons and has on its staff one or more 51154  
qualified physicians responsible for the medical care of the 51155  
patients confined there. At least one such physician shall be a 51156  
psychiatrist. 51157

(B) The department shall adopt rules under Chapter 119. of 51158

the Revised Code prescribing minimum standards for the operation 51159  
of hospitals for the care and treatment of mentally ill persons 51160  
and establishing standards and procedures for the issuance, 51161  
renewal, or revocation of full, probationary, and interim 51162  
licenses. No license shall be granted to any hospital established 51163  
or used for the care of mentally ill persons unless such hospital 51164  
is operating in accordance with this section and rules adopted 51165  
pursuant to this section. A full license shall expire one year 51166  
after the date of issuance, a probationary license shall expire at 51167  
the time prescribed by rule adopted pursuant to Chapter 119. of 51168  
the Revised Code by the director of mental health and addiction 51169  
services, and an interim license shall expire ninety days after 51170  
the date of issuance. A full, probationary, or interim license may 51171  
be renewed, except that an interim license may be renewed only 51172  
twice. The department may fix reasonable fees for licenses and for 51173  
license renewals. Such hospitals are subject to inspection and 51174  
on-site review by the department. 51175

(C) Except as otherwise provided in Chapter 5122. of the 51176  
Revised Code, neither the director of mental health and addiction 51177  
services; an employee of the department; a board of alcohol, drug 51178  
addiction, and mental health services or employee of a community 51179  
mental health services provider; nor any other public official 51180  
shall hospitalize any mentally ill person for care or treatment in 51181  
any hospital that is not licensed in accordance with this section. 51182

(D) The department may issue an order suspending the 51183  
admission of patients who are mentally ill to a hospital for care 51184  
or treatment if it finds either of the following: 51185

(1) The hospital is not in compliance with rules adopted by 51186  
the director pursuant to this section. 51187

(2) The hospital has been cited for more than one violation 51188  
of statutes or rules during any previous period of time during 51189  
which the hospital is licensed pursuant to this section. 51190

(E) Any license issued by the department under this section 51191  
may be revoked or not renewed by the department for any of the 51192  
following reasons: 51193

~~(A)~~(1) The hospital is no longer a suitable place for the 51194  
care or treatment of mentally ill persons. 51195

~~(B)~~(2) The hospital refuses to be subject to inspection or 51196  
on-site review by the department. 51197

~~(C)~~(3) The hospital has failed to furnish humane, kind, and 51198  
adequate treatment and care. 51199

~~(D)~~(4) The hospital fails to comply with the licensure rules 51200  
of the department. 51201

(F) The department may inspect, conduct an on-site review, 51202  
and review the records of any hospital that the department has 51203  
reason to believe is operating without a license. 51204

**Sec. 5119.34.** (A) As used in this section and sections 51205  
5119.341 and 5119.342 of the Revised Code: 51206

(1) "Accommodations" means housing, daily meal preparation, 51207  
laundry, housekeeping, arranging for transportation, social and 51208  
recreational activities, maintenance, security, and other services 51209  
that do not constitute personal care services or skilled nursing 51210  
care. 51211

(2) "ADAMHS board" means a board of alcohol, drug addiction, 51212  
and mental health services. 51213

(3) "Adult" means a person who is eighteen years of age or 51214  
older, other than a person described in division (A)(4) of this 51215  
section who is between eighteen and twenty-one years of age. 51216

(4) "Child" means a person who is under eighteen years of age 51217  
or a person with a mental disability who is under twenty-one years 51218  
of age. 51219

(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.

(8) "Personal care services" means services including, but not limited to, the following:

(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services.

~~(9) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:~~

~~(a) Accommodations, supervision, personal care services, and community mental health services for one or more unrelated adults with mental illness or severe mental disabilities or to one or~~

~~more unrelated children and adolescents with a serious emotional disturbance or who are in need of mental health services who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.~~

~~(b) Accommodations, supervision, and personal care services to any of the following:~~

~~(i) One or two unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a community mental health services provider, hospital, or practitioner;~~

~~(ii) One or two unrelated adults who are receiving residential state supplement payments;~~

~~(iii) Three to sixteen unrelated adults.~~

~~(c) Room and board for five or more unrelated adults with mental illness or severe mental disability who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.~~

~~(10) "Residential facility" does not include any of the following:~~

~~(a) A hospital subject to licensure under section 5119.33 of the Revised Code;~~

~~(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;~~

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

~~(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;~~

<del>(e) A nursing home, residential care facility, or home for</del>	51280
<del>the aging as defined in section 3721.02 of the Revised Code;</del>	51281
<del>(f) Alcohol or drug addiction services certified pursuant to</del>	51282
<del>section 5119.36 of the Revised Code;</del>	51283
<del>(g) A facility licensed to provide methadone treatment under</del>	51284
<del>section 5119.391 of the Revised Code;</del>	51285
<del>(h) Any facility that receives funding for operating costs</del>	51286
<del>from the development services agency under any program established</del>	51287
<del>to provide emergency shelter housing or transitional housing for</del>	51288
<del>the homeless;</del>	51289
<del>(i) A terminal care facility for the homeless that has</del>	51290
<del>entered into an agreement with a hospice care program under</del>	51291
<del>section 3712.07 of the Revised Code;</del>	51292
<del>(j) A facility approved by the veterans administration under</del>	51293
<del>section 104(a) of the "Veterans Health Care Amendments of 1983,"</del>	51294
<del>97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for</del>	51295
<del>the placement and care of veterans.</del>	51296
<del>(11)</del> "Room and board" means the provision of sleeping and	51297
living space, meals or meal preparation, laundry services,	51298
housekeeping services, or any combination thereof.	51299
<del>(12)</del> <u>(10)</u> "Residential state supplement" means the program	51300
administered under section 5119.41 of the Revised Code and related	51301
provisions of the Administrative Code under which the state	51302
supplements the supplemental security income payments received by	51303
aged, blind, or disabled adults under Title XVI of the Social	51304
Security Act. Residential state supplement payments are used for	51305
the provision of accommodations, supervision, and personal care	51306
services to supplemental security income recipients the department	51307
of mental health and addition services determines are at risk of	51308
needing institutional care.	51309

~~(13)~~(11) "Supervision" means any of the following: 51310

(a) Observing a resident to ensure the resident's health, 51311  
safety, and welfare while the resident engages in activities of 51312  
daily living or other activities; 51313

(b) Reminding a resident to perform or complete an activity, 51314  
such as reminding a resident to engage in personal hygiene or 51315  
other self-care activities; 51316

(c) Assisting a resident in making or keeping an appointment. 51317

~~(14)~~(12) "Unrelated" means that a resident is not related to 51318  
the owner or operator of a residential facility or to the owner's 51319  
or operator's spouse as a parent, grandparent, child, stepchild, 51320  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 51321  
the child of an aunt or uncle. 51322

(B)(1) A "residential facility" is a publicly or privately 51323  
operated home or facility that falls into one of the following 51324  
categories: 51325

(a) Class one facilities provide accommodations, supervision, 51326  
personal care services, and mental health services for one or more 51327  
unrelated adults, children, or adolescents with mental illness; 51328

(b) Class two facilities provide accommodations, supervision, 51329  
and personal care services to any of the following: 51330

(i) One or two unrelated persons with mental illness; 51331

(ii) One or two unrelated adults who are receiving 51332  
residential state supplement payments; 51333

(iii) Three to sixteen unrelated adults. (3) Class three 51334  
facilities provide room and board for five or more unrelated 51335  
adults with mental illness. 51336

(2) "Residential facility" does not include any of the 51337  
following: 51338

- (a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code; 51339  
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- (b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities; 51344  
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- (c) An institution or association subject to certification under section 5103.03 of the Revised Code; 51347  
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- (d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients; 51349  
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- (e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code; 51352  
51353
- (f) A facility licensed to provide methadone treatment under section 5119.39 of the Revised Code; 51354  
51355
- (g) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless; 51356  
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- (h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code; 51360  
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- (i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans; 51363  
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- (j) The residence of a relative or guardian of a person with mental illness. 51367  
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(C) Nothing in division ~~(A)(9)~~(B) of this section shall be 51369  
construed to permit personal care services to be imposed on a 51370  
resident who is capable of performing the activity in question 51371  
without assistance. 51372

~~(C)~~(D) Except in the case of a residential facility described 51373  
in division ~~(A)(9)(a)~~ (B)(1)(a) of this section, members of the 51374  
staff of a residential facility shall not administer medication to 51375  
the facility's residents, but may do any of the following: 51376

(1) Remind a resident when to take medication and watch to 51377  
ensure that the resident follows the directions on the container; 51378

(2) Assist a resident in the self-administration of 51379  
medication by taking the medication from the locked area where it 51380  
is stored, in accordance with rules adopted pursuant to this 51381  
section, and handing it to the resident. If the resident is 51382  
physically unable to open the container, a staff member may open 51383  
the container for the resident. 51384

(3) Assist a physically impaired but mentally alert resident, 51385  
such as a resident with arthritis, cerebral palsy, or Parkinson's 51386  
disease, in removing oral or topical medication from containers 51387  
and in consuming or applying the medication, upon request by or 51388  
with the consent of the resident. If a resident is physically 51389  
unable to place a dose of medicine to the resident's mouth without 51390  
spilling it, a staff member may place the dose in a container and 51391  
place the container to the mouth of the resident. 51392

~~(D)~~(E)(1) Except as provided in division ~~(D)~~(E)(2) of this 51393  
section, a person operating or seeking to operate a residential 51394  
facility shall apply for licensure of the facility to the 51395  
department of mental health and addiction services. The 51396  
application shall be submitted by the operator. When applying for 51397  
the license, the applicant shall pay to the department the 51398  
application fee specified in rules adopted under division ~~(K)~~(L) 51399

of this section. The fee is nonrefundable. 51400

The department shall send a copy of an application to the 51401  
ADAMHS board serving the county in which the person operates or 51402  
seeks to operate the facility. The ADAMHS board shall review the 51403  
application and provide to the department any information about 51404  
the applicant or the facility that the board would like the 51405  
department to consider in reviewing the application. 51406

(2) A person may not apply for a license to operate a 51407  
residential facility if the person is or has been the owner, 51408  
operator, or manager of a residential facility for which a license 51409  
to operate was revoked or for which renewal of a license was 51410  
refused for any reason other than nonpayment of the license 51411  
renewal fee, unless both of the following conditions are met: 51412

(a) A period of not less than two years has elapsed since the 51413  
date the director of mental health and addiction services issued 51414  
the order revoking or refusing to renew the facility's license. 51415

(b) The director's revocation or refusal to renew the license 51416  
was not based on an act or omission at the facility that violated 51417  
a resident's right to be free from abuse, neglect, or 51418  
exploitation. 51419

~~(E)~~(F)(1) The department of mental health and addiction 51420  
services shall inspect and license the operation of residential 51421  
facilities. The department shall consider the past record of the 51422  
facility and the applicant or licensee in arriving at its 51423  
licensure decision. 51424

The department may issue full, probationary, and interim 51425  
licenses. A full license shall expire up to three years after the 51426  
date of issuance, a probationary license shall expire in a shorter 51427  
period of time as specified in rules adopted by the director of 51428  
~~mental health~~ mental health and addiction services under division 51429  
~~(K)~~(L) of this section, and an interim license shall expire ninety 51430

days after the date of issuance. A license may be renewed in 51431  
accordance with rules adopted by the director under division 51432  
(~~K~~)(L) of this section. The renewal application shall be submitted 51433  
by the operator. When applying for renewal of a license, the 51434  
applicant shall pay to the department the renewal fee specified in 51435  
rules adopted under division (~~K~~)(L) of this section. The fee is 51436  
nonrefundable. 51437

(2) The department may issue an order suspending the 51438  
admission of residents to the facility or refuse to issue or renew 51439  
and may revoke a license if it finds ~~the~~ any of the following: 51440

(a) The facility is not in compliance with rules adopted by 51441  
the director pursuant to division (~~K~~)(L) of this section ~~or if~~ 51442  
any; 51443

(b) Any facility operated by the applicant or licensee has 51444  
been cited for a pattern of serious noncompliance or repeated 51445  
violations of statutes or rules during the period of current or 51446  
previous licenses. ~~Proceedings;~~ 51447

(c) The applicant or licensee submits false or misleading 51448  
information as part of a license application, renewal, or 51449  
investigation. 51450

Proceedings initiated to deny applications for full or 51451  
probationary licenses or to revoke such licenses are governed by 51452  
Chapter 119. of the Revised Code. An order issued pursuant to this 51453  
division remains in effect during the pendency of those 51454  
proceedings. 51455

(~~F~~)(G) The department may issue an interim license to operate 51456  
a residential facility if both of the following conditions are 51457  
met: 51458

(1) The department determines that the closing of or the need 51459  
to remove residents from another residential facility has created 51460  
an emergency situation requiring immediate removal of residents 51461

and an insufficient number of licensed beds are available. 51462

(2) The residential facility applying for an interim license 51463  
meets standards established for interim licenses in rules adopted 51464  
by the director under division ~~(K)~~(L) of this section. 51465

An interim license shall be valid for ninety days and may be 51466  
renewed by the director no more than twice. Proceedings initiated 51467  
to deny applications for or to revoke interim licenses under this 51468  
division are not subject to Chapter 119. of the Revised Code. 51469

~~(G)~~(H)(1) The department of mental health and addiction 51470  
services may conduct an inspection of a residential facility as 51471  
follows: 51472

(a) Prior to issuance of a license for the facility; 51473

(b) Prior to renewal of the license; 51474

(c) To determine whether the facility has completed a plan of 51475  
correction required pursuant to division ~~(G)~~(H)(2) of this section 51476  
and corrected deficiencies to the satisfaction of the department 51477  
and in compliance with this section and rules adopted pursuant to 51478  
it; 51479

(d) Upon complaint by any individual or agency; 51480

(e) At any time the director considers an inspection to be 51481  
necessary in order to determine whether the facility is in 51482  
compliance with this section and rules adopted pursuant to this 51483  
section. 51484

(2) In conducting inspections the department may conduct an 51485  
on-site examination and evaluation of the residential facility and 51486  
its personnel, activities, and services. The department shall have 51487  
access to examine and copy all records, accounts, and any other 51488  
documents relating to the operation of the residential facility, 51489  
including records pertaining to residents, and shall have access 51490  
to the facility in order to conduct interviews with the operator, 51491

staff, and residents. Following each inspection and review, the department shall complete a report listing any deficiencies, and including, when appropriate, a time table within which the operator shall correct the deficiencies. The department may require the operator to submit a plan of correction describing how the deficiencies will be corrected.

~~(H)~~(I) No person shall do any of the following:

(1) Operate a residential facility unless the facility holds a valid license;

(2) Violate any of the conditions of licensure after having been granted a license;

(3) Interfere with a state or local official's inspection or investigation of a residential facility;

(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.

~~(I)~~(J) The following may enter a residential facility at any time:

(1) Employees designated by the director of mental health and addiction services;

(2) Employees of an ADAMHS board under either of the following circumstances:

(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;

(b) When authorized by section 340.05 of the Revised Code.

(3) Employees of a community mental health services provider under either of the following circumstances:

(a) When the ~~services~~ provider has a person receiving services residing in the facility;

(b) When the ~~services~~ provider is acting as an agent of an ADAMHS board other than the board with which it is under contract. 51521  
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(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients under the residential state supplement program. 51523  
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The persons specified in division ~~(I)~~(J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents. 51528  
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~~(J)~~(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license. 51532  
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~~(K)~~(L) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following: 51538  
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(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities; 51542  
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(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities; 51545  
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(3) Procedures for conducting ~~criminal records checks~~ background investigations for prospective or current operators, employees, ~~and~~ volunteers, and other non-resident occupants who may have direct access to facility residents; 51547  
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(4) The fee to be paid when applying for a new residential facility license or renewing the license;	51551 51552
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	51553 51554 51555 51556 51557 51558
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	51559 51560
(7) Measures to be taken by residential facilities relative to residents' medication;	51561 51562
(8) Requirements relating to preparation of special diets;	51563
(9) The maximum number of residents who may be served in a residential facility;	51564 51565
(10) The rights of residents of residential facilities and procedures to protect such rights;	51566 51567
<del>(11) Procedures for obtaining an affiliation agreement approved by the board between a residential facility and a community mental health services provider;</del>	51568 51569 51570
<del>(12)</del> Standards and procedures under which the director may waive the requirements of any of the rules adopted.	51571 51572
<del>(L)</del> <u>(M)</u> (1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.	51573 51574 51575 51576 51577 51578 51579 51580

(2) Any person who makes a complaint under division ~~(L)~~(M)(1) 51581  
of this section, or any person who participates in an 51582  
administrative or judicial proceeding resulting from such a 51583  
complaint, is immune from civil liability and is not subject to 51584  
criminal prosecution, other than for perjury, unless the person 51585  
has acted in bad faith or with malicious purpose. 51586

~~(M)~~(N)(1) The director of mental health and addiction 51587  
services may petition the court of common pleas of the county in 51588  
which a residential facility is located for an order enjoining any 51589  
person from operating a residential facility without a license or 51590  
from operating a licensed facility when, in the director's 51591  
judgment, there is a present danger to the health or safety of any 51592  
of the occupants of the facility. The court shall have 51593  
jurisdiction to grant such injunctive relief upon a showing that 51594  
the respondent named in the petition is operating a facility 51595  
without a license or there is a present danger to the health or 51596  
safety of any residents of the facility. 51597

(2) When the court grants injunctive relief in the case of a 51598  
facility operating without a license, the court shall issue, at a 51599  
minimum, an order enjoining the facility from admitting new 51600  
residents to the facility and an order requiring the facility to 51601  
assist with the safe and orderly relocation of the facility's 51602  
residents. 51603

(3) If injunctive relief is granted against a facility for 51604  
operating without a license and the facility continues to operate 51605  
without a license, the director shall refer the case to the 51606  
attorney general for further action. 51607

~~(N)~~(O) The director may fine a person for violating division 51608  
~~(H)~~(I) of this section. The fine shall be five hundred dollars for 51609  
a first offense; for each subsequent offense, the fine shall be 51610  
one thousand dollars. The director's actions in imposing a fine 51611  
shall be taken in accordance with Chapter 119. of the Revised 51612

Code. 51613

**Sec. 5119.341.** (A) Any person may operate a residential 51614  
facility providing accommodations and personal care services for 51615  
one to five unrelated persons and licensed as a residential 51616  
facility that meets the criteria specified in division ~~(A)(9)(b)~~ 51617  
(B)(1)(b) of section 5119.34 of the Revised Code as a permitted 51618  
use in any residential district or zone, including any 51619  
single-family residential district or zone of any political 51620  
subdivision. Such facilities may be required to comply with area, 51621  
height, yard, and architectural compatibility requirements that 51622  
are uniformly imposed upon all single-family residences within the 51623  
district or zone. 51624

(B) Any person may operate a residential facility providing 51625  
accommodations and personal care services for six to sixteen 51626  
persons and licensed as a residential facility that meets the 51627  
criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 51628  
5119.34 of the Revised Code as a permitted use in any 51629  
multiple-family residential district or zone of any political 51630  
subdivision, except that a political subdivision that has enacted 51631  
a zoning ordinance or resolution establishing planned-unit 51632  
developments as defined in section 519.021 of the Revised Code may 51633  
exclude such facilities from such districts, and a political 51634  
subdivision that has enacted a zoning ordinance or resolution may 51635  
regulate such facilities in multiple-family residential districts 51636  
or zones as a conditionally permitted use or special exception, in 51637  
either case, under reasonable and specific standards and 51638  
conditions set out in the zoning ordinance or resolution to: 51639

(1) Require the architectural design and site layout of the 51640  
home and the location, nature, and height of any walls, screens, 51641  
and fences to be compatible with adjoining land uses and the 51642  
residential character of the neighborhood; 51643

(2) Require compliance with yard, parking, and sign regulation. 51644  
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(C) Divisions (A) and (B) of this section do not affect any right of a political subdivision to permit a person to operate a residential facility licensed under section 5119.34 of the Revised Code in a single-family residential district or zone under conditions established by the political subdivision. 51646  
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(D)(1) Notwithstanding divisions (A) and (B) of this section and except as provided in division (D)(2) of this section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities that meet the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code. 51651  
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(2) Division (D)(1) of this section does not authorize a political subdivision to prevent or limit the continued existence and operation of residential facilities existing and operating on September 10, 2012, and that meet the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code. A political subdivision may consider the existence of such facilities for the purpose of limiting the excessive concentration of such facilities that meet the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code that are not existing and operating on September 10, 2012. 51658  
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**Sec. 5119.36.** (A) A community mental health services provider applicant or community addiction services provider applicant that seeks certification of its ~~community~~ mental health services or ~~community~~ addiction services shall submit an application to the director of mental health and addiction services. On receipt of the application, the director may conduct an on-site review and shall evaluate the ~~provider applicant~~ applicant to determine whether its 51668  
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services satisfy the standards established by rules adopted under 51675  
division (E) of this section. The director shall make the 51676  
evaluation, and, if the director conducts an on-site review of the 51677  
~~provider applicant~~, may make the review, in cooperation with the 51678  
board of alcohol, drug addiction, and mental health services for 51679  
treatment or prevention services with which the ~~provider applicant~~ 51680  
seeks to contract under division (A)(8)(a) of section 340.03 of 51681  
the Revised Code. 51682

(B) Subject to section 5119.371 of the Revised Code, the 51683  
director shall determine whether the services of ~~an~~ a community 51684  
mental health services provider applicant or community addiction 51685  
services applicant satisfy the standards for certification of the 51686  
services. If the director determines that ~~a community mental~~ 51687  
~~health services provider's or a community addiction services~~ 51688  
~~provider's~~ an applicant's services satisfy the standards for 51689  
certification and the ~~provider applicant~~ has paid the fee required 51690  
under division (D) of this section, the director shall certify the 51691  
services. No community mental health services provider or 51692  
community addiction services provider shall be eligible to receive 51693  
state or federal funds, or funds administered by a board of 51694  
alcohol, drug addiction, and mental health services for treatment 51695  
or prevention services unless its services have been certified by 51696  
the department. 51697

(C) If the director determines that a community mental health 51698  
services ~~provider's~~ provider applicant's or a community addiction 51699  
services ~~provider's~~ provider applicant's services do not satisfy 51700  
the standards for certification, the director shall identify the 51701  
areas of noncompliance, specify what action is necessary to 51702  
satisfy the standards, and may offer technical assistance to the 51703  
~~provider applicant~~ and to the board of alcohol, drug addiction, 51704  
and mental health services so that the board may assist the 51705  
~~provider applicant~~ in satisfying the standards. The director shall 51706

give the ~~provider~~ applicant a reasonable time within which to 51707  
demonstrate that its services satisfy the standards or to bring 51708  
the services into compliance with the standards. If the director 51709  
concludes that the services continue to fail to satisfy the 51710  
standards, the director may request that the board reallocate any 51711  
funds for the mental health or addiction services the ~~provider~~ 51712  
applicant was to provide to another community mental health or 51713  
addiction services provider whose ~~community~~ mental health or 51714  
~~community~~ addiction services satisfy the standards. If the board 51715  
does not reallocate such funds in a reasonable period of time, the 51716  
director may withhold state and federal funds for the services and 51717  
allocate those funds directly to a community mental health or 51718  
community addiction services provider whose services satisfy the 51719  
standards. 51720

(D) Each community mental health services provider applicant 51721  
or community addiction services provider applicant seeking 51722  
certification of its ~~mental health or~~ addiction or mental health 51723  
services under this section shall pay a fee for the certification 51724  
required by this section, unless the ~~provider~~ applicant is exempt 51725  
under rules adopted under division (E) of this section. Fees shall 51726  
be paid into the state treasury to the credit of the sale of goods 51727  
and services fund created pursuant to section 5119.45 of the 51728  
Revised Code. 51729

(E) The director shall adopt rules in accordance with Chapter 51730  
119. of the Revised Code to implement this section. The rules 51731  
shall do all of the following: 51732

(1) Establish certification standards for mental health 51733  
services and addiction services that are consistent with 51734  
nationally recognized applicable standards and facilitate 51735  
participation in federal assistance programs. The rules shall 51736  
include as certification standards only requirements that improve 51737  
the quality of services or the health and safety of persons 51738

receiving ~~community mental health and~~ addiction and mental health 51739  
services. The standards shall address at a minimum all of the 51740  
following: 51741

(a) Reporting major unusual incidents to the director; 51742

(b) Procedures for applicants for and persons receiving 51743  
~~community mental health and~~ addiction and mental health services 51744  
to file grievances and complaints; 51745

(c) Seclusion; 51746

(d) Restraint; 51747

(e) Requirements regarding physical facilities of service 51748  
delivery sites; 51749

(f) Requirements with regard to health, safety, adequacy, and 51750  
cultural specificity and sensitivity; 51751

(g) Standards for evaluating services; 51752

(h) Standards and procedures for granting full ~~or~~ 51753  
conditional, probationary, and interim certification to a ~~service~~ 51754  
community mental health services provider applicant or community 51755  
addiction services applicant; 51756

(i) Standards and procedures for revoking the certification 51757  
of a community mental health or addiction services provider's 51758  
services that do not continue to meet the minimum standards 51759  
established pursuant to this section; 51760

(j) The limitations to be placed on a provider that is 51761  
granted ~~conditional~~ probationary or interim certification; 51762

(k) Development of written policies addressing the rights of 51763  
persons receiving services, including all of the following: 51764

(i) The right to a copy of the written policies addressing 51765  
the rights of persons receiving services; 51766

(ii) The right at all times to be treated with consideration 51767

and respect for the person's privacy and dignity; 51768

(iii) The right to have access to the person's own 51769  
psychiatric, medical, or other treatment records unless access is 51770  
specifically restricted in the person's treatment plan for clear 51771  
treatment reasons; 51772

(iv) The right to have a client rights officer provided by 51773  
the ~~services~~ provider or board of alcohol, drug addiction, and 51774  
mental health services advise the person of the person's rights, 51775  
including the person's rights under Chapter 5122. of the Revised 51776  
Code if the person is committed to the provider or board. 51777

(2) Establish the process for certification of ~~community~~ 51778  
~~mental health and~~ addiction and mental health services; 51779

(3) Set the amount of certification review fees; 51780

(4) Specify the type of notice and hearing to be provided 51781  
prior to a decision on whether to reallocate funds. 51782

(F) The department may issue an order suspending admissions 51783  
to a community addiction services provider that provides overnight 51784  
accommodations if it finds either of the following: 51785

(1) The provider is not in compliance with rules adopted by 51786  
the director pursuant to division (E) of this section; 51787

(2) The provider has been cited for more than one violation 51788  
of statutes or rules during any previous certification period of 51789  
the provider. 51790

(G) The department shall maintain a current list of community 51791  
addiction services providers ~~whose addiction services are~~ 51792  
~~certified by the department under division (B) of this section~~ and 51793  
shall provide a copy of the list to a judge of a court of common 51794  
pleas who requests a copy for the use of the judge under division 51795  
(H) of section 2925.03 of the Revised Code. The list ~~of certified~~ 51796  
~~addiction services~~ shall identify each provider by its name, its 51797

address, and the county in which it is located. 51798

~~(G)~~(H) No person shall represent in any manner that a 51799  
provider is certified by the department if the provider is not 51800  
certified at the time the representation is made. 51801

**Sec. 5119.361.** The director of mental health and addiction 51802  
services shall require that each board of alcohol, drug addiction, 51803  
and mental health services ensure that each community mental 51804  
health services provider and community addiction services provider 51805  
with which it contracts under division (A)(8)(a) of section 340.03 51806  
of the Revised Code to provide ~~community mental health or~~ 51807  
addiction or mental health services or recovery supports establish 51808  
grievance procedures consistent with rules adopted under section 51809  
5119.36 of the Revised Code that are available to all persons 51810  
seeking or receiving services or supports from a community mental 51811  
health or addiction services provider. 51812

**Sec. 5119.362.** (A) In accordance with rules adopted under 51813  
section 5119.363 of the Revised Code, each community addiction 51814  
services provider shall do all of the following: 51815

(1) Maintain, in an aggregate form, a waiting list of 51816  
individuals to whom all of the following apply: 51817

(a) The individual has been documented as having a clinical 51818  
need for alcohol and drug addiction services due to an opioid or 51819  
co-occurring drug addiction. 51820

(b) The individual has applied to the provider for a 51821  
clinically necessary addiction or mental health treatment service 51822  
or recovery support ~~service~~ required by division (A)(11)~~(e)~~~~(ix)~~ of 51823  
section 340.03 of the Revised Code to be included in the continuum 51824  
of care established under that section. 51825

(c) The individual has not begun to receive the ~~clinically~~ 51826  
~~necessary~~ treatment service or support ~~service~~ within five days of 51827

the individual's application for the treatment service or support 51828  
because the provider lacks an available slot for the individual. 51829

(2) Notify an individual included on the provider's waiting 51830  
list when the provider has a slot available for the individual 51831  
and, if the individual does not contact the provider about the 51832  
slot within a period of time specified in the rules, contact the 51833  
individual to determine why the individual did not contact the 51834  
provider and to assess whether the individual still needs the 51835  
treatment service or support ~~service~~; 51836

(3) Subject to divisions (B) and (C) of this section, report 51837  
all of the following information each month to the board of 51838  
alcohol, drug addiction, and mental health services that serves 51839  
the county or counties in which the provider provides alcohol and 51840  
drug addiction services or recovery supports: 51841

(a) An unduplicated count of all individuals who reside in a 51842  
county that the board serves and were included on the provider's 51843  
waiting list as of the last day of the immediately preceding month 51844  
and each type of treatment service and support ~~service~~ for which 51845  
they were waiting; 51846

(b) The total number of days all such individuals had been on 51847  
the provider's waiting list as of the last day of the immediately 51848  
preceding month; 51849

(c) The last known types of residential settings in which all 51850  
such individuals resided as of the last day of the immediately 51851  
preceding month; 51852

(d) The number of all such individuals who did not contact 51853  
the provider after receiving, during the immediately preceding 51854  
month, the notices under division (A)(2) of this section about the 51855  
provider having slots available for the individuals, and the 51856  
reasons the contacts were not made; 51857

(e) The number of all such individuals who withdrew, in the 51858

immediately preceding month, their applications for the treatment 51859  
service and support ~~services~~, each type of treatment service or 51860  
support for which those individuals had applied, and the reasons 51861  
the applications were withdrawn; 51862

(f) All other information specified in the rules. 51863

(B) If a community addiction services provider provides 51864  
alcohol and drug addiction services or recovery supports in more 51865  
than one county and those counties are served by different boards 51866  
of alcohol, drug addiction, and mental health services, the 51867  
provider shall provide separate reports under division (C)(3) of 51868  
this section to each of the boards serving the counties in which 51869  
the provider provides the services or supports. The report 51870  
provided to a board shall be specific to the county or counties 51871  
the board serves and not include information for individuals 51872  
residing in other counties. 51873

(C) Each report that a community addiction services provider 51874  
provides to a board of alcohol, drug addiction, and mental health 51875  
services under this section shall do all of the following: 51876

(1) Maintain the confidentiality of all individuals for whom 51877  
information is included in the report; 51878

(2) For the purpose of the information reported under 51879  
division (A)(3)(c) of this section, identify the types of 51880  
residential settings at least as either institutional or 51881  
noninstitutional; 51882

(3) If the report is provided to a board that serves more 51883  
than one county, present the information included in the report in 51884  
a manner that is broken down for each of the counties the board 51885  
serves. 51886

**Sec. 5119.365.** The director of mental health and addiction 51887  
services shall adopt rules in accordance with Chapter 119. of the 51888

Revised Code to do both of the following: 51889

(A) Streamline the intake procedures used by a community 51890  
addiction services provider accepting and beginning to serve a new 51891  
~~patient~~ individual, including procedures regarding intake forms 51892  
and questionnaires; 51893

(B) Enable a community addiction services provider to retain 51894  
~~a patient~~ an individual as an active patient even though the 51895  
patient last received services from the provider more than thirty 51896  
days before resumption of services so that the ~~patient~~ individual 51897  
and provider do not have to repeat the intake procedures. 51898

**Sec. 5119.41.** (A) As used in this section ~~and section~~ 51899  
~~5119.411~~ of the Revised Code: 51900

(1) "Nursing facility" has the same meaning as in section 51901  
5165.01 of the Revised Code. 51902

(2) "Residential state supplement administrative agency" 51903  
means the department of mental health and addiction services or, 51904  
if the department designates an entity under division (C) of this 51905  
section for a particular area, the designated entity. 51906

(3) "Residential state supplement program" means the program 51907  
administered pursuant to this section. 51908

(B) The department of mental health and addiction services 51909  
shall implement the residential state supplement program under 51910  
which the state supplements the supplemental security income 51911  
payments received by aged, blind, or disabled adults under Title 51912  
XVI of the "Social Security Act," 42 U.S.C. 1381 et seq. 51913  
Residential state supplement payments shall be used for the 51914  
provision of accommodations, supervision, and personal care 51915  
services to social security, supplemental security income, and 51916  
social security disability insurance recipients who the department 51917  
determines are at risk of needing institutional care. 51918

(C) In implementing the program, the department may designate one or more entities to be responsible for providing administrative services regarding the program. The department may designate an entity to be a residential state supplement administrative agency under this division either by entering into a contract with the entity to serve in that capacity or by otherwise delegating to the entity the responsibility to serve in that capacity.

(D) ~~For an~~ An individual ~~to be~~ is eligible for residential state supplement payments, if all of the following ~~must be the ease conditions are met:~~

(1) Except as provided by division ~~(H)~~(G) of this section, the individual must reside in one of the following living arrangements:

(a) A residential care facility licensed by the department of health under Chapter 3721. of the Revised Code or an assisted living program as defined in section 5111.89 of the Revised Code;

(b) A residential facility as defined in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code licensed by the department of mental health and addiction services;

~~(c) An apartment or room used to provide community mental health housing services certified by the department of mental health and addiction services under section 5119.36 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code.~~

(2) ~~A residential state supplement administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for social security payments, supplemental security income payments, or~~

~~social security disability insurance benefits because of a mental disability, the~~ 51950  
If a residential state supplement administrative 51951  
agency is aware that an individual enrolled in the program has 51952  
mental health needs, the agency shall refer the individual to a 51953  
~~community mental health services provider for an assessment under~~ 51954  
pursuant to division (A) of section 340.091 of the Revised Code. 51955

(3) The individual satisfies all eligibility requirements 51956  
established by rules adopted under division (E) of this section. 51957

(4) An individual residing in a living arrangement housing 51958  
more than sixteen individuals shall not be eligible for inclusion 51959  
in the program unless the director of mental health and addiction 51960  
services specifically waives this size limitation with respect to 51961  
that individual in that living arrangement. An individual with 51962  
such a waiver as of October 1, 2015, shall remain eligible for the 51963  
program as long as the individual remains in that living 51964  
arrangement. 51965

(E) The director of mental health and addiction services and 51966  
medicaid director shall adopt rules in accordance with ~~section~~ 51967  
~~111.15~~ Chapter 119. of the Revised Code as necessary to implement 51968  
the residential state supplement program. 51969

To the extent permitted by Title XVI of the "Social Security 51970  
Act," and any other provision of federal law, the medicaid 51971  
director may adopt rules establishing standards for adjusting the 51972  
eligibility requirements concerning the level of impairment a 51973  
person must have so that the amount appropriated for the program 51974  
by the general assembly is adequate for the number of eligible 51975  
individuals. The rules shall not limit the eligibility of disabled 51976  
persons solely on a basis classifying disabilities as physical or 51977  
mental. The medicaid director also may adopt rules that establish 51978  
eligibility standards for aged, blind, or disabled individuals who 51979  
reside in one of the homes or facilities specified in division 51980  
(D)(1) of this section but who, because of their income, do not 51981

receive supplemental security income payments. The rules may 51982  
provide that these individuals may include individuals who receive 51983  
other types of benefits, including, social security payments or 51984  
social security disability insurance benefits provided under Title 51985  
II of the "Social Security Act," 42 U.S.C. 401, et seq. 51986  
Notwithstanding division (B) of this section, such payments may be 51987  
made if funds are available for them. 51988

The director of mental health and addiction services may 51989  
adopt rules establishing the method to be used to determine the 51990  
amount an eligible individual will receive under the program. The 51991  
amount the general assembly appropriates for the program may be a 51992  
factor included in the method that director establishes. 51993

(F) The county department of job and family services of the 51994  
county in which an applicant for the residential state supplement 51995  
program resides or the department of medicaid shall determine 51996  
whether the applicant meets income and resource requirements for 51997  
the program. 51998

~~(G) The department of mental health and addiction services 51999  
shall maintain a waiting list of any individuals eligible for 52000  
payments under this section but not receiving them because moneys 52001  
appropriated to the department for the purposes of this section 52002  
are insufficient to make payments to all eligible individuals. An 52003  
individual may apply to be placed on the waiting list even though 52004  
the individual does not reside in one of the homes or facilities 52005  
specified in division (D)(1) of this section at the time of 52006  
application. The director of mental health and addiction services, 52007  
by rules adopted in accordance with Chapter 119. of the Revised 52008  
Code, may specify procedures and requirements for placing an 52009  
individual on the waiting list and priorities for the order in 52010  
which individuals placed on the waiting list are to begin to 52011  
receive residential state supplement payments. The rules 52012  
specifying priorities may give priority to individuals placed on 52013~~

~~the waiting list on or after July 1, 2006, who receive social security payments, social security disability insurance, or supplemental security income benefits under Title XVI of the "Social Security Act," 42 U.S.C. 1381, et seq. The rules shall not affect the place on the waiting list of any person who was on the list on July 1, 2006. The rules specifying priorities may also set additional priorities based on living arrangement, such as whether an individual resides in a facility listed in division (D)(1) of this section or has been admitted to a nursing facility.~~

~~(H)~~ An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this section solely by reason of the individual's living arrangement as long as the individual remains in the living arrangement in which the individual resided on November 15, 1990.

~~(I)~~(H) The county department of job and family services from which the person is receiving benefits or the department of medicaid shall notify each person denied approval for payments under this section of the person's right to a hearing. On request, the hearing shall be provided in accordance with ~~Chapter 119.~~ section 5101.35 of the Revised Code.

**Sec. 5119.44.** As used in this section, "free clinic" has the same meaning as in section 2305.2341 of the Revised Code.

(A) The department of mental health and addiction services may provide certain goods and services for the department of mental health and addiction services, the department of developmental disabilities, the department of rehabilitation and correction, the department of youth services, and other state, county, or municipal agencies requesting such goods and services when the department of mental health and addiction services

determines that it is in the public interest, and considers it 52045  
advisable, to provide these goods and services. The department of 52046  
mental health and addiction services also may provide goods and 52047  
services to agencies operated by the United States government and 52048  
to public or private nonprofit agencies, other than free clinics, 52049  
that are funded in whole or in part by the state if the public or 52050  
private nonprofit agencies are designated for participation in 52051  
this program by the director of mental health and addiction 52052  
services for community addiction services providers and community 52053  
mental health services providers, the director of developmental 52054  
disabilities for community mental retardation and developmental 52055  
disabilities agencies, the director of rehabilitation and 52056  
correction for community rehabilitation and correction agencies, 52057  
or the director of youth services for community youth services 52058  
agencies. 52059

Designated community agencies or services providers shall 52060  
receive goods and services through the department of mental health 52061  
and addiction services only in those cases where the designating 52062  
state agency certifies that providing such goods and services to 52063  
the agency or services provider will conserve public resources to 52064  
the benefit of the public and where the provision of such goods 52065  
and services is considered feasible by the department of mental 52066  
health and addiction services. 52067

(B) The department of mental health and addiction services 52068  
may permit free clinics to purchase certain goods and services to 52069  
the extent the purchases fall within the exemption to the 52070  
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 52071  
institutions, in 15 U.S.C. 13c, as amended. 52072

(C) The goods and services that may be provided by the 52073  
department of mental health and addiction services under divisions 52074  
(A) and (B) of this section may include: 52075

(1) Procurement, storage, processing, and distribution of 52076

food and professional consultation on food operations; 52077

(2) Procurement, storage, and distribution of medical and 52078  
laboratory supplies, dental supplies, medical records, forms, 52079  
optical supplies, and sundries, subject to section 5120.135 of the 52080  
Revised Code; 52081

(3) Procurement, storage, repackaging, distribution, and 52082  
dispensing of drugs, the provision of professional pharmacy 52083  
consultation, and drug information services; 52084

(4) Other goods and services. 52085

(D) The department of mental health and addiction services 52086  
may provide the goods and services designated in division (C) of 52087  
this section to its institutions and to state-operated 52088  
community-based mental health or addiction services providers. 52089

(E) After consultation with and advice from the director of 52090  
developmental disabilities, the director of rehabilitation and 52091  
correction, and the director of youth services, the department of 52092  
mental health and addiction services may provide the goods and 52093  
services designated in division (C) of this section to the 52094  
department of developmental disabilities, the department of 52095  
rehabilitation and correction, and the department of youth 52096  
services. 52097

(F) The cost of administration of this section shall be 52098  
determined by the department of mental health and addiction 52099  
services and paid by the agencies, services providers, or free 52100  
clinics receiving the goods and services to the department for 52101  
deposit in the state treasury to the credit of the ~~office of~~ 52102  
~~support~~ Ohio pharmacy services fund, which is hereby created. The 52103  
fund shall be used to pay the cost of administration of this 52104  
section to the department. 52105

(G) Whenever a state agency fails to make a payment for goods 52106  
and services provided under this section within thirty-one days 52107

after the date the payment was due, the office of budget and 52108  
management may transfer moneys from the state agency to the 52109  
department of mental health and addiction services. The amount 52110  
transferred shall not exceed the amount of overdue payments. Prior 52111  
to making a transfer under this division, the office of budget and 52112  
management shall apply any credits the state agency has 52113  
accumulated in payments for goods and services provided under this 52114  
section. 52115

(H) Purchases of goods and services under this section are 52116  
not subject to section 307.86 of the Revised Code. 52117

**Sec. 5119.60.** The department of mental health and addiction 52118  
services shall submit an annual report to the governor that shall 52119  
describe the services the department offers and how appropriated 52120  
funds have been spent. The report shall include all of the 52121  
following: 52122

(A) The utilization of state hospitals by each alcohol, drug 52123  
addiction, and mental health service district; 52124

(B) The number of persons served by community addiction 52125  
services providers that receive funds distributed by the 52126  
department, with a breakdown into categories including age, sex, 52127  
race, the type of drug to which the person is addicted, and any 52128  
other categories the director of mental health and addiction 52129  
services considers significant; 52130

(C) The number of severely mentally disabled persons served 52131  
in each district; 52132

(D) The number and types of addiction and mental health 52133  
services and recovery supports provided to severely mentally 52134  
disabled persons through state-operated services and community 52135  
mental health services providers; 52136

(E) A report measuring the success of community addiction 52137

services providers, based on the measures for accountability 52138  
developed by the department, including the percentage of persons 52139  
served by such community addiction services providers who have not 52140  
relapsed; 52141

(F) Any other information that the director considers 52142  
significant or is requested by the governor. 52143

**Sec. 5119.61.** (A) The department of mental health and 52144  
addiction services shall collect and compile statistics and other 52145  
information on the care and treatment of mentally disabled 52146  
persons, and the care, treatment, and rehabilitation of 52147  
alcoholics, drug dependent persons, and persons in danger of drug 52148  
dependence in this state, including, without limitation, 52149  
information on the number of such persons, the type of drug 52150  
involved, the type of care, treatment, or rehabilitation 52151  
prescribed or undertaken, and the success or failure of the care, 52152  
treatment, or rehabilitation. The department shall collect 52153  
information about addiction and mental health services and 52154  
recovery supports delivered and persons served as required for 52155  
reporting and evaluation relating to state and federal funds 52156  
expended for such purposes. 52157

(B) No alcohol, drug addiction, or mental health services 52158  
provider shall fail to supply statistics and other information 52159  
within its knowledge and with respect to its services or supports, 52160  
upon request of the department. 52161

(C) Communications by a person seeking aid in good faith for 52162  
alcoholism or drug dependence are confidential, and this section 52163  
does not require the collection or permit the disclosure of 52164  
information which reveals or comprises the identity of any person 52165  
seeking aid. 52166

(D) Based on the information collected and compiled under 52167  
division (A) of this section, the department shall develop a 52168

project to assess the outcomes of persons served by community 52169  
alcohol and drug addiction services providers and community mental 52170  
health services providers that receive funds distributed by the 52171  
department. 52172

**Sec. 5119.94.** (A) Upon receipt of a petition filed under 52173  
section 5119.93 of the Revised Code and the payment of the 52174  
appropriate filing fee, if any, the probate court shall examine 52175  
the petitioner under oath as to the contents of the petition. 52176

(B) If, after reviewing the allegations contained in the 52177  
petition and examining the petitioner under oath, it appears to 52178  
the probate court that there is probable cause to believe the 52179  
respondent may reasonably benefit from treatment, the court shall 52180  
do all of the following: 52181

(1) Schedule a hearing to be held within seven days to 52182  
determine if there is clear and convincing evidence that the 52183  
respondent may reasonably benefit from treatment for alcohol and 52184  
other drug abuse; 52185

(2) Notify the respondent, the legal guardian, if any and if 52186  
known, and the spouse, parents, or nearest relative or friend of 52187  
the respondent concerning the allegations and contents of the 52188  
petition and of the date and purpose of the hearing; 52189

(3) Notify the respondent that the respondent may retain 52190  
counsel and, if the person is unable to obtain an attorney, that 52191  
the respondent may be represented by court-appointed counsel at 52192  
public expense if the person is indigent. Upon the appointment of 52193  
an attorney to represent an indigent respondent, the court shall 52194  
notify the respondent of the name, address, and telephone number 52195  
of the attorney appointed to represent the respondent. 52196

(4) Notify the respondent that the court shall cause the 52197  
respondent to be examined not later than twenty-four hours before 52198

the hearing date by a physician for the purpose of a physical 52199  
examination and by a qualified health professional for the purpose 52200  
of a drug and alcohol addiction assessment and diagnosis. In 52201  
addition, the court shall notify the respondent that the 52202  
respondent may have an independent expert evaluation of the 52203  
person's physical and mental condition conducted at the 52204  
respondent's own expense. 52205

(5) Cause the respondent to be examined not later than 52206  
twenty-four hours before the hearing date by a physician for the 52207  
purpose of a physical examination and by a qualified health 52208  
professional for the purpose of a drug and alcohol addiction 52209  
assessment and diagnosis; 52210

(6) Conduct the hearing. 52211

(C) The physician and qualified health professional who 52212  
examine the respondent pursuant to division (B)(5) of this section 52213  
or who are obtained by the respondent at the respondent's own 52214  
expense shall certify their findings to the court within 52215  
twenty-four hours of the examinations. The findings of each 52216  
qualified health professional shall include a recommendation for 52217  
treatment if the qualified health professional determines that 52218  
treatment is necessary. 52219

(D)(1) If upon completion of the hearing held under this 52220  
section the probate court finds by clear and convincing evidence 52221  
that the respondent may reasonably benefit from treatment, the 52222  
court may order the treatment after considering the qualified 52223  
health professionals' recommendations for treatment that have been 52224  
submitted to the court under division (C) of this section. If the 52225  
court orders the treatment under this division, the court shall 52226  
order the treatment to be provided through a community addiction 52227  
services provider ~~certified under section 5119.36 of the Revised~~ 52228  
~~Code~~ or by an individual licensed or certified by the state 52229  
medical board under Chapter 4731. of the Revised Code, the 52230

chemical dependency professionals board under Chapter 4758. of the 52231  
Revised Code, the counselor, social worker, and marriage and 52232  
family therapist board under Chapter 4757. of the Revised Code, or 52233  
a similar board of another state authorized to provide substance 52234  
abuse treatment. 52235

(2) Failure of a respondent to undergo and complete any 52236  
treatment ordered pursuant to this division is contempt of court. 52237  
Any ~~alcohol and drug~~ community addiction program services provider 52238  
or person providing treatment under this division shall notify the 52239  
probate court of a respondent's failure to undergo or complete the 52240  
ordered treatment. 52241

(E) If, at any time after a petition is filed under section 52242  
5119.93 of the Revised Code, the probate court finds that there is 52243  
not probable cause to continue treatment or if the petitioner 52244  
withdraws the petition, then the court shall dismiss the 52245  
proceedings against the respondent. 52246

**Sec. 5119.99.** (A) Whoever violates section 5119.333 of the 52247  
Revised Code is guilty of a misdemeanor of the first degree. 52248

(B) Whoever violates division (B) of section 5119.61 of the 52249  
Revised Code is guilty of a misdemeanor of the fourth degree. 52250

(C) Whoever violates section 5119.27 or 5119.28 or division 52251  
~~(G)~~(H) of section 5119.36 of the Revised Code is guilty of a 52252  
felony of the fifth degree. 52253

**Sec. 5120.112.** (A) The division of parole and community 52254  
services shall accept applications for state financial assistance 52255  
for the renovation, maintenance, and operation of proposed and 52256  
approved community-based correctional facilities and programs and 52257  
district community-based correctional facilities and programs that 52258  
are filed in accordance with section 2301.56 of the Revised Code. 52259  
The division, upon receipt of an application for a particular 52260

facility and program, shall determine whether the application is 52261  
in proper form, whether the applicant satisfies the standards of 52262  
operation that are prescribed by the department of rehabilitation 52263  
and correction under section 5120.111 of the Revised Code, whether 52264  
the applicant has established the facility and program, and, if 52265  
the applicant has not at that time established the facility and 52266  
program, whether the proposal of the applicant sufficiently 52267  
indicates that the standards will be satisfied upon the 52268  
establishment of the facility and program. If the division 52269  
determines that the application is in proper form and that the 52270  
applicant has satisfied or will satisfy the standards of the 52271  
department, the division shall notify the applicant that it is 52272  
qualified to receive state financial assistance for the facility 52273  
and program under this section from moneys made available to the 52274  
division for purposes of providing assistance to community-based 52275  
correctional facilities and programs and district community-based 52276  
correctional facilities and programs. 52277

(B) The amount of state financial assistance that is awarded 52278  
to a qualified applicant under this section shall be determined by 52279  
the division of parole and community services in accordance with 52280  
this division. In determining the amount of state financial 52281  
assistance to be awarded to a qualified applicant under this 52282  
section, the division shall not calculate the cost of an offender 52283  
incarcerated in a community-based correctional facility and 52284  
program or district community-based correctional facility program 52285  
to be greater than the average yearly cost of incarceration per 52286  
inmate in all state correctional institutions, as defined in 52287  
section 2967.01 of the Revised Code, as determined by the 52288  
department of rehabilitation and correction. 52289

The times and manner of distribution of state financial 52290  
assistance to be awarded to a qualified applicant under this 52291  
section shall be determined by the division of parole and 52292

community services. 52293

(C) Upon approval of a proposal for a community-based 52294  
correctional facility and program or a district community-based 52295  
correctional facility and program by the division of parole and 52296  
community services, the facility governing board, upon the advice 52297  
of the judicial advisory board, shall enter into an award 52298  
agreement with the department of rehabilitation and correction 52299  
that outlines terms and conditions of the agreement on an annual 52300  
basis. In the award agreement, the facility governing board shall 52301  
identify a fiscal agent responsible for the deposit of funds and 52302  
compliance with sections 2301.55 and 2301.56 of the Revised Code. 52303

(D) No state financial assistance shall be distributed to a 52304  
qualified applicant until an agreement concerning the assistance 52305  
has been entered into by the director of rehabilitation and 52306  
correction and the deputy director of the division of parole and 52307  
community services on the part of the state, and by the 52308  
chairperson of the facility governing board of the community-based 52309  
correctional facility and program or district community-based 52310  
correctional facility and program to receive the financial 52311  
assistance, whichever is applicable. The agreement shall be 52312  
effective for a period of one year from the date of the agreement 52313  
and shall specify all terms and conditions that are applicable to 52314  
the awarding of the assistance, including, but not limited to: 52315

(1) The total amount of assistance to be awarded for each 52316  
community-based correctional facility and program or district 52317  
community-based correctional facility and program, and the times 52318  
and manner of the payment of the assistance; 52319

(2) How persons who will staff and operate the facility and 52320  
program are to be utilized during the period for which the 52321  
assistance is to be granted, including descriptions of their 52322  
positions and duties, and their salaries and fringe benefits; 52323

(3) A statement that none of the persons who will staff and operate the facility and program, including those who are receiving some or all of their salaries out of funds received by the facility and program as state financial assistance, are employees or are to be considered as being employees of the department of rehabilitation and correction, and a statement that the employees who will staff and operate that facility and program are employees of the facility and program;

(4) A list of the type of expenses, other than salaries of persons who will staff and operate the facility and program, for which the state financial assistance can be used, and a requirement that purchases made with funds received as state financial assistance follow established fiscal guidelines as determined by the division of parole and community services and any applicable sections of the Revised Code, including, but not limited to, sections 125.01 to 125.11 and Chapter 153. of the Revised Code;

(5) The accounting procedures that are to be used by the facility and program in relation to the state financial assistance;

(6) A requirement that the facility and program file reports, during the period that it receives state financial assistance, with the division of parole and community services, which reports shall be statistical in nature and shall contain that information required under a research design agreed upon by all parties to the agreement, for purposes of evaluating the facility and program;

(7) A requirement that the facility and program comply with standards of operation as prescribed by the department under section 5120.111 of the Revised Code, and with all information submitted on its application;

(8) A statement that the facility and program will make a

reasonable effort to augment the funding received from the state. 52355

(E)(1) No state financial assistance shall be distributed to 52356  
a qualified applicant until its proposal for a community-based 52357  
correctional facility and program or district community-based 52358  
correctional facility and program has been approved by the 52359  
division of parole and community services. 52360

(2) State financial assistance may be denied to any applicant 52361  
if it fails to comply with the terms of any agreement entered into 52362  
pursuant to division (D) of this section. 52363

(F) The division of parole and community services may expend 52364  
up to one-half per cent of the annual appropriation made for 52365  
community-based correctional facility programs, for goods or 52366  
services that benefit those programs. 52367

**Sec. 5120.135.** (A) As used in this section, "laboratory 52368  
services" includes the performance of medical laboratory analysis; 52369  
professional laboratory and pathologist consultation; the 52370  
procurement, storage, and distribution of laboratory supplies; and 52371  
the performance of phlebotomy services. 52372

(B) The department of rehabilitation and correction may 52373  
provide laboratory services to the departments of mental health 52374  
and addiction services, developmental disabilities, youth 52375  
services, and rehabilitation and correction. The department of 52376  
rehabilitation and correction may also provide laboratory services 52377  
to other state, county, or municipal agencies and to private 52378  
persons that request laboratory services if the department of 52379  
rehabilitation and correction determines that the provision of 52380  
laboratory services is in the public interest and considers it 52381  
advisable to provide such services. The department of 52382  
rehabilitation and correction may also provide laboratory services 52383  
to agencies operated by the United States government and to public 52384  
and private entities funded in whole or in part by the state if 52385

the director of rehabilitation and correction designates them as 52386  
eligible to receive such services. 52387

The department of rehabilitation and correction shall provide 52388  
laboratory services from a laboratory that complies with the 52389  
standards for certification set by the United States department of 52390  
health and human services under the "Clinical Laboratory 52391  
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 52392  
In addition, the laboratory shall maintain accreditation or 52393  
certification with an appropriate accrediting or certifying 52394  
organization as considered necessary by the recipients of its 52395  
laboratory services and as authorized by the director of 52396  
rehabilitation and correction. 52397

~~(C) The cost of administering this section shall be 52398  
determined by the department of rehabilitation and correction and 52399  
shall be paid by entities that receive laboratory services to the 52400  
department for deposit in the state treasury to the credit of the 52401  
laboratory services fund, which is hereby created. The fund shall 52402  
be used to pay the costs the department incurs in administering 52403  
this section. 52404~~

~~(D) Whenever a state agency fails to make a payment for 52405  
laboratory services provided to it by the department of 52406  
rehabilitation and correction under this section within thirty-one 52407  
days after the date the payment was due, the office of budget and 52408  
management may transfer moneys from that state agency to the 52409  
department of rehabilitation and correction for deposit to the 52410  
credit of the laboratory services fund. The amount transferred 52411  
shall not exceed the amount of the overdue payments. Prior to 52412  
making a transfer under this division, the office shall apply any 52413  
credits the state agency has accumulated in payment for laboratory 52414  
services provided under this section. 52415~~

**Sec. 5120.28.** (A) The department of rehabilitation and 52416

correction, ~~subject to the approval of the office of budget and~~ 52417  
~~management,~~ shall fix the prices at which all labor and services 52418  
performed, all agricultural products produced, and all articles 52419  
manufactured in correctional and penal institutions shall be 52420  
furnished to the state, the political subdivisions of the state, 52421  
and the public institutions of the state and the political 52422  
subdivisions, and to private persons. The prices shall be uniform 52423  
to all and not higher than the usual market price for like labor, 52424  
products, services, and articles. 52425

(B) Any money received by the department of rehabilitation 52426  
and correction for labor and services performed shall be deposited 52427  
into the institutional services fund created pursuant to division 52428  
(A) of section 5120.29 of the Revised Code and shall be used and 52429  
accounted for as provided in that section and division (B) of 52430  
section 5145.03 of the Revised Code. 52431

(C) Any money received by the department of rehabilitation 52432  
and correction for articles manufactured and agricultural products 52433  
produced in penal and correctional institutions shall be deposited 52434  
into the Ohio penal industries manufacturing fund created pursuant 52435  
to division (B) of section 5120.29 of the Revised Code and shall 52436  
be used and accounted for as provided in that section and division 52437  
(B) of section 5145.03 of the Revised Code. 52438

**Sec. 5120.38.** Subject to the rules of the department of 52439  
rehabilitation and correction, each institution under the 52440  
department's jurisdiction other than an institution operated 52441  
pursuant to a contract entered into under section 9.06 of the 52442  
Revised Code shall be under the control of a managing officer 52443  
known as a warden or other appropriate title. The managing officer 52444  
shall be appointed by the director of ~~the department of~~ 52445  
rehabilitation and correction and shall be in the unclassified 52446  
service and serve at the pleasure of the director. Appointment to 52447

the position of managing officer shall be made from persons who 52448  
have criminal justice experience. 52449

A person who is appointed to the position of managing officer 52450  
from a permanent, classified position in the classified service 52451  
within the department shall retain the right to resume the 52452  
position and status that the person held in the classified service 52453  
immediately prior to the person's appointment to the position in 52454  
the unclassified service, regardless of the number of positions 52455  
the person held in the unclassified service. Upon being relieved 52456  
of the person's duties as managing officer, the person shall be 52457  
reinstated to the An employee's right to resume a position in the 52458  
classified service that the person held immediately prior may be 52459  
exercised only when an appointing authority demotes the employee 52460  
to a pay range lower than the employee's current pay range or 52461  
revokes the employee's appointment to the position of managing 52462  
officer or to another position that in the unclassified service. 52463  
An employee forfeits the right to resume a position in the 52464  
classified service if the employee is removed from a position in 52465  
the unclassified service due to incompetence, inefficiency, 52466  
dishonesty, drunkenness, immoral conduct, insubordination, 52467  
discourteous treatment of the public, neglect of duty, a violation 52468  
of this chapter or the rules of the department or the director, 52469  
with approval of the state department of administrative services, 52470  
certifies as being any other failure of good behavior, any other 52471  
acts of misfeasance, malfeasance, or nonfeasance in office, or 52472  
conviction of or plea of guilty to a felony. An employee also 52473  
forfeits the right to resume the prior position in the classified 52474  
service upon transfer to a different agency. Reinstatement to a 52475  
position in the classified service shall be to a position 52476  
substantially equal to that prior the position in the classified 52477  
service that the person previously held, as certified by the 52478  
director of rehabilitation and correction and approved by the 52479  
director of administrative services. If the position the person 52480

previously held in the classified service has been placed in the 52481  
unclassified service or is otherwise unavailable, the person shall 52482  
be appointed to a position in the classified service within the 52483  
department that the director of administrative services certifies 52484  
is comparable in compensation to the position the person 52485  
previously held in the classified service. Service as ~~a managing~~ 52486  
~~officer~~ in a position in the unclassified service shall be counted 52487  
as service in the position in the classified service held by the 52488  
person immediately preceding the person's appointment ~~as managing~~ 52489  
~~officer~~ to the position in the unclassified service. ~~A~~ When a 52490  
person ~~who~~ is reinstated to a position in the classified service, 52491  
as provided in this section, ~~shall be~~ the person is entitled to 52492  
all rights and ~~emoluments~~ benefits and any status accruing to the 52493  
position in the classified service during the time of the person's 52494  
service ~~as managing officer~~ in the position in the unclassified 52495  
service. 52496

The managing officer, under the director of rehabilitation 52497  
and correction, shall have entire executive charge of the 52498  
institution for which the managing officer is appointed. Subject 52499  
to civil service rules and regulations, the managing officer shall 52500  
appoint the necessary employees and the managing officer or the 52501  
director may remove such employees for cause. ~~A report of all~~ 52502  
~~appointments, resignations, and discharges shall be filed with the~~ 52503  
~~director at the close of each month.~~ 52504

**Sec. 5120.381.** Subject to the rules of the department of 52505  
rehabilitation and correction, the director of rehabilitation and 52506  
correction may appoint a deputy warden for each institution under 52507  
the jurisdiction of the department. A deputy warden shall be in 52508  
the unclassified service and serve at the pleasure of the director 52509  
of rehabilitation and correction. The director of rehabilitation 52510  
and correction shall make an appointment to the position of deputy 52511  
warden from persons having criminal justice experience. A person 52512

who is appointed to a position as deputy warden from a permanent, 52513  
classified position in the classified service within the 52514  
department shall retain the right to resume the position and 52515  
status that the person held in the classified service immediately 52516  
prior to the person's appointment to the position in the 52517  
unclassified service, regardless of the number of positions the 52518  
person held in the unclassified service. If the person is relieved 52519  
of the person's duties as deputy warden, the director shall 52520  
reinstate the person to the An employee's right to resume a 52521  
position in the classified service that the person held 52522  
immediately prior to the appointment as deputy warden or to 52523  
another position that is certified by may be exercised only when 52524  
an appointing authority demotes the employee to a pay range lower 52525  
than the employee's current pay range or revokes the employee's 52526  
appointment to the unclassified service. An employee forfeits the 52527  
right to resume a position in the classified service when the 52528  
employee is removed from the position in the unclassified service 52529  
due to incompetence, inefficiency, dishonesty, drunkenness, 52530  
immoral conduct, insubordination, discourteous treatment of the 52531  
public, neglect of duty, a violation of this chapter or the rules 52532  
of the department or the director, with approval of the department 52533  
of administrative services, as being any other failure of good 52534  
behavior, any other acts of misfeasance, malfeasance, or 52535  
nonfeasance in office, or conviction of or plea of guilty to a 52536  
felony. An employee also forfeits the right to resume the prior 52537  
position in the classified service upon transfer to a different 52538  
agency. Reinstatement to a position in the classified service 52539  
shall be to a position substantially equal to that prior the 52540  
position in the classified service that the person previously 52541  
held, as certified by the director of rehabilitation and 52542  
correction and approved by the director of administrative 52543  
services. If the position the person previously held in the 52544  
classified service has been placed in the unclassified service or 52545

is otherwise unavailable, the person shall be appointed to a 52546  
position in the classified service within the department that the 52547  
director of administrative services certifies is comparable in 52548  
compensation to the position the person previously held in the 52549  
classified service. Service as ~~deputy warden~~ in the position in 52550  
the unclassified service shall be counted as service in the 52551  
position in the classified service that the person held 52552  
immediately preceding the person's appointment ~~as deputy warden to~~ 52553  
~~the position in the unclassified service.~~ When a person who is 52554  
reinstated to a position in the classified service as provided in 52555  
this section, the person is entitled to all rights and ~~emoluments~~ 52556  
benefits and any status accruing to the position during the time 52557  
of the person's service ~~as deputy warden in the unclassified~~ 52558  
service. 52559

**Sec. 5120.382.** Except as otherwise provided in this chapter 52560  
for appointments by division chiefs and managing officers, the 52561  
director of rehabilitation and correction shall appoint employees 52562  
who are necessary for the efficient conduct of the department of 52563  
rehabilitation and correction and prescribe their titles and 52564  
duties. A person who is appointed to an unclassified position from 52565  
a permanent, classified position ~~in the classified service within~~ 52566  
~~the department~~ shall ~~serve at the pleasure of the director and~~ 52567  
retain the right to resume the position and status that the person 52568  
held in the classified service immediately prior to the person's 52569  
appointment to the position in the unclassified service, 52570  
regardless of the number of positions the person held in the 52571  
unclassified service. ~~If the person is relieved of the person's~~ 52572  
~~duties for the unclassified position, the director shall reinstate~~ 52573  
~~the person to the~~ An employee's right to resume a position in the 52574  
classified service ~~that the person held immediately prior to the~~ 52575  
~~appointment or to another position that is certified by~~ may be 52576  
exercised only when an appointing authority demotes the employee 52577

to a pay range lower than the employee's current pay range or 52578  
revokes the employee's appointment to the unclassified service. An 52579  
employee forfeits the right to resume a position in the classified 52580  
service when the employee is removed from the position in the 52581  
unclassified service due to incompetence, inefficiency, 52582  
dishonesty, drunkenness, immoral conduct, insubordination, 52583  
discourteous treatment of the public, neglect of duty, a violation 52584  
of this chapter or the rules of the department or the director, 52585  
with approval of the department of administrative services, as 52586  
being any other failure of good behavior, any other acts of 52587  
misfeasance, malfeasance, or nonfeasance in office, or conviction 52588  
of or plea of guilty to a felony. An employee also forfeits the 52589  
right to resume the prior position in the classified service upon 52590  
transfer to a different agency. Reinstatement to a position in the 52591  
classified service shall be to a position substantially equal to 52592  
that prior classified the position in the classified service that 52593  
the person previously held, as certified by the director of 52594  
rehabilitation and correction and approved by the director of 52595  
administrative services. If the position the person previously 52596  
held in the classified service has been placed in the unclassified 52597  
service or is otherwise unavailable, the person shall be appointed 52598  
to a position in the classified service within the department that 52599  
the director of administrative services certifies is comparable in 52600  
compensation to the position the person previously held in the 52601  
classified service. Service in the position in the unclassified 52602  
service pursuant to the appointment shall be counted as service in 52603  
the position in the classified service that the person held 52604  
immediately preceding the person's appointment to the position in 52605  
the unclassified service. A When a person who is reinstated to a 52606  
position in the classified service as provided in this section, 52607  
the person is entitled to all rights and emoluments benefits and 52608  
any status accruing to the position in the classified service 52609  
during the time of the person's service in the position in the 52610

unclassified service. 52611

**Sec. 5122.31.** (A) All certificates, applications, records, 52612  
and reports made for the purpose of this chapter and sections 52613  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 52614  
Code, other than court journal entries or court docket entries, 52615  
and directly or indirectly identifying a patient or former patient 52616  
or person whose hospitalization or commitment has been sought 52617  
under this chapter, shall be kept confidential and shall not be 52618  
disclosed by any person except: 52619

(1) If the person identified, or the person's legal guardian, 52620  
if any, or if the person is a minor, the person's parent or legal 52621  
guardian, consents, and if the disclosure is in the best interests 52622  
of the person, as may be determined by the court for judicial 52623  
records and by the chief clinical officer for medical records; 52624

(2) When disclosure is provided for in this chapter or 52625  
Chapters 340. or 5119. of the Revised Code or in accordance with 52626  
other provisions of state or federal law authorizing such 52627  
disclosure; 52628

(3) That hospitals, boards of alcohol, drug addiction, and 52629  
mental health services, and community mental health services 52630  
providers may release necessary medical information to insurers 52631  
and other third-party payers, including government entities 52632  
responsible for processing and authorizing payment, to obtain 52633  
payment for goods and services furnished to the patient; 52634

(4) Pursuant to a court order signed by a judge; 52635

(5) That a patient shall be granted access to the patient's 52636  
own psychiatric and medical records, unless access specifically is 52637  
restricted in a patient's treatment plan for clear treatment 52638  
reasons; 52639

(6) That hospitals and other institutions and facilities 52640

within the department of mental health and addiction services may 52641  
exchange psychiatric records and other pertinent information with 52642  
other hospitals, institutions, and facilities of the department, 52643  
and with community mental health services providers and boards of 52644  
alcohol, drug addiction, and mental health services with which the 52645  
department has a current agreement for patient care or services. 52646  
Records and information that may be released pursuant to this 52647  
division shall be limited to medication history, physical health 52648  
status and history, financial status, summary of course of 52649  
treatment in the hospital, summary of treatment needs, and a 52650  
discharge summary, if any. 52651

(7) That hospitals within the department and other 52652  
institutions and facilities within the department may exchange 52653  
psychiatric records and other pertinent information with payers 52654  
and other providers of treatment and health services or recovery 52655  
supports if the purpose of the exchange is to facilitate 52656  
continuity of care for a patient or for the emergency treatment of 52657  
an individual; 52658

(8) That a patient's family member who is involved in the 52659  
provision, planning, and monitoring of treatment services to the 52660  
patient may receive medication information, a summary of the 52661  
patient's diagnosis and prognosis, and a list of the services and 52662  
personnel available to assist the patient and the patient's 52663  
family, if the patient's treating physician determines that the 52664  
disclosure would be in the best interests of the patient. No such 52665  
disclosure shall be made unless the patient is notified first and 52666  
receives the information and does not object to the disclosure. 52667

(9) That community mental health services providers may 52668  
exchange psychiatric records and certain other information with 52669  
the board of alcohol, drug addiction, and mental health services 52670  
and other services providers in order to provide services to a 52671  
person involuntarily committed to a board. Release of records 52672

under this division shall be limited to medication history, 52673  
physical health status and history, financial status, summary of 52674  
course of treatment, summary of treatment needs, and discharge 52675  
summary, if any. 52676

(10) That information may be disclosed to the executor or the 52677  
administrator of an estate of a deceased patient when the 52678  
information is necessary to administer the estate; 52679

(11) That records in the possession of the Ohio historical 52680  
society may be released to the closest living relative of a 52681  
deceased patient upon request of that relative; 52682

(12) That records pertaining to the patient's diagnosis, 52683  
course of treatment, treatment needs, and prognosis shall be 52684  
disclosed and released to the appropriate prosecuting attorney if 52685  
the patient was committed pursuant to section 2945.38, 2945.39, 52686  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 52687  
attorney designated by the board for proceedings pursuant to 52688  
involuntary commitment under this chapter. 52689

(13) That the department of mental health and addiction 52690  
services may exchange psychiatric hospitalization records, other 52691  
mental health treatment records, and other pertinent information 52692  
with the department of rehabilitation and correction and with the 52693  
department of youth services to ensure continuity of care for 52694  
inmates or offenders who are receiving mental health services in 52695  
an institution of the department of rehabilitation and correction 52696  
or the department of youth services and may exchange psychiatric 52697  
hospitalization records, other mental health treatment records, 52698  
and other pertinent information with boards of alcohol, drug 52699  
addiction, and mental health services and community mental health 52700  
services providers to ensure continuity of care for inmates or 52701  
offenders who are receiving mental health services in an 52702  
institution and are scheduled for release within six months. The 52703  
department shall not disclose those records unless the inmate or 52704

offender is notified, receives the information, and does not 52705  
object to the disclosure. The release of records under this 52706  
division is limited to records regarding an inmate's or offender's 52707  
medication history, physical health status and history, summary of 52708  
course of treatment, summary of treatment needs, and a discharge 52709  
summary, if any; 52710

(14) That records and reports relating to a person who has 52711  
been deceased for fifty years or more are no longer considered 52712  
confidential. 52713

(B) Before records are disclosed pursuant to divisions 52714  
(A)(3), (6), and (9) of this section, the custodian of the records 52715  
shall attempt to obtain the patient's consent for the disclosure. 52716  
No person shall reveal the contents of a medical record of a 52717  
patient except as authorized by law. 52718

(C) The managing officer of a hospital who releases necessary 52719  
medical information under division (A)(3) of this section to allow 52720  
an insurance carrier or other third party payor to comply with 52721  
section 5121.43 of the Revised Code shall neither be subject to 52722  
criminal nor civil liability. 52723

**Sec. 5122.36.** If the legal residence of a person suffering 52724  
from mental illness is in another county of the state, the 52725  
necessary expense of the person's return is a proper charge 52726  
against the county of legal residence. If an adjudication and 52727  
order of hospitalization by the probate court of the county of 52728  
temporary residence are required, the regular probate court fees 52729  
and expenses incident to the order of hospitalization under this 52730  
chapter and any other expense incurred on the person's behalf 52731  
shall be charged to and paid by the county of the person's legal 52732  
residence upon the approval and certification of the probate judge 52733  
of ~~that~~ the county of the person's legal residence. The ordering 52734  
court shall send to the probate court of the person's county of 52735

legal residence a certified ~~transcript of all proceedings had in~~ 52736  
copy of the commitment order from the ordering court. The 52737  
receiving court shall enter and record the ~~transcript~~ commitment 52738  
order. The certified ~~transcript~~ commitment order is prima facie 52739  
evidence of the residence of the person. When the residence of the 52740  
person cannot be established as represented by the ordering court, 52741  
the matter of residence shall be referred to the department of 52742  
mental health and addiction services for investigation and 52743  
determination. 52744

**Sec. 5123.033.** The program fee fund is hereby created in the 52745  
state treasury. All fees collected pursuant to sections 5123.161, 52746  
5123.164, and 5123.19 of the Revised Code shall be credited to the 52747  
fund. Money credited to the fund shall be used solely for the 52748  
department of developmental disabilities' duties under sections 52749  
5123.16 to ~~5123.1610~~, 5123.1611 and 5123.19 of the Revised Code 52750  
and to provide continuing education and professional training to 52751  
providers of services to individuals with mental retardation or a 52752  
developmental disability. If the money credited to the fund is 52753  
inadequate to pay all of the department's costs in performing 52754  
those duties and providing the continuing education and 52755  
professional training, the department may use other available 52756  
funds appropriated to the department to pay the remaining costs of 52757  
performing those duties and providing the continuing education and 52758  
professional training. 52759

**Sec. 5123.16.** (A) As used in sections 5123.16 to ~~5123.1610~~ 52760  
5123.1611 of the Revised Code: 52761

(1) "Applicant" means any of the following: 52762

(a) The chief executive officer of a business that applies 52763  
under section 5123.161 of the Revised Code for a certificate to 52764  
provide supported living; 52765

- (b) The chief executive officer of a business that seeks renewal of the business's supported living certificate under section 5123.164 of the Revised Code; 52766  
52767  
52768
- (c) An individual who applies under section 5123.161 of the Revised Code for a certificate to provide supported living as an independent provider; 52769  
52770  
52771
- (d) An independent provider who seeks renewal of the independent provider's supported living certificate under section 5123.164 of the Revised Code. 52772  
52773  
52774
- (2) "Business" means an association, corporation, nonprofit organization, partnership, trust, or other group of persons. "Business" does not mean an independent provider. 52775  
52776  
52777
- (3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 52778  
52779
- (4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 52780  
52781  
52782
- (5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another person to provide the supported living. 52783  
52784  
52785  
52786
- (6) "Provider" means a person or government entity certified by the director of developmental disabilities to provide supported living. For the purpose of division (A)(8) of this section, "provider" includes a person or government entity that seeks or previously held a certificate to provide supported living. 52787  
52788  
52789  
52790  
52791
- (7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 52792  
52793
- (8) "Related party" means any of the following: 52794
- (a) In the case of a provider who is an individual, any of 52795

the following:	52796
(i) The spouse of the provider;	52797
(ii) A parent or stepparent of the provider or provider's spouse;	52798 52799
(iii) A child of the provider or provider's spouse;	52800
(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;	52801 52802
(v) A grandparent of the provider or provider's spouse;	52803
(vi) A grandchild of the provider or provider's spouse.	52804
(b) In the case of a provider that is a person other than an individual, any of the following:	52805 52806
(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider;	52807 52808 52809 52810 52811 52812 52813 52814
(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;	52815 52816 52817
(iii) A member of the provider's board of directors or trustees;	52818 52819
(iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest;	52820 52821 52822
(v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the	52823 52824

persons specified in divisions (A)(8)(b)(i) to (iv) of this section; 52825  
52826

(vi) A person over which the provider has control of the day-to-day operation; 52827  
52828

(vii) A corporation that has a subsidiary relationship with the provider. 52829  
52830

(c) In the case of a provider that is a government entity, any of the following: 52831  
52832

(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement; 52833  
52834  
52835  
52836  
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(ii) An officer of the provider; 52839

(iii) A member of the provider's governing board; 52840

(iv) A person or government entity over which the provider has control of the day-to-day operation. 52841  
52842

(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities. 52843  
52844  
52845

(C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code. 52846  
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**Sec. 5123.161.** A person or government entity that seeks to provide supported living shall apply to the director of developmental disabilities for a supported living certificate. 52849  
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Except as provided in sections 5123.166 and 5123.169 of the Revised Code, the director shall issue to the person or government 52852  
52853

entity a supported living certificate if the person or government 52854  
entity follows the application process established in rules 52855  
adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, 52856  
meets the applicable certification standards established in those 52857  
rules, and pays the certification fee established in those rules. 52858

**Sec. 5123.162.** (A) The director of developmental disabilities 52859  
may conduct surveys of persons and government entities that seek a 52860  
supported living certificate to determine whether the persons and 52861  
government entities meet the certification standards. The director 52862  
may also conduct surveys of providers to determine whether the 52863  
providers continue to meet the certification standards. The 52864  
director may assign to a county board of developmental 52865  
disabilities the responsibility to conduct either type of survey. 52866  
Each survey shall be conducted in accordance with rules adopted 52867  
under section ~~5123.1610~~ 5123.1611 of the Revised Code. 52868  
52869

(B) Following each survey of a provider, the director shall 52870  
issue a report listing the date of the survey, any citations 52871  
issued as a result of the survey, and the statutes or rules that 52872  
purportedly have been violated and are the bases of the citations. 52873  
The director shall also do both of the following: 52874

(1) Specify a date by which the provider may appeal any of 52875  
the citations; 52876

(2) When appropriate, specify a timetable within which the 52877  
provider must submit a plan of correction describing how the 52878  
problems specified in the citations will be corrected and the date 52879  
by which the provider anticipates the problems will be corrected. 52880

(C) If the director initiates a proceeding to revoke a 52881  
provider's certification, the director shall include the report 52882  
required by division (B) of this section with the notice of the 52883  
proposed revocation the director sends to the provider. In this 52884

circumstance, the provider may not submit a plan of correction. 52885

(D) After a plan of correction is submitted, the director 52886  
shall approve or disapprove the plan. If the plan of correction is 52887  
approved, a copy of the approved plan shall be provided, not later 52888  
than five business days after it is approved, to any person or 52889  
government entity that requests it and made available on the 52890  
internet web site maintained by the department of developmental 52891  
disabilities. If the plan of correction is not approved and the 52892  
director initiates a proceeding to revoke the provider's 52893  
certification, a copy of the survey report shall be provided to 52894  
any person or government entity that requests it and shall be made 52895  
available on the internet web site maintained by the department. 52896

(E) In addition to survey reports described in this section, 52897  
all other records associated with surveys conducted under this 52898  
section are public records for the purpose of section 149.43 of 52899  
the Revised Code and shall be made available on the request of any 52900  
person or government entity. 52901

**Sec. 5123.163.** A supported living certificate is valid for a 52902  
period of time established in rules adopted under section 52903  
~~5123.1610~~ 5123.1611 of the Revised Code, unless any of the 52904  
following occur before the end of that period of time: 52905

(A) The director of developmental disabilities issues an 52906  
order requiring that action be taken against the certificate 52907  
holder under section 5123.166 of the Revised Code. 52908

(B) The director issues an order terminating the certificate 52909  
under section 5123.168 of the Revised Code. 52910

(C) The certificate is suspended or revoked pursuant to 52911  
section 5123.1610 of the Revised Code. 52912

(D) The certificate holder voluntarily surrenders the 52913  
certificate to the director. 52914

**Sec. 5123.164.** Except as provided in sections 5123.166 ~~and~~, 52915  
5123.169, ~~and 5123.1610~~ of the Revised Code, the director of 52916  
developmental disabilities shall renew a supported living 52917  
certificate if the certificate holder follows the renewal process 52918  
established in rules adopted under section ~~5123.1610~~ 5123.1611 of 52919  
the Revised Code, continues to meet the applicable certification 52920  
standards established in those rules, and pays the renewal fee 52921  
established in those rules. 52922

**Sec. 5123.166.** (A) If good cause exists as specified in 52923  
division (B) of this section and determined in accordance with 52924  
procedures established in rules adopted under section ~~5123.1610~~ 52925  
5123.1611 of the Revised Code, the director of developmental 52926  
disabilities may issue an adjudication order requiring that one of 52927  
the following actions be taken against a person or government 52928  
entity seeking or holding a supported living certificate: 52929

(1) Refusal to issue or renew a supported living certificate; 52930

(2) Revocation of a supported living certificate; 52931

(3) Suspension of a supported living certificate holder's 52932  
authority to do either or both of the following: 52933

(a) Continue to provide supported living to one or more 52934  
individuals from one or more counties who receive supported living 52935  
from the certificate holder at the time the director takes the 52936  
action; 52937

(b) Begin to provide supported living to one or more 52938  
individuals from one or more counties who do not receive supported 52939  
living from the certificate holder at the time the director takes 52940  
the action. 52941

(B) The following constitute good cause for taking action 52942  
under division (A) of this section against a person or government 52943  
entity seeking or holding a supported living certificate: 52944

(1) The person or government entity's failure to meet or	52945
continue to meet the applicable certification standards	52946
established in rules adopted under section <del>5123.1610</del> <u>5123.1611</u> of	52947
the Revised Code;	52948
(2) The person or government entity violates section 5123.165	52949
of the Revised Code;	52950
(3) The person or government entity's failure to satisfy the	52951
requirements of section 5123.081 or 5123.52 of the Revised Code;	52952
(4) Misfeasance;	52953
(5) Malfeasance;	52954
(6) Nonfeasance;	52955
(7) Confirmed abuse or neglect;	52956
(8) Financial irresponsibility;	52957
(9) Other conduct the director determines is or would be	52958
injurious to individuals who receive or would receive supported	52959
living from the person or government entity.	52960
(C) Except as provided in division (D) of this section, the	52961
director shall issue an adjudication order under division (A) of	52962
this section in accordance with Chapter 119. of the Revised Code.	52963
(D)(1) The director may issue an order requiring that action	52964
specified in division (A)(3) of this section be taken before a	52965
provider is provided notice and an opportunity for a hearing if	52966
all of the following are the case:	52967
(a) The director determines such action is warranted by the	52968
provider's failure to continue to meet the applicable	52969
certification standards;	52970
(b) The director determines that the failure either	52971
represents a pattern of serious noncompliance or creates a	52972
substantial risk to the health or safety of an individual who	52973

receives or would receive supported living from the provider; 52974

(c) If the order will suspend the provider's authority to 52975  
continue to provide supported living to an individual who receives 52976  
supported living from the provider at the time the director issues 52977  
the order, both of the following are the case: 52978

(i) The director makes the individual, or the individual's 52979  
guardian, aware of the director's determination under division 52980  
(D)(1)(b) of this section and the individual or guardian does not 52981  
select another provider. 52982

(ii) A county board of developmental disabilities has filed a 52983  
complaint with a probate court under section 5126.33 of the 52984  
Revised Code that includes facts describing the nature of abuse or 52985  
neglect that the individual has suffered due to the provider's 52986  
actions that are the basis for the director making the 52987  
determination under division (D)(1)(b) of this section and the 52988  
probate court does not issue an order authorizing the county board 52989  
to arrange services for the individual pursuant to an 52990  
individualized service plan developed for the individual under 52991  
section 5126.31 of the Revised Code. 52992

(2) If the director issues an order under division (D)(1) of 52993  
this section, sections 119.091 to 119.13 of the Revised Code and 52994  
all of the following apply: 52995

(a) The director shall send the provider notice of the order 52996  
by registered mail, return receipt requested, not later than 52997  
twenty-four hours after issuing the order and shall include in the 52998  
notice the reasons for the order, the citation to the law or rule 52999  
directly involved, and a statement that the provider will be 53000  
afforded a hearing if the provider requests it within ten days of 53001  
the time of receiving the notice. 53002

(b) If the provider requests a hearing within the required 53003  
time and the provider has provided the director the provider's 53004

current address, the director shall immediately set, and notify 53005  
the provider of, the date, time, and place for the hearing. 53006

(c) The date of the hearing shall be not later than thirty 53007  
days after the director receives the provider's timely request for 53008  
the hearing. 53009

(d) The hearing shall be conducted in accordance with section 53010  
119.09 of the Revised Code, except for all of the following: 53011

(i) The hearing shall continue uninterrupted until its close, 53012  
except for weekends, legal holidays, and other interruptions the 53013  
provider and director agree to. 53014

(ii) If the director appoints a referee or examiner to 53015  
conduct the hearing, the referee or examiner, not later than ten 53016  
days after the date the referee or examiner receives a transcript 53017  
of the testimony and evidence presented at the hearing or, if the 53018  
referee or examiner does not receive the transcript or no such 53019  
transcript is made, the date that the referee or examiner closes 53020  
the record of the hearing, shall submit to the director a written 53021  
report setting forth the referee or examiner's findings of fact 53022  
and conclusions of law and a recommendation of the action the 53023  
director should take. 53024

(iii) The provider may, not later than five days after the 53025  
date the director, in accordance with section 119.09 of the 53026  
Revised Code, sends the provider or the provider's attorney or 53027  
other representative of record a copy of the referee or examiner's 53028  
report and recommendation, file with the director written 53029  
objections to the report and recommendation. 53030

(iv) The director shall approve, modify, or disapprove the 53031  
referee or examiner's report and recommendation not earlier than 53032  
six days, and not later than fifteen days, after the date the 53033  
director, in accordance with section 119.09 of the Revised Code, 53034  
sends a copy of the report and recommendation to the provider or 53035

the provider's attorney or other representative of record. 53036

(3) The director may lift an order issued under division 53037  
(D)(1) of this section even though a hearing regarding the order 53038  
is occurring or pending if the director determines that the 53039  
provider has taken action eliminating the good cause for issuing 53040  
the order. The hearing shall proceed unless the provider withdraws 53041  
the request for the hearing in a written letter to the director. 53042

(4) The director shall lift an order issued under division 53043  
(D)(1) of this section if both of the following are the case: 53044

(a) The provider provides the director a plan of compliance 53045  
the director determines is acceptable. 53046

(b) The director determines that the provider has implemented 53047  
the plan of compliance correctly. 53048

**Sec. 5123.167.** If the director of developmental disabilities 53049  
issues an adjudication order under section 5123.166 of the Revised 53050  
Code refusing to issue a supported living certificate to a person 53051  
or government entity ~~or, refusing~~ to renew a person or government 53052  
entity's supported living certificate, or revoking the person or 53053  
government entity's supported living certificate, or if a person 53054  
or government entity's certificate is revoked or renewal is 53055  
refused pursuant to section 5123.1610 of the Revised Code, neither 53056  
the person or government entity nor a related party of the person 53057  
or government entity may apply for another supported living 53058  
certificate earlier than the date that is ~~one year~~ five years 53059  
after the following: 53060

(A) The date the order is issued under section 5123.166 of 53061  
the Revised Code; 53062

(B) The date the certificate is revoked pursuant to section 53063  
5123.1610 of the Revised Code; 53064

(C) If renewal of the certificate is refused pursuant to 53065

section 5123.1610 of the Revised Code, the date the certificate 53066  
expired. 53067

~~If the director issues an adjudication order under that~~ 53068  
~~section revoking a person or government entity's supported living~~ 53069  
~~certificate, neither the person or government entity nor a related~~ 53070  
~~party of the person or government entity may apply for another~~ 53071  
~~supported living certificate earlier than the date that is five~~ 53072  
~~years after the date the order is issued.~~ 53073

**Sec. 5123.169.** (A) The director of developmental disabilities 53074  
shall not issue a supported living certificate to an applicant or 53075  
renew an applicant's supported living certificate if either of the 53076  
following applies: 53077

(1) The applicant fails to comply with division (C)(2) of 53078  
this section; 53079

(2) Except as provided in rules adopted under section 53080  
~~5123.1610~~ 5123.1611 of the Revised Code, the applicant is found by 53081  
a criminal records check required by this section to have been 53082  
convicted of, pleaded guilty to, or been found eligible for 53083  
intervention in lieu of conviction for a disqualifying offense. 53084

(B) Before issuing a supported living certificate to an 53085  
applicant or renewing an applicant's supported living certificate, 53086  
the director shall require the applicant to submit a statement 53087  
with the applicant's signature attesting that the applicant has 53088  
not been convicted of, pleaded guilty to, or been found eligible 53089  
for intervention in lieu of conviction for a disqualifying 53090  
offense. The director also shall require the applicant to sign an 53091  
agreement under which the applicant agrees to notify the director 53092  
within fourteen calendar days if, while holding a supported living 53093  
certificate, the applicant is formally charged with, is convicted 53094  
of, pleads guilty to, or is found eligible for intervention in 53095  
lieu of conviction for a disqualifying offense. The agreement 53096

shall provide that the applicant's failure to provide the 53097  
notification may result in action being taken by the director 53098  
against the applicant under section 5123.166 of the Revised Code. 53099

(C)(1) As a condition of receiving a supported living 53100  
certificate or having a supported living certificate renewed, an 53101  
applicant shall request the superintendent of the bureau of 53102  
criminal identification and investigation to conduct a criminal 53103  
records check of the applicant. If an applicant does not present 53104  
proof to the director that the applicant has been a resident of 53105  
this state for the five-year period immediately prior to the date 53106  
that the applicant applies for issuance or renewal of the 53107  
supported living certificate, the director shall require the 53108  
applicant to request that the superintendent obtain information 53109  
from the federal bureau of investigation as a part of the criminal 53110  
records check. If the applicant presents proof to the director 53111  
that the applicant has been a resident of this state for that 53112  
five-year period, the director may require the applicant to 53113  
request that the superintendent include information from the 53114  
federal bureau of investigation in the criminal records check. For 53115  
purposes of this division, an applicant may provide proof of 53116  
residency in this state by presenting, with a notarized statement 53117  
asserting that the applicant has been a resident of this state for 53118  
that five-year period, a valid driver's license, notification of 53119  
registration as an elector, a copy of an officially filed federal 53120  
or state tax form identifying the applicant's permanent residence, 53121  
or any other document the director considers acceptable. 53122

(2) Each applicant shall do all of the following: 53123

(a) Obtain a copy of the form prescribed pursuant to division 53124  
(C)(1) of section 109.572 of the Revised Code and a standard 53125  
impression sheet prescribed pursuant to division (C)(2) of section 53126  
109.572 of the Revised Code; 53127

(b) Complete the form and provide the applicant's fingerprint 53128

impressions on the standard impression sheet; 53129

(c) Forward the completed form and standard impression sheet 53130  
to the superintendent at the time the criminal records check is 53131  
requested; 53132

(d) Instruct the superintendent to submit the completed 53133  
report of the criminal records check directly to the director; 53134

(e) Pay to the bureau of criminal identification and 53135  
investigation the fee prescribed pursuant to division (C)(3) of 53136  
section 109.572 of the Revised Code for each criminal records 53137  
check of the applicant requested and conducted pursuant to this 53138  
section. 53139

(D) The director may request any other state or federal 53140  
agency to supply the director with a written report regarding the 53141  
criminal record of an applicant. The director may consider the 53142  
reports when determining whether to issue a supported living 53143  
certificate to the applicant or to renew an applicant's supported 53144  
living certificate. 53145

(E) An applicant who seeks to be an independent provider or 53146  
is an independent provider seeking renewal of the applicant's 53147  
supported living certificate shall obtain the applicant's driving 53148  
record from the bureau of motor vehicles and provide a copy of the 53149  
record to the director if the supported living that the applicant 53150  
will provide involves transporting individuals with mental 53151  
retardation or developmental disabilities. The director may 53152  
consider the applicant's driving record when determining whether 53153  
to issue the applicant a supported living certificate or to renew 53154  
the applicant's supported living certificate. 53155

(F)(1) A report obtained pursuant to this section is not a 53156  
public record for purposes of section 149.43 of the Revised Code 53157  
and shall not be made available to any person, other than the 53158  
following: 53159

(a) The applicant who is the subject of the report or the applicant's representative;	53160 53161
(b) The director or the director's representative;	53162
(c) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	53163 53164
(i) The denial of a supported living certificate or refusal to renew a supported living certificate;	53165 53166
(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code;	53167 53168
(iii) A civil or criminal action regarding the medicaid program.	53169 53170
(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in the request the person or entities to which the copies are to be sent. On receiving the request, the director shall send copies of the reports to the persons or entities specified.	53171 53172 53173 53174 53175 53176 53177
(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report.	53178 53179 53180 53181 53182
(4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section.	53183 53184
<u>Sec. 5123.1610. (A) All of the following apply if the department of medicaid, pursuant to section 5164.38 of the Revised Code, suspends, terminates, or refuses to revalidate a provider agreement that authorizes a person or government entity to provide supported living under the medicaid program:</u>	53185 53186 53187 53188 53189

(1) In the case of a suspended provider agreement, the person 53190  
or government entity's supported living certificate is 53191  
automatically suspended on the date that the suspension of the 53192  
provider agreement begins and the suspension of the certificate is 53193  
automatically lifted on the date that the suspension of the 53194  
provider agreement is lifted. 53195

(2) In the case of a revoked provider agreement, the person 53196  
or government entity's supported living certificate is 53197  
automatically revoked on the date that the provider agreement is 53198  
terminated. 53199

(3) In the case of a provider agreement that expires because 53200  
the department of medicaid refuses to revalidate it, the person or 53201  
government entity's supported living certificate is automatically 53202  
revoked on the date that the provider agreement expires, unless 53203  
the expiration date of the provider agreement is the same as the 53204  
expiration date of the supported living certificate, in which case 53205  
the director of developmental disabilities shall refuse to renew 53206  
the certificate. 53207

(B) The director of developmental disabilities is not 53208  
required to issue an adjudication order in accordance with Chapter 53209  
119. of the Revised Code for either of the following: 53210

(1) Suspension or revocation of a supported living 53211  
certificate pursuant to this section; 53212

(2) Refusing to renew a supported living certificate pursuant 53213  
to this section. 53214

**Sec. ~~5123.1610~~ 5123.1611.** The director of developmental 53215  
disabilities shall adopt rules under Chapter 119. of the Revised 53216  
Code establishing all of the following: 53217

(A) The extent to which a county board of developmental 53218  
disabilities may provide supported living; 53219

(B) The application process for obtaining a supported living certificate under section 5123.161 of the Revised Code;	53220 53221
(C) The certification standards a person or government entity must meet to obtain a supported living certificate to provide supported living;	53222 53223 53224
(D) The certification fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	53225 53226 53227
(E) The period of time a supported living certificate is valid;	53228 53229
(F) The process for renewing a supported living certificate under section 5123.164 of the Revised Code;	53230 53231
(G) The renewal fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	53232 53233 53234
(H) Procedures for conducting surveys under section 5123.162 of the Revised Code;	53235 53236
(I) Procedures for determining whether there is good cause to take action under section 5123.166 of the Revised Code against a person or government entity seeking or holding a supported living certificate;	53237 53238 53239 53240
(J) Circumstances under which the director may issue a supported living certificate to an applicant or renew an applicant's supported living certificate if the applicant is found by a criminal records check required by section 5123.169 of the Revised Code to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director.	53241 53242 53243 53244 53245 53246 53247 53248
<b>Sec. 5123.19.</b> (A) As used in sections 5123.19 to 5123.20 of	53249

the Revised Code: 53250

(1) "Independent living arrangement" means an arrangement in 53251  
which a mentally retarded or developmentally disabled person 53252  
resides in an individualized setting chosen by the person or the 53253  
person's guardian, which is not dedicated principally to the 53254  
provision of residential services for mentally retarded or 53255  
developmentally disabled persons, and for which no financial 53256  
support is received for rendering such service from any 53257  
governmental agency by a provider of residential services. 53258

(2) "Licensee" means the person or government agency that has 53259  
applied for a license to operate a residential facility and to 53260  
which the license was issued under this section. 53261

(3) "Political subdivision" means a municipal corporation, 53262  
county, or township. 53263

(4) "Related party" has the same meaning as in section 53264  
5123.16 of the Revised Code except that "provider" as used in the 53265  
definition of "related party" means a person or government entity 53266  
that held or applied for a license to operate a residential 53267  
facility, rather than a person or government entity certified to 53268  
provide supported living. 53269

(5)(a) Except as provided in division (A)(5)(b) of this 53270  
section, "residential facility" means a home or facility, 53271  
including an ICF/IID, in which an individual with mental 53272  
retardation or a developmental disability resides. 53273

(b) "Residential facility" does not mean any of the 53274  
following: 53275

(i) The home of a relative or legal guardian in which an 53276  
individual with mental retardation or a developmental disability 53277  
resides; 53278

(ii) A respite care home certified under section 5126.05 of 53279

the Revised Code; 53280

(iii) A county home or district home operated pursuant to 53281  
Chapter 5155. of the Revised Code; 53282

(iv) A dwelling in which the only residents with mental 53283  
retardation or developmental disabilities are in independent 53284  
living arrangements or are being provided supported living. 53285

(B) Every person or government agency desiring to operate a 53286  
residential facility shall apply for licensure of the facility to 53287  
the director of developmental disabilities unless the residential 53288  
facility is subject to section 3721.02, 5103.03, 5119.33, or 53289  
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 53290  
Code. 53291

(C) Subject to section 5123.196 of the Revised Code, the 53292  
director of developmental disabilities shall license the operation 53293  
of residential facilities. An initial license shall be issued for 53294  
a period that does not exceed one year, unless the director denies 53295  
the license under division (D) of this section. A license shall be 53296  
renewed for a period that does not exceed three years, unless the 53297  
director refuses to renew the license under division (D) of this 53298  
section. The director, when issuing or renewing a license, shall 53299  
specify the period for which the license is being issued or 53300  
renewed. A license remains valid for the length of the licensing 53301  
period specified by the director, unless the license is 53302  
terminated, revoked, or voluntarily surrendered. 53303

(D) If it is determined that an applicant or licensee is not 53304  
in compliance with a provision of this chapter that applies to 53305  
residential facilities or the rules adopted under such a 53306  
provision, the director may deny issuance of a license, refuse to 53307  
renew a license, terminate a license, revoke a license, issue an 53308  
order reducing the maximum number of person who may be served by a 53309  
facility, issue an order for the suspension of admissions to a 53310

facility, issue an order for the placement of a monitor at a 53311  
facility, issue an order for the immediate removal of residents, 53312  
or take any other action the director considers necessary 53313  
consistent with the director's authority under this chapter 53314  
regarding residential facilities. In the director's selection and 53315  
administration of the sanction to be imposed, all of the following 53316  
apply: 53317

(1) The director may deny, refuse to renew, or revoke a 53318  
license, if the director determines that the applicant or licensee 53319  
has demonstrated a pattern of serious noncompliance or that a 53320  
violation creates a substantial risk to the health and safety of 53321  
residents of a residential facility. 53322

(2) The director may terminate a license if more than twelve 53323  
consecutive months have elapsed since the residential facility was 53324  
last occupied by a resident or a notice required by division 53325  
~~(K)~~(J) of this section is not given. 53326

(3) The director may issue an order reducing the maximum 53327  
number of persons who may be served by the residential facility if 53328  
more than twelve consecutive months have elapsed since the 53329  
facility served the existing maximum number of persons. 53330

(4) The director may issue an order for the suspension of 53331  
admissions to a facility for any violation that may result in 53332  
sanctions under division (D)(1) of this section and for any other 53333  
violation specified in rules adopted under division ~~(H)~~(G)(2) of 53334  
this section. If the suspension of admissions is imposed for a 53335  
violation that may result in sanctions under division (D)(1) of 53336  
this section, the director may impose the suspension before 53337  
providing an opportunity for an adjudication under Chapter 119. of 53338  
the Revised Code. The director shall lift an order for the 53339  
suspension of admissions when the director determines that the 53340  
violation that formed the basis for the order has been corrected. 53341

~~(4)(5)~~ The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division ~~(H)~~(G)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

~~(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned or operated by that person or government entity. The director may take any action authorized by this section with respect to any facility found to be operating in violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision.~~

(6) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. The Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;

(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;

(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor. 53374  
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(7) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents. 53376  
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(8) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies. 53381  
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(9) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing. 53389  
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~~(E) The director shall establish a program under which public notification may be made when the director has initiated license revocation proceedings or has issued an order for the suspension of admissions, placement of a monitor, or removal of residents. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this division. The rules shall establish the procedures by which the public notification will be made and specify the circumstances for which the notification must be made. The rules shall require that public notification be made if the director has taken action against the facility in the eighteen month period immediately preceding the director's latest action against the facility and the latest action is being taken~~ 53394  
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~~for the same or a substantially similar violation of a provision 53406  
of this chapter that applies to residential facilities or the 53407  
rules adopted under such a provision. The rules shall specify a 53408  
method for removing or amending the public notification if the 53409  
director's action is found to have been unjustified or the 53410  
violation at the residential facility has been corrected. 53411~~

~~(F)~~(1) Except as provided in division ~~(F)~~(E)(2) of this 53412  
section, appeals from proceedings initiated to impose a sanction 53413  
under division (D) of this section shall be conducted in 53414  
accordance with Chapter 119. of the Revised Code. 53415

(2) Appeals from proceedings initiated to order the 53416  
suspension of admissions to a facility shall be conducted in 53417  
accordance with Chapter 119. of the Revised Code, unless the order 53418  
was issued before providing an opportunity for an adjudication, in 53419  
which case all of the following apply: 53420

(a) The licensee may request a hearing not later than ten 53421  
days after receiving the notice specified in section 119.07 of the 53422  
Revised Code. 53423

(b) If a timely request for a hearing that includes the 53424  
licensee's current address is made, the hearing shall commence not 53425  
later than thirty days after the department receives the request. 53426

(c) After commencing, the hearing shall continue 53427  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 53428  
unless other interruptions are agreed to by the licensee and the 53429  
director. 53430

(d) If the hearing is conducted by a hearing examiner, the 53431  
hearing examiner shall file a report and recommendations not later 53432  
than ten days after the last of the following: 53433

(i) The close of the hearing; 53434

(ii) If a transcript of the proceedings is ordered, the 53435

hearing examiner receives the transcript; 53436

(iii) If post-hearing briefs are timely filed, the hearing 53437  
examiner receives the briefs. 53438

(e) A copy of the written report and recommendation of the 53439  
hearing examiner shall be sent, by certified mail, to the licensee 53440  
and the licensee's attorney, if applicable, not later than five 53441  
days after the report is filed. 53442

(f) Not later than five days after the hearing examiner files 53443  
the report and recommendations, the licensee may file objections 53444  
to the report and recommendations. 53445

(g) Not later than fifteen days after the hearing examiner 53446  
files the report and recommendations, the director shall issue an 53447  
order approving, modifying, or disapproving the report and 53448  
recommendations. 53449

(h) Notwithstanding the pendency of the hearing, the director 53450  
shall lift the order for the suspension of admissions when the 53451  
director determines that the violation that formed the basis for 53452  
the order has been corrected. 53453

~~(G)~~(F) Neither a person or government agency whose 53454  
application for a license to operate a residential facility is 53455  
denied nor a related party of the person or government agency may 53456  
apply for a license to operate a residential facility before the 53457  
date that is ~~one year~~ five years after the date of the denial. 53458  
Neither a licensee whose residential facility license is revoked 53459  
nor a related party of the licensee may apply for a residential 53460  
facility license before the date that is five years after the date 53461  
of the revocation. 53462

~~(H)~~(G) In accordance with Chapter 119. of the Revised Code, 53463  
the director shall adopt and may amend and rescind rules for 53464  
licensing and regulating the operation of residential facilities. 53465  
The rules for residential facilities that are ICFs/IID may differ 53466

from those for other residential facilities. The rules shall 53467  
establish and specify the following: 53468

(1) Procedures and criteria for issuing and renewing 53469  
licenses, including procedures and criteria for determining the 53470  
length of the licensing period that the director must specify for 53471  
each license when it is issued or renewed; 53472

(2) Procedures and criteria for denying, refusing to renew, 53473  
terminating, and revoking licenses and for ordering the suspension 53474  
of admissions to a facility, placement of a monitor at a facility, 53475  
and the immediate removal of residents from a facility; 53476

(3) Fees for issuing and renewing licenses, which shall be 53477  
deposited into the program fee fund created under section 5123.033 53478  
of the Revised Code; 53479

(4) Procedures for surveying residential facilities; 53480

~~(5) Requirements for the training of residential facility 53481  
personnel; 53482~~

~~(6) Classifications for the various types of residential 53483  
facilities; 53484~~

~~(7) Certification procedures for licensees and management 53485  
contractors that the director determines are necessary to ensure 53486  
that they have the skills and qualifications to properly operate 53487  
or manage residential facilities; 53488~~

~~(8) The maximum number of persons who may be served in a 53489  
particular type of residential facility; 53490~~

~~(9)~~(6) Uniform procedures for admission of persons to and 53491  
transfers and discharges of persons from residential facilities; 53492

~~(10)~~(7) Other standards for the operation of residential 53493  
facilities and the services provided at residential facilities; 53494

~~(11)~~(8) Procedures for waiving any provision of any rule 53495  
adopted under this section. 53496

~~(I)~~(H)(1) Before issuing a license, the director shall 53497  
conduct a survey of the residential facility for which application 53498  
is made. The director shall conduct a survey of each licensed 53499  
residential facility at least once during the period the license 53500  
is valid and may conduct additional inspections as needed. A 53501  
survey includes but is not limited to an on-site examination and 53502  
evaluation of the residential facility, its personnel, and the 53503  
services provided there. The director may assign to a county board 53504  
of developmental disabilities or the department of health the 53505  
responsibility to conduct any survey or inspection under this 53506  
section. 53507

(2) In conducting surveys, the director shall be given access 53508  
to the residential facility; all records, accounts, and any other 53509  
documents related to the operation of the facility; the licensee; 53510  
the residents of the facility; and all persons acting on behalf 53511  
of, under the control of, or in connection with the licensee. The 53512  
licensee and all persons on behalf of, under the control of, or in 53513  
connection with the licensee shall cooperate with the director in 53514  
conducting the survey. 53515

(3) Following each survey, the director shall provide the 53516  
licensee with a report listing the date of the survey, any 53517  
citations issued as a result of the survey, and the statutes or 53518  
rules that purportedly have been violated and are the bases of the 53519  
citations. The director shall also do both of the following: 53520

(a) Specify a date by which the licensee may appeal any of 53521  
the citations; 53522

(b) When appropriate, specify a timetable within which the 53523  
licensee must submit a plan of correction describing how the 53524  
problems specified in the citations will be corrected and, the 53525  
date by which the licensee anticipates the problems will be 53526  
corrected. 53527

(4) If the director initiates a proceeding to revoke a license, the director shall include the report required by division ~~(I)~~(H)(3) of this section with the notice of the proposed revocation the director sends to the licensee. In this circumstance, the licensee may not submit a plan of correction.

(5) After a plan of correction is submitted, the director shall approve or disapprove the plan. If the plan of correction is approved, a copy of the approved plan shall be provided, not later than five business days after it is approved, to any person or government entity who requests it and made available on the internet web site maintained by the department of developmental disabilities. If the plan of correction is not approved and the director initiates a proceeding to revoke the license, a copy of the survey report shall be provided to any person or government entity that requests it and shall be made available on the internet web site maintained by the department.

(6) The director shall initiate disciplinary action against any department employee who notifies or causes the notification to any unauthorized person of an unannounced survey of a residential facility by an authorized representative of the department.

~~(J)~~(I) In addition to any other information which may be required of applicants for a license pursuant to this section, the director shall require each applicant to provide a copy of an approved plan for a proposed residential facility pursuant to section 5123.042 of the Revised Code. This division does not apply to renewal of a license or to an applicant for an initial or modified license who meets the requirements of section 5123.197 of the Revised Code.

~~(K)~~(J)(1) A licensee shall notify the owner of the building in which the licensee's residential facility is located of any significant change in the identity of the licensee or management contractor before the effective date of the change if the licensee

is not the owner of the building. 53560

(2) Pursuant to rules, which shall be adopted in accordance 53561  
with Chapter 119. of the Revised Code, the director may require 53562  
notification to the department of any significant change in the 53563  
ownership of a residential facility or in the identity of the 53564  
licensee or management contractor. If the director determines that 53565  
a significant change of ownership is proposed, the director shall 53566  
consider the proposed change to be an application for development 53567  
by a new operator pursuant to section 5123.042 of the Revised Code 53568  
and shall advise the applicant within sixty days of the 53569  
notification that the current license shall continue in effect or 53570  
a new license will be required pursuant to this section. If the 53571  
director requires a new license, the director shall permit the 53572  
facility to continue to operate under the current license until 53573  
the new license is issued, unless the current license is revoked, 53574  
refused to be renewed, or terminated in accordance with Chapter 53575  
119. of the Revised Code. 53576

(3) A licensee shall transfer to the new licensee or 53577  
management contractor all records related to the residents of the 53578  
facility following any significant change in the identity of the 53579  
licensee or management contractor. 53580

~~(L)~~(K) A county board of developmental disabilities and any 53581  
interested person may file complaints alleging violations of 53582  
statute or department rule relating to residential facilities with 53583  
the department. All complaints shall ~~be in writing and shall~~ state 53584  
the facts constituting the basis of the allegation. The department 53585  
shall not reveal the source of any complaint unless the 53586  
complainant agrees in writing to waive the right to 53587  
confidentiality or until so ordered by a court of competent 53588  
jurisdiction. 53589

The department shall adopt rules in accordance with Chapter 53590  
119. of the Revised Code establishing procedures for the receipt, 53591

referral, investigation, and disposition of complaints filed with 53592  
the department under this division. 53593

~~(M) The department shall establish procedures for the 53594  
notification of interested parties of the transfer or interim care 53595  
of residents from residential facilities that are closing or are 53596  
losing their license. 53597~~

~~(N)~~(L) Before issuing a license under this section to a 53598  
residential facility that will accommodate at any time more than 53599  
one mentally retarded or developmentally disabled individual, the 53600  
director shall, by first class mail, notify the following: 53601

(1) If the facility will be located in a municipal 53602  
corporation, the clerk of the legislative authority of the 53603  
municipal corporation; 53604

(2) If the facility will be located in unincorporated 53605  
territory, the clerk of the appropriate board of county 53606  
commissioners and the fiscal officer of the appropriate board of 53607  
township trustees. 53608

The director shall not issue the license for ten days after 53609  
mailing the notice, excluding Saturdays, Sundays, and legal 53610  
holidays, in order to give the notified local officials time in 53611  
which to comment on the proposed issuance. 53612

Any legislative authority of a municipal corporation, board 53613  
of county commissioners, or board of township trustees that 53614  
receives notice under this division of the proposed issuance of a 53615  
license for a residential facility may comment on it in writing to 53616  
the director within ten days after the director mailed the notice, 53617  
excluding Saturdays, Sundays, and legal holidays. If the director 53618  
receives written comments from any notified officials within the 53619  
specified time, the director shall make written findings 53620  
concerning the comments and the director's decision on the 53621  
issuance of the license. If the director does not receive written 53622

comments from any notified local officials within the specified 53623  
time, the director shall continue the process for issuance of the 53624  
license. 53625

~~(O)~~(M) Any person may operate a licensed residential facility 53626  
that provides room and board, personal care, habilitation 53627  
services, and supervision in a family setting for at least six but 53628  
not more than eight persons with mental retardation or a 53629  
developmental disability as a permitted use in any residential 53630  
district or zone, including any single-family residential district 53631  
or zone, of any political subdivision. These residential 53632  
facilities may be required to comply with area, height, yard, and 53633  
architectural compatibility requirements that are uniformly 53634  
imposed upon all single-family residences within the district or 53635  
zone. 53636

~~(P)~~(N) Any person may operate a licensed residential facility 53637  
that provides room and board, personal care, habilitation 53638  
services, and supervision in a family setting for at least nine 53639  
but not more than sixteen persons with mental retardation or a 53640  
developmental disability as a permitted use in any multiple-family 53641  
residential district or zone of any political subdivision, except 53642  
that a political subdivision that has enacted a zoning ordinance 53643  
or resolution establishing planned unit development districts may 53644  
exclude these residential facilities from those districts, and a 53645  
political subdivision that has enacted a zoning ordinance or 53646  
resolution may regulate these residential facilities in 53647  
multiple-family residential districts or zones as a conditionally 53648  
permitted use or special exception, in either case, under 53649  
reasonable and specific standards and conditions set out in the 53650  
zoning ordinance or resolution to: 53651

(1) Require the architectural design and site layout of the 53652  
residential facility and the location, nature, and height of any 53653  
walls, screens, and fences to be compatible with adjoining land 53654

uses and the residential character of the neighborhood; 53655

(2) Require compliance with yard, parking, and sign 53656  
regulation; 53657

(3) Limit excessive concentration of these residential 53658  
facilities. 53659

~~(Q)~~(O) This section does not prohibit a political subdivision 53660  
from applying to residential facilities nondiscriminatory 53661  
regulations requiring compliance with health, fire, and safety 53662  
regulations and building standards and regulations. 53663

~~(R)~~(P) Divisions ~~(O)~~ and ~~(P)~~(M) and (N) of this section are 53664  
not applicable to municipal corporations that had in effect on 53665  
June 15, 1977, an ordinance specifically permitting in residential 53666  
zones licensed residential facilities by means of permitted uses, 53667  
conditional uses, or special exception, so long as such ordinance 53668  
remains in effect without any substantive modification. 53669

~~(S)~~(Q)(1) The director may issue an interim license to 53670  
operate a residential facility to an applicant for a license under 53671  
this section if either of the following is the case: 53672

(a) The director determines that an emergency exists 53673  
requiring immediate placement of persons in a residential 53674  
facility, that insufficient licensed beds are available, and that 53675  
the residential facility is likely to receive a permanent license 53676  
under this section within thirty days after issuance of the 53677  
interim license. 53678

(b) The director determines that the issuance of an interim 53679  
license is necessary to meet a temporary need for a residential 53680  
facility. 53681

(2) To be eligible to receive an interim license, an 53682  
applicant must meet the same criteria that must be met to receive 53683  
a permanent license under this section, except for any differing 53684

procedures and time frames that may apply to issuance of a permanent license.

(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred ~~forty~~ eighty days.

(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses.

~~(T) Notwithstanding rules adopted pursuant to this section establishing the maximum number of persons who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of persons being served by the facility on the effective date of the rules or the number of persons for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of developmental disabilities and which is in the review process prior to April 4, 1986.~~

~~(U)~~(R) The director may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section.

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a residential facility without a license. The court may grant the injunction, regardless of whether the residential facility meets the requirements for receiving a license under this section.

**Sec. 5123.196.** (A) Except as provided in division (E) of this section, the director of developmental disabilities shall not issue a license under section 5123.19 of the Revised Code on or after July 1, 2003, if issuance will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section.

(B) The maximum number of beds for the purpose of division (A) of this section shall not exceed ten thousand eight hundred thirty-eight minus, except as provided in division (C) of this section, both of the following:

(1) The number of such beds that cease to be residential facility beds on or after July 1, 2003, because a residential facility license is revoked, terminated, or not renewed for any reason or is surrendered in accordance with section 5123.19 of the Revised Code;

(2) The number of such beds for which a licensee voluntarily converts to use for supported living on or after July 1, 2003.

(C) The director is not required to reduce the maximum number of beds pursuant to division (B) of this section by a bed that ceases to be a residential facility bed if the director determines that the bed is needed to provide services to an individual with mental retardation or a developmental disability who resided in the residential facility in which the bed was located.

(D) The director shall maintain an up-to-date written record of the maximum number of residential facility beds provided for by division (B) of this section.

(E) The director may issue an interim license under division ~~(S)~~(Q) of section 5123.19 of the Revised Code and issue, pursuant to rules adopted under division ~~(H)~~~~(11)~~(G)(8) of that section, a waiver allowing a residential facility to admit more residents

than the facility is licensed to admit regardless of whether the 53746  
interim license or waiver will result in there being more beds in 53747  
all residential facilities licensed under that section than is 53748  
permitted under division (B) of this section. 53749

**Sec. 5123.198.** (A) As used in this section, "date of the 53750  
commitment" means the date that an individual specified in 53751  
division (B) of this section begins to reside in a state-operated 53752  
ICF/IID after being committed to the ICF/IID pursuant to sections 53753  
5123.71 to 5123.76 of the Revised Code. 53754

(B) Except as provided in division (C) of this section, 53755  
whenever a resident of a residential facility is committed to a 53756  
state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of 53757  
the Revised Code, the department of developmental disabilities, 53758  
pursuant to an adjudication order issued in accordance with 53759  
Chapter 119. of the Revised Code, shall reduce by one the number 53760  
of residents for which the residential facility in which the 53761  
resident resided is licensed. 53762

(C) The department shall not reduce under division (B) of 53763  
this section the number of residents for which a residential 53764  
facility is licensed if any of the following are the case: 53765

(1) The resident of the residential facility who is committed 53766  
to a state-operated ICF/IID resided in the residential facility 53767  
because of the closure, on or after June 26, 2003, of another 53768  
state-operated ICF/IID; 53769

(2) The residential facility admits within ninety days of the 53770  
date of the commitment an individual who resides on the date of 53771  
the commitment in a state-operated ICF/IID or another residential 53772  
facility; 53773

(3) The department fails to do either of the following within 53774  
ninety days of the date of the commitment: 53775

(a) Identify an individual to whom all of the following applies: 53776  
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(i) Resides on the date of the commitment in a state-operated ICF/IID or another residential facility; 53778  
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(ii) Has indicated to the department an interest in relocating to the residential facility or has a parent or guardian who has indicated to the department an interest for the individual to relocate to the residential facility; 53780  
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(iii) The department determines the individual has needs that the residential facility can meet. 53784  
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(b) Provide the residential facility with information about the individual identified under division (C)(2)(a) of this section that the residential facility needs in order to determine whether the facility can meet the individual's needs. 53786  
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(4) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and except as provided in division (D) of this section, the residential facility does all of the following not later than ninety days after the date of the commitment: 53790  
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(a) Evaluates the information provided by the department; 53796

(b) Assesses the identified individual's needs; 53797

(c) Determines that the residential facility cannot meet the identified individual's needs. 53798  
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(5) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and the residential facility determines that the residential facility can meet the identified individual's needs, the individual, or a parent or guardian of the individual, refuses placement in the residential facility. 53800  
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(D) The department may reduce under division (B) of this section the number of residents for which a residential facility is licensed even though the residential facility completes the actions specified in division (C)(4) of this section not later than ninety days after the date of the commitment if all of the following are the case:

(1) The department disagrees with the residential facility's determination that the residential facility cannot meet the identified individual's needs.

(2) The department issues a written decision pursuant to the uniform procedures for admissions, transfers, and discharges established by rules adopted under division ~~(H)(9)~~(G)(6) of section 5123.19 of the Revised Code that the residential facility should admit the identified individual.

(3) After the department issues the written decision specified in division (D)(2) of this section, the residential facility refuses to admit the identified individual.

(E) A residential facility that admits, refuses to admit, transfers, or discharges a resident under this section shall comply with the uniform procedures for admissions, transfers, and discharges established by rules adopted under division ~~(H)(9)~~(G)(6) of section 5123.19 of the Revised Code.

**Sec. 5123.376. (A) As used in this section:**

(1) "Medicaid-certified capacity" has the same meaning as in section 5124.01 of the Revised Code.

(2) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(B)(1) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or private, nonprofit agency pursuant

to section 5123.36 of the Revised Code or other statutory 53836  
authority in effect before July 1, 1980, regarding the 53837  
construction, acquisition, or renovation of a residential facility 53838  
if all of the following apply: 53839

(a) The agreement was entered into during the period 53840  
beginning January 1, 1975, and ending December 31, 1984. 53841

(b) The agreement requires the county board or private, 53842  
nonprofit agency to use the residential facility as a residential 53843  
facility for at least forty years. 53844

(c) The residential facility is an ICF/IID and, before the 53845  
conversion specified in division (B)(1)(d) of this section, the 53846  
ICF/IID had a medicaid-certified capacity of at least sixteen. 53847

(d) The residential facility's operator converted at least 53848  
fifty per cent of its medicaid-certified beds from providing 53849  
ICF/IID services to providing home and community-based services in 53850  
accordance with section 5124.60 or 5124.61 of the Revised Code. 53851

(e) The county board or private, nonprofit agency applies to 53852  
the director for the change in the agreement's terms. 53853

(2) The terms of an agreement that may be changed pursuant to 53854  
division (B)(1) of this section include terms regarding the length 53855  
of time the residential facility must be used as a residential 53856  
facility. 53857

(C) The director may authorize a county board or nonprofit, 53858  
private agency not to repay the amount of an outstanding balance 53859  
otherwise owed pursuant to an agreement entered into pursuant to 53860  
section 5123.36 of the Revised Code or other statutory authority 53861  
in effect before July 1, 1980, regarding the construction, 53862  
acquisition, or renovation of a residential facility if all of the 53863  
following apply: 53864

(1) The agreement was entered into during the period 53865

beginning January 1, 1975, and ending December 31, 1984. 53866

(2) The agreement requires the county board or private, nonprofit agency to use the residential facility as a residential facility for at least forty years. 53867  
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(3) Before the conversion specified in division (C)(4) of this section, the residential facility was an ICF/IID with a medicaid-certified capacity of at least sixteen. 53870  
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(4) The residential facility's operator converted all of its medicaid-certified beds from providing ICF/IID services to providing home and community-based services in accordance with section 5124.60 or 5124.61 of the Revised Code. 53873  
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(5) The county board or private, nonprofit agency applies to the director for forgiveness of the outstanding balance. 53877  
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**Sec. 5123.42.** (A) ~~Beginning nine months after March 31, 2003,~~ 53879  
MR/DD personnel who are not specifically authorized by other 53880  
provisions of the Revised Code to administer prescribed 53881  
medications, perform health-related activities, or perform tube 53882  
feedings may do so pursuant to this section as part of the 53883  
specialized services the MR/DD personnel provide to individuals 53884  
with mental retardation and developmental disabilities in the 53885  
following categories: 53886

(1) Recipients of early intervention, preschool, and 53887  
school-age services offered or provided pursuant to this chapter 53888  
or Chapter 5126. of the Revised Code; 53889

(2) Recipients of adult services offered or provided pursuant 53890  
to this chapter or Chapter 5126. of the Revised Code; 53891

(3) Recipients of family support services offered or provided 53892  
pursuant to this chapter or Chapter 5126. of the Revised Code; 53893

(4) Recipients of services from certified supported living 53894  
providers, if the services are offered or provided pursuant to 53895

this chapter or Chapter 5126. of the Revised Code;	53896
(5) Recipients of residential support services from certified home and community-based services providers, if the services are received in a community living arrangement that includes not more than four individuals with mental retardation and developmental disabilities and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;	53897 53898 53899 53900 53901 53902
(6) Recipients of services not included in divisions (A)(1) to (5) of this section that are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;	53903 53904 53905
(7) Residents of a residential facility with five or fewer resident beds;	53906 53907
(8) Residents of a residential facility with at least six but not more than sixteen resident beds;	53908 53909
(9) Residents of a residential facility with seventeen or more resident beds who are on a field trip from the facility, if all of the following are the case:	53910 53911 53912
(a) The field trip is sponsored by the facility for purposes of complying with federal medicaid statutes and regulations, state medicaid statutes and rules, or other federal or state statutes, regulations, or rules that require the facility to provide habilitation, community integration, or normalization services to its residents.	53913 53914 53915 53916 53917 53918
(b) Not more than ten field trip participants are residents who have health needs requiring the administration of prescribed medications, excluding participants who self-administer prescribed medications or receive assistance with self-administration of prescribed medications.	53919 53920 53921 53922 53923
(c) The facility staffs the field trip with MR/DD personnel in such a manner that one person will administer prescribed	53924 53925

medications, perform health-related activities, or perform tube 53926  
feedings for not more than four participants if one or more of 53927  
those participants have health needs requiring the person to 53928  
administer prescribed medications through a gastrostomy or 53929  
jejunostomy tube. 53930

(d) According to the instructions of a health care 53931  
professional acting within the scope of the professional's 53932  
practice, the health needs of the participants who require 53933  
administration of prescribed medications by MR/DD personnel are 53934  
such that the participants must receive the medications during the 53935  
field trip to avoid jeopardizing their health and safety. 53936

(B)(1) In the case of recipients of early intervention, 53937  
preschool, and school-age services, as specified in division 53938  
(A)(1) of this section, all of the following apply: 53939

(a) With nursing delegation, MR/DD personnel may perform 53940  
health-related activities. 53941

(b) With nursing delegation, MR/DD personnel may administer 53942  
oral and topical prescribed medications. 53943

(c) With nursing delegation, MR/DD personnel may administer 53944  
prescribed medications through gastrostomy and jejunostomy tubes, 53945  
if the tubes being used are stable and labeled. 53946

(d) With nursing delegation, MR/DD personnel may perform 53947  
routine tube feedings, if the gastrostomy and jejunostomy tubes 53948  
being used are stable and labeled. 53949

(2) In the case of recipients of adult services, as specified 53950  
in division (A)(2) of this section, all of the following apply: 53951

(a) With nursing delegation, MR/DD personnel may perform 53952  
health-related activities. 53953

(b) With nursing delegation, MR/DD personnel may administer 53954  
oral and topical prescribed medications. 53955

(c) With nursing delegation, MR/DD personnel may administer 53956  
prescribed medications through gastrostomy and jejunostomy tubes, 53957  
if the tubes being used are stable and labeled. 53958

(d) With nursing delegation, MR/DD personnel may perform 53959  
routine tube feedings, if the gastrostomy and jejunostomy tubes 53960  
being used are stable and labeled. 53961

(3) In the case of recipients of family support services, as 53962  
specified in division (A)(3) of this section, all of the following 53963  
apply: 53964

(a) Without nursing delegation, MR/DD personnel may perform 53965  
health-related activities. 53966

(b) Without nursing delegation, MR/DD personnel may 53967  
administer oral and topical prescribed medications. 53968

(c) With nursing delegation, MR/DD personnel may administer 53969  
prescribed medications through gastrostomy and jejunostomy tubes, 53970  
if the tubes being used are stable and labeled. 53971

(d) With nursing delegation, MR/DD personnel may perform 53972  
routine tube feedings, if the gastrostomy and jejunostomy tubes 53973  
being used are stable and labeled. 53974

(e) With nursing delegation, MR/DD personnel may administer 53975  
routine doses of insulin through subcutaneous injections and 53976  
insulin pumps. 53977

(4) In the case of recipients of services from certified 53978  
supported living providers, as specified in division (A)(4) of 53979  
this section, all of the following apply: 53980

(a) Without nursing delegation, MR/DD personnel may perform 53981  
health-related activities. 53982

(b) Without nursing delegation, MR/DD personnel may 53983  
administer oral and topical prescribed medications. 53984

(c) With nursing delegation, MR/DD personnel may administer 53985

prescribed medications through gastrostomy and jejunostomy tubes, 53986  
if the tubes being used are stable and labeled. 53987

(d) With nursing delegation, MR/DD personnel may perform 53988  
routine tube feedings, if the gastrostomy and jejunostomy tubes 53989  
being used are stable and labeled. 53990

(e) With nursing delegation, MR/DD personnel may administer 53991  
routine doses of insulin through subcutaneous injections and 53992  
insulin pumps. 53993

(5) In the case of recipients of residential support services 53994  
from certified home and community-based services providers, as 53995  
specified in division (A)(5) of this section, all of the following 53996  
apply: 53997

(a) Without nursing delegation, MR/DD personnel may perform 53998  
health-related activities. 53999

(b) Without nursing delegation, MR/DD personnel may 54000  
administer oral and topical prescribed medications. 54001

(c) With nursing delegation, MR/DD personnel may administer 54002  
prescribed medications through gastrostomy and jejunostomy tubes, 54003  
if the tubes being used are stable and labeled. 54004

(d) With nursing delegation, MR/DD personnel may perform 54005  
routine tube feedings, if the gastrostomy and jejunostomy tubes 54006  
being used are stable and labeled. 54007

(e) With nursing delegation, MR/DD personnel may administer 54008  
routine doses of insulin through subcutaneous injections and 54009  
insulin pumps. 54010

(6) In the case of recipients of services not included in 54011  
divisions (A)(1) to (5) of this section, as specified in division 54012  
(A)(6) of this section, all of the following apply: 54013

(a) With nursing delegation, MR/DD personnel may perform 54014  
health-related activities. 54015

(b) With nursing delegation, MR/DD personnel may administer oral and topical prescribed medications.	54016 54017
(c) With nursing delegation, MR/DD personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.	54018 54019 54020
(d) With nursing delegation, MR/DD personnel may perform routine tube feedings, if the gastrostomy and jejunostomy tubes being used are stable and labeled.	54021 54022 54023
(7) In the case of residents of a residential facility with five or fewer beds, as specified in division (A)(7) of this section, all of the following apply:	54024 54025 54026
(a) Without nursing delegation, MR/DD personnel may perform health-related activities.	54027 54028
(b) Without nursing delegation, MR/DD personnel may administer oral and topical prescribed medications.	54029 54030
(c) With nursing delegation, MR/DD personnel may administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.	54031 54032 54033
(d) With nursing delegation, MR/DD personnel may perform routine tube feedings, if the gastrostomy and jejunostomy tubes being used are stable and labeled.	54034 54035 54036
(e) With nursing delegation, MR/DD personnel may administer routine doses of insulin through subcutaneous injections and insulin pumps.	54037 54038 54039
(8) In the case of residents of a residential facility with at least six but not more than sixteen resident beds, as specified in division (A)(8) of this section, all of the following apply:	54040 54041 54042
(a) With nursing delegation, MR/DD personnel may perform health-related activities.	54043 54044
(b) With nursing delegation, MR/DD personnel may administer	54045

oral and topical prescribed medications. 54046

(c) With nursing delegation, MR/DD personnel may administer 54047  
prescribed medications through gastrostomy and jejunostomy tubes, 54048  
if the tubes being used are stable and labeled. 54049

(d) With nursing delegation, MR/DD personnel may perform 54050  
routine tube feedings, if the gastrostomy and jejunostomy tubes 54051  
being used are stable and labeled. 54052

(9) In the case of residents of a residential facility with 54053  
seventeen or more resident beds who are on a field trip from the 54054  
facility, all of the following apply during the field trip, 54055  
subject to the limitations specified in division (A)(9) of this 54056  
section: 54057

(a) With nursing delegation, MR/DD personnel may perform 54058  
health-related activities. 54059

(b) With nursing delegation, MR/DD personnel may administer 54060  
oral and topical prescribed medications. 54061

(c) With nursing delegation, MR/DD personnel may administer 54062  
prescribed medications through gastrostomy and jejunostomy tubes, 54063  
if the tubes being used are stable and labeled. 54064

(d) With nursing delegation, MR/DD personnel may perform 54065  
routine tube feedings, if the gastrostomy and jejunostomy tubes 54066  
being used are stable and labeled. 54067

(C) The authority of MR/DD personnel to administer prescribed 54068  
medications, perform health-related activities, and perform tube 54069  
feedings pursuant to this section is subject to all of the 54070  
following: 54071

(1) To administer prescribed medications, perform 54072  
health-related activities, or perform tube feedings for 54073  
individuals in the categories specified under divisions (A)(1) to 54074  
(8) of this section, MR/DD personnel shall obtain either of the 54075

following: 54076

(a) The certificate or certificates required by the 54077  
department of developmental disabilities and issued under section 54078  
5123.45 of the Revised Code; 54079

(b) The certificate or certificates issued under section 54080  
5166.54 of the Revised Code. 54081

MR/DD personnel shall administer prescribed medication, 54082  
perform health-related activities, and perform tube feedings only 54083  
as authorized by the certificate or certificates held. 54084

(2) To administer prescribed medications, perform 54085  
health-related activities, or perform tube feedings for 54086  
individuals in the category specified under division (A)(9) of 54087  
this section, MR/DD personnel shall successfully complete the 54088  
training course or courses developed under section 5123.43 of the 54089  
Revised Code for the MR/DD personnel or the personnel training 54090  
course or courses described in division (B)(1) of section 5166.50 54091  
of the Revised Code. MR/DD personnel shall administer prescribed 54092  
medication, perform health-related activities, and perform tube 54093  
feedings only as authorized by the training completed. 54094

(3) If nursing delegation is required under division (B) of 54095  
this section, MR/DD personnel shall not act without nursing 54096  
delegation or in a manner that is inconsistent with the 54097  
delegation. 54098

(4) The employer of MR/DD personnel shall ensure that MR/DD 54099  
personnel have been trained specifically with respect to each 54100  
individual for whom they administer prescribed medications, 54101  
perform health-related activities, or perform tube feedings. MR/DD 54102  
personnel shall not administer prescribed medications, perform 54103  
health-related activities, or perform tube feedings for any 54104  
individual for whom they have not been specifically trained. 54105

(5) If the employer of MR/DD personnel believes that MR/DD 54106

personnel have not or will not safely administer prescribed 54107  
medications, perform health-related activities, or perform tube 54108  
feedings, the employer shall prohibit the action from continuing 54109  
or commencing. MR/DD personnel shall not engage in the action or 54110  
actions subject to an employer's prohibition. 54111

(D) In accordance with section 5123.46 of the Revised Code, 54112  
the department of developmental disabilities shall adopt rules 54113  
governing its implementation of this section. The rules shall 54114  
include the following: 54115

(1) Requirements for documentation of the administration of 54116  
prescribed medications, performance of health-related activities, 54117  
and performance of tube feedings by MR/DD personnel pursuant to 54118  
the authority granted under this section; 54119

(2) Procedures for reporting errors that occur in the 54120  
administration of prescribed medications, performance of 54121  
health-related activities, and performance of tube feedings by 54122  
MR/DD personnel pursuant to the authority granted under this 54123  
section; 54124

(3) Other standards and procedures the department considers 54125  
necessary for implementation of this section. 54126

**Sec. 5123.43.** (A) The Except as provided in division (C) of 54127  
this section, the department of developmental disabilities shall 54128  
develop courses for the training of MR/DD personnel in the 54129  
administration of prescribed medications, performance of 54130  
health-related activities, and performance of tube feedings 54131  
pursuant to the authority granted under section 5123.42 of the 54132  
Revised Code. The department may develop separate or combined 54133  
training courses for the administration of prescribed medications, 54134  
performance of health-related activities, and performance of tube 54135  
feedings. Training in the administration of prescribed medications 54136  
through gastrostomy and jejunostomy tubes may be included in a 54137

course providing training in tube feedings. Training in the 54138  
administration of insulin may be developed as a separate course or 54139  
included in a course providing training in the administration of 54140  
other prescribed medications. 54141

(B)(1) The department shall adopt rules in accordance with 54142  
section 5123.46 of the Revised Code that specify the content and 54143  
length of the training courses developed under this section. The 54144  
rules may include any other standards the department considers 54145  
necessary for the training courses. 54146

(2) In adopting rules that specify the content of a training 54147  
course or part of a training course that trains MR/DD personnel in 54148  
the administration of prescribed medications, the department shall 54149  
ensure that the content includes all of the following: 54150

(a) Infection control and universal precautions; 54151

(b) Correct and safe practices, procedures, and techniques 54152  
for administering prescribed medication; 54153

(c) Assessment of drug reaction, including known side 54154  
effects, interactions, and the proper course of action if a side 54155  
effect occurs; 54156

(d) The requirements for documentation of medications 54157  
administered to each individual; 54158

(e) The requirements for documentation and notification of 54159  
medication errors; 54160

(f) Information regarding the proper storage and care of 54161  
medications; 54162

(g) Information about proper receipt of prescriptions and 54163  
transcription of prescriptions into an individual's medication 54164  
administration record, except when the MR/DD personnel being 54165  
trained will administer prescribed medications only to residents 54166  
of a residential facility with seventeen or more resident beds who 54167

are participating in a field trip, as specified in division (A)(9) 54168  
of section 5123.42 of the Revised Code; 54169

(h) Course completion standards that require successful 54170  
demonstration of proficiency in administering prescribed 54171  
medications; 54172

(i) Any other material or course completion standards that 54173  
the department considers relevant to the administration of 54174  
prescribed medications by MR/DD personnel. 54175

(C) The department is not required to develop the courses 54176  
described in division (A) of this section if it enters into an 54177  
interagency agreement under section 5166.50 of the Revised Code 54178  
that provides for the development of the training courses 54179  
described in division (B)(1) of that section. 54180

**Sec. 5123.44.** The (A) Except as provided in division (B) of 54181  
this section, the department of developmental disabilities shall 54182  
develop courses that train registered nurses to provide the MR/DD 54183  
personnel training courses developed under section 5123.43 of the 54184  
Revised Code. The department may develop courses that train 54185  
registered nurses to provide all of the courses developed under 54186  
section 5123.43 of the Revised Code or any one or more of the 54187  
courses developed under that section. 54188

The department shall adopt rules in accordance with section 54189  
5123.46 of the Revised Code that specify the content and length of 54190  
the training courses. The rules may include any other standards 54191  
the department considers necessary for the training courses. 54192

(B) The department is not required to develop the courses 54193  
described in division (A) of this section if it enters into an 54194  
interagency agreement under section 5166.50 of the Revised Code 54195  
that provides for the development of training courses described in 54196  
division (B)(2) of that section. 54197

**Sec. 5123.441.** (A) Each MR/DD personnel training course 54198  
developed under section 5123.43 of the Revised Code shall be 54199  
provided by a registered nurse. 54200

(B)(1) Except as provided in division (B)(2) of this section, 54201  
to provide a training course or courses to MR/DD personnel, a 54202  
registered nurse shall obtain either of the following: 54203

(a) The certificate or certificates required by the 54204  
department and issued under section 5123.45 of the Revised Code; 54205

(b) The certificate or certificates issued under section 54206  
5166.54 of the Revised Code. 54207

The registered nurse shall provide only the training course 54208  
or courses authorized by the certificate or certificates the 54209  
registered nurse holds. 54210

(2) A registered nurse is not required to obtain a 54211  
certificate to provide a training course to MR/DD personnel if the 54212  
only MR/DD personnel to whom the course or courses are provided 54213  
are those who administer prescribed medications, perform 54214  
health-related activities, or perform tube feedings for residents 54215  
of a residential facility with seventeen or more resident beds who 54216  
are on a field trip from the facility, as specified in division 54217  
(A)(9) of section 5123.42 of the Revised Code. To provide the 54218  
training course or courses, the registered nurse shall 54219  
successfully complete the training required by the department 54220  
through the courses it develops under section 5123.44 of the 54221  
Revised Code or the courses described in division (B)(2) of 54222  
section 5166.50 of the Revised Code. The registered nurse shall 54223  
provide only the training courses authorized by the training the 54224  
registered nurse completes. 54225

**Sec. 5123.45.** (A) The Except as provided in division (E) of 54226  
this section, the department of developmental disabilities shall 54227

establish a program under which the department issues certificates 54228  
to the following: 54229

(1) MR/DD personnel, for purposes of meeting the requirement 54230  
of division (C)(1) of section 5123.42 of the Revised Code to 54231  
obtain a certificate or certificates to administer prescribed 54232  
medications, perform health-related activities, and perform tube 54233  
feedings; 54234

(2) Registered nurses, for purposes of meeting the 54235  
requirement of division (B)(1) of section 5123.441 of the Revised 54236  
Code to obtain a certificate or certificates to provide the MR/DD 54237  
personnel training courses developed under section 5123.43 of the 54238  
Revised Code. 54239

(B)(1) Except as provided in division (B)(2) of this section, 54240  
to receive a certificate issued under this section, MR/DD 54241  
personnel and registered nurses shall successfully complete the 54242  
applicable training course or courses and meet all other 54243  
applicable requirements established in rules adopted pursuant to 54244  
this section. The department shall issue the appropriate 54245  
certificate or certificates to MR/DD personnel and registered 54246  
nurses who meet the requirements for the certificate or 54247  
certificates. 54248

(2) The department shall include provisions in the program 54249  
for issuing certificates to MR/DD personnel and registered nurses 54250  
who were required to be included in the certificate program 54251  
pursuant to division (B)(2) of this section as that division 54252  
existed immediately before ~~the effective date of this amendment~~ 54253  
September 29, 2011. MR/DD personnel who receive a certificate 54254  
under division (B)(2) of this section shall not administer insulin 54255  
until they have been trained by a registered nurse who has 54256  
received a certificate under this section that allows the 54257  
registered nurse to provide training courses to MR/DD personnel in 54258  
the administration of insulin. A registered nurse who receives a 54259

certificate under division (B)(2) of this section shall not 54260  
provide training courses to MR/DD personnel in the administration 54261  
of insulin unless the registered nurse completes a course 54262  
developed under section 5123.44 of the Revised Code that enables 54263  
the registered nurse to receive a certificate to provide training 54264  
courses to MR/DD personnel in the administration of insulin. 54265

(C) Certificates issued to MR/DD personnel are valid for one 54266  
year and may be renewed. Certificates issued to registered nurses 54267  
are valid for two years and may be renewed. 54268

To be eligible for renewal, MR/DD personnel and registered 54269  
nurses shall meet the applicable continued competency requirements 54270  
and continuing education requirements specified in rules adopted 54271  
under division (D) of this section. In the case of registered 54272  
nurses, continuing nursing education completed in compliance with 54273  
the license renewal requirements established under Chapter 4723. 54274  
of the Revised Code may be counted toward meeting the continuing 54275  
education requirements established in the rules adopted under 54276  
division (D) of this section. 54277

(D) In accordance with section 5123.46 of the Revised Code, 54278  
the department shall adopt rules that establish all of the 54279  
following: 54280

(1) Requirements that MR/DD personnel and registered nurses 54281  
must meet to be eligible to take a training course; 54282

(2) Standards that must be met to receive a certificate, 54283  
including requirements pertaining to an applicant's criminal 54284  
background; 54285

(3) Procedures to be followed in applying for a certificate 54286  
and issuing a certificate; 54287

(4) Standards and procedures for renewing a certificate, 54288  
including requirements for continuing education and, in the case 54289  
of MR/DD personnel who administer prescribed medications, 54290

standards that require successful demonstration of proficiency in 54291  
administering prescribed medications; 54292

(5) Standards and procedures for suspending or revoking a 54293  
certificate; 54294

(6) Standards and procedures for suspending a certificate 54295  
without a hearing pending the outcome of an investigation; 54296

(7) Any other standards or procedures the department 54297  
considers necessary to administer the certification program. 54298

(E) The department is not required to develop the 54299  
certification program described in division (A) of this section if 54300  
it enters into an interagency agreement under section 5166.50 of 54301  
the Revised Code that provides for the establishment of the 54302  
certification program described in division (B)(3) of that 54303  
section. 54304

**Sec. 5123.451.** The (A) Except as provided in division (B) of 54305  
this section, the department of developmental disabilities shall 54306  
establish and maintain a registry that lists all MR/DD personnel 54307  
and registered nurses holding valid certificates issued under 54308  
section 5123.45 of the Revised Code. The registry shall specify 54309  
the type of certificate held and any limitations that apply to a 54310  
certificate holder. The department shall make the information in 54311  
the registry available to the public in computerized form or any 54312  
other manner that provides continuous access to the information in 54313  
the registry. 54314

(B) The department is not required to establish or maintain 54315  
the registry described in division (A) of this section if it 54316  
enters into an interagency agreement under section 5166.50 of the 54317  
Revised Code that provides for the establishment and maintenance 54318  
of the registry described in division (B)(4) of that section. 54319

**Sec. 5123.86.** (A) Except as provided in divisions (C), (D), 54320

~~and (E), and (F)~~ of this section, the chief medical officer shall  
provide all information, including expected physical and medical  
consequences, necessary to enable any resident of an institution  
for the mentally retarded to give a fully informed, intelligent,  
and knowing consent if any of the following procedures are  
proposed:

- (1) Surgery;
- (2) ~~Convulsive therapy;~~
- ~~(3) Major aversive interventions;~~
- ~~(4) Sterilization;~~
- ~~(5)~~(3) Experimental procedures;
- ~~(6) Any unusual or hazardous treatment procedures.~~

(B) No resident shall be subjected to ~~any of the procedures~~  
~~listed in division (A)(4), (5), or (6) of this section~~  
sterilization without the resident's informed consent.

(C) If a resident is physically or mentally unable to receive  
the information required for surgery or an experimental procedure  
under division (A)~~(1)~~ of this section, or has been adjudicated  
incompetent, the information may be provided to the resident's  
natural or court-appointed guardian, including an agency providing  
guardianship services under contract with the department of  
developmental disabilities under sections 5123.55 to 5123.59 of  
the Revised Code, ~~who~~. The guardian may give the informed,  
intelligent, and knowing written consent for surgery or the  
experimental procedure. ~~Consent for surgery shall not be provided~~  
~~by a guardian who is an officer or employee of the department of~~  
~~mental health and addiction services or the department of~~  
~~developmental disabilities.~~

If a resident is physically or mentally unable to receive the  
information required for surgery or an experimental procedure

under division (A)~~(1)~~ of this section and has no guardian, then 54351  
the information, the recommendation of the chief medical officer, 54352  
and the concurring judgment of a licensed physician who is not a 54353  
full-time employee of the state may be provided to the court in 54354  
the county in which the institution is located,~~which.~~ The court 54355  
may approve the surgery or experimental procedure. Before 54356  
approving the surgery or experimental procedure, the court shall 54357  
notify the Ohio protection and advocacy system created by section 54358  
5123.60 of the Revised Code, and shall notify the resident of the 54359  
resident's rights to consult with counsel, to have counsel 54360  
appointed by the court if the resident is indigent, and to contest 54361  
the recommendation of the chief medical officer. 54362

(D) If, in the judgment of two licensed physicians, delay in 54363  
obtaining consent for surgery would create a grave danger to the 54364  
health of a resident, emergency surgery may be performed without 54365  
the consent of the resident if the necessary information is 54366  
provided to the resident's guardian, including an agency providing 54367  
guardianship services under contract with the department of 54368  
developmental disabilities under sections 5123.55 to 5123.59 of 54369  
the Revised Code, or to the resident's spouse or next of kin to 54370  
enable that person or agency to give an informed, intelligent, and 54371  
knowing written consent. 54372

If the guardian, spouse, or next of kin cannot be contacted 54373  
through exercise of reasonable diligence, or if the guardian, 54374  
spouse, or next of kin is contacted, but refuses to consent, then 54375  
the emergency surgery may be performed upon the written 54376  
authorization of the chief medical officer and after court 54377  
approval has been obtained. However, if delay in obtaining court 54378  
approval would create a grave danger to the life of the resident, 54379  
the chief medical officer may authorize surgery, in writing, 54380  
without court approval. If the surgery is authorized without court 54381  
approval, the chief medical officer who made the authorization and 54382

the physician who performed the surgery shall each execute an 54383  
affidavit describing the circumstances constituting the emergency 54384  
and warranting the surgery and the circumstances warranting their 54385  
not obtaining prior court approval. The affidavit shall be filed 54386  
with the court with which the request for prior approval would 54387  
have been filed within five court days after the surgery, and a 54388  
copy of the affidavit shall be placed in the resident's file and 54389  
shall be given to the guardian, spouse, or next of kin of the 54390  
resident, to the hospital at which the surgery was performed, and 54391  
to the Ohio protection and advocacy system created by section 54392  
5123.60 of the Revised Code. 54393

~~(E)(1) If it is the judgment of two licensed physicians, as 54394  
described in division (E)(2) of this section, that a medical 54395  
emergency exists and delay in obtaining convulsive therapy creates 54396  
a grave danger to the life of a resident who is both mentally 54397  
retarded and mentally ill, convulsive therapy may be administered 54398  
without the consent of the resident if the resident is physically 54399  
or mentally unable to receive the information required for 54400  
convulsive therapy and if the necessary information is provided to 54401  
the resident's natural or court appointed guardian, including an 54402  
agency providing guardianship services under contract with the 54403  
department of developmental disabilities under sections 5123.55 to 54404  
5123.59 of the Revised Code, or to the resident's spouse or next 54405  
of kin to enable that person or agency to give an informed, 54406  
intelligent, and knowing written consent. If neither the 54407  
resident's guardian, spouse, nor next of kin can be contacted 54408  
through exercise of reasonable diligence, or if the guardian, 54409  
spouse, or next of kin is contacted, but refuses to consent, then 54410  
convulsive therapy may be performed upon the written authorization 54411  
of the chief medical officer and after court approval has been 54412  
obtained. 54413~~

~~(2) The two licensed physicians referred to in division 54414~~

~~(E)(1) of this section shall not be associated with each other in the practice of medicine or surgery by means of a partnership or corporate arrangement, other business arrangement, or employment. At least one of the physicians shall be a psychiatrist as defined in division (E) of section 5122.01 of the Revised Code.~~

~~(F) Major aversive interventions shall not be used unless a resident continues to engage in behavior destructive to self or others after other forms of therapy have been attempted. Major aversive interventions shall not be applied to a voluntary resident without the informed, intelligent, and knowing written consent of the resident or the resident's guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of the Revised Code.~~

~~(G)(1) This chapter does not authorize any form of compulsory medical or psychiatric treatment of any resident who is being treated by spiritual means through prayer alone in accordance with a recognized religious method of healing.~~

~~(2) For purposes of this section, "convulsive therapy" does not include defibrillation.~~

**Sec. 5124.101.** (A) The provider of an ICF/IID in peer group 1 or peer group 2 that becomes a downsized ICF/IID or partially converted ICF/IID on or after July 1, 2013, or becomes a new ICF/IID on or after that date, may file with the department of developmental disabilities a cost report covering the period specified in division (B) of this section if the following applies to the ICF/IID:

(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID, the ICF/IID has either of the following on the day it becomes a downsized ICF/IID or partially converted ICF/IID:

(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID;

(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID.

(2) In the case of a new ICF/IID, the ICF/IID's beds are from a downsized ICF/IID and the downsized ICF/IID has either of the following on the day it becomes a downsized ICF/IID:

(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID;

(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID.

(B) A cost report filed under division (A) of this section shall cover the period that begins and ends as follows:

(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:

(a) The period begins with the day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID.

(b) The period ends on the last day of the last month of the first three full months of operation as a downsized ICF/IID or partially converted ICF/IID.

(2) In the case of a new ICF/IID:

(a) The period begins with the day that the provider agreement for the ICF/IID takes effect.

(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect.

(C) The department shall refuse to accept a cost report filed 54476  
under division (A) of this section if either of the following 54477  
apply: 54478

(1) Except as provided in division (E) of section 5124.10 of 54479  
the Revised Code, the provider fails to file the cost report with 54480  
the department not later than ninety days after the last day of 54481  
the period the cost report covers; 54482

(2) The cost report is incomplete or inadequate. 54483

(D) If the department accepts a cost report filed under 54484  
division (A) of this section, the department shall use that cost 54485  
report, rather than the cost report that otherwise would be used 54486  
pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the 54487  
Revised Code, to determine the ICF/IID's medicaid payment rate in 54488  
accordance with this chapter for ICF/IID services the ICF/IID 54489  
provides during the period that begins and ends as follows: 54490

(1) The period begins on the following: 54491

(a) In the case of an ICF/IID that becomes a downsized 54492  
ICF/IID or partially converted ICF/IID: 54493

(i) The day that the ICF/IID becomes a downsized ICF/IID or 54494  
partially converted ICF/IID if that day is the first day of a 54495  
month; 54496

(ii) The first day of the month immediately following the 54497  
month that the ICF/IID becomes a downsized ICF/IID or partially 54498  
converted ICF/IID if division (D)(1)(a)(i) of this section does 54499  
not apply. 54500

(b) In the case of a new ICF/IID, the day that the ICF/IID's 54501  
provider agreement takes effect. 54502

(2) The period ends on the last day of the fiscal year that 54503  
immediately precedes the fiscal year for which the ICF/IID begins 54504  
to be paid a rate determined using a cost report that division (E) 54505

of this section requires be filed in accordance with division (A) 54506  
of section 5124.10 of the Revised Code. 54507

(E)(1) If the department accepts a cost report filed under 54508  
division (A) of this section for an ICF/IID that becomes a 54509  
downsized ICF/IID or partially converted ICF/IID on or before the 54510  
first day of October of a calendar year, or for a new ICF/IID that 54511  
has a provider agreement that takes effect on or before that date, 54512  
the provider also shall file a cost report for the ICF/IID in 54513  
accordance with division (A) of section 5124.10 of the Revised 54514  
Code for the portion of that calendar year that the ICF/IID 54515  
operated as a downsized ICF/IID or partially converted ICF/IID or, 54516  
in the case of a new ICF/IID, for the portion that the provider 54517  
agreement was in effect. 54518

(2) If the department accepts a cost report filed under 54519  
division (A) of this section for an ICF/IID that becomes a 54520  
downsized ICF/IID or partially converted ICF/IID after the first 54521  
day of October of a calendar year, or for a new ICF/IID that has a 54522  
provider agreement that takes effect ~~on or~~ after that date, the 54523  
provider is not required to file a cost report for that calendar 54524  
year in accordance with division (A) of section 5124.10 of the 54525  
Revised Code. The provider shall file a cost report for the 54526  
ICF/IID in accordance with division (A) of section 5124.10 of the 54527  
Revised Code for the immediately following calendar year. 54528

(F) If the department accepts a cost report filed under 54529  
division (A) of this section, the following modifications shall be 54530  
made for the purpose of determining the medicaid payment rate for 54531  
ICF/IID services the ICF/IID provides during the period specified 54532  
in division (D) of this section: 54533

(1) In place of the annual average case mix score otherwise 54534  
used in determining the ICF/IID's per medicaid day payment rate 54535  
for direct care costs under division (A) of section 5124.19 of the 54536  
Revised Code, the ICF/IID's case mix score in effect on the last 54537

day of the calendar quarter that ends during the period the cost report covers (or, if more than one calendar quarter ends during that period, the last of those calendar quarters) shall be used to determine the ICF/IID's per medicaid day payment rate for direct care costs. 54538  
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(2) If the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID: 54543  
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(a) The ICF/IID shall not be subject to the limit on the costs of ownership per diem payment rate specified in divisions (B) and (C) of section 5124.17 of the Revised Code. 54545  
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(b) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.17 of the Revised Code. 54548  
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(c) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.17 of the Revised Code regardless of whether the ICF/IID is in peer group 1 or peer group 2. 54552  
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**Sec. 5124.15.** (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to ~~5124.154~~ 5124.155 of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following: 54557  
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(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.17 of the Revised Code; 54564  
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(2) The per medicaid day payment rate for direct care costs 54567

determined for the ICF/IID under section 5124.19 of the Revised Code; 54568  
54569

(3) The per medicaid day payment rate for indirect care costs 54570  
determined for the ICF/IID under section 5124.21 of the Revised 54571  
Code; 54572

(4) The per medicaid day payment rate for other protected 54573  
costs determined for the ICF/IID under section 5124.23 of the 54574  
Revised Code. 54575

(B) The total per medicaid day payment rate for an ICF/IID in 54576  
peer group 3 shall not exceed the average total per medicaid day 54577  
payment rate in effect on July 1, 2013, for developmental centers. 54578

(C) The department shall adjust the total rate otherwise 54579  
determined under division (A) of this section as directed by the 54580  
general assembly through the enactment of law governing medicaid 54581  
payments to ICF/IID providers. 54582

(D) In addition to paying an ICF/IID provider the total rate 54583  
determined for the provider's ICF/IID under divisions (A), (B), 54584  
and (C) of this section for a fiscal year, the department, in 54585  
accordance with section 5124.25 of the Revised Code, may pay the 54586  
provider a rate add-on for pediatric ventilator-dependent outlier 54587  
ICF/IID services if the rate add-on is to be paid under that 54588  
section and the department approves the provider's application for 54589  
the rate add-on. The rate add-on is not to be part of the 54590  
ICF/IID's total rate. 54591

Sec. 5124.155. The total per medicaid day payment rate for 54592  
ICF/IID services an ICF/IID in peer group 1 or peer group 2 54593  
provides to a medicaid recipient who is placed in the chronic 54594  
behaviors and typical adaptive needs classification or the typical 54595  
adaptive needs and non-significant behaviors classification 54596  
established for the grouper methodology prescribed in rules 54597

authorized by section 5124.192 of the Revised Code shall be the 54598  
lesser of the following: 54599

(A) The rate determined for the ICF/IID under section 5124.15 54600  
of the Revised Code; 54601

(B) The following rate: 54602

(1) \$206.90 for ICF/IID services an ICF/IID in peer group 1 54603  
provides to a medicaid recipient in the chronic behaviors and 54604  
typical adaptive needs classification; 54605

(2) \$212.76 for ICF/IID services an ICF/IID in peer group 2 54606  
provides to a medicaid recipient in the chronic behaviors and 54607  
typical adaptive needs classification; 54608

(3) \$174.88 for ICF/IID services an ICF/IID in peer group 1 54609  
provides to a medicaid recipient in the typical adaptive needs and 54610  
non-significant behaviors classification; 54611

(4) \$179.23 for ICF/IID services an ICF/IID in peer group 2 54612  
provides to a medicaid recipient in the typical adaptive needs and 54613  
non-significant behaviors classification. 54614

**Sec. 5124.33.** No medicaid payment shall be made to an ICF/IID 54615  
provider for the day a medicaid recipient is discharged from the 54616  
ICF/IID, unless the recipient is discharged from the ICF/IID 54617  
because all of the beds in the ICF/IID are converted from 54618  
providing ICF/IID services to providing home and community-based 54619  
services pursuant to section 5124.60 or 5124.61 of the Revised 54620  
Code. 54621

**Sec. 5124.60.** (A) For the purpose of increasing the number of 54622  
slots available for home and community-based services, the 54623  
operator of an ICF/IID may convert some or all of the beds in the 54624  
ICF/IID from providing ICF/IID services to providing home and 54625  
community-based services if all of the following requirements are 54626

met: 54627

(1) The operator provides the directors of health and 54628  
developmental disabilities at least ninety days' notice of the 54629  
operator's intent to make the conversion. 54630

(2) The operator complies with the requirements of sections 54631  
5124.50 to 5124.53 of the Revised Code regarding a voluntary 54632  
termination if those requirements are applicable. 54633

(3) If the operator intends to convert all of the ICF/IID's 54634  
beds, the operator notifies each of the ICF/IID's residents that 54635  
the ICF/IID is to cease providing ICF/IID services and inform each 54636  
resident that the resident may do either of the following: 54637

(a) Continue to receive ICF/IID services by transferring to 54638  
another ICF/IID that is willing and able to accept the resident if 54639  
the resident continues to qualify for ICF/IID services; 54640

(b) Begin to receive home and community-based services 54641  
instead of ICF/IID services from any provider of home and 54642  
community-based services that is willing and able to provide the 54643  
services to the resident if the resident is eligible for the 54644  
services and a slot for the services is available to the resident. 54645

(4) If the operator intends to convert some but not all of 54646  
the ICF/IID's beds, the operator notifies each of the ICF/IID's 54647  
residents that the ICF/IID is to convert some of its beds from 54648  
providing ICF/IID services to providing home and community-based 54649  
services and inform each resident that the resident may do either 54650  
of the following: 54651

(a) Continue to receive ICF/IID services from any ICF/IID 54652  
that is willing and able to provide the services to the resident 54653  
if the resident continues to qualify for ICF/IID services; 54654

(b) Begin to receive home and community-based services 54655  
instead of ICF/IID services from any provider of home and 54656

community-based services that is willing and able to provide the 54657  
services to the resident if the resident is eligible for the 54658  
services and a slot for the services is available to the resident. 54659

(5) The operator meets the requirements for providing home 54660  
and community-based services, including the following: 54661

(a) Such requirements applicable to a residential facility if 54662  
the operator maintains the facility's license as a residential 54663  
facility; 54664

(b) Such requirements applicable to a facility that is not 54665  
licensed as a residential facility if the operator surrenders the 54666  
facility's license as a residential facility under section 5123.19 54667  
of the Revised Code. 54668

(6) The director of developmental disabilities approves the 54669  
conversion. 54670

(B) A decision by the director of developmental disabilities 54671  
to approve or refuse to approve a proposed conversion of beds is 54672  
final. In making a decision, the director shall consider all of 54673  
the following: 54674

(1) The fiscal impact on the ICF/IID if some but not all of 54675  
the beds are converted; 54676

(2) The fiscal impact on the medicaid program; 54677

(3) The availability of home and community-based services. 54678

(C) The notice provided to the directors under division 54679  
(A)(1) of this section shall specify whether some or all of the 54680  
ICF/IID's beds are to be converted. If some but not all of the 54681  
beds are to be converted, the notice shall specify how many of the 54682  
ICF/IID's beds are to be converted and how many of the beds are to 54683  
continue to provide ICF/IID services. The notice to the director 54684  
of developmental disabilities shall specify whether the operator 54685  
wishes to surrender the ICF/IID's license as a residential 54686

facility under section 5123.19 of the Revised Code. 54687

(D)(1) If the director of developmental disabilities approves 54688  
a conversion under division (B) of this section, the director of 54689  
health shall do the following: 54690

(a) Terminate the ICF/IID's medicaid certification if the 54691  
notice specifies that all of the ICF/IID's beds are to be 54692  
converted; 54693

(b) Reduce the ICF/IID's medicaid-certified capacity by the 54694  
number of beds being converted if the notice specifies that some 54695  
but not all of the beds are to be converted. 54696

(2) The director of health shall notify the medicaid director 54697  
of the termination or reduction. On receipt of the notice, the 54698  
medicaid director shall do the following: 54699

(a) Terminate the operator's medicaid provider agreement that 54700  
authorizes the operator to provide ICF/IID services at the ICF/IID 54701  
if the ICF/IID's certification was terminated; 54702

(b) Amend the operator's medicaid provider agreement to 54703  
reflect the ICF/IID's reduced medicaid-certified capacity if the 54704  
ICF/IID's medicaid-certified capacity is reduced. 54705

~~(3) In the case of action taken under division (D)(2)(a) of~~ 54706  
~~this section, the operator~~ The medicaid director is not entitled 54707  
~~to notice or a hearing under~~ required to conduct an adjudication 54708  
in accordance with Chapter 119. of the Revised Code ~~before the~~ 54709  
~~medicaid director terminates the medicaid provider agreement when~~ 54710  
taking action under division (D)(2) of this section. 54711

**Sec. 5124.61.** (A) For the purpose of increasing the number of 54712  
slots available for home and community-based services, a person 54713  
who acquires, through a request for proposals issued by the 54714  
director of developmental disabilities, an ICF/IID for which a 54715  
residential facility license was previously surrendered or revoked 54716

may convert some or all of the ICF/IID's beds from providing 54717  
ICF/IID services to providing home and community-based services if 54718  
all of the following requirements are met: 54719

(1) The person provides the directors of health and 54720  
developmental disabilities and medicaid director at least ninety 54721  
days' notice of the person's intent to make the conversion. 54722

(2) The person complies with the requirements of sections 54723  
5124.50 to 5124.53 of the Revised Code regarding a voluntary 54724  
termination if those requirements are applicable. 54725

(3) If the person intends to convert all of the ICF/IID's 54726  
beds, the person notifies each of the ICF/IID's residents that the 54727  
ICF/IID is to cease providing ICF/IID services and informs each 54728  
resident that the resident may do either of the following: 54729

(a) Continue to receive ICF/IID services by transferring to 54730  
another ICF/IID willing and able to accept the resident if the 54731  
resident continues to qualify for ICF/IID services; 54732

(b) Begin to receive home and community-based services 54733  
instead of ICF/IID services from any provider of home and 54734  
community-based services that is willing and able to provide the 54735  
services to the resident if the resident is eligible for the 54736  
services and a slot for the services is available to the resident. 54737

(4) If the person intends to convert some but not all of the 54738  
ICF/IID's beds, the person notifies each of the ICF/IID's 54739  
residents that the ICF/IID is to convert some of its beds from 54740  
providing ICF/IID services to providing home and community-based 54741  
services and inform each resident that the resident may do either 54742  
of the following: 54743

(a) Continue to receive ICF/IID services from any that is 54744  
willing and able to provide the services to the resident if the 54745  
resident continues to qualify for ICF/IID services; 54746

(b) Begin to receive home and community-based services 54747  
instead of ICF/IID services from any provider of home and 54748  
community-based services that is willing and able to provide the 54749  
services to the resident if the resident is eligible for the 54750  
services and a slot for the services is available to the resident. 54751

(5) The person meets the requirements for providing home and 54752  
community-based services at a residential facility. 54753

(B) The notice provided to the directors under division 54754  
(A)(1) of this section shall specify whether some or all of the 54755  
ICF/IID's beds are to be converted. If some but not all of the 54756  
beds are to be converted, the notice shall specify how many of the 54757  
ICF/IID's beds are to be converted and how many of the beds are to 54758  
continue to provide ICF/IID services. 54759

(C) On receipt of a notice under division (A)(1) of this 54760  
section, the director of health shall do the following: 54761

(1) Terminate the ICF/IID's medicaid certification if the 54762  
notice specifies that all of the facility's beds are to be 54763  
converted; 54764

(2) Reduce the ICF/IID's medicaid-certified capacity by the 54765  
number of beds being converted if the notice specifies that some 54766  
but not all of the beds are to be converted. 54767

(D) The director of health shall notify the medicaid director 54768  
of the termination or reduction under division (C) of this 54769  
section. On receipt of the director of health's notice, the 54770  
medicaid director shall do the following: 54771

(1) Terminate the person's medicaid provider agreement that 54772  
authorizes the person to provide ICF/IID services at the ICF/IID 54773  
if the ICF/IID's medicaid certification was terminated; 54774

(2) Amend the person's medicaid provider agreement to reflect 54775  
the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's 54776

medicaid-certified capacity is reduced. 54777

The ~~person~~ medicaid director is not entitled required to 54778  
~~notice or a hearing under~~ conduct an adjudication in accordance 54779  
with Chapter 119. of the Revised Code ~~before the medicaid director~~ 54780  
~~terminates or amends the medicaid provider agreement~~ when taking 54781  
action under division (D)(1) or (2) of this section. 54782

**Sec. 5124.68.** (A) Except as provided in division (D) of this 54783  
section, an ICF/IID in peer group 1 shall not admit an individual 54784  
as a resident unless all of the following apply: 54785

(1) A completed admission application is submitted for the 54786  
individual to the county board of developmental disabilities 54787  
serving the county in which the individual resides at the time the 54788  
application is completed. 54789

(2) The county board has provided to the individual and 54790  
department of developmental disabilities a copy of the evaluation 54791  
of the individual conducted under division (B) of this section; 54792

(3) Not later than thirty days after the department receives 54793  
a copy of the county board's evaluation of the individual, the 54794  
department determines that the individual chooses to receive 54795  
ICF/IID services from the ICF/IID after being fully informed of 54796  
all available alternatives. 54797

(B) Not later than sixty days after a county board receives a 54798  
completed admission application for an individual seeking 54799  
admission to an ICF/IID in peer group 1, the county board shall do 54800  
both of the following: 54801

(1) Using the information included in the application and the 54802  
additional information, if any, the department specifies pursuant 54803  
to division (C) of this section, evaluate the individual and make 54804  
recommendations regarding both of the following: 54805

(a) The nature, extent, and timing of the services that the 54806

<u>individual needs;</u>	54807
<u>(b) The least restrictive environment in which the individual could receive the needed services.</u>	54808 54809
<u>(2) Provide a copy of the evaluation to the individual and the department.</u>	54810 54811
<u>(C) The department shall prescribe the admission application to be used for the purpose of division (A)(1) of this section. The department may specify additional information that a county board is to use when evaluating individuals and making recommendations under division (B)(1) of this section.</u>	54812 54813 54814 54815 54816
<u>(D) Division (A) of this section does not apply to an individual seeking admission to an ICF/IID in peer group 1 if any of the following is the case:</u>	54817 54818 54819
<u>(1) The individual is a medicaid recipient receiving ICF/IID services on the date immediately preceding the date the individual is admitted to the ICF/IID.</u>	54820 54821 54822
<u>(2) The individual is a medicaid recipient returning to the ICF/IID following a temporary absence for which the ICF/IID is paid to reserve a bed for the individual pursuant to section 5124.34 of the Revised Code.</u>	54823 54824 54825 54826
<u>(3) The requirements of divisions (A)(1) and (2) of this section are satisfied but the department fails to make the determination required by division (A)(3) of this section before the deadline specified in that division.</u>	54827 54828 54829 54830
<u><b>Sec. 5124.69.</b> (A) The department of developmental disabilities shall develop and make available to all ICFs/IID a written pamphlet that describes all of the items and services covered by medicaid as ICF/IID services and as home and community-based services.</u>	54831 54832 54833 54834 54835
<u>(B) Each ICF/IID provider shall provide the pamphlet to the</u>	54836

residents of the ICF/IID who receive ICF/IID services, and the 54837  
guardians of such residents, and shall discuss the items and 54838  
services described in the pamphlet with those residents and their 54839  
guardians, as follows: 54840

(1) At least annually; 54841

(2) Any time such a resident, or resident's guardian, 54842  
requests to receive the pamphlet and to discuss the items and 54843  
services described in the pamphlet; 54844

(3) Any time such a resident, or resident's guardian, 54845  
expresses to the provider an interest in home and community-based 54846  
services. 54847

(C) If a resident of an ICF/IID who receives ICF/IID 54848  
services, or the resident's guardian, indicates to the ICF/IID 54849  
provider an interest in enrolling the resident in a medicaid 54850  
waiver component providing home and community-based services, the 54851  
provider shall refer the resident or guardian to the county board 54852  
of developmental disabilities serving the county in which the 54853  
resident would reside while enrolled in a medicaid waiver 54854  
component. 54855

(D) Not later than thirty days after a county board is 54856  
contacted by an ICF/IID resident or resident's guardian who was 54857  
referred to the county board pursuant to division (C) of this 54858  
section, the county board, notwithstanding a waiting list for the 54859  
component established pursuant to section 5126.042 of the Revised 54860  
Code, shall enroll the resident in the component if all of the 54861  
following apply: 54862

(1) The resident has been on a waiting list for the component 54863  
pursuant to section 5126.042 of the Revised Code since at least 54864  
December 1, 2014. 54865

(2) The resident is eligible and chooses to enroll in the 54866  
component. 54867

(3) The component has an available slot. 54868

(4) The director of developmental disabilities determines that the department has the funds necessary to pay the nonfederal share of the medicaid expenditures for the home and community-based services provided to the resident under the component. 54869  
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(E)(1) If a resident of an ICF/IID in peer group 1 is enrolled in a medicaid waiver component pursuant to division (D) of this section, the director of developmental disabilities shall notify the director of health. On receipt of the notice, the director of health shall do both of the following: 54874  
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(a) Reduce by one the medicaid-certified capacity of the ICF/IID from which the resident received ICF/IID services on the date immediately preceding the date the resident is enrolled in the medicaid waiver component; 54879  
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(b) Notify the medicaid director of the reduction. 54883

(2) On receipt of the notice from the director of health under division (E)(1)(b) of this section, the medicaid director shall amend the provider agreement for the ICF/IID to reflect the ICF/IID's reduced medicaid-certified capacity. The medicaid director is not required to conduct an adjudication in accordance with Chapter 119. of the Revised Code when amending a provider agreement for this purpose. 54884  
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**Sec. 5124.70.** (A) This section does not apply to an ICF/IID to which both of the following apply: 54891  
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(1) On or before January 1, 2015, the ICF/IID became a downsized ICF/IID or partially converted ICF/IID. 54893  
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(2) On January 1, 2015, the ICF/IID's medicaid-certified capacity was at least twenty per cent less than the greatest medicaid-certified capacity it had before it became a downsized 54895  
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ICF/IID or partially converted ICF/IID. 54898

(B) Except as provided in division (D) of this section, an ICF/IID operator shall not permit more than two residents to reside in the same sleeping room. 54899  
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(C)(1) If, on the effective date of this section, more than two residents of an ICF/IID reside in the same sleeping room, the ICF/IID operator shall submit to the department of developmental disabilities for its review a plan to come into compliance with division (B) of this section. The operator shall submit the plan not later than December 31, 2015. 54902  
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(2) The plan shall include all of the following: 54908

(a) The date by which not more than two residents will reside in the same sleeping room, which shall be not later than December 31, 2023; 54909  
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(b) Detailed descriptions of the actions the ICF/IID operator will take to come into compliance with division (B) of this section, which shall include becoming either a downsized ICF/IID or a partially converted ICF/IID; 54912  
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(c) The ICF/IID's projected medicaid-certified capacity for each year covered by the plan; 54916  
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(d) A discharge planning process that includes providing information to residents regarding home and community-based services. 54918  
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(3) The plan shall not include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six. 54921  
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(D)(1) Before January 1, 2016, an ICF/IID operator may permit more than two residents to reside in the same sleeping room if more than two residents resided in the same sleeping room on the effective date of this section. 54923  
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(2) On and after January 1, 2016, an ICF/IID operator may 54927

<u>permit more than two residents to reside in the same sleeping room</u>	54928
<u>only if all of the following apply:</u>	54929
<u>(a) More than two residents resided in the same sleeping room</u>	54930
<u>on the effective date of this section.</u>	54931
<u>(b) The operator has submitted a plan in accordance with</u>	54932
<u>division (C) of this section.</u>	54933
<u>(c) Either of the following applies:</u>	54934
<u>(i) The department has approved and the operator complies</u>	54935
<u>with the plan.</u>	54936
<u>(ii) The department has not decided whether to approve the</u>	54937
<u>plan.</u>	54938
<u>(E) The department shall review each plan submitted under</u>	54939
<u>division (C) of this section and decide whether to approve the</u>	54940
<u>plan. In making this decision, the department shall consider both</u>	54941
<u>of the following:</u>	54942
<u>(1) Whether the plan conforms to the requirements of division</u>	54943
<u>(C) of this section;</u>	54944
<u>(2) The feasibility of completing the implementation as</u>	54945
<u>described in the plan.</u>	54946
<u>(F) If more than two residents of an ICF/IID reside in the</u>	54947
<u>same sleeping room, the ICF/IID operator shall not admit a new</u>	54948
<u>resident.</u>	54949
<b>Sec. 5126.042.</b> (A) As used in this section, "emergency	54950
status" means a status that an individual with mental retardation	54951
or developmental disabilities has when the individual is at risk	54952
of substantial self-harm or substantial harm to others if action	54953
is not taken within thirty days. An "emergency status" may include	54954
a status resulting from one or more of the following situations:	54955
(1) Loss of present residence for any reason, including legal	54956

action; 54957

(2) Loss of present caretaker for any reason, including 54958  
serious illness of the caretaker, change in the caretaker's 54959  
status, or inability of the caretaker to perform effectively for 54960  
the individual; 54961

(3) Abuse, neglect, or exploitation of the individual; 54962

(4) Health and safety conditions that pose a serious risk to 54963  
the individual or others of immediate harm or death; 54964

(5) Change in the emotional or physical condition of the 54965  
individual that necessitates substantial accommodation that cannot 54966  
be reasonably provided by the individual's existing caretaker. 54967

(B) If a county board of developmental disabilities 54968  
determines that available resources are not sufficient to meet the 54969  
needs of all individuals who request non-medicaid programs or 54970  
services, it shall establish one or more waiting lists for the 54971  
non-medicaid programs or services in accordance with its plan 54972  
developed under section 5126.04 of the Revised Code. The board may 54973  
establish priorities for making placements on its waiting lists 54974  
established under this division. Any such priorities shall be 54975  
consistent with the board's plan and applicable law. 54976

(C) If a county board~~r~~ determines that available resources 54977  
are insufficient to meet the needs of all individuals who request 54978  
home and community-based services, it shall establish a waiting 54979  
list for the services. An individual's date of placement on the 54980  
waiting list shall be the date a request is made to the board for 54981  
the individual to receive the home and community-based services. 54982  
The board shall provide for an individual who has an emergency 54983  
status to receive priority status on the waiting list. The board 54984  
shall also provide for an individual to whom any of the following 54985  
apply to receive priority status on the waiting list in accordance 54986  
with rules adopted under division (E) of this section: 54987

(1) The individual is receiving supported living, family support services, or adult services for which no federal financial participation is received under the medicaid program; 54988  
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(2) The individual's primary caregiver is at least sixty years of age; 54991  
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(3) The individual has intensive needs as determined in accordance with rules adopted under division (E) of this section; 54993  
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(4) The individual resides in an ICF/IID, as defined in section 5124.01 of the Revised Code; 54995  
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(5) The individual resides in a nursing facility, as defined in section 5165.01 of the Revised Code. 54997  
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(D) If two or more individuals on a waiting list established under division (C) of this section ~~for home and community based services~~ have priority for the services pursuant to that division ~~(C)(1), (2), or (3) of this section~~, a county board shall use criteria specified in rules adopted under division (E) of this section in determining the order in which the individuals with priority will be offered the services. An individual who has priority for home and community-based services because the individual has an emergency status has priority for the services over all other individuals on the waiting list who do not have emergency status. 54999  
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(E) The department of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing waiting lists established under division (C) of this section. The rules shall include procedures to be followed to ensure that the due process rights of individuals placed on waiting lists are not violated. As part of the rules adopted under this division, the department shall adopt rules establishing criteria a county board shall use under division (D) of this section in determining the order in which individuals with 55010  
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priority for home and community-based services pursuant to 55019  
division (C)~~(1), (2), or (3)~~ of this section will be offered the 55020  
services. 55021

(F) The following shall take precedence over the applicable 55022  
provisions of this section: 55023

(1) Medicaid rules and regulations; 55024

(2) Any specific requirements that may be contained within a 55025  
medicaid state plan amendment or waiver program that a county 55026  
board has authority to administer or with respect to which it has 55027  
authority to provide services, programs, or supports. 55028

**Sec. 5126.0510.** (A) Except as otherwise provided in an 55029  
agreement entered into under section 5123.048 of the Revised Code 55030  
and subject to divisions (B), (C), ~~and (D)~~, and (E) of this 55031  
section, a county board of developmental disabilities shall pay 55032  
the nonfederal share of medicaid expenditures for the following 55033  
home and community-based services provided to an individual with 55034  
mental retardation or other developmental disability who the 55035  
county board determines under section 5126.041 of the Revised Code 55036  
is eligible for county board services: 55037

(1) Home and community-based services provided by the county 55038  
board to such an individual; 55039

(2) Home and community-based services provided by a provider 55040  
other than the county board to such an individual who is enrolled 55041  
as of June 30, 2007, in the medicaid waiver component under which 55042  
the services are provided; 55043

(3) Home and community-based services provided by a provider 55044  
other than the county board to such an individual who, pursuant to 55045  
a request the county board makes, enrolls in the medicaid waiver 55046  
component under which the services are provided after June 30, 55047  
2007; 55048

(4) Home and community-based services provided by a provider 55049  
other than the county board to such an individual for whom there 55050  
is in effect an agreement entered into under division ~~(E)~~(F) of 55051  
this section between the county board and director of 55052  
developmental disabilities. 55053

(B) In the case of medicaid expenditures for home and 55054  
community-based services for which division (A)(2) of this section 55055  
requires a county board to pay the nonfederal share, the following 55056  
shall apply to such services provided during fiscal year 2008 55057  
under the individual options medicaid waiver component: 55058

(1) The county board shall pay no less than the total amount 55059  
the county board paid as the nonfederal share for home and 55060  
community-based services provided in fiscal year 2007 under the 55061  
individual options medicaid waiver component; 55062

(2) The county board shall pay no more than the sum of the 55063  
following: 55064

(a) The total amount the county board paid as the nonfederal 55065  
share for home and community-based services provided in fiscal 55066  
year 2007 under the individual options medicaid waiver component; 55067

(b) An amount equal to one per cent of the total amount the 55068  
department of developmental disabilities and county board paid as 55069  
the nonfederal share for home and community-based services 55070  
provided in fiscal year 2007 under the individual options medicaid 55071  
waiver component to individuals the county board determined under 55072  
section 5126.041 of the Revised Code are eligible for county board 55073  
services. 55074

(C) A county board is not required to pay the nonfederal 55075  
share of home and community-based services provided after June 30, 55076  
2008, that the county board is otherwise required by division 55077  
(A)(2) of this section to pay if the department of developmental 55078  
disabilities fails to comply with division (A) of section 55079

5123.0416 of the Revised Code. 55080

(D) A county board is not required to pay the nonfederal 55081  
share of home and community-based services that the county board 55082  
is otherwise required by division (A)(3) of this section to pay if 55083  
both of the following apply: 55084

(1) The services are provided to an individual who enrolls in 55085  
the medicaid waiver component under which the services are 55086  
provided as the result of an order issued following ~~a state~~ 55087  
~~hearing, administrative~~ an appeal, made under section 5160.31 of 55088  
the Revised Code or an appeal of the order to a court of common 55089  
~~pleas made under section 5101.35 of the Revised Code;~~ 55090

(2) There are more individuals who are eligible for services 55091  
from the county board enrolled in home and community-based 55092  
services than is required by section 5126.0512 of the Revised 55093  
Code. 55094

(E) A county board is not required to pay the nonfederal 55095  
share of home and community-based services that the county board 55096  
is otherwise required by division (A) of this section to pay if 55097  
the services are provided to an individual who enrolls, pursuant 55098  
to division (D) of section 5124.69 of the Revised Code, in the 55099  
medicaid waiver component under which the services are provided. 55100

(F) A county board may enter into an agreement with the 55101  
director of developmental disabilities under which the county 55102  
board agrees to pay the nonfederal share of medicaid expenditures 55103  
for one or more home and community-based services that the county 55104  
board is not otherwise required by division (A)(1), (2), or (3) of 55105  
this section to pay and that are provided to an individual the 55106  
county board determines under section 5126.041 of the Revised Code 55107  
is eligible for county board services. The agreement shall specify 55108  
which home and community-based services the agreement covers. The 55109  
county board shall pay the nonfederal share of medicaid 55110

expenditures for the home and community-based services that the 55111  
agreement covers as long as the agreement is in effect. 55112

**Sec. 5126.15.** (A) A county board of developmental 55113  
disabilities shall provide service and support administration to 55114  
each individual three years of age or older who is eligible for 55115  
service and support administration if the individual requests, or 55116  
a person on the individual's behalf requests, service and support 55117  
administration. A board shall provide service and support 55118  
administration to each individual receiving home and 55119  
community-based services. A board may provide, in accordance with 55120  
the service coordination requirements of 34 C.F.R. 303.23, service 55121  
and support administration to an individual under three years of 55122  
age eligible for early intervention services under 34 C.F.R. part 55123  
303. A board may provide service and support administration to an 55124  
individual who is not eligible for other services of the board. 55125  
Service and support administration shall be provided in accordance 55126  
with rules adopted under section 5126.08 of the Revised Code. 55127

A board may provide service and support administration by 55128  
directly employing service and support administrators or by 55129  
contracting with entities for the performance of service and 55130  
support administration. Individuals employed or under contract as 55131  
service and support administrators shall not be in the same 55132  
collective bargaining unit as employees who perform duties that 55133  
are not administrative. 55134

~~Individuals employed by a board as service~~ A service and 55135  
~~support administrators~~ administrator shall ~~not be assigned~~ 55136  
~~responsibilities for implementing other services for individuals~~ 55137  
~~and perform only the duties specified in division (B) of this~~ 55138  
~~section. While employed by or under contract with a board, a~~ 55139  
service and support administrator shall ~~not~~ neither be employed by 55140  
or serve in a decision-making or policy-making capacity for any 55141

other entity that provides programs or services to individuals 55142  
with mental retardation or developmental disabilities nor provide 55143  
programs or services to individuals with mental retardation or 55144  
developmental disabilities through self-employment. An individual 55145  
employed as a conditional status service and support administrator 55146  
shall perform the duties of service and support administration 55147  
only under the supervision of a management employee who is a 55148  
service and support administration supervisor. 55149

(B) ~~The individuals employed by or under contract with a~~ 55150  
~~board to provide service and support administration~~ A service and 55151  
support administrator shall do all of the following: 55152

(1) Establish an individual's eligibility for the services of 55153  
the county board of developmental disabilities; 55154

(2) Assess individual needs for services; 55155

(3) Develop individual service plans with the active 55156  
participation of the individual to be served, other persons 55157  
selected by the individual, and, when applicable, the provider 55158  
selected by the individual, and recommend the plans for approval 55159  
by the department of developmental disabilities when services 55160  
included in the plans are funded through medicaid; 55161

(4) Establish budgets for services based on the individual's 55162  
assessed needs and preferred ways of meeting those needs; 55163

(5) Assist individuals in making selections from among the 55164  
providers they have chosen; 55165

(6) Ensure that services are effectively coordinated and 55166  
provided by appropriate providers; 55167

(7) Establish and implement an ongoing system of monitoring 55168  
the implementation of individual service plans to achieve 55169  
consistent implementation and the desired outcomes for the 55170  
individual; 55171

(8) Perform quality assurance reviews as a distinct function of service and support administration;

(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major unusual incidents into amendments of an individual's service plan for the purpose of improving and enhancing the quality and appropriateness of services rendered to the individual.

**Sec. 5126.201.** (A) A person may be employed by or under contract with a county board of developmental disabilities as a conditional status service and support administrator only if either of the following is true:

~~(A)~~(1) The person has at least an appropriate associate degree;

~~(B)~~(2) The person meets both of the following requirements:

~~(1)~~(a) The person was employed by the county board and performed service and support administration duties on June 30, 2005;

~~(2)~~(b) The person holds a high school diploma or a general educational development certificate of high school equivalence.

(B) A conditional status service and support administrator shall perform the duties of service and support administration, as specified in division (B) of section 5126.15 of the Revised Code, only under the supervision of a management employee who is a service and support administration supervisor.

**Sec. 5139.03.** (A) The department of youth services shall control and manage all state institutions or facilities established or created for the training or rehabilitation of delinquent children committed to the department, except where the control and management of an institution or facility is vested by

law in another agency. The department shall employ, in addition to 55201  
other personnel authorized under Chapter 5139. of the Revised 55202  
Code, sufficient personnel to maintain food service and buildings 55203  
and grounds operations. 55204

(B) The department of youth services shall, insofar as 55205  
practicable, purchase foods and other commodities incident to food 55206  
service operations from the department of mental health and 55207  
addiction services. The department of youth services may enter 55208  
into agreements with the department of mental health and addiction 55209  
services providing for assistance and consultation in the 55210  
construction of, or major modifications to, capital facilities of 55211  
the department of youth services. 55212

(C) The directors of mental health and addiction services and 55213  
of youth services shall enter into written agreements to implement 55214  
this section. Such directors may, from time to time, amend any 55215  
agreements entered into under this section for the purposes of 55216  
making more efficient use of personnel, taking advantage of 55217  
economies in quantity purchasing, or for any other purpose which 55218  
is mutually advantageous to both the department of youth services 55219  
and the department of mental health and addiction services. 55220

~~The department of youth services may transfer any of its 55221  
excess or surplus supplies to a community corrections facility. 55222  
These supplies shall remain the property of the department for a 55223  
period of five years from the date of the transfer. After the 55224  
five-year period, the supplies shall become the property of the 55225  
facility. 55226~~

**Sec. 5139.50.** (A) The release authority of the department of 55227  
youth services is hereby created as a bureau in the department. 55228  
The release authority shall consist of a minimum of three, but not 55229  
more than five, members who are appointed by the director of youth 55230  
services and who have the qualifications specified in division (B) 55231

of this section. The members of the release authority shall devote 55232  
their full time to the duties of the release authority and shall 55233  
neither seek nor hold other public office. The members shall be in 55234  
the unclassified civil service. 55235

(B) A person appointed as a member of the release authority 55236  
shall have a bachelor's degree from an accredited college or 55237  
university or equivalent relevant experience and shall have the 55238  
skills, training, or experience necessary to analyze issues of 55239  
law, administration, and public policy. The membership of the 55240  
release authority shall represent, insofar as practicable, the 55241  
diversity found in the children in the legal custody of the 55242  
department of youth services. 55243

In appointing the ~~five~~ members, the director shall ensure 55244  
that the appointments include all of the following: 55245

(1) At least ~~four members~~ one member who ~~have~~ has five or 55246  
more years of experience in criminal justice, juvenile justice, or 55247  
an equivalent relevant profession; 55248

(2) At least one member who has experience in victim services 55249  
or advocacy or who has been a victim of a crime or is a family 55250  
member of a victim; 55251

(3) At least one member who has experience in direct care 55252  
services to delinquent children. 55253

(C) ~~The initial appointments of members of the release~~ 55254  
~~authority shall be for a term of six years for the chairperson and~~ 55255  
~~one member, a term of four years for two members, and a term of~~ 55256  
~~two years for one member. Thereafter, members shall be appointed~~ 55257  
~~for six year terms until the effective date of this amendment,~~ 55258  
~~after which members~~ Members shall be appointed for four-year 55259  
terms. At the conclusion of a term, a member shall hold office 55260  
until the appointment and qualification of the member's successor. 55261

The director shall fill a vacancy occurring before the expiration 55262  
of a term for the remainder of that term and, if a member is on 55263  
extended leave or disability status for more than thirty work 55264  
days, may appoint an interim member to fulfill the duties of that 55265  
member. A member may be reappointed. A member may be removed for 55266  
good cause by the director. 55267

(D) The director of youth services shall designate as 55268  
chairperson of the release authority one of the members who has 55269  
experience in criminal justice, juvenile justice, or an equivalent 55270  
relevant profession. The chairperson shall be a managing officer 55271  
of the department, shall supervise the members of the board and 55272  
the other staff in the bureau, and shall perform all duties and 55273  
functions necessary to ensure that the release authority 55274  
discharges its responsibilities. The chairperson shall serve as 55275  
the official spokesperson for the release authority. 55276

(E) The release authority shall do all of the following: 55277

(1) Serve as the final and sole authority for making 55278  
decisions, in the interests of public safety and the children 55279  
involved, regarding the release and discharge of all children 55280  
committed to the legal custody of the department of youth 55281  
services, except children placed by a juvenile court on judicial 55282  
release to court supervision or on judicial release to department 55283  
of youth services supervision, children who have not completed a 55284  
prescribed minimum period of time or prescribed period of time in 55285  
a secure facility, or children who are required to remain in a 55286  
secure facility until they attain twenty-one years of age; 55287

(2) Establish written policies and procedures for conducting 55288  
reviews of the status for all youth in the custody of the 55289  
department, setting or modifying dates of release and discharge, 55290  
specifying the duration, terms, and conditions of release to be 55291  
carried out in supervised release subject to the addition of 55292  
additional consistent terms and conditions by a court in 55293

accordance with section 5139.51 of the Revised Code, and giving a child notice of all reviews; 55294  
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(3) Maintain records of its official actions, decisions, orders, and hearing summaries and make the records accessible in accordance with division (D) of section 5139.05 of the Revised Code; 55296  
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(4) Cooperate with public and private agencies, communities, private groups, and individuals for the development and improvement of its services; 55300  
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(5) Collect, develop, and maintain statistical information regarding its services and decisions; 55303  
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(6) Submit to the director an annual report that includes a description of the operations of the release authority, an evaluation of its effectiveness, recommendations for statutory, budgetary, or other changes necessary to improve its effectiveness, and any other information required by the director. 55305  
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(F) The release authority may do any of the following: 55310

(1) Conduct inquiries, investigations, and reviews and hold hearings and other proceedings necessary to properly discharge its responsibilities; 55311  
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(2) Issue subpoenas, enforceable in a court of law, to compel a person to appear, give testimony, or produce documentary information or other tangible items relating to a matter under inquiry, investigation, review, or hearing; 55314  
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(3) Administer oaths and receive testimony of persons under oath; 55318  
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(4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time; 55320  
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(5) Request from a public agency or any other entity that provides or has provided services to a child committed to the department's legal custody information to enable the release authority to properly discharge its responsibilities with respect to that child and receive the information from the public agency or other entity in a reasonable period of time.

(G) The release authority may delegate responsibilities to hearing officers or other designated staff under the release authority's auspices. However, the release authority shall not delegate its authority to make final decisions regarding policy or the release of a child.

The release authority shall adopt a written policy and procedures governing appeals of its release and discharge decisions.

(H) The legal staff of the department of youth services shall provide assistance to the release authority in the formulation of policy and in its handling of individual cases.

**Sec. 5147.07.** No articles or supplies manufactured under ~~sections 5147.01~~ this section or sections 5147.12 to 5147.26 ~~5147.22~~ of the Revised Code by the labor of convicts of state correctional institutions shall be purchased from any other source for the state or its institutions unless the department of administrative services, in consultation with the department of rehabilitation and correction ~~first certifies, on requisition made,~~ determines that the articles or supplies cannot be furnished and issues a waiver under section 125.035 of the Revised Code.

**Sec. 5160.37.** (A) A medical assistance recipient's enrollment in a medical assistance program gives an automatic right of recovery to the department of medicaid and a county department of job and family services against the liability of a third party for

the cost of medical assistance paid on behalf of the recipient. 55354  
When an action or claim is brought against a third party by a 55355  
medical assistance recipient, any payment, settlement or 55356  
compromise of the action or claim, or any court award or judgment, 55357  
is subject to the recovery right of the department of medicaid or 55358  
county department. Except in the case of a medical assistance 55359  
recipient who receives medical assistance through a medicaid 55360  
managed care organization, the department's or county department's 55361  
claim shall not exceed the amount of medical assistance paid by 55362  
the department or county department on behalf of the recipient. A 55363  
payment, settlement, compromise, judgment, or award that excludes 55364  
the cost of medical assistance paid for by the department or 55365  
county department shall not preclude a department from enforcing 55366  
its rights under this section. 55367

(B) In the case of a medical assistance recipient who 55368  
receives medical assistance through a medicaid managed care 55369  
organization, the amount of the department's or county 55370  
department's claim shall be the amount the medicaid managed care 55371  
organization pays for medical assistance rendered to the 55372  
recipient, even if that amount is more than the amount the 55373  
department or county department pays to the medicaid managed care 55374  
organization for the recipient's medical assistance. 55375

(C) A medical assistance recipient, and the recipient's 55376  
attorney, if any, shall cooperate with the departments. In 55377  
furtherance of this requirement, the medical assistance recipient, 55378  
or the recipient's attorney, if any, shall, not later than thirty 55379  
days after initiating informal recovery activity or filing a legal 55380  
recovery action against a third party, provide written notice of 55381  
the activity or action to the department of medicaid or county 55382  
department if it has paid for medical assistance under a medical 55383  
assistance program. 55384

(D) The written notice that must be given under division (C) 55385

of this section shall disclose the identity and address of any 55386  
third party against whom the medical assistance recipient has or 55387  
may have a right of recovery. 55388

(E) No settlement, compromise, judgment, or award or any 55389  
recovery in any action or claim by a medical assistance recipient 55390  
where the department or county department has a right of recovery 55391  
shall be made final without first giving the department or county 55392  
department written notice as described in division (C) of this 55393  
section and a reasonable opportunity to perfect its rights of 55394  
recovery. If the department or county department is not given the 55395  
appropriate written notice, the medical assistance recipient and, 55396  
if there is one, the recipient's attorney, are liable to reimburse 55397  
the department or county department for the recovery received to 55398  
the extent of medical assistance payments made by the department 55399  
or county department. 55400

(F) The department or county department shall be permitted to 55401  
enforce its recovery rights against the third party even though it 55402  
accepted prior payments in discharge of its rights under this 55403  
section if, at the time the department or county department 55404  
received such payments, it was not aware that additional medical 55405  
expenses had been incurred but had not yet been paid by the 55406  
department or county department. The third party becomes liable to 55407  
the department or county department as soon as the third party is 55408  
notified in writing of the valid claims for recovery under this 55409  
section. 55410

(G)(1) Subject to division (G)(2) of this section, the right 55411  
of recovery of the department or county department does not apply 55412  
to that portion of any judgment, award, settlement, or compromise 55413  
of a claim, to the extent of attorneys' fees, costs, or other 55414  
expenses incurred by a medical assistance recipient in securing 55415  
the judgment, award, settlement, or compromise, or to the extent 55416  
of medical, surgical, and hospital expenses paid by such recipient 55417

from the recipient's own resources. 55418

(2) Reasonable attorneys' fees, not to exceed one-third of 55419  
the total judgment, award, settlement, or compromise, plus costs 55420  
and other expenses incurred by the medical assistance recipient in 55421  
securing the judgment, award, settlement, or compromise, shall 55422  
first be deducted from the total judgment, award, settlement, or 55423  
compromise. After fees, costs, and other expenses are deducted 55424  
from the total judgment, award, settlement, or compromise, there 55425  
shall be a rebuttable presumption that the department of medicaid 55426  
or county department shall receive no less than one-half of the 55427  
remaining amount, or the actual amount of medical assistance paid, 55428  
whichever is less. Any party may rebut this presumption by a 55429  
showing of clear and convincing evidence that a different 55430  
allocation is warranted. The allocation of medical expenses 55431  
pursuant to a settlement agreement between a medical assistance 55432  
recipient and the third party may be considered by the department 55433  
or county department but is not binding on either. 55434

(H) A right of recovery created by this section may be 55435  
enforced separately or jointly by the department of medicaid or 55436  
county department. To enforce its recovery rights, the department 55437  
or county department may do any of the following: 55438

(1) Intervene or join in any action or proceeding brought by 55439  
the medical assistance recipient or on the recipient's behalf 55440  
against any third party who may be liable for the cost of medical 55441  
assistance paid; 55442

(2) Institute and pursue legal proceedings against any third 55443  
party who may be liable for the cost of medical assistance paid; 55444

(3) Initiate legal proceedings in conjunction with any 55445  
injured, diseased, or disabled medical assistance recipient or the 55446  
recipient's attorney or representative. 55447

(I) A medical assistance recipient shall not assess attorney 55448

fees, costs, or other expenses against the department of medicaid 55449  
or a county department when the department or county department 55450  
enforces its right of recovery created by this section. 55451

(J) The right of recovery given to the department under this 55452  
section includes payments made by a third party under contract 55453  
with a person having a duty to support. 55454

(K) The department of medicaid may assign to a medical 55455  
assistance provider the right of recovery given to the department 55456  
under this section with respect to any claim for which the 55457  
department has notified the provider that the department intends 55458  
to recoup the department's prior payment for the claim. 55459

Sec. 5160.401. (A) A payment made by a third party under 55460  
division (A)(4) of section 5160.40 of the Revised Code on a claim 55461  
for payment of a medical item or service provided to a medical 55462  
assistance recipient is final on the date that is two years after 55463  
the payment was made to the department of medicaid or the 55464  
applicable medicaid managed care organization. After a claim is 55465  
final, the claim is subject to adjustment only if an action for 55466  
recovery of an overpayment was commenced under division (B) of 55467  
this section before the date the claim became final and the 55468  
recovery is agreed to by the department or medicaid managed care 55469  
organization under division (C) of this section. 55470

(B) If a third party determines that it overpaid a claim for 55471  
payment, the third party may seek to recover all or part of the 55472  
overpayment by filing a notice of its intent to seek recovery with 55473  
the department or medicaid managed care organization, as 55474  
applicable. The notice of recovery must be filed in writing before 55475  
the date the payment is final. The notice must specify all of the 55476  
following: 55477

(1) The full name of the medical assistance recipient who 55478  
received the medical item or service that is the subject of the 55479

<u>claim;</u>	55480
<u>(2) The date or dates on which the medical item or service was provided;</u>	55481 55482
<u>(3) The amount allegedly overpaid and the amount the third party seeks to recover;</u>	55483 55484
<u>(4) The claim number and any other number the department or medicaid managed care organization has assigned to the claim;</u>	55485 55486
<u>(5) The third party's rationale for seeking recovery;</u>	55487
<u>(6) The date the third party made the payment and the method of payment used;</u>	55488 55489
<u>(7) If payment was made by check, the check number;</u>	55490
<u>(8) Whether the third party would prefer to receive the amount being sought by obtaining a payment from the department or medicaid managed care organization, either by check or electronic means, or by offsetting the amount from a future payment to be made to the department or medicaid managed care organization.</u>	55491 55492 55493 55494 55495
<u>(C) If the department or appropriate medicaid managed care organization determines that a notice of recovery was filed before the claim for payment is final and agrees to the amount sought by the third party, the department or medicaid managed care organization, as applicable, shall notify the third party in writing of its determination and agreement. Recovery of the amount shall proceed in accordance with the method specified by the third party pursuant to division (B)(8) of this section.</u>	55496 55497 55498 55499 55500 55501 55502 55503
<b>Sec. 5162.01.</b> (A) As used in the Revised Code:	55504
(1) "Medicaid" and "medicaid program" mean the program of medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal	55505 55506 55507 55508

medicaid waiver granted by the United States secretary of health 55509  
and human services. 55510

(2) "Medicare" and "medicare program" mean the federal health 55511  
insurance program established by Title XVIII of the "Social 55512  
Security Act," 42 U.S.C. 1395 et seq. 55513

(B) As used in this chapter: 55514

(1) "Dual eligible individual" has the same meaning as in 55515  
section 5160.01 of the Revised Code. 55516

(2) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 55517

(3) "Federal financial participation" has the same meaning as 55518  
in section 5160.01 of the Revised Code. 55519

(4) "Federal poverty line" means the official poverty line 55520  
defined by the United States office of management and budget based 55521  
on the most recent data available from the United States bureau of 55522  
the census and revised by the United States secretary of health 55523  
and human services pursuant to the "Omnibus Budget Reconciliation 55524  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 55525

(5) "Healthy start component" means the component of the 55526  
medicaid program that covers pregnant women and children and is 55527  
identified in rules adopted under section 5162.02 of the Revised 55528  
Code as the healthy start component. 55529

(6) "Home and community-based services" means services 55530  
provided under a home and community-based services medicaid waiver 55531  
component. 55532

(7) "Home and community-based services medicaid waiver 55533  
component" has the same meaning as in section 5166.01 of the 55534  
Revised Code. 55535

(8) "ICF/IID" has the same meaning as in section 5124.01 of 55536  
the Revised Code. 55537

(9) "Medicaid managed care organization" has the same meaning 55538

as in section 5167.01 of the Revised Code. 55539

(10) "Medicaid provider" has the same meaning as in section 55540  
5164.01 of the Revised Code. 55541

(11) "Medicaid services" has the same meaning as in section 55542  
5164.01 of the Revised Code. 55543

(12) "Medicaid waiver component" has the same meaning as in 55544  
section 5166.01 of the Revised Code; 55545

(13) "Nursing facility" and "nursing facility services" have 55546  
the same meanings as in section 5165.01 of the Revised Code. 55547

~~(13)~~(14) "Political subdivision" means a municipal 55548  
corporation, township, county, school district, or other body 55549  
corporate and politic responsible for governmental activities only 55550  
in a geographical area smaller than that of the state. 55551

~~(14)~~(15) "Prescribed drug" has the same meaning as in section 55552  
5164.01 of the Revised Code. 55553

~~(15)~~(16) "Provider agreement" has the same meaning as in 55554  
section 5164.01 of the Revised Code. 55555

~~(16)~~(17) "Qualified medicaid school provider" means the board 55556  
of education of a city, local, or exempted village school 55557  
district, the governing authority of a community school 55558  
established under Chapter 3314. of the Revised Code, the state 55559  
school for the deaf, and the state school for the blind to which 55560  
both of the following apply: 55561

(a) It holds a valid provider agreement. 55562

(b) It meets all other conditions for participation in the 55563  
medicaid school component of the medicaid program established in 55564  
rules authorized by section 5162.364 of the Revised Code. 55565

~~(17)~~(18) "State agency" means every organized body, office, 55566  
or agency, other than the department of medicaid, established by 55567  
the laws of the state for the exercise of any function of state 55568

government. 55569

~~(18)~~(19) "Vendor offset" means a reduction of a medicaid 55570  
payment to a medicaid provider to correct a previous, incorrect 55571  
medicaid payment to that provider. 55572

**Sec. 5162.11.** (A) The department of medicaid shall enter into 55573  
an agreement with the department of administrative services for 55574  
the department of administrative services to contract through 55575  
competitive selection pursuant to section 125.07 of the Revised 55576  
Code with a vendor to perform an assessment of the data collection 55577  
and data warehouse functions of the medicaid data warehouse 55578  
system, including the ability to link the data sets of all 55579  
agencies serving medicaid recipients. 55580

The assessment of the data system shall include functions 55581  
related to fraud and abuse detection, program management and 55582  
budgeting, and performance measurement capabilities of all 55583  
agencies serving medicaid recipients, including the departments of 55584  
aging, health, job and family services, medicaid, mental health 55585  
and addiction services, and developmental disabilities. 55586

A qualified vendor with whom the department of administrative 55587  
services contracts to assess the data system shall also assist the 55588  
medicaid agencies in the definition of the requirements for an 55589  
enhanced data system or a new data system and assist the 55590  
department of administrative services in the preparation of a 55591  
request for proposals to enhance or develop a data system. 55592

(B) Based on the assessment performed pursuant to division 55593  
(A) of this section, the department of administrative services 55594  
shall seek a qualified vendor through competitive selection 55595  
pursuant to ~~section 125.07~~ Chapter 125. of the Revised Code to 55596  
develop or enhance a data collection and data warehouse system for 55597  
the department of medicaid and all agencies serving medicaid 55598  
recipients. 55599

The department of medicaid shall seek enhanced federal 55600  
financial participation for ninety per cent of the funds required 55601  
to establish or enhance the data system. The department of 55602  
administrative services shall not award a contract for 55603  
establishing or enhancing the data system until the department of 55604  
medicaid receives approval from the United States secretary of 55605  
health and human services for the ninety per cent federal 55606  
financial participation. 55607

**Sec. 5162.36.** ~~(A)~~ ~~(B)~~ The medicaid director shall create, in 55608  
accordance with sections 5162.36 to ~~5162.364~~ 5162.365 of the 55609  
Revised Code, the medicaid school component of the medicaid 55610  
program. 55611

**Sec. 5162.361.** A qualified medicaid school provider 55612  
participating in the medicaid school component of the medicaid 55613  
program may submit a claim to the department of medicaid for 55614  
federal financial participation for providing, in schools, 55615  
services covered by the medicaid school component to medicaid 55616  
recipients who are eligible for the services. No qualified 55617  
medicaid school provider may submit such a claim before the 55618  
provider incurs the cost of providing the service. 55619

The claim shall include certification of the qualified 55620  
medicaid school provider's expenditures for the service. The 55621  
certification shall show that the money the qualified medicaid 55622  
school provider used for the expenditures was nonfederal money the 55623  
provider may legally use for providing the service and that the 55624  
amount of the expenditures was sufficient to pay the full cost of 55625  
the service. 55626

Except as otherwise provided in sections 5162.36 to ~~5162.364~~ 55627  
5162.365 of the Revised Code ~~and rules authorized by sections~~ 55628  
~~5162.363 and 5162.364~~ of the Revised Code, a qualified medicaid 55629

school provider is subject to all conditions of participation in 55630  
the medicaid program that generally apply to providers of goods 55631  
and services under the medicaid program, including conditions 55632  
regarding claims, audits, and recovery of overpayments. 55633

**Sec. 5162.363.** The department of medicaid shall enter into an 55634  
interagency agreement with the department of education under 55635  
section 5162.35 of the Revised Code that provides for the 55636  
department of education to administer the medicaid school 55637  
component of the medicaid program other than the aspects of the 55638  
component that sections 5162.36 to ~~5162.364~~ 5162.365 of the 55639  
Revised Code require the department of medicaid to administer. The 55640  
interagency agreement may include a provision that provides for 55641  
the department of education to pay to the department of medicaid 55642  
the nonfederal share of a portion of the administrative expenses 55643  
the department of medicaid incurs in administering the aspects of 55644  
the component that the department of medicaid administers. 55645

To the extent authorized by rules authorized by section 55646  
5162.021 of the Revised Code, the department of education shall 55647  
~~establish, in adopt rules adopted under section 5162.02 of the~~ 55648  
~~Revised Code, establishing a process by which qualified medicaid~~ 55649  
school providers participating in the medicaid school component 55650  
pay to the department of education the nonfederal share of the 55651  
department's expenses incurred in administering the component. The 55652  
rules shall be adopted in accordance with Chapter 119. of the 55653  
Revised Code. 55654

**Sec. 5162.365.** (A) A qualified medicaid school provider is 55655  
solely responsible for timely repaying any overpayment that the 55656  
provider receives under the medicaid school component of the 55657  
medicaid program and that is discovered by a federal or state 55658  
audit. This is the case regardless of whether the audit's finding 55659  
identifies the provider, department of medicaid, or department of 55660

education as being responsible for the overpayment. 55661

(B) The department of medicaid shall not do any of the 55662  
following regarding an overpayment for which a qualified medicaid 55663  
school provider is responsible for repaying: 55664

(1) Make a payment to the federal government to meet or delay 55665  
the provider's repayment obligation; 55666

(2) Assume the provider's repayment obligation; 55667

(3) Forgive the provider's repayment obligation. 55668

(C) Each qualified medicaid school provider shall indemnify 55669  
and hold harmless the department of medicaid for any cost or 55670  
penalty resulting from a federal or state audit finding that a 55671  
claim submitted by the provider under section 5162.361 of the 55672  
Revised Code did not comply with a federal or state requirement 55673  
applicable to the claim, including a requirement of a medicaid 55674  
waiver component. 55675

**Sec. 5163.06.** The medicaid program shall cover all of the 55676  
following optional eligibility groups: 55677

(A) The group consisting of children placed with adoptive 55678  
parents who are specified in the "Social Security Act," section 55679  
1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 55680

~~(B) Subject to section 5163.061 of the Revised Code, the~~ 55681  
~~group consisting of women during pregnancy and the sixty day~~ 55682  
~~period beginning on the last day of the pregnancy, infants, and~~ 55683  
~~children who are specified in the "Social Security Act," section~~ 55684  
~~1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);~~ 55685

~~(C)~~ Subject to sections 5163.09 to 5163.098 of the Revised 55686  
Code, the group consisting of employed individuals with 55687  
disabilities who are specified in the "Social Security Act," 55688  
section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 55689

~~(D)(C)~~ Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI);

~~(E)(D)~~ The group consisting of independent foster care adolescents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII);

~~(F)~~ The group consisting of women in need of treatment for breast or cervical cancer who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);

~~(G)~~ The group consisting of nonpregnant individuals who may receive family planning services and supplies and are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI).

**Sec. 5163.30.** (A) As used in this section: 55707

(1) "Assets" include all of an individual's income and resources and those of the individual's spouse, including any income or resources the individual or spouse is entitled to but does not receive because of action by any of the following:

(a) The individual or spouse; 55712

(b) A person or government entity, including a court or administrative agency, with legal authority to act in place of or on behalf of the individual or spouse; 55713  
55714  
55715

(c) A person or government entity, including a court or administrative agency, acting at the direction or on the request of the individual or spouse. 55716  
55717  
55718

(2) "Home and community-based services" means home and 55719

community-based services furnished under a medicaid waiver granted 55720  
by the United States secretary of health and human services under 55721  
the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 55722  
1396n(c) or (d). 55723

(3) "Institutionalized individual" means a resident of a 55724  
nursing facility, an inpatient in a medical institution for whom a 55725  
payment is made based on a level of care provided in a nursing 55726  
facility, or an individual described in the "Social Security Act," 55727  
section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 55728

(4) "Look-back date" means the date that is a number of 55729  
months specified in rules adopted under section 5163.02 of the 55730  
Revised Code immediately before either of the following: 55731

(a) The date an individual becomes an institutionalized 55732  
individual if the individual is eligible for medicaid on that 55733  
date; 55734

(b) The date an individual applies for medicaid while an 55735  
institutionalized individual. 55736

(5) "Nursing facility equivalent services" means services 55737  
that are covered by the medicaid program, equivalent to nursing 55738  
facility services, provided by an institution that provides the 55739  
same level of care as a nursing facility, and provided to an 55740  
inpatient of the institution who is a medicaid recipient eligible 55741  
for medicaid-covered nursing facility equivalent services. 55742

(6) "Undue hardship" means being deprived of either of the 55743  
following: 55744

(a) Medical care such that an individual's health or life is 55745  
endangered; 55746

(b) Food, clothing, shelter, or other necessities of life. 55747

(B) Except as provided in division (C) of this section and 55748  
rules adopted under section 5163.02 of the Revised Code, an 55749

institutionalized individual is ineligible for nursing facility 55750  
services, nursing facility equivalent services, and home and 55751  
community-based services if the individual or individual's spouse 55752  
disposes of assets for less than fair market value on or after the 55753  
look-back date. The institutionalized individual's ineligibility 55754  
shall begin on a date determined in accordance with rules adopted 55755  
under section 5163.02 of the Revised Code and shall continue for a 55756  
number of months determined in accordance with such rules. 55757

(C)(1) An institutionalized individual may be granted a 55758  
waiver of all or a portion of the period of ineligibility to which 55759  
the individual would otherwise be subjected under division (B) of 55760  
this section if the ineligibility would cause an undue hardship 55761  
for the individual. ~~An~~ 55762

(2) An institutionalized individual shall be granted a waiver 55763  
of all or a portion of the period of ineligibility if the 55764  
administrator of the nursing facility in which the individual 55765  
resides has notified the individual of a proposed transfer or 55766  
discharge under section 3721.16 of the Revised Code due to failure 55767  
to pay for the care the nursing facility has provided to the 55768  
individual, the individual or the individual's sponsor requests a 55769  
hearing on the proposed transfer or discharge in accordance with 55770  
section 3721.161 of the Revised Code, and the transfer or 55771  
discharge is upheld by a final determination that is not subject 55772  
to further appeal. ~~Waivers~~ 55773

(3) An institutionalized individual may be granted a waiver 55774  
of all of the period of ineligibility if all of the assets that 55775  
were disposed of for less than fair market value are returned to 55776  
the individual or individual's spouse or if the individual or 55777  
individual's spouse receives cash or other personal or real 55778  
property that equals the difference between what the individual or 55779  
individual's spouse received for the assets and the fair market 55780  
value of the assets. Except as provided in division (C)(1) or (2) 55781

of this section, no waiver of any part of the period of 55782  
ineligibility shall be granted if the amount the individual or 55783  
individual's spouse receives is less than the difference between 55784  
what the individual or individual's spouse received for the assets 55785  
and the fair market value of the assets. 55786

(4) Waivers shall be granted in accordance with rules adopted 55787  
under section 5163.02 of the Revised Code. 55788

(D) To secure compliance with this section, the medicaid 55789  
director may require an individual, as a condition of initial or 55790  
continued eligibility for medicaid, to provide documentation of 55791  
the individual's assets up to five years before the date the 55792  
individual becomes an institutionalized individual if the 55793  
individual is eligible for medicaid on that date or the date the 55794  
individual applies for medicaid while an institutionalized 55795  
individual. Documentation may include tax returns, records from 55796  
financial institutions, and real property records. 55797

**Sec. 5163.33.** (A) In determining the amount of income that a 55798  
medicaid recipient must apply monthly toward payment of the cost 55799  
of care in a nursing facility or ICF/IID, a county department of 55800  
job and family services shall deduct from the recipient's monthly 55801  
income a monthly personal needs allowance in accordance with the 55802  
"Social Security Act," section 1902(q), 42 U.S.C. 1396a(q). 55803

(B) In the case of a resident of a nursing facility, the 55804  
monthly personal needs allowance shall be ~~as follows:~~ 55805

~~(1) Prior to January 1, 2014, not less than forty dollars for~~ 55806  
~~an individual resident and not less than eighty dollars for a~~ 55807  
~~married couple if both spouses are residents of a nursing facility~~ 55808  
~~and their incomes are considered available to each other in~~ 55809  
~~determining eligibility;~~ 55810

~~(2) For calendar year 2014, not less than forty five dollars~~ 55811

~~for an individual resident and not less than ninety dollars for a~~ 55812  
~~married couple if both spouses are residents of a nursing facility~~ 55813  
~~and their incomes are considered available to each other in~~ 55814  
~~determining eligibility;~~ 55815

~~(3) For calendar year 2015 and each calendar year thereafter,~~ 55816  
not less than fifty dollars for an individual resident and not 55817  
less than one hundred dollars for a married couple if both spouses 55818  
are residents of a nursing facility and their incomes are 55819  
considered available to each other in determining eligibility. 55820

(C) In the case of a resident of an ICF/IID, the monthly 55821  
personal needs allowance shall be as follows: 55822

(1) Prior to January 1, 2016, forty dollars unless the 55823  
resident has earned income, in which case the monthly personal 55824  
needs allowance shall be determined by the department of medicaid, 55825  
or the department's designee, but shall not exceed one hundred 55826  
five dollars; 55827

(2) For calendar year 2016 and each calendar year thereafter, 55828  
not less than fifty dollars for an individual resident and not 55829  
less than one hundred dollars for a married couple if both spouses 55830  
are residents of an ICF/IID and their incomes are considered 55831  
available to each other in determining eligibility. 55832

**Sec. 5164.01.** As used in this chapter: 55833

(A) "Adjudication" has the same meaning as in section 119.01 55834  
of the Revised Code. 55835

(B) "Early and periodic screening, diagnostic, and treatment 55836  
services" has the same meaning as in the "Social Security Act," 55837  
section 1905(r), 42 U.S.C. 1396d(r). 55838

~~(B)~~(C) "Federal financial participation" has the same meaning 55839  
as in section 5160.01 of the Revised Code. 55840

~~(C)~~(D) "Healthcheck" means the component of the medicaid 55841

program that provides early and periodic screening, diagnostic, 55842  
and treatment services. 55843

~~(D)~~(E) "Helping Ohioans move, expanding (HOME) choice 55844  
demonstration" means the component of the medicaid program 55845  
authorized by section 5164.90 of the Revised Code. 55846

(F) "Home and community-based services medicaid waiver 55847  
component" has the same meaning as in section 5166.01 of the 55848  
Revised Code. 55849

~~(E)~~(G) "Hospital" has the same meaning as in section 3727.01 55850  
of the Revised Code. 55851

~~(F)~~(H) "ICDS participant" means a dual eligible individual 55852  
who participates in the integrated care delivery system. 55853

~~(G)~~(I) "ICF/IID" has the same meaning as in section 5124.01 55854  
of the Revised Code. 55855

~~(H)~~(J) "Integrated care delivery system" and "ICDS" mean the 55856  
demonstration project authorized by section 5164.91 of the Revised 55857  
Code. 55858

~~(I)~~(K) "Mandatory services" means the health care services 55859  
and items that must be covered by the medicaid state plan as a 55860  
condition of the state receiving federal financial participation 55861  
for the medicaid program. 55862

~~(J)~~(L) "Medicaid managed care organization" has the same 55863  
meaning as in section 5167.01 of the Revised Code. 55864

~~(K)~~(M) "Medicaid provider" means a person or government 55865  
entity with a valid provider agreement to provide medicaid 55866  
services to medicaid recipients. To the extent appropriate in the 55867  
context, "medicaid provider" includes a person or government 55868  
entity applying for a provider agreement, a former medicaid 55869  
provider, or both. 55870

~~(L)~~(N) "Medicaid services" means either or both of the 55871

following: 55872

(1) Mandatory services; 55873

(2) Optional services that the medicaid program covers. 55874

~~(M)~~(O) "Medicaid waiver component" has the same meaning as in 55875  
section 5166.01 of the Revised Code. 55876

~~(P)~~ "Nursing facility" has the same meaning as in section 55877  
5165.01 of the Revised Code. 55878

~~(N)~~(O) "Optional services" means the health care services and 55879  
items that may be covered by the medicaid state plan or a federal 55880  
medicaid waiver and for which the medicaid program receives 55881  
federal financial participation. 55882

~~(O)~~(R) "Prescribed drug" has the same meaning as in 42 C.F.R. 55883  
440.120. 55884

~~(P)~~(S) "Provider agreement" means an agreement to which all 55885  
of the following apply: 55886

(1) It is between a medicaid provider and the department of 55887  
medicaid; 55888

(2) It provides for the medicaid provider to provide medicaid 55889  
services to medicaid recipients; 55890

(3) It complies with 42 C.F.R. 431.107(b). 55891

~~(Q)~~(T) "Terminal distributor of dangerous drugs" has the same 55892  
meaning as in section 4729.01 of the Revised Code. 55893

**Sec. 5164.302.** (A) As used in this section: 55894

(1) "Independent provider" means an individual who personally 55895  
provides one or more of the services specified in divisions (B)(1) 55896  
to (4) of this section on a self-employed basis and does not 55897  
employ, directly or through contract, another individual to 55898  
provide any of those services. 55899

(2) "Participant-directed medicaid waiver component" means 55900  
all of the following: 55901

(a) The integrated care delivery system medicaid waiver 55902  
component authorized by section 5166.16 of the Revised Code; 55903

(b) The medicaid-funded component of the PASSPORT program 55904  
administered by the department of aging, unless it is terminated 55905  
pursuant to division (C) of section 173.52 of the Revised Code; 55906

(c) The self-empowered life funding program administered by 55907  
the department of developmental disabilities; 55908

(d) A medicaid waiver component in operation on the effective 55909  
date of this section to which is added, on or after that date, a 55910  
participant-directed service delivery system; 55911

(e) A medicaid waiver component that begins operation on or 55912  
after the effective date of this section and includes a 55913  
participant-directed service delivery system. 55914

(B) Beginning July 1, 2016, and except as provided in 55915  
division (D) of this section, the department of medicaid shall not 55916  
enter into an initial provider agreement with an independent 55917  
provider to provide any of the following: 55918

(1) Aide services, as defined in section 5164.77 of the 55919  
Revised Code; 55920

(2) Nursing services, as defined in section 5164.77 of the 55921  
Revised Code; 55922

(3) Services covered by a home and community-based services 55923  
medicaid waiver component; 55924

(4) Services covered by the helping Ohioans move, expanding 55925  
(HOME) choice demonstration. 55926

(C)(1) Subject to divisions (C)(2) and (3) of this section 55927  
and except as provided in division (D) of this section, both of 55928  
the following apply to a provider agreement in effect on June 30, 55929

2016, that authorizes an independent provider to provide any of 55930  
the services specified in divisions (B)(1) to (4) of this section: 55931

(a) The independent provider may continue to provide the 55932  
services in accordance with the provider agreement on and after 55933  
July 1, 2016; 55934

(b) The department of medicaid may revalidate the provider 55935  
agreement. 55936

(2) The department of medicaid, in consultation with the 55937  
departments of aging, developmental disabilities, and health, 55938  
shall develop a plan to phase out the provider agreements to which 55939  
division (C)(1) of this section applies. The plan shall provide 55940  
for the department of medicaid to terminate or refuse to 55941  
revalidate the provider agreements during the period beginning 55942  
July 1, 2016, and ending June 30, 2019. The department of medicaid 55943  
shall terminate and refuse to revalidate the provider agreements 55944  
in accordance with the plan. The last of the provider agreements 55945  
shall cease to be in effect not later than July 1, 2019. 55946

(3) A provider agreement to which division (C)(1) of this 55947  
section applies, including a provider agreement that is 55948  
revalidated as authorized by that division, shall cease to be in 55949  
effect on the earlier of the following dates: 55950

(a) The date the provider agreement is suspended or 55951  
terminated pursuant to section 5164.38 of the Revised Code; 55952

(b) The date the provider agreement is terminated or expires 55953  
after not being revalidated pursuant to division (C)(2) of this 55954  
section. 55955

(D) Divisions (B) and (C) of this section do not apply to a 55956  
provider agreement that authorizes an independent provider to 55957  
provide to a medicaid recipient enrolled in a participant-directed 55958  
medicaid waiver component any of the services that are specified 55959  
in divisions (B)(1) to (4) of this section and available through a 55960

participant-directed service delivery system. This is the case 55961  
regardless of when the provider agreement is initially entered 55962  
into or subsequently revalidated. 55963

(E) An independent provider who provides any of the services 55964  
specified in divisions (B)(1) to (4) of this section shall not be 55965  
considered to be either of the following due to a provider 55966  
agreement or the provision of the services: 55967

(1) An employee of the state or in the service of the state 55968  
for the purpose of Chapter 124. of the Revised Code; 55969

(2) A public employee for the purpose of Chapter 4117. of the 55970  
Revised Code. 55971

**Sec. 5164.36.** (A) As used in this section: 55972

(1) ~~"Credible allegation of fraud" has the same meaning as in~~ 55973  
~~42 C.F.R. 455.2, except that for purposes of this section any~~ 55974  
~~reference in that regulation to the "state" or the "state medicaid~~ 55975  
~~agency" means the department of medicaid~~ means an allegation of 55976  
fraud for which there is an indication of reliability and that 55977  
derives from one or more sources, including any of the following: 55978

(a) A fraud hotline complaint; 55979

(b) Claims data mining; 55980

(c) A pattern identified through medicaid provider audits, 55981  
civil false claims cases, and law enforcement investigations; 55982

(d) An indictment charging a medicaid provider or its owner, 55983  
officer, authorized agent, associate, manager, or employee with 55984  
committing an act that would be a felony or misdemeanor under the 55985  
laws of this state or the laws in the jurisdiction in which the 55986  
act is committed and relates to, or results from, one or more of 55987  
the following: 55988

(i) Furnishing, ordering, prescribing, or certifying medicaid 55989

services; 55990

(ii) Billing for medicaid services; 55991

(iii) Referring a person to medicaid services; 55992

(iv) Participating in the performance of management or 55993  
administrative services related to furnishing medicaid services. 55994

(e) Any other source. 55995

(2) "Owner" ~~has the same meaning as in section 5164.37 of the~~ 55996  
~~Revised Code~~ means any person having at least five per cent 55997  
ownership in a medicaid provider. 55998

(B)(1) Except as provided in division (C) of this section and 55999  
in rules authorized by this section, ~~on determining there is a~~ 56000  
~~credible allegation of fraud for which an investigation is pending~~ 56001  
~~under the medicaid program against a medicaid provider,~~ the 56002  
department of medicaid shall suspend ~~the~~ a medicaid provider's 56003  
provider agreement held by the provider when the department, after 56004  
carefully reviewing all allegations, facts, and evidence and 56005  
acting judiciously on a case-by-case basis, determines that an 56006  
allegation of fraud committed by the medicaid provider or its 56007  
owner, officer, authorized agent, associate, manager, or employee 56008  
is a credible allegation of fraud. Subject to division (C) of this 56009  
section, when the department suspends a medicaid provider's 56010  
provider agreement under this section, the department ~~shall:~~ 56011

(a) Shall also terminate suspend all medicaid payments to the 56012  
provider for medicaid services rendered the provider provided 56013  
before, or provides after, the provider agreement's suspension; 56014

(b) May also suspend the provider agreement of any other 56015  
medicaid provider of which the medicaid provider is an owner, 56016  
officer, authorized agent, associate, manager, or employee. 56017

(2)(a) The suspension shall continue in effect until either 56018  
of the following is the case: 56019

(i) The department or a prosecuting authority determines that there is insufficient evidence of fraud by the medicaid provider+ or its owner, officer, authorized agent, associate, manager, or employee.

(ii) The proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty.

(b) If the department commences a process to terminate the suspended provider agreement, the suspension shall also continue in effect until the termination process, including any judicial appeal, is concluded.

(3) When a medicaid provider's provider agreement is subject to a suspension under this section, a neither the medicaid provider, nor any owner, officer, authorized agent, associate, manager, or employee of the provider whose actions resulted in the credible allegation of fraud, shall ~~not~~ own or provide services to any other medicaid provider or risk contractor or arrange for, render, refer, prescribe, certify, or order services to any other medicaid provider or risk contractor or arrange for, render, refer, prescribe, certify, or order services for medicaid recipients during the period of suspension. During the period of suspension, the provider, owner, officer, authorized agent, associate, manager, or employee shall not receive direct payments under the medicaid program or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any other medicaid provider or risk contractor.

(C) The department shall not suspend a provider agreement or terminate medicaid payments under division (B) of this section if the medicaid provider or owner can demonstrate through the submission of written evidence that the provider or owner did not directly or indirectly sanction the action of its authorized

agent, associate, manager, or employee that resulted in the 56052  
credible allegation of fraud. 56053

~~(D) The termination of medicaid payment under division (B) of 56054  
this section applies only to payments for medicaid services 56055  
rendered subsequent to the date on which the notice required by 56056  
division (E) of this section is sent. Claims for payment of 56057  
medicaid services rendered by the medicaid provider prior to the 56058  
issuance of the notice may be subject to prepayment review 56059  
procedures whereby the department reviews claims to determine 56060  
whether they are supported by sufficient documentation, are in 56061  
compliance with state and federal statutes and rules, and are 56062  
otherwise complete. 56063~~

~~(E) After suspending a provider agreement under division (B) 56064  
of this section, the department shall, as specified in 42 C.F.R. 56065  
455.23(b), send notice of the suspension to the affected medicaid 56066  
provider or owner in accordance with the following ~~timeframes~~ time 56067  
frames: 56068~~

(1) Not later than five days after the suspension, unless a 56069  
law enforcement agency makes a written request to temporarily 56070  
delay the notice; 56071

(2) If a law enforcement agency makes a written request to 56072  
temporarily delay the notice, not later than thirty days after the 56073  
suspension occurs subject to the conditions specified in division 56074  
~~(F)~~(E) of this section. 56075

~~(F)~~(E) A written request for a temporary delay described in 56076  
division ~~(E)~~(D)(2) of this section may be renewed in writing by a 56077  
law enforcement agency not more than two times except that under 56078  
no circumstances shall the notice be issued more than ninety days 56079  
after the suspension occurs. 56080

~~(G)~~(F) The notice required by division ~~(E)~~(D) of this section 56081  
shall do all of the following: 56082

(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23; 56083  
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(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation; 56085  
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(3) State that the suspension continues to be in effect until either of the following is the case: 56089  
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(a) The department or a prosecuting authority determines that there is insufficient evidence of fraud by the provider or its owner, officer, authorized agent, associate, manager, or employee. 56091  
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(b) The proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded. 56094  
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(4) Specify, if applicable, the type or types of medicaid claims or business units of the medicaid provider that are affected by the suspension; 56099  
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(5) Inform the medicaid provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for reconsideration of the suspension in accordance with division ~~(H)~~(G) of this section. 56102  
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~~(H)~~(G)(1) Pursuant to the procedure specified in division ~~(H)~~(G)(2) of this section, a medicaid provider or owner subject to a suspension under this section may request a reconsideration of the suspension. The request shall be made not later than thirty days after receipt of a notice required by division ~~(E)~~(D) of this section. The reconsideration is not subject to an adjudication hearing pursuant to Chapter 119. of the Revised Code. 56106  
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(2) In requesting a reconsideration, the medicaid provider or owner shall submit written information and documents to the department. The information and documents may pertain to any of the following issues:

(a) Whether the determination to suspend the provider agreement was based on ~~a mistake of fact, other than the validity of an indictment in a related criminal case.~~ mistaken identity;

(b) If there has been an indictment in a related criminal case, whether any offense charged in the indictment resulted from an ~~offense specified~~ act described in division ~~(E)(A)(1)(d)~~ of this section ~~5164.37 of the Revised Code.~~i

(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the suspension under this section or an indictment in a related criminal case.

~~(I)(H)~~ (H) The department shall review the information and documents submitted in a request made under division ~~(H)(G)~~ of this section for reconsideration of a suspension. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration.

~~(J)(I)~~ (I) Rules adopted under section 5164.02 of the Revised Code may specify circumstances under which the department would not suspend a provider agreement pursuant to this section.

Sec. 5164.37. (A) As used in this section, "owner" has the same meaning as in section 5164.36 of the Revised Code.

(B) The department of medicaid may suspend a medicaid provider's provider agreement before conducting an adjudication under Chapter 119. of the Revised Code if the department determines that a credible allegation exists that the provider, by any act or omission, has negatively affected the health, safety, or welfare of one or more medicaid recipients. When the department suspends a medicaid provider's provider agreement under this section, the department: 56143  
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(1) Shall also suspend all medicaid payments to the provider for medicaid services the provider provided before, or provides after, the provider agreement's suspension; 56151  
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(2) May also suspend the provider agreement of any other medicaid provider of which the medicaid provider is an owner, officer, authorized agent, associate, manager, or employee. 56154  
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(C) Not later than five days after suspending a medicaid provider's provider agreement under this section, the department shall notify the provider of the suspension of the provider agreement and medicaid payments. 56157  
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(D) Not later than ten days after suspending a medicaid provider's provider agreement under this section, the department shall notify the provider of the department's intent to terminate the provider agreement. The notice shall be provided as part of the adjudication required by section 5164.38 of the Revised Code for the termination. The notice shall state that the provider agreement is to be terminated because of the allegation that the provider negatively affected the health, safety, or welfare of one or more medicaid recipients and may state additional reasons for the termination. 56161  
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(E) The suspension of a medicaid provider's provider agreement and medicaid payments to the provider under this section shall continue in effect until the process to terminate the 56171  
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suspended provider agreement, including any judicial appeal, is 56174  
concluded. However, if the department fails to provide the 56175  
provider a notice required by division (C) or (D) of this section 56176  
by the deadline, the suspension shall be lifted on the day 56177  
immediately following the deadline. 56178

(F) This section does not limit the department's authority 56179  
under any other statute to suspend or terminate a provider 56180  
agreement or medicaid payments to a medicaid provider. 56181

**Sec. 5164.38.** (A) As used in this section: 56182

~~(1) "Adjudication" has the same meaning as in division (D) of~~ 56183  
~~section 119.01 of the Revised Code.~~ 56184

~~(2) "Party" has the same meaning as in division (G) of~~ 56185  
section 119.01 of the Revised Code. 56186

~~(3)~~(2) "Revalidate" means to approve a medicaid provider's 56187  
continued enrollment as a medicaid provider in accordance with the 56188  
revalidation process established in rules authorized by section 56189  
5164.32 of the Revised Code. 56190

(B) This section does not apply to either of the following: 56191

(1) Any action taken or decision made by the department of 56192  
medicaid with respect to entering into or refusing to enter into a 56193  
contract with a managed care organization pursuant to section 56194  
5167.10 of the Revised Code; 56195

(2) Any action taken by the department under division (D)(2) 56196  
of section 5124.60, division (D)(1) or (2) of section 5124.61, 56197  
section 5164.302, or sections 5165.60 to 5165.89 of the Revised 56198  
Code. 56199

(C) Except as provided in division (E) of this section and 56200  
section 5164.58 of the Revised Code, the department shall do any 56201  
of the following by issuing an order pursuant to an adjudication 56202  
conducted in accordance with Chapter 119. of the Revised Code: 56203

(1) Refuse to enter into a provider agreement with a medicaid provider;	56204 56205
(2) Refuse to revalidate a medicaid provider's provider agreement;	56206 56207
(3) Suspend or terminate a medicaid provider's provider agreement;	56208 56209
(4) Take any action based upon a final fiscal audit of a medicaid provider.	56210 56211
(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code.	56212 56213 56214 56215
(E) The department is not required to comply with division (C)(1), (2), or (3) of this section whenever any of the following occur:	56216 56217 56218
(1) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain a certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the license, permit, certificate, or certification has been denied, revoked, not renewed, suspended, or otherwise limited.	56219 56220 56221 56222 56223 56224 56225
(2) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the provider has not obtained the license, permit, certificate, or certification.	56226 56227 56228 56229 56230 56231 56232
(3) The medicaid provider's application for a provider	56233

agreement is denied, or the provider's provider agreement is 56234  
terminated or not revalidated, because of or pursuant to any of 56235  
the following: 56236

(a) The termination, refusal to renew, or denial of a 56237  
license, permit, certificate, or certification by an official, 56238  
board, commission, department, division, bureau, or other agency 56239  
of this state other than the department of medicaid, 56240  
notwithstanding the fact that the provider may hold a license, 56241  
permit, certificate, or certification from an official, board, 56242  
commission, department, division, bureau, or other agency of 56243  
another state; 56244

(b) Division (D) or (E) of section 5164.35 of the Revised 56245  
Code; 56246

(c) The provider's termination, suspension, or exclusion from 56247  
the medicare program or from another state's medicaid program and, 56248  
in either case, the termination, suspension, or exclusion is 56249  
binding on the provider's participation in the medicaid program in 56250  
this state; 56251

(d) The provider's pleading guilty to or being convicted of a 56252  
criminal activity materially related to either the medicare or 56253  
medicaid program; 56254

(e) The provider or its owner, officer, authorized agent, 56255  
associate, manager, or employee having been convicted of one of 56256  
the offenses that caused the provider's provider agreement to be 56257  
suspended pursuant to section 5164.36 of the Revised Code; 56258

(f) The provider's failure to provide the department the 56259  
national provider identifier assigned the provider by the national 56260  
provider system pursuant to 45 C.F.R. 162.408. 56261

(4) The medicaid provider's application for a provider 56262  
agreement is denied, or the provider's provider agreement is 56263  
terminated or suspended, as a result of action by the United 56264

States department of health and human services and that action is 56265  
binding on the provider's medicaid participation. 56266

(5) Pursuant to either section 5164.36 or 5164.37 of the 56267  
Revised Code, the medicaid provider's provider agreement is 56268  
suspended and payments to the provider are suspended pending 56269  
indictment of the provider. 56270

(6) The medicaid provider's application for a provider 56271  
agreement is denied because the provider's application was not 56272  
complete; 56273

(7) The medicaid provider's provider agreement is converted 56274  
under section 5164.32 of the Revised Code from a provider 56275  
agreement that is not time-limited to a provider agreement that is 56276  
time-limited. 56277

(8) Unless the medicaid provider is a nursing facility or 56278  
ICF/IID, the provider's provider agreement is not revalidated 56279  
pursuant to division (B)(1) of section 5164.32 of the Revised 56280  
Code. 56281

(9) The medicaid provider's provider agreement is suspended, 56282  
terminated, or not revalidated because of either of the following: 56283

(a) Any reason authorized or required by one or more of the 56284  
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 56285  
455.450; 56286

(b) The provider has not billed or otherwise submitted a 56287  
medicaid claim for two years or longer. 56288

(F) In the case of a medicaid provider described in division 56289  
(E)(3)(f), (6), (7), or (9)(b) of this section, the department may 56290  
take its action by sending a notice explaining the action to the 56291  
provider. The notice shall be sent to the medicaid provider's 56292  
address on record with the department. The notice may be sent by 56293  
regular mail. 56294

(G) The department may withhold payments for medicaid 56295  
services rendered by a medicaid provider during the pendency of 56296  
proceedings initiated under division (C)(1), (2), or (3) of this 56297  
section. If the proceedings are initiated under division (C)(4) of 56298  
this section, the department may withhold payments only to the 56299  
extent that they equal amounts determined in a final fiscal audit 56300  
as being due the state. This division does not apply if the 56301  
department fails to comply with section 119.07 of the Revised 56302  
Code, requests a continuance of the hearing, or does not issue a 56303  
decision within thirty days after the hearing is completed. This 56304  
division does not apply to nursing facilities and ICFs/IID. 56305

**Sec. 5164.57.** (A) ~~As used in this section, "adjudication" has 56306~~  
~~the same meaning as in section 119.01 of the Revised Code. 56307~~

~~(B)~~(1) Except as provided in division ~~(B)~~(A)(2) of this 56308  
section, the department of medicaid may recover a medicaid payment 56309  
or portion of a payment made to a medicaid provider to which the 56310  
provider is not entitled if the department notifies the provider 56311  
of the overpayment during the five-year period immediately 56312  
following the end of the state fiscal year in which the 56313  
overpayment was made. 56314

(2) In the case of a hospital medicaid provider, if the 56315  
department determines as a result of a medicare or medicaid cost 56316  
report settlement that the provider received an amount under the 56317  
medicaid program to which the provider is not entitled, the 56318  
department may recover the overpayment if the department notifies 56319  
the provider of the overpayment during the later of the following: 56320

(a) The five-year period immediately following the end of the 56321  
state fiscal year in which the overpayment was made; 56322

(b) The one-year period immediately following the date the 56323  
department receives from the United States centers for medicare 56324  
and medicaid services a completed, audited, medicare cost report 56325

for the provider that applies to the state fiscal year in which 56326  
the overpayment was made. 56327

~~(C)~~(B) Among the overpayments that may be recovered under 56328  
this section are the following: 56329

(1) Payment for a medicaid service, or a day of service, not 56330  
rendered; 56331

(2) Payment for a day of service at a full per diem rate that 56332  
should have been paid at a percentage of the full per diem rate; 56333

(3) Payment for a medicaid service, or day of service, that 56334  
was paid by, or partially paid by, a third party, as defined in 56335  
section 5160.35 of the Revised Code, and the third party's payment 56336  
or partial payment was not offset against the amount paid by the 56337  
medicaid program to reduce or eliminate the amount that was paid 56338  
by the medicaid program; 56339

(4) Payment when a medicaid recipient's responsibility for 56340  
payment was understated and resulted in an overpayment to the 56341  
provider. 56342

~~(D)~~(C) The department may recover an overpayment under this 56343  
section prior to or after any of the following: 56344

(1) Adjudication of a final fiscal audit that section 5164.38 56345  
of the Revised Code requires to be conducted in accordance with 56346  
Chapter 119. of the Revised Code; 56347

(2) Adjudication of a finding under any other provision of 56348  
state statutes governing the medicaid program or the rules adopted 56349  
under those statutes; 56350

(3) Expiration of the time to issue a final fiscal audit that 56351  
section 5164.38 of the Revised Code requires to be conducted in 56352  
accordance with Chapter 119. of the Revised Code; 56353

(4) Expiration of the time to issue a finding under any other 56354  
provision of state statutes governing the medicaid program or the 56355

rules adopted under those statutes. 56356

~~(E)~~(D)(1) Subject to division ~~(E)~~(D)(2) of this section, the 56357  
recovery of an overpayment under this section does not preclude 56358  
the department from subsequently doing the following: 56359

(a) Issuing a final fiscal audit in accordance with Chapter 56360  
119. of the Revised Code, as required under section 5164.38 of the 56361  
Revised Code; 56362

(b) Issuing a finding under any other provision of state 56363  
statutes governing the medicaid program or the rules adopted under 56364  
those statutes. 56365

(2) A final fiscal audit or finding issued subsequent to the 56366  
recovery of an overpayment under this section shall be reduced by 56367  
the amount of the prior recovery, as appropriate. 56368

~~(F)~~(E) Nothing in this section limits the department's 56369  
authority to recover overpayments pursuant to any other provision 56370  
of the Revised Code. 56371

**Sec. 5165.01.** As used in this chapter: 56372

(A) "Affiliated operator" means an operator affiliated with 56373  
either of the following: 56374

(1) The exiting operator for whom the affiliated operator is 56375  
to assume liability for the entire amount of the exiting 56376  
operator's debt under the medicaid program or the portion of the 56377  
debt that represents the franchise permit fee the exiting operator 56378  
owes; 56379

(2) The entering operator involved in the change of operator 56380  
with the exiting operator specified in division (A)(1) of this 56381  
section. 56382

(B) ~~"Allowable costs" are a nursing facility's costs that the 56383  
department of medicaid determines are reasonable. Fines paid under 56384~~

~~sections 5165.60 to 5165.89 and section 5165.99 of the Revised Code are not allowable costs.~~ 56385  
56386

~~(C) "Ancillary and support costs" means all reasonable costs incurred by a nursing facility other than direct care costs, tax costs, or capital costs. "Ancillary and support costs" includes, but is not limited to, costs of activities, social services, pharmacy consultants, habilitation supervisors, qualified mental retardation professionals, program directors, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, medical equipment, utilities, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for personnel listed in this division. "Ancillary and support costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the nursing facility's cost report for the cost reporting period ending December 31, 1992.~~ 56387  
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~~(D)(1) "Capital costs" means the actual expense incurred by a nursing facility for all of the following:~~ 56412  
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~~(a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:~~ 56414  
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~~(i) Buildings;~~ 56416

<del>(ii) Building improvements;</del>	56417
<del>(iii) Except as provided in division (C) of this section, equipment;</del>	56418 56419
<del>(iv) Transportation equipment.</del>	56420
<del>(b) Amortization and interest on land improvements and leasehold improvements;</del>	56421 56422
<del>(c) Amortization of financing costs;</del>	56423
<del>(d) Lease and rent of land, buildings, and equipment.</del>	56424
<del>(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.</del>	56425 56426 56427
<del>(E) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.</del>	56428 56429
<del>(F) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.</del>	56430 56431 56432 56433
<del>(G)(C) "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.</del>	56434 56435 56436
<del>(1) Actions that constitute a change of operator include the following:</del>	56437 56438
<del>(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;</del>	56439 56440 56441
<del>(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing</del>	56442 56443 56444 56445

facility is also transferred; 56446

(c) A lease of the nursing facility to the entering operator 56447  
or the exiting operator's termination of the exiting operator's 56448  
lease; 56449

(d) If the exiting operator is a partnership, dissolution of 56450  
the partnership; 56451

(e) If the exiting operator is a partnership, a change in 56452  
composition of the partnership unless both of the following apply: 56453

(i) The change in composition does not cause the 56454  
partnership's dissolution under state law. 56455

(ii) The partners agree that the change in composition does 56456  
not constitute a change in operator. 56457

(f) If the operator is a corporation, dissolution of the 56458  
corporation, a merger of the corporation into another corporation 56459  
that is the survivor of the merger, or a consolidation of one or 56460  
more other corporations to form a new corporation. 56461

(2) The following, alone, do not constitute a change of 56462  
operator: 56463

(a) A contract for an entity to manage a nursing facility as 56464  
the operator's agent, subject to the operator's approval of daily 56465  
operating and management decisions; 56466

(b) A change of ownership, lease, or termination of a lease 56467  
of real property or personal property associated with a nursing 56468  
facility if an entering operator does not become the operator in 56469  
place of an exiting operator; 56470

(c) If the operator is a corporation, a change of one or more 56471  
members of the corporation's governing body or transfer of 56472  
ownership of one or more shares of the corporation's stock, if the 56473  
same corporation continues to be the operator. 56474

~~(H) "Cost center" means the following:~~ 56475

<del>(1) Ancillary and support costs;</del>	56476
<del>(2) Capital costs;</del>	56477
<del>(3) Direct care costs;</del>	56478
<del>(4) Tax costs.</del>	56479
<del>(I) "Custom wheelchair" means a wheelchair to which both of</del>	56480
<del>the following apply:</del>	56481
<del>(1) It has been measured, fitted, or adapted in consideration</del>	56482
<del>of either of the following:</del>	56483
<del>(a) The body size or disability of the individual who is to</del>	56484
<del>use the wheelchair;</del>	56485
<del>(b) The individual's period of need for, or intended use of,</del>	56486
<del>the wheelchair.</del>	56487
<del>(2) It has customized features, modifications, or components,</del>	56488
<del>such as adaptive seating and positioning systems, that the</del>	56489
<del>supplier who assembled the wheelchair, or the manufacturer from</del>	56490
<del>which the wheelchair was ordered, added or made in accordance with</del>	56491
<del>the instructions of the physician of the individual who is to use</del>	56492
<del>the wheelchair.</del>	56493
<del>(J)(D)(1) "Date of licensure" means the following:</del>	56494
<del>(a) In the case of a nursing facility that was required by</del>	56495
<del>law to be licensed as a nursing home under Chapter 3721. of the</del>	56496
<del>Revised Code when it originally began to be operated as a nursing</del>	56497
<del>home, the date the nursing facility was originally so licensed;</del>	56498
<del>(b) In the case of a nursing facility that was not required</del>	56499
<del>by law to be licensed as a nursing home when it originally began</del>	56500
<del>to be operated as a nursing home, the date it first began to be</del>	56501
<del>operated as a nursing home, regardless of the date the nursing</del>	56502
<del>facility was first licensed as a nursing home.</del>	56503
<del>(2) If, after a nursing facility's original date of</del>	56504

licensure, more nursing home beds are added to the nursing facility, the nursing facility has a different date of licensure for the additional beds. This does not apply, however, to additional beds when both of the following apply:

(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the continuing beds already located in that part of the nursing facility;

(b) The part of the nursing facility in which the additional beds are located was constructed as part of the nursing facility at a time when the nursing facility was not required by law to be licensed as a nursing home.

(3) The definition of "date of licensure" in this section applies in determinations of nursing facilities' medicaid payment rates but does not apply in determinations of nursing facilities' franchise permit fees.

~~(K) "Desk reviewed" means that a nursing facility's costs as reported on a cost report submitted under section 5165.10 of the Revised Code have been subjected to a desk review under section 5165.108 of the Revised Code and preliminarily determined to be allowable costs.~~

~~(L) "Direct care costs" means all of the following costs incurred by a nursing facility:~~

~~(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the nursing facility;~~

~~(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, and except as provided in division (L)(8) of this section, other persons holding degrees qualifying them to provide therapy;~~

~~(3) Costs of purchased nursing services;~~

~~(4) Costs of quality assurance;~~

<del>(5) Costs of training and staff development, employee</del>	56535
<del>benefits, payroll taxes, and workers' compensation premiums or</del>	56536
<del>costs for self insurance claims and related costs as specified in</del>	56537
<del>rules adopted under section 5165.02 of the Revised Code, for</del>	56538
<del>personnel listed in divisions (L)(1), (2), (4), and (8) of this</del>	56539
<del>section;</del>	56540
<del>(6) Costs of consulting and management fees related to direct</del>	56541
<del>care;</del>	56542
<del>(7) Allocated direct care home office costs;</del>	56543
<del>(8) Costs of habilitation staff (other than habilitation</del>	56544
<del>supervisors), medical supplies, emergency oxygen, over the counter</del>	56545
<del>pharmacy products, behavioral and mental health services, physical</del>	56546
<del>therapists, physical therapy assistants, occupational therapists,</del>	56547
<del>occupational therapy assistants, speech therapists, audiologists,</del>	56548
<del>habilitation supplies, and universal precautions supplies;</del>	56549
<del>(9) Until January 1, 2014, costs of oxygen, wheelchairs, and</del>	56550
<del>resident transportation;</del>	56551
<del>(10) Beginning January 1, 2014, costs of both of the</del>	56552
<del>following;</del>	56553
<del>(a) Emergency oxygen;</del>	56554
<del>(b) Wheelchairs other than the following:</del>	56555
<del>(i) Custom wheelchairs;</del>	56556
<del>(ii) Repairs to and replacements of custom wheelchairs and</del>	56557
<del>parts that are made in accordance with the instructions of the</del>	56558
<del>physician of the individual who uses the custom wheelchair.</del>	56559
<del>(11) Costs of other direct care resources that are specified</del>	56560
<del>as direct care costs in rules adopted under section 5165.02 of the</del>	56561
<del>Revised Code.</del>	56562
<del>(M)(E) "Dual eligible individual" has the same meaning as in</del>	56563
<del>section 5160.01 of the Revised Code.</del>	56564

~~(N)~~(F) "Effective date of a change of operator" means the day 56565  
the entering operator becomes the operator of the nursing 56566  
facility. 56567

~~(O)~~(G) "Effective date of a facility closure" means the last 56568  
day that the last of the residents of the nursing facility resides 56569  
in the nursing facility. 56570

~~(P)~~(H) "Effective date of an involuntary termination" means 56571  
the date the department of medicaid terminates the operator's 56572  
provider agreement for the nursing facility. 56573

~~(Q)~~(I) "Effective date of a voluntary withdrawal of 56574  
participation" means the day the nursing facility ceases to accept 56575  
new medicaid residents other than the individuals who reside in 56576  
the nursing facility on the day before the effective date of the 56577  
voluntary withdrawal of participation. 56578

~~(R)~~(J) "Entering operator" means the person or government 56579  
entity that will become the operator of a nursing facility when a 56580  
change of operator occurs or following an involuntary termination. 56581

~~(S)~~(K) "Exiting operator" means any of the following: 56582

(1) An operator that will cease to be the operator of a 56583  
nursing facility on the effective date of a change of operator; 56584

(2) An operator that will cease to be the operator of a 56585  
nursing facility on the effective date of a facility closure; 56586

(3) An operator of a nursing facility that is undergoing or 56587  
has undergone a voluntary withdrawal of participation; 56588

(4) An operator of a nursing facility that is undergoing or 56589  
has undergone an involuntary termination. 56590

~~(T)~~(L)(1) Subject to divisions ~~(T)~~(L)(2) and (3) of this 56591  
section, "facility closure" means either of the following: 56592

(a) Discontinuance of the use of the building, or part of the 56593  
building, that houses the facility as a nursing facility that 56594

results in the relocation of all of the nursing facility's residents; 56595  
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(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use. 56597  
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(2) A facility closure occurs regardless of any of the following: 56603  
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(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility; 56605  
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(b) The nursing facility's residents relocating to another of the operator's nursing facilities; 56609  
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(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities; 56611  
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(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code. 56615  
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(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs. 56618  
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~~(U)~~(M) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code. 56623  
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<del>(V)</del> <u>(N)</u> "Franchise permit fee" means the fee imposed by sections 5168.40 to 5168.56 of the Revised Code.	56625 56626
<del>(W)</del> "Inpatient days" means both of the following:	56627
<del>(1) All days during which a resident, regardless of payment source, occupies a bed in a nursing facility that is included in the nursing facility's medicaid certified capacity;</del>	56628 56629 56630
<del>(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code.</del>	56631 56632
<del>(X)</del> <u>(O)</u> "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request.	56633 56634 56635 56636
<del>(Y) "Low resource utilization resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid payment rate for direct care costs, is placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data.</del>	56637 56638 56639 56640 56641 56642 56643
<del>(Z) "Maintenance and repair expenses" means a nursing facility's expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes but is not limited to the costs of ordinary repairs such as painting and wallpapering.</del>	56644 56645 56646 56647 56648 56649
<del>(AA)</del> <u>(P)</u> "Medicaid-certified capacity" means the number of a nursing facility's beds that are certified for participation in medicaid as nursing facility beds.	56650 56651 56652
<del>(BB)</del> <u>(Q)</u> "Medicaid <del>days</del> <u>day</u> " means both of the following:	56653
<del>(1) All days</del> <u>Each day</u> during which a resident who is a	56654

medicaid recipient eligible for nursing facility services occupies 56655  
a bed in a nursing facility that is included in the nursing 56656  
facility's medicaid-certified capacity; 56657

(2) Fifty per cent of ~~the days~~ each day for which payment is 56658  
made under section 5165.34 of the Revised Code. 56659

~~(CC)~~(R)(1) "New nursing facility" means a nursing facility 56660  
for which the provider obtains an initial provider agreement 56661  
following medicaid certification of the nursing facility by the 56662  
director of health, including such a nursing facility that 56663  
replaces one or more nursing facilities for which a provider 56664  
previously held a provider agreement. 56665

(2) "New nursing facility" does not mean a nursing facility 56666  
for which the entering operator seeks a provider agreement 56667  
pursuant to section 5165.511 or 5165.512 or (pursuant to section 56668  
5165.515) section 5165.07 of the Revised Code. 56669

~~(DD)~~(S) "Nursing facility" has the same meaning as in the 56670  
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 56671

~~(EE)~~(T) "Nursing facility services" has the same meaning as 56672  
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 56673

~~(FF)~~(U) "Nursing home" has the same meaning as in section 56674  
3721.01 of the Revised Code. 56675

~~(GG)~~(V) "Operator" means the person or government entity 56676  
responsible for the daily operating and management decisions for a 56677  
nursing facility. 56678

~~(HH)~~(W)(1) "Owner" means any person or government entity that 56679  
has at least five per cent ownership or interest, either directly, 56680  
indirectly, or in any combination, in any of the following 56681  
regarding a nursing facility: 56682

(a) The land on which the nursing facility is located; 56683

(b) The structure in which the nursing facility is located; 56684

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the nursing facility is located; 56685  
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(d) Any lease or sublease of the land or structure on or in which the nursing facility is located. 56688  
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(2) "Owner" does not mean a holder of a debenture or bond related to the nursing facility and purchased at public issue or a regulated lender that has made a loan related to the nursing facility unless the holder or lender operates the nursing facility directly or through a subsidiary. 56690  
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~~(II) "Per diem" means a nursing facility's actual, allowable costs in a given cost center in a cost reporting period, divided by the nursing facility's inpatient days for that cost reporting period.~~ 56695  
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~~(JJ)~~(X) "Provider" means an operator with a provider agreement. 56699  
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~~(KK)~~(Y) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of a nursing facility for the provision of nursing facility services under the medicaid program. 56701  
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~~(LL) "Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the nursing facility.~~ 56706  
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~~(MM) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.~~ 56710  
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~~(NN) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the provider.~~ 56716  
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~~(1) An individual who is a relative of an owner is a related party.~~ 56720  
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~~(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.~~ 56722  
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~~(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.~~ 56731  
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~~(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:~~ 56734  
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~~(a) The supplier is a separate bona fide organization.~~ 56737

~~(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.~~ 56738  
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~~(c) The types of goods or services are commonly obtained by other nursing facilities from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by nursing facilities.~~ 56742  
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~~(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.~~ 56746  
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~~(OO) "Relative of owner" means an individual who is related to an owner of a nursing facility by one of the following relationships:~~ 56750  
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~~(1) Spouse;~~ 56753

~~(2) Natural parent, child, or sibling;~~ 56754

~~(3) Adopted parent, child, or sibling;~~ 56755

~~(4) Stepparent, stepchild, stepbrother, or stepsister;~~ 56756

~~(5) Father in law, mother in law, son in law, daughter in law, brother in law, or sister in law;~~ 56757  
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~~(6) Grandparent or grandchild;~~ 56759

~~(7) Foster caregiver, foster child, foster brother, or foster sister.~~ 56760  
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~~(PP)(Z)~~ "Residents' rights advocate" has the same meaning as in section 3721.10 of the Revised Code. 56762  
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~~(QQ)(AA)~~ "Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a). 56764  
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~~(RR)(BB)~~ "Sponsor" has the same meaning as in section 3721.10 of the Revised Code. 56767  
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~~(SS) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.~~ 56769  
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~~(TT)(CC)~~ "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq. 56772  
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~~(UU)(DD)~~ "Title XVIII" means Title XVIII of the "Social 56774

Security Act," 42 U.S.C. 1395 et seq. 56775

~~(VV)~~(EE) "Voluntary withdrawal of participation" means an 56776  
operator's voluntary election to terminate the participation of a 56777  
nursing facility in the medicaid program but to continue to 56778  
provide service of the type provided by a nursing facility. 56779

**Sec. 5165.10.** ~~(A) Except as provided in division (C) of this 56780  
section, each Each nursing facility provider, at times the 56781  
department of medicaid requires, shall file with the department of 56782  
medicaid an annual a cost report for each of the provider's 56783  
nursing facilities that participate in the medicaid program. The 56784  
cost report for a year shall cover the calendar year or the 56785  
portion of the calendar year during which the nursing facility 56786  
participated in the medicaid program. Except as provided in 56787  
division (D) of this section, the cost report is due not later 56788  
than ninety days after the end of the calendar year, or portion of 56789  
the calendar year, that the cost report covers. 56790~~

~~(B) If a nursing facility undergoes a change of provider that 56791  
the department determines, in accordance with rules adopted under 56792  
section 5165.02 of the Revised Code, is not an arm's length 56793  
transaction, the new provider shall file the nursing facility's 56794  
cost report in accordance with division (A) of this section and 56795  
the cost report shall cover the portion of the calendar year 56796  
during which the new provider operated the nursing facility and 56797  
the portion of the calendar year during which the previous 56798  
provider operated the nursing facility. 56799~~

~~(C) The provider of a new nursing facility is not required to 56800  
file a cost report in accordance with division (A) of this section 56801  
for the first calendar year that the provider has a provider 56802  
agreement for the nursing facility if the initial provider 56803  
agreement goes into effect after the first day of October of that 56804  
calendar year. The provider shall file a cost report for the 56805~~

~~nursing facility in accordance with division (A) of this section 56806  
for the immediately following calendar year. 56807~~

~~(D) The department may grant to a provider a fourteen day 56808  
extension to file a cost report under this section if the provider 56809  
provides the department a written request for the extension and 56810  
the department determines that there is good cause for the 56811  
extension. 56812~~

**Sec. 5165.106.** If a nursing facility provider required by 56813  
section 5165.10 of the Revised Code to file a cost report for the 56814  
nursing facility fails to file the cost report by the date it is 56815  
due ~~or the date, if any, to which the due date is extended~~ 56816  
~~pursuant to division (D) of that section,~~ or files an incomplete 56817  
or inadequate report for the nursing facility under that section, 56818  
the department of medicaid shall provide immediate written notice 56819  
to the provider that the provider agreement for the nursing 56820  
facility will be terminated in thirty days unless the provider 56821  
submits a complete and adequate cost report for the nursing 56822  
facility within thirty days. During the thirty-day termination 56823  
period or any additional time allowed for an appeal of the 56824  
proposed termination of a provider agreement, the provider shall 56825  
be paid the nursing facility's then current per medicaid day 56826  
payment rate, minus the dollar amount by which nursing facility's 56827  
per medicaid day payment rates are reduced ~~during fiscal year 2013~~ 56828  
~~in accordance with division (A)(2) of section 5111.26 of the~~ 56829  
~~Revised Code (renumbered as section 5165.10 of the Revised Code by~~ 56830  
~~H.B. 59 of the 130th general assembly) as that section existed on~~ 56831  
~~the day immediately preceding September 29, 2013 in accordance~~ 56832  
~~with rules adopted under section 5165.02 of the Revised Code. On~~ 56833  
~~the first day of each July, the department shall adjust the amount~~ 56834  
~~of the reduction in effect during the previous twelve months to~~ 56835  
~~reflect the rate of inflation during the preceding twelve months,~~ 56836  
~~as shown in the consumer price index for all items for all urban~~ 56837

~~consumers for the north central region, published by the United States bureau of labor statistics.~~ 56838  
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**Sec. 5165.109.** (A) The department of medicaid may conduct an audit, as defined in rules adopted under section 5165.02 of the Revised Code, of any cost report filed under section 5165.10 or 5165.522 of the Revised Code. The decision whether to conduct an audit and the scope of the audit, which may be a desk or field audit, may be determined based on prior performance of the provider, a risk analysis, or other evidence that gives the department reason to believe that the provider has reported costs improperly. A desk or field audit may be performed annually, but is required whenever a provider does not pass the risk analysis tolerance factors. 56840  
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(B) Audits shall be conducted by auditors under contract with the department, auditors working for firms under contract with the department, or auditors employed by the department. 56851  
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The department may establish a contract for the auditing of nursing facilities by outside firms. Each contract entered into by bidding shall be effective for one to two years. 56854  
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(C) The department shall notify a provider of the findings of an audit of a cost report by issuing an audit report. The audit report shall include notice of any fine imposed under section 5165.1010 of the Revised Code. The department shall issue the audit report not later than three years after the earlier of the following: 56857  
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(1) The date the cost report is filed; 56863

(2) The date a desk or field audit of the cost report or a cost report for a subsequent cost reporting period is completed. 56864  
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(D) The department shall prepare a written summary of any audit disallowance that is made after the effective date of the 56866  
56867

rate that is based on the cost. Where the provider is pursuing 56868  
judicial or administrative remedies in good faith regarding the 56869  
disallowance, the department shall not withhold from the 56870  
provider's current payments any amounts the department claims to 56871  
be due from the provider pursuant to section 5165.41 of the 56872  
Revised Code. 56873

(E)(1) The department shall establish an audit manual and 56874  
program for field audits conducted under this section. Each 56875  
auditor conducting a field audit under this section shall follow 56876  
the audit manual and program, regardless of whether the auditor is 56877  
under contract with the department, works for a firm under 56878  
contract with the department, or is employed by the department. 56879  
The manual and program shall do both of the following: 56880

(a) Require each field audit to be conducted by an auditor to 56881  
whom all of the following apply: 56882

(i) During the period of the auditor's contract, firm's 56883  
contract, or auditor's employment with the department, the auditor 56884  
or firm does not have and is not committed to acquire any direct 56885  
or indirect financial interest in the ownership, financing, or 56886  
operation of nursing facilities in this state. 56887

(ii) The auditor does not audit any provider that has been a 56888  
client of the auditor or the auditor's firm. 56889

(iii) The auditor is otherwise independent as determined by 56890  
the standards of independence included in the government auditing 56891  
standards produced by the United States government accountability 56892  
office. 56893

(b) Require each auditor conducting a field audit to do all 56894  
of the following: 56895

(i) Comply with applicable rules prescribed pursuant to Title 56896  
XVIII and Title XIX; 56897

(ii) Consider generally accepted auditing standards 56898  
prescribed by the American institute of certified public 56899  
accountants; 56900

(iii) Include a written summary as to whether the costs 56901  
included in the cost report examined during the audit are 56902  
allowable and are presented in accordance with state and federal 56903  
laws and regulations, and whether, in all material respects, 56904  
allowable costs are documented, reasonable, and related to patient 56905  
care; 56906

(iv) Complete the audit within the time period specified by 56907  
the department; 56908

(v) Provide to the provider complete written interpretations 56909  
that explain in detail the application of all relevant contract 56910  
provisions, regulations, auditing standards, rate formulae, and 56911  
departmental policies, with explanations and examples, that are 56912  
sufficient to permit the provider to calculate with reasonable 56913  
certainty those costs that are allowable ~~and the rate to which the~~ 56914  
~~provider's nursing facility is entitled.~~ 56915

(2) For the purpose of division (E)(1)(a)(i) of this section, 56916  
employment of a member of an auditor's family by a nursing 56917  
facility that the auditor does not audit does not constitute a 56918  
direct or indirect financial interest in the ownership, financing, 56919  
or operation of the nursing facility. 56920

**Sec. 5165.155.** (A) As used in this section, "medicaid maximum 56921  
allowable amount" means one hundred per cent of a nursing 56922  
facility's total per medicaid day payment rate. 56923

(B) ~~Instead of paying the total per medicaid day payment rate~~ 56924  
~~determined under section 5165.15 of the Revised Code, the The~~ 56925  
department of medicaid shall pay the provider of a nursing 56926  
facility the lesser of the following for nursing facility services 56927

the nursing facility provides on or after January 1, 2012, to a dual eligible individual who is eligible for nursing facility services under the medicaid program and post-hospital extended care services under Part A of Title XVIII:

(1) The coinsurance amount for the services as provided under Part A of Title XVIII;

(2) The medicaid maximum allowable amount for the services, less the amount paid under Part A of Title XVIII for the services.

**Sec. 5165.158.** (A) As used in this section:

(1) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days.

(2) "Measurement period" means the following:

(a) For fiscal year 2017, the period beginning July 1, 2015, and ending December 31, 2015;

(b) For each subsequent fiscal year, the calendar year immediately preceding the fiscal year.

(3) "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code.

(4) "Quality increase portion" means the amount by which a nursing facility's total per medicaid day payment rate is increased under division (C) of this section.

(5) "Short-stay resident" means a nursing facility resident who is not a long-stay resident.

(B) The department of medicaid shall determine a quality reserve per medicaid day reduction amount for fiscal year 2017 and each fiscal year thereafter. Each nursing facility's total per medicaid day payment rate for a fiscal year shall be reduced by the quality reserve per medicaid day reduction amount in effect for the fiscal year.

(C)(1) Using not more than the funds made available for a 56957  
fiscal year by the rate reductions under division (B) of this 56958  
section, the department shall increase the total per medicaid day 56959  
payment rate to be paid for that fiscal year to each nursing 56960  
facility that meets at least one of the quality indicators 56961  
specified in division (C)(2) of this section for the measurement 56962  
period. The largest increase available for a fiscal year shall be 56963  
made to nursing facilities that meet all of the quality indicators 56964  
for the measurement period. 56965

(2) The following are the quality indicators to be used for 56966  
the purpose of division (C)(1) of this section: 56967

(a) The nursing facility's residents received an average of 56968  
at least two and eight-tenths hours of direct care per inpatient 56969  
day from nurse aides and an average of at least one and 56970  
three-tenths hours of nursing care per inpatient day from 56971  
registered nurses, other than the nursing facility's director of 56972  
nursing, and from licensed practical nurses. 56973

(b) At least eighty-five per cent of the nursing facility's 56974  
long-stay residents received direct care from not more than twelve 56975  
different nurse aides during any thirty-day period. 56976

(c) Not more than the target percentage of the nursing 56977  
facility's short-stay residents had new or worsened pressure 56978  
ulcers and not more than the target percentage of long-stay 56979  
residents at high risk for pressure ulcers had pressure ulcers. 56980

(d) Not more than the target percentage of the nursing 56981  
facility's short-stay residents newly received an antipsychotic 56982  
medication and not more than the target percentage of the nursing 56983  
facility's long-stay residents received an antipsychotic 56984  
medication. 56985

(e) The number of the nursing facility's residents who had 56986  
avoidable inpatient hospital admissions did not exceed the target 56987

rate. 56988

(3) The department shall specify the target percentage for 56989  
the purpose of divisions (C)(2)(c) and (d) of this section. The 56990  
amount specified for division (C)(2)(c) of this section may differ 56991  
from the amount specified for division (C)(2)(d) of this section 56992  
and the amount specified for short-stay residents may differ from 56993  
the amount specified for long-stay residents. The department also 56994  
shall specify the target rate for the purpose of division 56995  
(C)(2)(e) of this section. 56996

(D) If a nursing facility undergoes a change of operator 56997  
during a fiscal year, the quality increase portion of the total 56998  
per medicaid day payment rate to be paid to the entering operator 56999  
for nursing facility services that the nursing facility provides 57000  
during the period beginning on the effective date of the change of 57001  
operator and ending on the last day of the fiscal year shall be 57002  
the same amount as the quality increase portion of the total per 57003  
medicaid day payment rate that was in effect on the day 57004  
immediately preceding the effective date of the change of operator 57005  
and paid to the nursing facility's exiting operator. For the 57006  
immediately following fiscal year, the quality increase portion 57007  
shall be the following: 57008

(1) If the effective date of the change of operator is on or 57009  
before the first day of October of the calendar year immediately 57010  
preceding the fiscal year, the amount determined for the nursing 57011  
facility in accordance with division (C) of this section for the 57012  
fiscal year; 57013

(2) If the effective date of the change of operator is after 57014  
the first day of October of the calendar year immediately 57015  
preceding the fiscal year, the mean quality increase portion of 57016  
all nursing facilities' total per medicaid day payment rates for 57017  
the fiscal year. 57018

(E) For the portion of the first fiscal year that a new nursing facility provides nursing facility services, the nursing facility's quality increase portion shall be the mean quality increase portion of all nursing facilities' total per medicaid day payment rates for the fiscal year.

**Sec. 5165.193.** (A) The department of medicaid may, pursuant to rules authorized by this section, conduct an exception review of resident assessment data submitted by a nursing facility provider under section 5165.191 of the Revised Code. The department may conduct an exception review based on the findings of a medicaid certification survey conducted by the department of health, a risk analysis, or prior performance of the provider.

Exception reviews shall be conducted at the nursing facility by appropriate health professionals under contract with or employed by the department. The professionals may review resident assessment forms and supporting documentation, conduct interviews, and observe residents to identify any patterns or trends of inaccurate resident assessments and resulting inaccurate case-mix scores.

(B) If an exception review is conducted before the effective date of a nursing facility's medicaid payment rate for direct care costs that is based on the resident assessment data being reviewed and the review results in findings that exceed tolerance levels specified in the rules authorized by this section, the department, in accordance with those rules, may use the findings to redetermine individual resident case-mix scores, the nursing facility's case-mix score for the quarter, and the nursing facility's annual average case-mix score. The department may use the nursing facility's redetermined quarterly and annual average case-mix scores to determine the nursing facility's rate for direct care costs for the appropriate calendar quarter or

quarters. 57050

(C) The department shall prepare a written summary of any 57051  
exception review finding that is made after the effective date of 57052  
a nursing facility's medicaid payment rate for direct care costs 57053  
that is based on the resident assessment data that was reviewed. 57054  
Where the provider is pursuing judicial or administrative remedies 57055  
in good faith regarding the finding, the department shall not 57056  
withhold from the provider's current medicaid payments any amounts 57057  
the department claims to be due from the provider pursuant to 57058  
section 5165.41 of the Revised Code. 57059

(D)(1) The medicaid director shall adopt rules under section 57060  
5165.02 of the Revised Code as necessary to implement this 57061  
section. The rules shall establish an exception review program 57062  
that does all of the following: 57063

(a) Requires each exception review to comply with Title XVIII 57064  
and Title XIX; 57065

(b) Requires a written summary for each exception review that 57066  
states whether resident assessment forms have been completed 57067  
accurately; 57068

(c) Prohibits each health professional who conducts an 57069  
exception review from doing either of the following: 57070

(i) During the period of the professional's contract or 57071  
employment with the department, having or being committed to 57072  
acquire any direct or indirect financial interest in the 57073  
ownership, financing, or operation of nursing facilities in this 57074  
state; 57075

(ii) Reviewing any provider that has been a client of the 57076  
professional. 57077

(2) For the purposes of division (D)(1)(c)(i) of this 57078  
section, employment of a member of a health professional's family 57079

by a nursing facility that the professional does not review does 57080  
not constitute a direct or indirect financial interest in the 57081  
ownership, financing, or operation of the nursing facility. 57082

**Sec. 5165.40.** If a nursing facility provider properly amends 57083  
a cost report for the nursing facility in accordance with rules 57084  
adopted under section ~~5165.107~~ 5165.02 of the Revised Code and the 57085  
amended cost report shows that the provider received a lower 57086  
medicaid payment rate under the original cost report than the 57087  
provider was entitled to receive, the department of medicaid shall 57088  
adjust the provider's rate for the nursing facility prospectively 57089  
to reflect the corrected information. The department shall pay the 57090  
adjusted rate beginning two months after the first day of the 57091  
month after the provider files the amended cost report. 57092

If the department finds, from an exception review of resident 57093  
assessment data conducted pursuant to section 5165.193 of the 57094  
Revised Code after the effective date of a nursing facility's 57095  
medicaid payment rate for direct care costs that is based on the 57096  
resident assessment data, that inaccurate resident assessment data 57097  
resulted in the provider receiving a lower rate for the nursing 57098  
facility than it was entitled to receive, the department 57099  
prospectively shall adjust the provider's rate accordingly. The 57100  
department shall make payments to the provider using the adjusted 57101  
rate for the remainder of the six-month period for which the 57102  
resident assessment data is used to determine the rate, beginning 57103  
one month after the first day of the month after the exception 57104  
review is completed. 57105

**Sec. 5165.41.** (A) The department of medicaid shall 57106  
redetermine a provider's medicaid payment rate for a nursing 57107  
facility using revised information if any of the following results 57108  
in a determination that the provider received a higher medicaid 57109  
payment rate for the nursing facility than the provider was 57110

entitled to receive: 57111

(1) The provider properly amends a cost report for the 57112  
nursing facility in accordance with rules adopted under section 57113  
~~5165.107~~ 5165.02 of the Revised Code~~+~~. 57114

(2) The department makes a finding based on an audit under 57115  
section 5165.109 of the Revised Code~~+~~. 57116

(3) The department makes a finding based on an exception 57117  
review of resident assessment data conducted under section 57118  
5165.193 of the Revised Code after the effective date of the 57119  
nursing facility's rate for direct care costs that is based on the 57120  
resident assessment data~~+~~. 57121

(4) The department makes a finding based on a post-payment 57122  
review conducted under section 5165.49 of the Revised Code. 57123

(B) The department shall apply the redetermined rate to the 57124  
periods when the provider received the incorrect rate to determine 57125  
the amount of the overpayment. The provider shall refund the 57126  
amount of the overpayment. The department may charge the provider 57127  
the following amount of interest from the time the overpayment was 57128  
made: 57129

(1) If the overpayment resulted from costs reported for 57130  
calendar year 1993, the interest shall be no greater than one and 57131  
one-half times the current average bank prime rate. 57132

(2) If the overpayment resulted from costs reported for a 57133  
subsequent calendar year: 57134

(a) The interest shall be no greater than two times the 57135  
current average bank prime rate if the overpayment was no more 57136  
than one per cent of the total medicaid payments to the provider 57137  
for the fiscal year for which the overpayment was made. 57138

(b) The interest shall be no greater than two and one-half 57139  
times the current average bank prime rate if the overpayment was 57140

more than one per cent of the total medicaid payments to the 57141  
provider for the fiscal year for which the overpayment was made. 57142

**Sec. 5165.99.** (A) Whoever violates ~~section 5165.102 or~~ 57143  
division (E) of section 5165.08 of the Revised Code shall be fined 57144  
not less than five hundred dollars nor more than one thousand 57145  
dollars for the first offense and not less than one thousand 57146  
dollars nor more than five thousand dollars for each subsequent 57147  
offense. Fines paid under this section shall be deposited in the 57148  
state treasury to the credit of the general revenue fund. 57149

(B) Whoever violates division (D) of section 5165.88 of the 57150  
Revised Code is guilty of registering a false complaint, a 57151  
misdemeanor of the first degree. 57152

**Sec. 5166.30.** (A) As used in sections 5166.30 to 5166.3010 of 57153  
the Revised Code: 57154

(1) "Adult" means an individual at least eighteen years of 57155  
age. 57156

(2) "Appropriate director" means the following: 57157

(a) The medicaid director in the context of all of the 57158  
following: 57159

(i) The Ohio home care waiver program, unless it is 57160  
terminated pursuant to section 5166.12 of the Revised Code; 57161

(ii) The Ohio transitions II aging carve-out program, unless 57162  
it is terminated pursuant to section 5166.13 of the Revised Code; 57163

(iii) The integrated care delivery system medicaid waiver 57164  
component authorized by section 5166.16 of the Revised Code. 57165

(b) The director of aging in the context of the 57166  
medicaid-funded component of the PASSPORT program, unless it is 57167  
terminated pursuant to division (C) of section 173.52 of the 57168  
Revised Code. 57169

(3) "Authorized representative" means the following:	57170
(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;	57171 57172
(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5166.3010 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services.	57173 57174 57175 57176
(4) "Authorizing health care professional" means a health care professional who, pursuant to section 5166.307 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.	57177 57178 57179 57180
(5) "Consumer" means an individual to whom all of the following apply:	57181 57182
(a) The individual is enrolled in a participating medicaid waiver component.	57183 57184
(b) The individual has a medically determinable physical impairment to which both of the following apply:	57185 57186
(i) It is expected to last for a continuous period of not less than twelve months.	57187 57188
(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.	57189 57190 57191 57192
(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant.	57193 57194 57195 57196
(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care	57197 57198 57199

attendant.	57200
(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	57201 57202
(7) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.	57203 57204
(8) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.	57205 57206
(9) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.	57207 57208
(10) "Health care professional" means a physician or registered nurse.	57209 57210
(11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers.	57211 57212 57213 57214
(12) "Home care attendant services" means all of the following as provided by a home care attendant:	57215 57216
(a) Personal care aide services;	57217
(b) Assistance with the self-administration of medication;	57218
(c) Assistance with nursing tasks.	57219
(13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.	57220 57221
(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.	57222 57223
(15) "Minor" means an individual under eighteen years of age.	57224
(16) <del>"Participating</del> <u>Except as provided in division (C) of this section, "participating</u> medicaid waiver component" means all of the following:	57225 57226 57227

(a) The medicaid-funded component of the PASSPORT program, 57228  
unless it is terminated pursuant to division (C) of section 173.52 57229  
of the Revised Code; 57230

(b) The Ohio home care waiver program, unless it is 57231  
terminated pursuant to section 5166.12 of the Revised Code; 57232

(c) The Ohio transitions II aging carve-out program, unless 57233  
it is terminated pursuant to section 5166.13 of the Revised Code; 57234

(d) The integrated care delivery system medicaid waiver 57235  
component authorized by section 5166.16 of the Revised Code. 57236

(17) "Physician" means an individual authorized under Chapter 57237  
4731. of the Revised Code to practice medicine and surgery or 57238  
osteopathic medicine and surgery. 57239

(18) "Practice of nursing as a registered nurse," "practice 57240  
of nursing as a licensed practical nurse," and "registered nurse" 57241  
have the same meanings as in section 4723.01 of the Revised Code. 57242  
"Registered nurse" includes an advanced practice registered nurse, 57243  
as defined in section 4723.01 of the Revised Code. 57244

(19) "Schedule II," "schedule III," "schedule IV," and 57245  
"schedule V" have the same meanings as in section 3719.01 of the 57246  
Revised Code. 57247

(B) Participating medicaid waiver components may cover home 57248  
care attendant services in accordance with sections 5166.30 to 57249  
5166.3010 of the Revised Code and rules adopted under section 57250  
5166.02 of the Revised Code. 57251

(C)(1) Subject to division (C)(2) of this section, the Ohio 57252  
home care waiver program and the Ohio transitions II aging 57253  
carve-out program shall cease to be participating medicaid waiver 57254  
components as follows: 57255

(a) In the context of initial provider agreements with home 57256  
care attendants, July 1, 2016; 57257

(b) In the context of home care attendants' provider agreements that are in effect on June 30, 2016, pursuant to the phase-out plan developed under division (C)(2) of section 5164.302 of the Revised Code. 57258  
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(2)(a) The Ohio home care waiver program shall continue to be a participating medicaid waiver component if a participant-directed service delivery system applicable to home care attendant services is added to the program on or after the effective date of this amendment. 57262  
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(b) The Ohio transitions II aging carve-out program shall continue to be a participating medicaid waiver component if a participant-directed service delivery system applicable to home care attendant services is added to the program on or after the effective date of this amendment. 57267  
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Sec. 5166.40. As used in this section and sections 5166.41 to 5166.55 of the Revised Code: 57272  
57273

(A) "Assistive personnel" means persons who are employed by or under contract with a person or government entity, other than an independent provider as defined in section 5164.341 of the Revised Code, to provide home and community-based services, except that "assistive personnel" does not include health care professionals as defined in section 2305.234 of the Revised Code. 57274  
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57276  
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(B) "Drug" has the same meaning as in section 4729.01 of the Revised Code. 57280  
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(C) "Health-related activities" means the following: 57282

(1) Taking vital signs; 57283

(2) Application of clean dressings that do not require health assessment; 57284  
57285

(3) Basic measurement of bodily intake and output; 57286

<u>(4) Oral suctioning;</u>	57287
<u>(5) Use of glucometers;</u>	57288
<u>(6) External urinary catheter care;</u>	57289
<u>(7) Emptying and replacing ostomy bags;</u>	57290
<u>(8) Collection of specimens by noninvasive means;</u>	57291
<u>(9) Use of continuous positive airway pressure machines;</u>	57292
<u>(10) Use of biphasic positive airway machines;</u>	57293
<u>(11) Use of pulse oximeters.</u>	57294
<u>(D) "Nursing delegation" means the process established in</u>	57295
<u>rules adopted by the board of nursing pursuant to Chapter 4723. of</u>	57296
<u>the Revised Code under which a registered nurse or licensed</u>	57297
<u>practical nurse acting at the direction of a registered nurse</u>	57298
<u>transfers the performance of a particular nursing activity or task</u>	57299
<u>to another person who is not otherwise authorized to perform the</u>	57300
<u>activity or task.</u>	57301
<u>(E) "Prescribed medication" means a drug that is to be</u>	57302
<u>administered according to the instructions of a licensed health</u>	57303
<u>professional authorized to prescribe drugs as described in section</u>	57304
<u>4729.01 of the Revised Code.</u>	57305
<u>(F) "Tube feeding" means the provision of nutrition to an</u>	57306
<u>individual through a gastrostomy tube or a jejunostomy tube.</u>	57307
<b><u>Sec. 5166.41. (A) Assistive personnel who are not</u></b>	57308
<b><u>specifically authorized by other provisions of the Revised Code to</u></b>	57309
<b><u>administer prescribed medications, perform health-related</u></b>	57310
<b><u>activities, or perform tube feedings may do so pursuant to this</u></b>	57311
<b><u>section as part of the home and community-based services the</u></b>	57312
<b><u>assistive personnel provide to individuals enrolled in a home and</u></b>	57313
<b><u>community-based services medicaid waiver component administered by</u></b>	57314
<b><u>the department of medicaid.</u></b>	57315

(B) All of the following apply to the authority of assistive personnel to administer prescribed medications, perform health-related activities, and perform tube feedings pursuant to this section: 57316  
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(1) Without nursing delegation, assistive personnel may perform health-related activities and administer oral and topical prescribed medications. 57320  
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57322

(2) With nursing delegation, assistive personnel may do all of the following: 57323  
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(a) Administer prescribed medications through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled; 57325  
57326

(b) Perform routine tube feedings, if the gastrostomy and jejunostomy tubes being used are stable and labeled; 57327  
57328

(c) Administer routine doses of insulin through subcutaneous injections, insulin pumps, and inhalation. 57329  
57330

(C) The authority of assistive personnel to administer prescribed medications, perform health-related activities, and perform tube feedings pursuant to this section is subject to all of the following: 57331  
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57333  
57334

(1) To administer prescribed medications, perform health-related activities, or perform tube feedings for individuals enrolled in a home and community-based medicaid waiver component administered by the department of medicaid, assistive personnel shall obtain either of the following: 57335  
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57337  
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(a) The certificate or certificates required by the department of medicaid and issued under section 5166.47 of the Revised Code; 57340  
57341  
57342

(b) The certificate or certificates issued under section 5166.54 of the Revised Code. 57343  
57344

Assistive personnel shall administer prescribed medication, 57345

perform health-related activities, and perform tube feedings only 57346  
as authorized by the certificate or certificates held. 57347

(2) If nursing delegation is required under division (B) of 57348  
this section, assistive personnel shall not act without nursing 57349  
delegation or in a manner that is inconsistent with the 57350  
delegation. 57351

(3) The employer of assistive personnel shall ensure that 57352  
assistive personnel have been trained specifically with respect to 57353  
each individual for whom they administer prescribed medications, 57354  
perform health-related activities, or perform tube feedings. 57355  
Assistive personnel shall not administer prescribed medications, 57356  
perform health-related activities, or perform tube feedings for 57357  
any individual for whom they have not been specifically trained. 57358

(4) If the employer of assistive personnel believes that 57359  
assistive personnel have not or will not safely administer 57360  
prescribed medications, perform health-related activities, or 57361  
perform tube feedings, the employer shall prohibit the action from 57362  
continuing or commencing. Assistive personnel shall not engage in 57363  
the action or actions subject to an employer's prohibition. 57364

(5) Assistive personnel shall administer prescribed 57365  
medication, perform health-related activities, and perform tube 57366  
feedings for an individual only as authorized by the individual's 57367  
written plan of care or individual service plan created pursuant 57368  
to section 5166.04 of the Revised Code. 57369

(D) In accordance with section 5166.49 of the Revised Code, 57370  
the department of medicaid shall adopt rules governing its 57371  
implementation of this section. The rules shall include the 57372  
following: 57373

(1) Requirements for documentation of the administration of 57374  
prescribed medications, performance of health-related activities, 57375  
and performance of tube feedings by assistive personnel pursuant 57376

to the authority granted under this section; 57377

(2) Procedures for reporting errors that occur in the 57378  
administration of prescribed medications, performance of 57379  
health-related activities, and performance of tube feedings by 57380  
assistive personnel pursuant to the authority granted under this 57381  
section; 57382

(3) Other standards and procedures the department considers 57383  
necessary for implementation of this section. 57384

**Sec. 5166.42.** The department of medicaid or an entity 57385  
designated by the department shall accept complaints from any 57386  
person or government entity regarding the administration of 57387  
prescribed medications, performance of health-related activities, 57388  
and performance of tube feedings by assistive personnel pursuant 57389  
to the authority granted under section 5166.41 of the Revised 57390  
Code. The department or its designee shall conduct investigations 57391  
of complaints as it considers appropriate. The department shall 57392  
adopt rules in accordance with section 5166.49 of the Revised Code 57393  
establishing procedures for accepting complaints and conducting 57394  
investigations under this section. 57395

**Sec. 5166.43.** Assistive personnel who administer prescribed 57396  
medications, perform health-related activities, or perform tube 57397  
feedings pursuant to the authority granted under section 5166.41 57398  
of the Revised Code are not liable for any injury caused by 57399  
administering the medications, performing the health-related 57400  
activities, or performing the tube feedings, if both of the 57401  
following apply: 57402

(A) The assistive personnel acted in accordance with the 57403  
methods taught in training completed in compliance with section 57404  
5166.47 or 5166.54 of the Revised Code. 57405

(B) The assistive personnel did not act in a manner that 57406

constitutes wanton or reckless misconduct. 57407

Sec. 5166.44. (A) Except as provided in division (C) of this 57408  
section, the department of medicaid shall develop courses for the 57409  
training of assistive personnel in the administration of 57410  
prescribed medications, performance of health-related activities, 57411  
and performance of tube feedings pursuant to the authority granted 57412  
under section 5166.41 of the Revised Code. The department shall 57413  
develop the courses in consultation with the department of aging, 57414  
the department of health, and the department of developmental 57415  
disabilities. The department of medicaid may develop separate or 57416  
combined training courses for the administration of prescribed 57417  
medications, performance of health-related activities, and 57418  
performance of tube feedings. Training in the administration of 57419  
prescribed medications through gastrostomy and jejunostomy tubes 57420  
may be included in a course providing training in tube feedings. 57421  
Training in the administration of insulin may be developed as a 57422  
separate course or included in a course providing training in the 57423  
administration of other prescribed medications. 57424

(B)(1) The department shall adopt rules in accordance with 57425  
section 5166.49 of the Revised Code that specify the content and 57426  
length of the training courses developed under this section. The 57427  
rules may include any other standards the department considers 57428  
necessary for the training courses. 57429

(2) In adopting rules that specify the content of a training 57430  
course or part of a training course that trains assistive 57431  
personnel in the administration of prescribed medications, the 57432  
department shall ensure that the content includes all of the 57433  
following: 57434

(a) Infection control and universal precautions; 57435

(b) Correct and safe practices, procedures, and techniques 57436  
for administering prescribed medication; 57437

<u>(c) Assessment of drug reaction, including known side effects, interactions, and the proper course of action if a side effect occurs;</u>	57438
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<u>(d) The requirements for documentation of medications administered to each individual;</u>	57441
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<u>(e) The requirements for documentation and notification of medication errors;</u>	57443
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<u>(f) Information regarding the proper storage and care of medications;</u>	57445
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<u>(g) Course completion standards that require successful demonstration of proficiency in administering prescribed medications;</u>	57447
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<u>(h) Any other material or course completion standards that the department considers relevant to the administration of prescribed medications by assistive personnel.</u>	57450
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<u>(C) The department is not required to develop the courses described in division (A) of this section if it enters into an interagency agreement under section 5166.50 of the Revised Code that provides for the development of the training courses described in division (B)(1) of that section.</u>	57453
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<b><u>Sec. 5166.45. (A) Except as provided in division (B) of this section, the department of medicaid shall develop courses that train registered nurses to provide the assistive personnel training courses developed under section 5166.44 of the Revised Code. The department shall develop the courses in consultation with the department of aging, the department of health, and the department of developmental disabilities. The department of medicaid may develop courses that train registered nurses to provide all of the courses developed under section 5166.44 of the Revised Code or any one or more of the courses developed under</u></b>	57458
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that section. 57468

The department shall adopt rules in accordance with section 57469  
5166.49 of the Revised Code that specify the content and length of 57470  
the training courses. The rules may include any other standards 57471  
the department considers necessary for the training courses. 57472

(B) The department is not required to develop the courses 57473  
described in division (A) of this section if it enters into an 57474  
interagency agreement under section 5166.50 of the Revised Code 57475  
that provides for the development of training courses described in 57476  
division (B)(2) of that section. 57477

**Sec. 5166.46.** (A) Each assistive personnel training course 57478  
developed under section 5166.44 of the Revised Code shall be 57479  
provided by a registered nurse. 57480

(B) To provide a training course or courses to assistive 57481  
personnel, a registered nurse must obtain either of the following: 57482

(1) The certificate or certificates required by the 57483  
department and issued under section 5166.47 of the Revised Code; 57484

(2) The certificate or certificates issued under section 57485  
5166.54 of the Revised Code. 57486

The registered nurse shall provide only the training course 57487  
or courses authorized by the certificate or certificates the 57488  
registered nurse holds. 57489

**Sec. 5166.47.** (A) Except as provided in division (E) of this 57490  
section, the department of medicaid shall establish a program 57491  
under which the department issues certificates to the following: 57492

(1) Assistive personnel, for purposes of meeting the 57493  
requirement of division (C)(1) of section 5166.41 of the Revised 57494  
Code to obtain a certificate or certificates to administer 57495  
prescribed medications, perform health-related activities, and 57496

perform tube feedings; 57497

(2) Registered nurses, for purposes of meeting the 57498  
requirement of division (B) of section 5166.46 of the Revised Code 57499  
to obtain a certificate or certificates to provide the assistive 57500  
personnel training courses developed under section 5166.44 of the 57501  
Revised Code. 57502

The department shall establish the certification program in 57503  
consultation with the department of aging, the department of 57504  
health, and the department of developmental disabilities. 57505

(B) To receive a certificate issued under this section, 57506  
assistive personnel and registered nurses must successfully 57507  
complete the applicable training course or courses and meet all 57508  
other applicable requirements established in rules adopted 57509  
pursuant to this section. The department shall issue the 57510  
appropriate certificate or certificates to assistive personnel and 57511  
registered nurses who meet the requirements for the certificate or 57512  
certificates. 57513

(C) Certificates issued to assistive personnel are valid for 57514  
one year and may be renewed. Certificates issued to registered 57515  
nurses are valid for two years and may be renewed. 57516

To be eligible for renewal, assistive personnel and 57517  
registered nurses shall meet the applicable continued competency 57518  
requirements and continuing education requirements specified in 57519  
rules adopted under division (D) of this section. In the case of 57520  
registered nurses, continuing nursing education completed in 57521  
compliance with the license renewal requirements established under 57522  
Chapter 4723. of the Revised Code may be counted toward meeting 57523  
the continuing education requirements established in the rules 57524  
adopted under division (D) of this section. 57525

(D) In accordance with section 5166.49 of the Revised Code, 57526  
the department shall adopt rules that establish all of the 57527

<u>following:</u>	57528
<u>(1) Requirements that assistive personnel and registered nurses must meet to be eligible to take a training course;</u>	57529 57530
<u>(2) Standards that must be met to receive a certificate, including requirements pertaining to an applicant's criminal background;</u>	57531 57532 57533
<u>(3) Procedures to be followed in applying for a certificate and issuing a certificate;</u>	57534 57535
<u>(4) Standards and procedures for renewing a certificate, including requirements for continuing education and, in the case of assistive personnel who administer prescribed medications, standards that require successful demonstration of proficiency in administering prescribed medications;</u>	57536 57537 57538 57539 57540
<u>(5) Standards and procedures for suspending or revoking a certificate;</u>	57541 57542
<u>(6) Standards and procedures for suspending a certificate without a hearing pending the outcome of an investigation;</u>	57543 57544
<u>(7) Any other standards or procedures the department considers necessary to administer the certification program.</u>	57545 57546
<u>(E) The department is not required to develop the certification program described in division (A) of this section if it enters into an interagency agreement under section 5166.50 of the Revised Code that provides for the establishment of the certification program described in division (B)(3) of that section.</u>	57547 57548 57549 57550 57551 57552
<u>Sec. 5166.48. (A) Except as provided in division (B) of this section, the department of medicaid shall establish and maintain a registry that lists all assistive personnel and registered nurses holding valid certificates issued under section 5166.47 of the Revised Code. The registry shall specify the type of certificate</u>	57553 57554 57555 57556 57557

held and any limitations that apply to a certificate holder. The 57558  
department shall make the information in the registry available to 57559  
the public in computerized form or any other manner that provides 57560  
continuous access to the information in the registry. 57561

(B) The department is not required to establish or maintain 57562  
the registry described in division (A) of this section if it 57563  
enters into an interagency agreement under section 5166.50 of the 57564  
Revised Code that provides for the establishment and maintenance 57565  
of the registry described in division (B)(4) of that section. 57566

**Sec. 5166.49.** All rules adopted under sections 5166.40 to 57567  
5166.47 of the Revised Code shall be adopted in consultation with 57568  
all of the following: 57569

(A) The department of aging; 57570

(B) The department of health; 57571

(C) The department of developmental disabilities; 57572

(D) The board of nursing; 57573

(E) The Ohio nurses association. 57574

The rules shall be adopted in accordance with Chapter 119. of 57575  
the Revised Code. 57576

**Sec. 5166.50.** (A) As used in this section and sections 57577  
5166.51 to 5166.55 of the Revised Code: 57578

(1) "MR/DD personnel" has the same meaning as in section 57579  
5123.41 of the Revised Code. 57580

(2) "Personnel" means the following: 57581

(a) Assistive personnel as defined in section 173.57 of the 57582  
Revised Code; 57583

(b) MR/DD personnel; 57584

(c) Assistive personnel as defined in section 5166.40 of the Revised Code. 57585  
57586

(B) The department of medicaid may enter into an interagency agreement with the departments of aging, health, and developmental disabilities to provide for a unified system regarding the authority of personnel to administer prescribed medications, perform health-related activities, and perform tube feedings. The agreement may provide for any or all of the following: 57587  
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(1) Development of courses for the training of personnel in the administration of prescribed medications, performance of health-related activities, and performance of tube feedings pursuant to the authority granted under sections 173.571, 3721.011, 5123.42, and 5166.41 of the Revised Code; 57593  
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(2) Development of courses that train registered nurses to provide the personnel training courses developed under division (B)(1) of this section and sections 173.574, 5123.43, and 5166.44 of the Revised Code; 57598  
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(3) Establishment of a program under which certificates are issued to the following: 57602  
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(a) Personnel, for purposes of meeting the requirements of sections 173.571, 3721.011, 5123.42, and 5166.41 of the Revised Code to obtain a certificate or certificates to administer prescribed medications, perform health-related activities, and perform tube feedings; 57604  
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(b) Registered nurses, for purposes of meeting the requirements of sections 173.576, 5123.441, and 5166.46 of the Revised Code to obtain a certificate or certificates to provide the personnel training courses developed under sections 173.574, 5123.43, and 5166.44 of the Revised Code. 57609  
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(4) Establishment and maintenance of a registry that lists all personnel and registered nurses holding valid certificates 57614  
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issued under section 173.577, 5123.45, 5166.47, or 5166.54 of the 57616  
Revised Code. 57617

Sec. 5166.51. If the departments of medicaid, aging, health, 57618  
and developmental disabilities enter into an interagency agreement 57619  
under section 5166.50 of the Revised Code that provides for the 57620  
development of the personnel training courses described in 57621  
division (B)(1) of that section, all of the following apply: 57622

(A) The agreement may provide for the development of separate 57623  
or combined training courses for the administration of prescribed 57624  
medications, performance of health-related activities, and 57625  
performance of tube feedings. Training in the administration of 57626  
prescribed medications through gastrostomy and jejunostomy tubes 57627  
may be included in a course providing training in tube feedings. 57628  
Training in the administration of insulin may be developed as a 57629  
separate course or included in a course providing training in the 57630  
administration of other prescribed medications. 57631

(B)(1) The agreement shall specify the content and length of 57632  
the training courses developed pursuant to the agreement. The 57633  
agreement may include any other standards the departments consider 57634  
necessary for the training courses. 57635

(2) The agreement shall specify that the content is to 57636  
include all of the following: 57637

(a) Infection control and universal precautions; 57638

(b) Correct and safe practices, procedures, and techniques 57639  
for administering prescribed medication; 57640

(c) Assessment of drug reaction, including known side 57641  
effects, interactions, and the proper course of action if a side 57642  
effect occurs; 57643

(d) The requirements for documentation of medications 57644  
administered to each individual; 57645

(e) The requirements for documentation and notification of medication errors; 57646  
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(f) Information regarding the proper storage and care of medications; 57648  
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(g) Course completion standards that require successful demonstration of proficiency in administering prescribed medications; 57650  
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(h) Any other material or course completion standards that the departments consider relevant to the administration of prescribed medications by personnel. 57653  
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**Sec. 5166.52.** If the departments of medicaid, aging, health, and developmental disabilities enter into an interagency agreement under section 5166.50 of the Revised Code, the agreement may provide for the development of courses that train registered nurses to provide the personnel training courses developed under sections 173.574, 5123.43, and 5166.44 of the Revised Code. If the agreement provides for the development of personnel training courses described in division (B)(1) of section 5166.50 of the Revised Code, it shall provide for the development of courses that train registered nurses to provide those personnel training courses. The agreement may provide for the development of courses that train registered nurses to provide all of the personnel training courses or any one or more of the courses. 57656  
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The agreement shall specify the content and length of the training courses. The agreement may include any other standards the departments consider necessary for the training courses. 57669  
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**Sec. 5166.53.** (A) Each personnel training course developed pursuant to an interagency agreement under section 5166.50 of the Revised Code shall be provided by a registered nurse. 57672  
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(B) To provide a training course or courses to personnel, a 57675

registered nurse shall obtain the certificate or certificates 57676  
issued under section 5166.54 of the Revised Code. The registered 57677  
nurse shall provide only the training course or courses authorized 57678  
by the certificate or certificates the registered nurse holds. 57679

**Sec. 5166.54.** If the departments of medicaid, aging, health, 57680  
and developmental disabilities enter into an interagency agreement 57681  
under section 5166.50 of the Revised Code that provides for the 57682  
establishment of the certification program described in division 57683  
(B)(3) of that section, all of the following apply: 57684

(A) To receive a certificate issued under this section, 57685  
personnel and registered nurses must successfully complete the 57686  
applicable training course or courses and meet all other 57687  
applicable requirements established in the agreement. The 57688  
department of medicaid shall issue the appropriate certificate or 57689  
certificates to personnel and registered nurses who meet the 57690  
requirements for the certificate or certificates. 57691

(B) Certificates issued to personnel are valid for one year 57692  
and may be renewed. Certificates issued to registered nurses are 57693  
valid for two years and may be renewed. 57694

To be eligible for renewal, personnel and registered nurses 57695  
must meet the applicable continued competency requirements and 57696  
continuing education requirements specified in the agreement 57697  
pursuant to division (C) of this section. In the case of 57698  
registered nurses, continuing nursing education completed in 57699  
compliance with the license renewal requirements established under 57700  
Chapter 4723. of the Revised Code may be counted toward meeting 57701  
the continuing education requirements established in the 57702  
agreement. 57703

(C) The agreement shall establish all of the following: 57704

(1) Requirements that personnel and registered nurses must 57705

<u>meet to be eligible to take a training course;</u>	57706
<u>(2) Standards that must be met to receive a certificate,</u>	57707
<u>including requirements pertaining to an applicant's criminal</u>	57708
<u>background;</u>	57709
<u>(3) Procedures to be followed in applying for a certificate</u>	57710
<u>and issuing a certificate;</u>	57711
<u>(4) Standards and procedures for renewing a certificate,</u>	57712
<u>including requirements for continuing education and, in the case</u>	57713
<u>of personnel who administer prescribed medications, standards that</u>	57714
<u>require successful demonstration of proficiency in administering</u>	57715
<u>prescribed medications;</u>	57716
<u>(5) Standards and procedures for suspending or revoking a</u>	57717
<u>certificate;</u>	57718
<u>(6) Standards and procedures for suspending a certificate</u>	57719
<u>without a hearing pending the outcome of an investigation;</u>	57720
<u>(7) Any other standards or procedures the departments</u>	57721
<u>consider necessary to administer the certification program.</u>	57722
<u><b>Sec. 5166.55.</b> If the departments of medicaid, aging, health,</u>	57723
<u>and developmental disabilities enter into an interagency agreement</u>	57724
<u>under section 5166.50 of the Revised Code that provides for the</u>	57725
<u>establishment and maintenance of the registry described in</u>	57726
<u>division (B)(4) of that section, the registry shall list all</u>	57727
<u>personnel and registered nurses holding valid certificates issued</u>	57728
<u>under sections 173.577, 5123.45, 5166.47, and 5166.50 of the</u>	57729
<u>Revised Code. The registry shall specify the type of certificate</u>	57730
<u>held and any limitations that apply to a certificate holder. The</u>	57731
<u>information in the registry shall be made available to the public</u>	57732
<u>in computerized form or any other manner that provides continuous</u>	57733
<u>access to the information in the registry.</u>	57734

**Sec. 5167.03.** ~~(A)~~ As part of the medicaid program, the 57735  
department of medicaid shall establish a care management system. 57736

The 57737

~~(B)~~ The department shall implement the ~~care management~~ system 57738  
in some or all counties ~~and~~. 57739

The department shall designate the medicaid recipients who 57740  
are required or permitted to participate in the system. ~~In the~~ 57741  
~~department's implementation of the system and designation of~~ 57742  
~~participants, all of the following apply:~~ 57743

~~(1)~~ ~~In the case of individuals who receive medicaid on the~~ 57744  
~~basis of being included in the category identified by the~~ 57745  
~~department as covered families and children, the department shall~~ 57746  
~~implement the care management system in all counties. All~~ 57747  
~~individuals included in the category shall be designated for~~ 57748  
~~participation, except for individuals included in one or more of~~ 57749  
~~the medicaid recipient groups specified in 42 C.F.R. 438.50(d).~~ 57750  
~~The department shall ensure that all participants are enrolled in~~ 57751  
~~medicaid managed care organizations that are health insuring~~ 57752  
~~corporations.~~ 57753

~~(2)~~ ~~In the case of individuals who receive medicaid on the~~ 57754  
~~basis of being aged, blind, or disabled, the department shall~~ 57755  
~~implement the care management system in all counties. Except as~~ 57756  
~~provided in division (C) of this section, all individuals included~~ 57757  
~~in the category shall be designated for participation. The~~ 57758  
~~department shall ensure that all participants are enrolled in~~ 57759  
~~medicaid managed care organizations that are health insuring~~ 57760  
~~corporations.~~ 57761

~~(3)~~ ~~Alcohol, drug addiction, and mental health services~~ 57762  
~~covered by medicaid shall not be included in any component of the~~ 57763  
~~care management system when the nonfederal share of the cost of~~ 57764  
~~those services is provided by a board of alcohol, drug addiction,~~ 57765

~~and mental health services or a state agency other than the 57766  
department of medicaid, but the recipients of those services may 57767  
otherwise be designated for participation in the system. 57768~~

~~(C)(1) In designating participants who receive medicaid on 57769  
the basis of being aged, blind, or disabled, the department shall 57770  
not include any of the following, except as provided under 57771  
division (C)(2) of this section: 57772~~

~~(a) Individuals who are under twenty one years of age; 57773~~

~~(b) Individuals who are institutionalized; 57774~~

~~(c) Individuals who become eligible for medicaid by spending 57775  
down their income or resources to a level that meets the medicaid 57776  
program's financial eligibility requirements; 57777~~

~~(d) Dual eligible individuals; 57778~~

~~(e) Individuals to the extent that they are receiving 57779  
medicaid services through a medicaid waiver component. 57780~~

~~(2) The department may designate any of the following 57781  
individuals who receive medicaid on the basis of being aged, 57782  
blind, or disabled as individuals who are permitted or required to 57783  
participate in the care management system: 57784~~

~~(a) Individuals who are under twenty one years of age; 57785~~

~~(b) Individuals who reside in a nursing facility; 57786~~

~~(c) Individuals who, as an alternative to receiving nursing 57787  
facility services, are participating in a home and community based 57788  
services medicaid waiver component; 57789~~

~~(d) Dual eligible individuals. 57790~~

~~(D) Subject to division (B) of this section, the The 57791  
department may do both of the following under the care management 57792  
system: 57793~~

~~(1) Require require or permit participants in the system to 57794~~

obtain health care services from providers designated by the 57795  
department+ 57796

~~(2) Require. The department may require~~ or permit 57797  
participants ~~in the system~~ to obtain health care services through 57798  
medicaid managed care organizations. 57799

**Sec. 5168.01.** As used in sections 5168.01 to 5168.14 of the 57800  
Revised Code: 57801

(A) "Bad debt," "charity care," "courtesy care," and 57802  
"contractual allowances" have the same meanings given these terms 57803  
in regulations adopted under Title XVIII of the "Social Security 57804  
Act," 42 U.S.C. 1395 et seq. 57805

(B) "Cost reporting period" means the twelve-month period 57806  
used by a hospital in reporting costs for purposes of Title XVIII 57807  
of the "Social Security Act," 42 U.S.C. 1395 et seq. 57808

(C) "Disproportionate share hospital" means a hospital that 57809  
meets the definition of a disproportionate share hospital in rules 57810  
adopted under section 5168.02 of the Revised Code. 57811

(D) "Federal poverty line" means the official poverty line 57812  
defined by the United States office of management and budget based 57813  
on the most recent data available from the United States bureau of 57814  
the census and revised by the United States secretary of health 57815  
and human services pursuant to the "Omnibus Budget Reconciliation 57816  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 57817

(E) "Governmental hospital" means a county hospital with more 57818  
than five hundred registered beds or a state-owned and -operated 57819  
hospital with more than five hundred registered beds. 57820

(F)(1) "Hospital" means a nonfederal hospital to which either 57821  
of the following applies: 57822

(a) The hospital is registered under section 3701.07 of the 57823  
Revised Code as a general medical and surgical hospital or a 57824

pediatric general hospital, and provides inpatient hospital 57825  
services, as defined in 42 C.F.R. 440.10; 57826

(b) The hospital is recognized under the medicare program as 57827  
a cancer hospital and is exempt from the medicare prospective 57828  
payment system. 57829

(2) "Hospital" does not include a hospital operated by a 57830  
health insuring corporation that has been issued a certificate of 57831  
authority under section 1751.05 of the Revised Code or a hospital 57832  
that does not charge patients for services. 57833

(G) "Indigent care pool" means the sum of the following: 57834

(1) The total of assessments to be paid in a program year by 57835  
all hospitals under section 5168.06 of the Revised Code, less the 57836  
assessments deposited ~~into the legislative budget services fund~~ 57837  
~~under section 5168.12 of the Revised Code and~~ into the health care 57838  
services administration fund created under section 5162.54 of the 57839  
Revised Code; 57840

(2) The total amount of intergovernmental transfers required 57841  
to be made in the same program year by governmental hospitals 57842  
under section 5168.07 of the Revised Code, less the amount of 57843  
transfers deposited ~~into the legislative budget services fund~~ 57844  
~~under section 5168.12 of the Revised Code and~~ into the health care 57845  
services administration fund created under section 5162.54 of the 57846  
Revised Code; 57847

(3) The total amount of federal matching funds that will be 57848  
made available in the same program year as a result of funds 57849  
distributed by the department of medicaid to hospitals under 57850  
section 5168.09 of the Revised Code. 57851

(H) "Intergovernmental transfer" means any transfer of money 57852  
by a governmental hospital under section 5168.07 of the Revised 57853  
Code. 57854

(I) "Medicaid services" has the same meaning as in section 57855  
5164.01 of the Revised Code. 57856

(J) "Program year" means a period beginning the first day of 57857  
October, or a later date designated in rules adopted under section 57858  
5168.02 of the Revised Code, and ending the thirtieth day of 57859  
September, or an earlier date designated in rules adopted under 57860  
that section. 57861

(K) "Registered beds" means the total number of hospital beds 57862  
registered with the department of health, as reported in the most 57863  
recent "directory of registered hospitals" published by the 57864  
department of health. 57865

(L) "Third-party payer" means any person or government entity 57866  
that may be liable by law or contract to make payment to or on 57867  
behalf of an individual for health care services. "Third-party 57868  
payer" does not include a hospital. 57869

(M) "Total facility costs" means the total costs for all 57870  
services rendered to all patients, including the direct, indirect, 57871  
and overhead cost to the hospital of all services, supplies, 57872  
equipment, and capital related to the care of patients, regardless 57873  
of whether patients are enrolled in a health insuring corporation, 57874  
excluding costs associated with providing skilled nursing services 57875  
in distinct-part nursing facility units, as shown on the 57876  
hospital's cost report filed under section 5168.05 of the Revised 57877  
Code. Effective October 1, 1993, if rules adopted under section 57878  
5168.02 of the Revised Code so provide, "total facility costs" may 57879  
exclude costs associated with providing care to recipients of any 57880  
of the governmental programs listed in division (B) of that 57881  
section. 57882

(N) "Uncompensated care" means bad debt and charity care. 57883

**Sec. 5168.06.** (A) For the purpose of distributing funds to 57884

hospitals under the medicaid program pursuant to sections 5168.01 57885  
to 5168.14 of the Revised Code and depositing funds ~~into the~~ 57886  
~~legislative budget services fund under section 5168.12 of the~~ 57887  
~~Revised Code and~~ into the health care services administration fund 57888  
created under section 5162.54 of the Revised Code, there is hereby 57889  
imposed an assessment on all hospitals. Each hospital's assessment 57890  
shall be based on total facility costs. All hospitals shall be 57891  
assessed according to the rate or rates established each program 57892  
year in rules adopted under section 5168.02 of the Revised Code. 57893  
The department shall assess all hospitals uniformly and in a 57894  
manner consistent with federal statutes and regulations. During 57895  
any program year, the department shall not assess any hospital 57896  
more than two per cent of the hospital's total facility costs. 57897

The department shall establish an assessment rate or rates 57898  
each program year that will do both of the following: 57899

(1) Yield funds that, when combined with intergovernmental 57900  
transfers and federal matching funds, will produce a program of 57901  
sufficient size to pay a substantial portion of the indigent care 57902  
provided by hospitals; 57903

(2) Yield funds that, when combined with intergovernmental 57904  
transfers and federal matching funds, will produce amounts for 57905  
distribution to disproportionate share hospitals that do not 57906  
exceed, in the aggregate, the limits prescribed by the United 57907  
States health care financing administration under the "Social 57908  
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 57909

(B)(1) Except as provided in division (B)(3) of this section, 57910  
each hospital shall pay its assessment in periodic installments in 57911  
accordance with a schedule established in rules adopted under 57912  
section 5168.02 of the Revised Code. 57913

(2) The installments shall be equal in amount, unless either 57914  
of the following applies: 57915

(a) The department makes adjustments during a program year 57916  
under division (D) of section 5168.08 of the Revised Code in the 57917  
total amount of hospitals' assessments; 57918

(b) The medicaid director determines that adjustments in the 57919  
amounts of installments are necessary for the administration of 57920  
sections 5168.01 to 5168.14 of the Revised Code and that unequal 57921  
installments will not create cash flow difficulties for hospitals. 57922

(3) The director may adopt rules under section 5168.02 of the 57923  
Revised Code establishing alternate schedules for hospitals to pay 57924  
assessments under this section in order to reduce hospitals' cash 57925  
flow difficulties. 57926

**Sec. 5168.07.** (A) The department of medicaid may require 57927  
governmental hospitals to make intergovernmental transfers each 57928  
program year for the purpose of distributing funds to hospitals 57929  
under the medicaid program pursuant to sections 5168.01 to 5168.14 57930  
of the Revised Code and depositing funds ~~into the legislative~~ 57931  
~~budget services fund under section 5168.12 of the Revised Code and~~ 57932  
into the health care services administration fund created under 57933  
section 5162.54 of the Revised Code. The department shall not 57934  
require transfers in an amount that, when combined with hospital 57935  
assessments paid under section 5168.06 of the Revised Code and 57936  
federal matching funds, produce amounts for distribution to 57937  
disproportionate share hospitals that, in the aggregate, exceed 57938  
limits prescribed by the United States health care financing 57939  
administration under the "Social Security Act," section 1923(f), 57940  
42 U.S.C. 1396r-4(f). 57941

(B) Before or during each program year, the department shall 57942  
notify each governmental hospital of the amount of the 57943  
intergovernmental transfer it is required to make during the 57944  
program year. Each governmental hospital shall make 57945  
intergovernmental transfers as required by the department under 57946

this section in periodic installments, executed by electronic fund transfer, in accordance with a schedule established in rules adopted under section 5168.02 of the Revised Code. 57947  
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**Sec. 5168.10.** Except for moneys deposited into ~~the~~ legislative budget services fund under section ~~5168.12~~ of the Revised Code and the health care services administration fund created under section 5162.54 of the Revised Code, the department of medicaid shall not use money paid to the department under sections 5168.06 and 5168.07 of the Revised Code or money that the department pays to hospitals under section 5168.09 of the Revised Code to replace any funds appropriated by the general assembly for the medicaid program. 57950  
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**Sec. 5168.11.** (A) Except as provided in section ~~5168.12~~ 5162.54 of the Revised Code, all payments of assessments by hospitals under section 5168.06 of the Revised Code and all intergovernmental transfers under section 5168.07 of the Revised Code shall be deposited in the state treasury to the credit of the hospital care assurance program fund, hereby created. All investment earnings of the hospital care assurance program fund shall be credited to the fund. The department of medicaid shall maintain records that show the amount of money in the hospital care assurance program fund at any time that has been paid by each hospital and the amount of any investment earnings on that amount. All moneys credited to the hospital care assurance program fund shall be used solely to make payments to hospitals under division (D) of this section and section 5168.09 of the Revised Code. 57959  
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(B) All federal matching funds received as a result of the department distributing funds from the hospital care assurance program fund to hospitals under section 5168.09 of the Revised Code shall be credited to the health care - federal fund created under section 5162.50 of the Revised Code. 57973  
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(C) All distributions of funds to hospitals under section 5168.09 of the Revised Code are conditional on:	57978 57979
(1) Expiration of the time for appeals under section 5168.08 of the Revised Code without the filing of an appeal, or on court determinations, in the event of appeals, that the hospital is entitled to the funds;	57980 57981 57982 57983
(2) The sum of the following being sufficient to distribute the funds after the final determination of any appeals:	57984 57985
(a) The available money in the hospital care assurance program fund;	57986 57987
(b) The available portion of the money in the health care - federal fund that is credited to that fund pursuant to division (B) of this section.	57988 57989 57990
(3) The hospital's compliance with section 5168.14 of the Revised Code.	57991 57992
(D) If an audit conducted by the department of the amounts of payments made and funds received by hospitals under sections 5168.06, 5168.07, and 5168.09 of the Revised Code identifies amounts that, due to errors by the department, a hospital should not have been required to pay but did pay, should have been required to pay but did not pay, should not have received but did receive, or should have received but did not receive, the department shall:	57993 57994 57995 57996 57997 57998 57999 58000
(1) Make payments to any hospital that the audit reveals paid amounts it should not have been required to pay or did not receive amounts it should have received;	58001 58002 58003
(2) Take action to recover from a hospital any amounts that the audit reveals it should have been required to pay but did not pay or that it should not have received but did receive.	58004 58005 58006
Payments made under division (D)(1) of this section shall be	58007

made from the hospital care assurance program fund. Amounts 58008  
recovered under division (D)(2) of this section shall be deposited 58009  
to the credit of that fund. Any hospital may appeal the amount the 58010  
hospital is to be paid under division (D)(1) or the amount that is 58011  
to be recovered from the hospital under division (D)(2) of this 58012  
section to the court of common pleas of Franklin county. 58013

~~Sec. 5168.23. Unless rules adopted under section 5168.26 of~~ 58014  
~~the Revised Code establish a different payment schedule, each~~ Each 58015  
hospital shall pay the amount it is assessed under section 5168.21 58016  
of the Revised Code in accordance with ~~the following~~ a payment 58017  
schedule. 58018

~~(A) Twenty eight per cent of a hospital's assessment is due~~ 58019  
~~on the last business day of October of each assessment program~~ 58020  
~~year.~~ 58021

~~(B) Thirty one per cent of a hospital's assessment is due on~~ 58022  
~~the last business day of February of each assessment program year.~~ 58023

~~(C) Forty one per cent of a hospital's assessment is due on~~ 58024  
~~the last business day of May of each assessment program year~~ the 58025  
department of medicaid shall establish for each assessment program 58026  
year. The department shall consult with the Ohio hospital 58027  
association before establishing the payment schedule for any 58028  
assessment program year. The department shall include the payment 58029  
schedule in each preliminary determination notice the department 58030  
mails to hospitals under division (A) of section 5168.22 of the 58031  
Revised Code. 58032

**Sec. 5168.26.** (A) The medicaid director shall adopt rules in 58033  
accordance with Chapter 119. of the Revised Code as necessary to 58034  
implement sections 5168.20 to 5168.28 of the Revised Code, 58035  
including rules that specify the percentage of hospitals' total 58036  
facility costs to be used in calculating hospitals' assessments 58037

under section 5168.21 of the Revised Code. 58038

(B) The rules adopted under this section may do the 58039  
following: 58040

(1) Provide that a hospital's total facility costs for the 58041  
purpose of the assessment under section 5168.21 of the Revised 58042  
Code exclude any of the following: 58043

(a) A hospital's costs associated with providing care to 58044  
recipients of any of the following: 58045

(i) The medicaid program; 58046

(ii) The medicare program; 58047

(iii) The disability financial assistance program established 58048  
under Chapter 5115. of the Revised Code; 58049

(iv) The program for medically handicapped children 58050  
established under section 3701.023 of the Revised Code; 58051

(v) Services provided under the maternal and child health 58052  
services block grant established under Title V of the "Social 58053  
Security Act," 42 U.S.C. 701 et seq. 58054

(b) Any other category of hospital costs the director deems 58055  
appropriate under federal law and regulations governing the 58056  
medicaid program. 58057

(2) Subject to division (C) of this section, provide for the 58058  
percentage of hospitals' total facility costs used in calculating 58059  
hospitals' assessments to vary for different hospitals. 58060

~~(3) To reduce hospitals' cash flow difficulties, establish a 58061  
schedule for hospitals to pay their assessments that is different 58062  
from the schedule established under section 5168.23 of the Revised 58063  
Code. 58064~~

(C) Before adopting rules authorized by division (B)(2) of 58065  
this section that establish varied percentages to be used in 58066

calculating hospitals' assessments, the director shall obtain a 58067  
waiver from the United States secretary of health and human 58068  
services under the "Social Security Act," section 1903(w)(3)(E), 58069  
42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause 58070  
the assessments to not be imposed uniformly. 58071

**Sec. 5168.40.** As used in sections 5168.40 to 5168.56 of the 58072  
Revised Code: 58073

(A) "Bed surrender" means the following: 58074

(1) In the case of a nursing home, the removal of a bed from 58075  
a nursing home's licensed capacity in a manner that reduces the 58076  
total licensed capacity of all nursing homes and makes it 58077  
impossible for the bed to ever be a part of any nursing home's 58078  
licensed capacity; 58079

(2) In the case of a hospital, the removal of a hospital bed 58080  
from registration under section 3701.07 of the Revised Code as a 58081  
skilled nursing facility bed or long-term care bed in a manner 58082  
that reduces the total number of hospital beds registered under 58083  
that section as skilled nursing facility beds or long-term care 58084  
beds and makes it impossible for the bed to ever be registered as 58085  
a skilled nursing facility bed or long-term care bed. 58086

(B) "Change of operator" means an entering operator becoming 58087  
the operator of a nursing home or hospital in the place of the 58088  
exiting operator. 58089

(1) Actions that constitute a change of operator include the 58090  
following: 58091

(a) A change in an exiting operator's form of legal 58092  
organization, including the formation of a partnership or 58093  
corporation from a sole proprietorship; 58094

(b) A transfer of all the exiting operator's ownership 58095  
interest in the operation of the nursing home or hospital to the 58096

entering operator, regardless of whether ownership of any or all 58097  
of the real property or personal property associated with the 58098  
nursing home or hospital is also transferred; 58099

(c) A lease of the nursing home or hospital to the entering 58100  
operator or the exiting operator's termination of the exiting 58101  
operator's lease; 58102

(d) If the exiting operator is a partnership, dissolution of 58103  
the partnership; 58104

(e) If the exiting operator is a partnership, a change in 58105  
composition of the partnership unless both of the following apply: 58106

(i) The change in composition does not cause the 58107  
partnership's dissolution under state law. 58108

(ii) The partners agree that the change in composition does 58109  
not constitute a change in operator. 58110

(f) If the operator is a corporation, dissolution of the 58111  
corporation, a merger of the corporation into another corporation 58112  
that is the survivor of the merger, or a consolidation of one or 58113  
more other corporations to form a new corporation. 58114

(2) The following, alone, do not constitute a change of 58115  
operator: 58116

(a) A contract for an entity to manage a nursing home or 58117  
hospital as the operator's agent, subject to the operator's 58118  
approval of daily operating and management decisions; 58119

(b) A change of ownership, lease, or termination of a lease 58120  
of real property or personal property associated with a nursing 58121  
home or hospital if an entering operator does not become the 58122  
operator in place of an exiting operator; 58123

(c) If the operator is a corporation, a change of one or more 58124  
members of the corporation's governing body or transfer of 58125  
ownership of one or more shares of the corporation's stock, if the 58126

same corporation continues to be the operator. 58127

(C) "Effective date of a change of operator" means the day an 58128  
entering operator becomes the operator of a nursing home or 58129  
hospital. 58130

(D) "Entering operator" means the person or government entity 58131  
that will become the operator of a nursing home or hospital on the 58132  
effective date of a change of operator. 58133

(E) "Exiting operator" means an operator that will cease to 58134  
be the operator of a nursing home or hospital on the effective 58135  
date of a change of operator. 58136

(F) "Franchise permit fee rate" means the rate determined in 58137  
accordance with section 5168.41 of the Revised Code. 58138

(G) "Hospital" has the same meaning as in section 3727.01 of 58139  
the Revised Code. 58140

(H) "Hospital long-term care unit" means any distinct part of 58141  
a hospital in which any of the following beds are located: 58142

(1) Beds registered pursuant to section 3701.07 of the 58143  
Revised Code as skilled nursing facility beds or long-term care 58144  
beds; 58145

(2) Beds licensed as nursing home beds under section 3721.02 58146  
or 3721.09 of the Revised Code. 58147

(I) "Indirect guarantee percentage" means the percentage 58148  
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 58149  
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 58150  
whether a class of providers is indirectly held harmless for any 58151  
portion of the costs of a broad-based health-care-related tax. If 58152  
the indirect guarantee percentage changes during a fiscal year, 58153  
the indirect guarantee percentage is the following: 58154

(1) For the part of the fiscal year before the change takes 58155  
effect, the percentage in effect before the change; 58156

(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.

(J) "Medicaid ~~days~~ day" and "nursing facility" have the same meanings as in section 5165.01 of the Revised Code.

(K)(1) "Nursing home" means all of the following:

(a) A nursing home licensed under section 3721.02 or 3721.09 of the Revised Code, including any part of a home for the aging licensed as a nursing home;

(b) A facility or part of a facility, other than a hospital, that is certified as a skilled nursing facility under Title XVIII;

(c) A nursing facility, other than a portion of a hospital certified as a nursing facility.

(2) "Nursing home" does not include either of the following:

(a) A county home, county nursing home, or district home operated pursuant to Chapter 5155. of the Revised Code;

(b) A nursing home maintained and operated by the department of veterans services under section 5907.01 of the Revised Code.

(L) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing home or hospital.

(M) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.

(N) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

**Sec. 5168.44.** If the United States secretary of health and human services approves the waiver sought under section 5168.43 of the Revised Code, the department of medicaid shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee rate under the waiver, reduce the franchise

permit fee rate in accordance with the terms of the waiver. For 58186  
purposes of the first fiscal year during which the waiver takes 58187  
effect, the department shall determine the amount of the reduction 58188  
not later than the effective date of the waiver and shall mail to 58189  
each nursing home and hospital qualifying for the reduction notice 58190  
of the reduction not later than the last day of the first month of 58191  
the quarter that begins after the United States secretary approves 58192  
the waiver. For purposes of subsequent fiscal years, the 58193  
department shall make such determinations and ~~mail such notices~~ 58194  
notify the nursing homes and hospitals in accordance with section 58195  
5168.47 of the Revised Code. 58196

**Sec. 5168.45.** (A) If the United States secretary of health 58197  
and human services approves the waiver sought under section 58198  
5168.43 of the Revised Code, the department of medicaid may do 58199  
both of the following regarding the franchise permit fee assessed 58200  
under section 5168.42 of the Revised Code: 58201

(1) Determine how much money the franchise permit fee would 58202  
have raised in a fiscal year if not for the waiver; 58203

(2) For each nursing home and hospital subject to the 58204  
franchise permit fee, other than a nursing home or hospital that 58205  
has its franchise permit fee rate reduced under section 5168.44 of 58206  
the Revised Code, uniformly increase the amount of the franchise 58207  
permit fee rate for a fiscal year to an amount that will have the 58208  
franchise permit fee raise an amount of money that does not exceed 58209  
the amount determined under division (A)(1) of this section for 58210  
that fiscal year. 58211

(B) If the department increases the franchise permit fee rate 58212  
in accordance with division (A) of this section for the first 58213  
fiscal year during which the waiver takes effect, the department 58214  
shall determine the amount of the increase not later than the 58215

effective date of the waiver and shall mail to each nursing home 58216  
and hospital subject to the increase notice of the increase not 58217  
later than the last day of the first month of the quarter that 58218  
begins after the United States secretary approves the waiver. If 58219  
the department increases the franchise permit fee rate in 58220  
accordance with division (A) of this section for a subsequent 58221  
fiscal year, the department shall make such determinations and 58222  
~~mail such notices~~ notify the nursing homes and hospitals in 58223  
accordance with section 5168.47 of the Revised Code. 58224

**Sec. 5168.47.** (A) Not later than the fifteenth day of 58225  
September of each year, the department of medicaid shall determine 58226  
the annual franchise permit fee for each nursing home and hospital 58227  
in accordance with section 5168.42 of the Revised Code and any 58228  
adjustments made in accordance with sections 5168.44 and 5168.45 58229  
of the Revised Code. 58230

(B) Not later than the first day of October of each year, the 58231  
department shall ~~mail to~~ notify, electronically or by United 58232  
States postal service, each nursing home and hospital ~~notice~~ of 58233  
the amount of the franchise permit fee that has been determined 58234  
for the nursing home or hospital. 58235

(C) Subject to section 5168.48 of the Revised Code, each 58236  
nursing home and hospital shall pay its fee under section 5168.42 58237  
of the Revised Code, as adjusted in accordance with sections 58238  
5168.44 and 5168.45 of the Revised Code, to the department in four 58239  
installment payments not later than forty-five days after the last 58240  
day of each October, December, March, and June. 58241

**Sec. 5168.48.** (A) Not later than the last day of February of 58242  
each year, the department of medicaid shall redetermine each 58243  
nursing home's and hospital's franchise permit fee if one or more 58244  
bed surrenders occur during the period beginning on the first day 58245

of May of the preceding calendar year and ending on the first day 58246  
of January of the calendar year in which the redetermination is 58247  
made. 58248

(B) In redetermining nursing homes' and hospitals' franchise 58249  
permit fees under this section, the department shall do both of 58250  
the following: 58251

(1) Provide for the redetermination to be conducted in a 58252  
manner consistent with the terms of the waiver sought under 58253  
section 5168.43 of the Revised Code; 58254

(2) Recalculate each nursing home's and hospital's franchise 58255  
permit fee in accordance with division (A) or (B) of section 58256  
5168.42 of the Revised Code with the following changes: 58257

(a) In the case of a nursing home or hospital for which one 58258  
or more bed surrenders occurred during the period beginning on the 58259  
first day of May of the preceding calendar year and ending on the 58260  
first day of January of the calendar year in which the 58261  
redetermination is made, the number of beds included in the 58262  
calculation for the purpose of division (A)(1) or (B)(1) of 58263  
section 5168.42 of the Revised Code shall exclude the beds for 58264  
which bed surrenders occurred during that period. 58265

(b) The number of days used in the calculation under division 58266  
(A)(2) or (B)(2) of section 5168.42 of the Revised Code shall be 58267  
the number of days in the first half of the calendar year in which 58268  
the redetermination is made. 58269

(c) The franchise permit fee rate shall reflect adjustments 58270  
made under sections 5168.44 and 5168.45 of the Revised Code. 58271

(C) Not later than the first day of March of each year, the 58272  
department shall ~~mail to~~ notify, electronically or by United 58273  
States postal service, each nursing home and hospital ~~notice~~ of 58274  
the amount of its redetermined franchise permit fee. 58275

(D) Each nursing home and hospital shall pay its redetermined fee to the department in two installment payments not later than forty-five days after the last day of March and June of the calendar year in which the redetermination is made.

**Sec. 5168.49.** If a nursing home or hospital undergoes a change of operator during a fiscal year, the responsibility for paying the franchise permit fee that was determined for the nursing home or hospital under section 5168.47 of the Revised Code, or redetermined for the nursing home or hospital under section 5168.48 of the Revised Code, for that fiscal year shall be divided proportionally. The exiting operator shall be responsible for paying the amount of the fee that is for the part of the fiscal year that ends on the day before the effective date of the change of operator. The entering operator shall be responsible for paying the amount of the fee that is for the part of the fiscal year that begins on the effective date of the change of operator. The department of medicaid is not required to ~~mail a notice to~~ notify the entering operator regarding the amount of that fiscal year's fee for which the entering operator is responsible.

**Sec. 5168.53.** (A) A nursing home or hospital may appeal the fee assessed under section 5168.42 of the Revised Code, as adjusted under section 5168.44 or 5168.45 of the Revised Code, and redetermined under section 5168.48 of the Revised Code solely on the grounds that the department of medicaid committed a material error in determining or redetermining the amount of the fee. A request for an appeal must be received by the department not later than fifteen days after the date the department ~~mails~~ notifies the ~~notice~~ nursing home or hospital of the fee and must include written materials setting forth the basis for the appeal.

(B) If a nursing home or hospital submits a request for an appeal within the time required under division (A) of this

section, the department shall hold a public hearing in Columbus 58307  
not later than thirty days after the date the department receives 58308  
the request for an appeal. The department shall, not later than 58309  
ten days before the date of the hearing, ~~mail a notice~~ notify, 58310  
electronically or by United States postal service, the nursing 58311  
home or hospital of the date, time, and place of the hearing ~~to~~ 58312  
~~the nursing home or hospital~~. The department may hear all the 58313  
requested appeals in one public hearing. 58314

(C) On the basis of the evidence presented at the hearing or 58315  
any other evidence submitted by the nursing home or hospital, the 58316  
department may adjust a fee. The department's decision is final. 58317

**Sec. 5168.60.** As used in sections 5168.60 to 5168.71 of the 58318  
Revised Code: 58319

(A) "Franchise permit fee rate" means the following: 58320

(1) For fiscal year ~~2014~~ 2016, eighteen dollars and 58321  
~~twenty-four~~ seven cents; 58322

(2) For fiscal year ~~2015~~ 2017 and each fiscal year 58323  
thereafter, eighteen dollars and ~~seventeen~~ two cents. 58324

(B) "Indirect guarantee percentage" means the percentage 58325  
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 58326  
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 58327  
whether a class of providers is indirectly held harmless for any 58328  
portion of the costs of a broad-based health-care-related tax. If 58329  
the indirect guarantee percentage changes during a fiscal year, 58330  
the indirect guarantee percentage is the following: 58331

(1) For the part of the fiscal year before the change takes 58332  
effect, the percentage in effect before the change; 58333

(2) For the part of the fiscal year beginning with the date 58334  
the indirect guarantee percentage changes, the new percentage. 58335

(C) "ICF/IID" has the same meaning as in section 5124.01 of 58336

the Revised Code. 58337

(D) "Medicaid-certified capacity" has the same meaning as in 58338  
section 5124.01 of the Revised Code. 58339

(E) "Provider agreement" has the same meaning as in section 58340  
5124.01 of the Revised Code. 58341

**Sec. 5168.63.** (A) Not later than the fifteenth day of August 58342  
of each year, the department of developmental disabilities shall 58343  
determine the annual franchise permit fee for each ICF/IID in 58344  
accordance with section 5168.61 of the Revised Code. 58345

(B) Not later than the first day of September of each year, 58346  
the department shall ~~mail to~~ notify, electronically or by United 58347  
States postal service, each ICF/IID ~~notice~~ of the amount of the 58348  
franchise permit fee the ICF/IID has been assessed under section 58349  
5168.61 of the Revised Code. 58350

(C) Subject to section 5168.64 of the Revised Code, each 58351  
ICF/IID shall pay its fee under section 5168.61 of the Revised 58352  
Code to the department in quarterly installment payments not later 58353  
than forty-five days after the last day of each September, 58354  
December, March, and June. 58355

**Sec. 5168.64.** (A) If the operator of an ICF/IID converts, 58356  
pursuant to section 5124.60 or 5124.61 of the Revised Code, all of 58357  
the ICF/IID's beds to providing home and community-based services 58358  
and the operator's provider agreement for the ICF/IID is 58359  
terminated as a consequence, the department of developmental 58360  
disabilities shall terminate the ICF/IID's franchise permit fee 58361  
effective on the first day of the quarter immediately following 58362  
the quarter in which the conversion takes place. 58363

(B)(1) If, during the period beginning on the first day of 58364  
May of a calendar year and ending on the first day of January of 58365  
the immediately following calendar year, the operator of an 58366

ICF/IID converts, pursuant to section 5124.60 or 5164.61 of the Revised Code, ~~one or more~~ some but not all of the ICF/IID's beds to providing home and community-based services and the ICF/IID's medicaid-certified capacity is reduced as a consequence, the department ~~of developmental disabilities shall do the following:~~

~~(1) If the ICF/IID's medicaid certification is terminated because of the conversion, terminate the ICF/IID's franchise permit fee effective on the first day of the quarter immediately following the quarter in which the department receives the notice of the conversion from the director of health;~~

~~(2) If the ICF/IID's medicaid certified capacity is reduced because of the conversion, redetermine the ICF/IID's franchise permit fee in accordance with division (B) of this section for the second half of the fiscal year for which the fee is assessed.~~

~~(B)(1) assessed.~~ To redetermine ~~an~~ the ICF/IID's franchise permit fee, the department shall multiply the franchise permit fee rate by the product of the following:

(a) The ICF/IID's medicaid-certified capacity as of the date the conversion takes effect;

(b) The number of days in the second half of the fiscal year for which the redetermination is made.

(2) The ICF/IID shall pay its franchise permit fee as redetermined under division (B)(1) of this section in installment payments not later than forty-five days after the last day of March and June of the fiscal year for which the redetermination is made.

**Sec. 5168.67.** (A) An ICF/IID may appeal the franchise permit fee imposed under section 5168.61 of the Revised Code solely on the grounds that the department of developmental disabilities committed a material error in determining the amount of the fee. A

request for an appeal must be received by the department not later 58397  
than fifteen days after the date the department ~~mails~~ notifies the 58398  
~~notice~~ ICF/IID of the fee and must include written materials 58399  
setting forth the basis for the appeal. 58400

(B) If an ICF/IID submits a request for an appeal within the 58401  
time required under division (A) of this section, the department 58402  
shall hold a public hearing in Columbus not later than thirty days 58403  
after the date the department receives the request for an appeal. 58404  
The department shall, not later than ten days before the date of 58405  
the hearing, ~~mail a notice~~ notify, electronically or by United 58406  
States postal service, the ICF/IID of the date, time, and place of 58407  
the hearing ~~to the ICF/IID~~. The department may hear all requested 58408  
appeals in one public hearing. 58409

(C) On the basis of the evidence presented at the hearing or 58410  
any other evidence submitted by the ICF/IID, the department may 58411  
adjust a fee. The department's decision is final. 58412

**Sec. 5513.01.** (A) The director of transportation shall make 58413  
all purchases of machinery, materials, supplies, or other articles 58414  
in the manner provided in this section. In all cases except those 58415  
in which the director provides written authorization for purchases 58416  
by district deputy directors of transportation, the director shall 58417  
make all such purchases at the central office of the department of 58418  
transportation in Columbus. Before making any purchase at that 58419  
office, the director, as provided in this section, shall give 58420  
notice to bidders of the director's intention to purchase. Where 58421  
the expenditure does not exceed the amount applicable to the 58422  
purchase of supplies specified in division ~~(B)~~(A) of section 58423  
125.05 of the Revised Code, ~~as adjusted pursuant to division (D)~~ 58424  
~~of that section~~, the director shall give such notice as the 58425  
director considers proper, or the director may make the purchase 58426  
without notice. Where the expenditure exceeds the amount 58427

applicable to the purchase of supplies specified in division 58428  
(B)(A) of section 125.05 of the Revised Code, ~~as adjusted pursuant~~ 58429  
~~to division (D) of that section,~~ the director shall give notice by 58430  
posting for not less than ten days a written, typed, or printed 58431  
invitation to bidders on a bulletin board. The director shall 58432  
locate the notice in a place in the offices assigned to the 58433  
department and open to the public during business hours. 58434

Producers or distributors of any product may notify the 58435  
director, in writing, of the class of articles for the furnishing 58436  
of which they desire to bid and their post-office addresses. In 58437  
that circumstance, the director shall mail copies of all 58438  
invitations to bidders relating to the purchase of such articles 58439  
to such persons by regular first class mail at least ten days 58440  
prior to the time fixed for taking bids. The director also may 58441  
mail copies of all invitations to bidders to news agencies or 58442  
other agencies or organizations distributing information of this 58443  
character. Requests for invitations are not valid and do not 58444  
require action by the director unless renewed by the director, 58445  
either annually or after such shorter period as the director may 58446  
prescribe by a general rule. 58447

The director shall include in an invitation to bidders a 58448  
brief statement of the general character of the article that it is 58449  
intended to purchase, the approximate quantity desired, and a 58450  
statement of the time and place where bids will be received, and 58451  
may relate to and describe as many different articles as the 58452  
director thinks proper, it being the intent and purpose of this 58453  
section to authorize the inclusion in a single invitation of as 58454  
many different articles as the director desires to invite bids 58455  
upon at any given time. The director shall give invitations issued 58456  
during each calendar year consecutive numbers, and ensure that the 58457  
number assigned to each invitation appears on all copies thereof. 58458  
In all cases where notice is required by this section, the 58459

director shall require sealed bids, on forms prescribed and 58460  
furnished by the director. The director shall not permit the 58461  
modification of bids after they have been opened. 58462

(B) The director may permit a state agency, the Ohio turnpike 58463  
and infrastructure commission, any political subdivision, and any 58464  
state university or college to participate in contracts into which 58465  
the director has entered for the purchase of machinery, materials, 58466  
supplies, or other articles. The turnpike and infrastructure 58467  
commission and any political subdivision or state university or 58468  
college desiring to participate in such purchase contracts shall 58469  
file with the director a certified copy of the bylaws or rules of 58470  
the turnpike and infrastructure commission or the ordinance or 58471  
resolution of the legislative authority, board of trustees, or 58472  
other governing board requesting authorization to participate in 58473  
such contracts and agreeing to be bound by such terms and 58474  
conditions as the director prescribes. Purchases made by a state 58475  
agency, the turnpike and infrastructure commission, political 58476  
subdivisions, or state universities or colleges under this 58477  
division are exempt from any competitive bidding required by law 58478  
for the purchase of machinery, materials, supplies, or other 58479  
articles. 58480

(C) As used in this section: 58481

(1) "Political subdivision" means any county, township, 58482  
municipal corporation, conservancy district, township park 58483  
district, park district created under Chapter 1545. of the Revised 58484  
Code, port authority, regional transit authority, regional airport 58485  
authority, regional water and sewer district, county transit 58486  
board, school district as defined in section 5513.04 of the 58487  
Revised Code, regional planning commission formed under section 58488  
713.21 of the Revised Code, regional council of government formed 58489  
under section 167.01 of the Revised Code, or other association of 58490  
local governments established pursuant to an agreement under 58491

sections 307.14 to 307.19 of the Revised Code. 58492

(2) "State university or college" has the same meaning as in 58493  
division (A)(1) of section 3345.32 of the Revised Code. 58494

(3) "Ohio turnpike and infrastructure commission" means the 58495  
commission created by section 5537.02 of the Revised Code. 58496

(4) "State agency" means every organized body, office, board, 58497  
authority, commission, or agency established by the laws of the 58498  
state for the exercise of any governmental or quasi-governmental 58499  
function of state government, regardless of the funding source for 58500  
that entity, other than any state institution of higher education, 58501  
the office of the governor, lieutenant governor, auditor of state, 58502  
treasurer of state, secretary of state, or attorney general, the 58503  
general assembly, the courts or any judicial agency, or any state 58504  
retirement system or retirement program established by or 58505  
referenced in the Revised Code. 58506

**Sec. 5703.052.** (A) There is hereby created in the state 58507  
treasury the tax refund fund, from which refunds shall be paid for 58508  
taxes, fees, or charges illegally or erroneously assessed or 58509  
collected, or for any other reason overpaid, that are levied by 58510  
Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 58511  
5736., 5739., 5741., 5743., 5744., 5747., 5748., 5749., 5751., or 58512  
5753. and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 58513  
5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised 58514  
Code. Refunds for fees or wireless 9-1-1 charges illegally or 58515  
erroneously assessed or collected, or for any other reason 58516  
overpaid, that are levied by sections 128.42 or 3734.90 to 58517  
3734.9014 of the Revised Code also shall be paid from the fund. 58518  
Refunds for amounts illegally or erroneously assessed or collected 58519  
by the tax commissioner, or for any other reason overpaid, that 58520  
are due under former section 1509.50 of the Revised Code as that 58521  
section existed before its repeal by ...B... of the 131st general 58522

assembly shall be paid from the fund. However, refunds for taxes 58523  
levied under section 5739.101 of the Revised Code shall not be 58524  
paid from the tax refund fund, but shall be paid as provided in 58525  
section 5739.104 of the Revised Code. 58526

(B)(1) Upon certification by the tax commissioner to the 58527  
treasurer of state of a tax refund, a wireless 9-1-1 charge 58528  
refund, or another amount refunded, or by the superintendent of 58529  
insurance of a domestic or foreign insurance tax refund, the 58530  
treasurer of state shall place the amount certified to the credit 58531  
of the fund. The certified amount transferred shall be derived 58532  
from the receipts of the same tax, fee, wireless 9-1-1 charge, or 58533  
other amount from which the refund arose. 58534

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 58535  
or other amount that is not levied by the state or that was 58536  
illegally or erroneously distributed to a taxing jurisdiction, the 58537  
tax commissioner shall recover the amount of that refund from the 58538  
next distribution of that tax, fee, wireless 9-1-1 charge, or 58539  
other amount that otherwise would be made to the taxing 58540  
jurisdiction. If the amount to be recovered would exceed 58541  
twenty-five per cent of the next distribution of that tax, fee, 58542  
wireless 9-1-1 charge, or other amount, the commissioner may 58543  
spread the recovery over more than one future distribution, taking 58544  
into account the amount to be recovered and the amount of the 58545  
anticipated future distributions. In no event may the commissioner 58546  
spread the recovery over a period to exceed thirty-six months. 58547

**Sec. 5703.19.** (A) To carry out the purposes of the laws that 58548  
the tax commissioner is required to administer, the commissioner 58549  
or any person employed by the commissioner for that purpose, upon 58550  
demand, may inspect books, accounts, records, and memoranda of any 58551  
person or public utility subject to those laws, and may examine 58552  
under oath any officer, agent, or employee of that person or 58553

public utility. Any person other than the commissioner who makes a demand pursuant to this section shall produce the person's authority to make the inspection.

(B) If a person or public utility receives at least ten days' written notice of a demand made under division (A) of this section and refuses to comply with that demand, a penalty of five hundred dollars shall be imposed upon the person or public utility for each day the person or public utility refuses to comply with the demand. Penalties imposed under this division may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or sections 3734.90 to 3734.9014, of the Revised Code.

(C) For the purpose of ensuring compliance with divisions (A)(10) to (13) of section 5749.02 of the Revised Code, the commissioner or any person employed by the commissioner for that purpose, upon demand, may perform the same functions referenced in division (A) of this section for any person involved in the sale, transfer, or other disposition of oil, gas, condensate, or natural gas liquids as those terms are defined in section 5749.01 of the Revised Code.

**Sec. 5703.48.** (A) As used in this section and section 107.03 of the Revised Code, "tax expenditure" means any ~~tax~~ provision in the Revised Code that exempts, either in whole or in part, certain persons, income, goods, services, or property from the effect of taxes established levied by the state in the Revised Code that directly reduces revenue to the general revenue fund, including, but not limited to, tax deductions, exemptions, deferrals, exclusions, allowances, credits, reimbursements, and preferential tax rates.

(B) The department of taxation shall prepare and submit to

the governor not later than the first day of November in each 58585  
even-numbered year a report describing the effect of tax 58586  
expenditures on the general revenue fund. The report shall contain 58587  
a description of each tax expenditure under existing laws and, in 58588  
comparative form, a detailed estimate of the approximate amount of 58589  
revenue not available to the state general revenue fund in each 58590  
fiscal year of the current and ensuing fiscal bienniums as a 58591  
result of the operation of each tax expenditure. The report shall 58592  
be prepared in such a manner as to facilitate the inclusion of the 58593  
information provided by the report in the governor's budget. 58594

**Sec. 5703.70.** (A) On the filing of an application for refund 58595  
under section 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 58596  
5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 58597  
5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 5741.10, 58598  
5743.05, 5743.53, 5744.07, 5749.08, 5751.08, or 5753.06 of the 58599  
Revised Code, or an application for compensation under section 58600  
5739.061 of the Revised Code, if the tax commissioner determines 58601  
that the amount of the refund or compensation to which the 58602  
applicant is entitled is less than the amount claimed in the 58603  
application, the commissioner shall give the applicant written 58604  
notice by ordinary mail of the amount. The notice shall be sent to 58605  
the address shown on the application unless the applicant notifies 58606  
the commissioner of a different address. The applicant shall have 58607  
sixty days from the date the commissioner mails the notice to 58608  
provide additional information to the commissioner or request a 58609  
hearing, or both. 58610

(B) If the applicant neither requests a hearing nor provides 58611  
additional information to the tax commissioner within the time 58612  
prescribed by division (A) of this section, the commissioner shall 58613  
take no further action, and the refund or compensation amount 58614  
denied becomes final. 58615

(C)(1) If the applicant requests a hearing within the time 58616  
prescribed by division (A) of this section, the tax commissioner 58617  
shall assign a time and place for the hearing and notify the 58618  
applicant of such time and place, but the commissioner may 58619  
continue the hearing from time to time as necessary. After the 58620  
hearing, the commissioner may make such adjustments to the refund 58621  
or compensation as the commissioner finds proper, and shall issue 58622  
a final determination thereon. 58623

(2) If the applicant does not request a hearing, but provides 58624  
additional information, within the time prescribed by division (A) 58625  
of this section, the commissioner shall review the information, 58626  
make such adjustments to the refund or compensation as the 58627  
commissioner finds proper, and issue a final determination 58628  
thereon. 58629

(3) The commissioner shall serve a copy of the final 58630  
determination made under division (C)(1) or (2) of this section on 58631  
the applicant in the manner provided in section 5703.37 of the 58632  
Revised Code, and the decision is final, subject to appeal under 58633  
section 5717.02 of the Revised Code. 58634

(D) The tax commissioner shall certify to the director of 58635  
budget and management and treasurer of state for payment from the 58636  
tax refund fund created by section 5703.052 of the Revised Code, 58637  
the amount of the refund to be refunded under division (B) or (C) 58638  
of this section. The commissioner also shall certify to the 58639  
director and treasurer of state for payment from the general 58640  
revenue fund the amount of compensation to be paid under division 58641  
(B) or (C) of this section. 58642

Sec. 5703.94. (A) As used in this section, "tax expenditure" 58643  
has the same meaning as in section 5703.48 of the Revised Code. 58644

(B) There is hereby created the tax expenditure review 58645  
committee, consisting of nine members, composed of the following: 58646

(1) The chair and ranking minority member of the house of representatives committee that deals primarily with taxation; 58647  
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(2) The chair and ranking minority member of the senate committee that deals primarily with taxation; 58649  
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(3) The tax commissioner or the commissioner's designee; 58651

(4) The director of budget and management or the director's designee; 58652  
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(5) Three members of the public appointed by the governor. 58654

The terms of appointed members described in division (B)(5) of this section shall be the same as the term of each general assembly. Such members may be reappointed, provided the member continues to meet all other eligibility requirements. Vacancies shall be filled in the manner provided for original appointments. Any such member appointed to fill a vacancy before the expiration of the term for which the predecessor was appointed shall hold office as a member for the remainder of that term. Such appointed members of the committee serve at the pleasure of the governor and may be removed only by the governor. 58655  
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(C) After the governor appoints the members described in division (B)(5) of this section, the governor shall designate a member of the committee to serve as the chairperson. The chairperson shall set the date by which the committee must complete the committee's review under division (D) of this section and submit the report required under division (F) of this section. The committee shall meet annually to review existing tax expenditures under division (D) of this section and to approve the report required under division (F) of this section. The committee may meet more frequently at the call of the chairperson. The committee is a public body for the purposes of section 121.22 of the Revised Code. 58665  
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A vacancy on the committee does not impair the right of the 58677

other members to exercise all the functions of the committee. The 58678  
presence of a majority of the members of the committee constitutes 58679  
a quorum for the conduct of business of the committee. The 58680  
concurrence of at least a majority of the members of the committee 58681  
is necessary for any action to be taken by the committee. 58682

The committee may permit any person to present evidence or 58683  
testimony related to tax expenditures at a meeting of the 58684  
committee. Upon the committee's request, the department of 58685  
taxation, development services agency, office of budget and 58686  
management, or other state agency shall provide any information in 58687  
its possession that the committee requires to perform its duties. 58688

(D) The committee shall review each tax expenditure according 58689  
to the schedule provided under divisions (H) to (K) of this 58690  
section. In its review, the committee shall make recommendations 58691  
as to whether each such tax expenditure should be continued 58692  
without modification, modified, or repealed. For each expenditure 58693  
reviewed, the committee may adopt accountability standards for the 58694  
future review of the expenditure. The committee may consider, when 58695  
reviewing a tax expenditure, any of the relevant factors in 58696  
division (E) of this section. 58697

(E) In conducting reviews under division (D) of this section, 58698  
the committee may consider the following factors: 58699

(1) The number and classes of persons, organizations, 58700  
businesses, or types of industries that would receive the direct 58701  
benefit or consequences of the tax expenditure; 58702

(2) The fiscal effect of the tax expenditure on state and 58703  
local taxing authorities, including any past fiscal effects and 58704  
expected future fiscal effects of the tax expenditure; 58705

(3) Public policy objectives that might support the tax 58706  
expenditure. In researching such objectives, the committee may 58707  
consider the expenditure's legislative history, the tax 58708

expenditure's sponsor's intent in proposing the tax expenditure, 58709  
the extent to which the tax expenditure encourages business growth 58710  
or relocation into the state, promotes growth or retention of 58711  
high-wage jobs in the state, or aids community stabilization. 58712

(4) Whether the tax expenditure successfully accomplishes any 58713  
of the objectives identified in division (E)(3) of this section; 58714

(5) Whether the objectives identified in division (E)(3) of 58715  
this section would or could have been accomplished successfully in 58716  
the absence of the tax expenditure or with less cost to the state 58717  
or local governments; 58718

(6) Whether the objectives identified in division (E)(3) of 58719  
this section could have been accomplished successfully through a 58720  
program that requires legislative appropriations for funding; 58721

(7) The extent to which the tax expenditure may provide 58722  
unintended benefits to an individual, organization, or industry 58723  
other than those the legislature or sponsor intended or creates an 58724  
unfair competitive advantage for its recipient with respect to 58725  
other businesses in the state. 58726

(F) The committee shall prepare a report of its 58727  
determinations under division (D) of this section and provide a 58728  
copy of the report to the governor, the speaker and minority 58729  
leader of the house of representatives, the president and minority 58730  
leader of the senate, each member of the house of representatives 58731  
committee that deals primarily with issues of taxation, and each 58732  
member of the senate committee that deals primarily with issues of 58733  
taxation. The report shall contain the committee's recommendations 58734  
for the continuation of such tax expenditures the committee 58735  
considers necessary to maintain in their present or a modified 58736  
form and for the repeal of such expenditures the committee 58737  
considers unnecessary to continue, including suggested revisions 58738  
to sections of the Revised Code. The committee shall include 58739

suggestions for the carryforward or other treatment of the unused 58740  
portion of any tax expenditure the committee recommends repealing 58741  
that a taxpayer earned or received in a period preceding the 58742  
proposed repeal date. 58743

(G) Any legislation introduced in the house of 58744  
representatives or the senate on or after the effective date of 58745  
the enactment of this section that proposes to enact or modify one 58746  
or more tax expenditures shall include a statement explaining the 58747  
public policy objectives of the tax expenditure or its 58748  
modification. 58749

(H) The committee shall complete the report required under 58750  
division (F) of this section of the committee's review of the 58751  
following tax expenditures on or before December 31, 2016: 58752

(1) For taxes levied under Chapters 5739. and 5741. of the 58753  
Revised Code, the tax expenditures authorized in division (B)(8) 58754  
of section 5739.01, divisions (B)(14), (20), (25), (35), (37), 58755  
(38), (42)(j), (44), (48), (49), (50), and (53) of section 58756  
5739.02, division (G) of section 5739.025, and section 5739.071 of 58757  
the Revised Code; 58758

(2) For the tax levied under Chapter 5747. of the Revised 58759  
Code, the tax expenditures authorized in divisions (A)(26) and 58760  
(30) and (FF) of section 5747.01, section 5747.022, division (B) 58761  
of section 5747.05, and sections 5747.29, 5747.37, 5747.66, 58762  
5747.75, and 5747.76 of the Revised Code; 58763

(3) For the tax levied under Chapter 5751. of the Revised 58764  
Code, the tax expenditures authorized in divisions (E)(7) and 58765  
(F)(2)(v) and (ii) of section 5751.01, division (C) of section 58766  
5751.03, and section 5751.54 of the Revised Code; 58767

(4) For the tax levied under Chapter 5726. of the Revised 58768  
Code, the tax expenditures authorized in sections 5726.51, 58769  
5726.52, and 5726.55 of the Revised Code; 58770

(5) For taxes levied under Chapter 5727. of the Revised Code, the tax expenditures authorized in divisions (E) and (F) of section 5727.33 of the Revised Code; 58771  
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(6) For taxes levied under Chapters 5725. and 5729. of the Revised Code, the tax expenditures authorized in sections 5725.34 and 5729.17 of the Revised Code; 58774  
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(7) The tax expenditures authorized in sections 122.85, 149.311, and 901.13 of the Revised Code. 58777  
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(I) The committee shall complete the report required under division (F) of this section of the committee's review of the following tax expenditures on or before December 31, 2017: 58779  
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(1) For taxes levied under Chapters 5739. and 5741. of the Revised Code, the tax expenditures authorized in divisions (H)(2) and (3) of section 5739.01, divisions (B)(1), (11), (15), (17), (19), (21), (23), (24), (27), (30), (31), (34), (40), (42)(a) with respect to the exemption for tangible personal property used directly in providing public utility services, (42)(f), (42)(g), (42)(i), (42)(k), (42)(o), and (45) of section 5739.02, division (B)(1) of section 5739.12, and section 5741.12 of the Revised Code with respect to the discount for prompt payments referenced in that section; 58782  
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(2) For the tax levied under Chapter 5747. of the Revised Code, the tax expenditures authorized in sections 5709.65 and 5709.66, divisions (A)(4), (10), and (14) of section 5747.01, and sections 5747.025, 5747.054, 5747.058, 5747.28, 5747.70, and 5747.81 of the Revised Code; 58792  
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(3) For the tax levied under Chapter 5751. of the Revised Code, the tax expenditures authorized in divisions (F)(2)(u) and (x) of section 5751.01 and section 5751.50 of the Revised Code; 58797  
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(4) For the tax levied under Chapter 5726. of the Revised Code, the tax expenditures authorized in section 5726.50 of the 58800  
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<u>Revised Code;</u>	58802
<u>(5) For taxes levied under Chapters 5725. and 5729. of the</u>	58803
<u>Revised Code, the tax expenditures authorized in sections 5725.32</u>	58804
<u>and 5729.032 of the Revised Code;</u>	58805
<u>(6) For taxes levied under Chapters 4301. and 4305. of the</u>	58806
<u>Revised Code, the tax expenditure authorized in section 4303.332</u>	58807
<u>of the Revised Code;</u>	58808
<u>(7) For the tax levied under Chapter 5736. of the Revised</u>	58809
<u>Code, the tax expenditure authorized in section 5736.50 of the</u>	58810
<u>Revised Code;</u>	58811
<u>(8) The tax expenditures authorized in sections 122.17,</u>	58812
<u>122.171, and 122.86 of the Revised Code.</u>	58813
<u>(J) The committee shall complete the report required under</u>	58814
<u>division (F) of this section of the committee's review of the</u>	58815
<u>following tax expenditures on or before December 31, 2018:</u>	58816
<u>(1) For taxes levied under Chapters 5739. and 5741. of the</u>	58817
<u>Revised Code, the tax expenditures authorized in sections 122.175</u>	58818
<u>and 140.08, divisions (B)(3), (4), (9), (12), (13), (18), (28),</u>	58819
<u>and (52) of section 5739.02, and division (C)(7) of section</u>	58820
<u>5741.02 of the Revised Code;</u>	58821
<u>(2) For the tax levied under Chapter 5747. of the Revised</u>	58822
<u>Code, the tax expenditures authorized in divisions (A)(11), (24),</u>	58823
<u>and (25) of section 5747.01, division (G) of section 5747.05, and</u>	58824
<u>sections 5747.056, 5747.27, and 5747.71 of the Revised Code;</u>	58825
<u>(3) For the tax levied under Chapter 5751. of the Revised</u>	58826
<u>Code, the tax expenditures authorized in divisions (F)(2)(q) and</u>	58827
<u>(t) and (F)(3) of section 5751.01 and sections 5751.51 and 5751.53</u>	58828
<u>of the Revised Code;</u>	58829
<u>(4) For the tax levied under Chapter 5726. of the Revised</u>	58830
<u>Code, the tax expenditure authorized in section 5726.56 of the</u>	58831

<u>Revised Code;</u>	58832
<u>(5) For taxes levied under Chapter 5727. of the Revised Code,</u>	58833
<u>the tax expenditure authorized in section 5727.05 of the Revised</u>	58834
<u>Code;</u>	58835
<u>(6) For taxes levied under Chapters 4301. and 4305. of the</u>	58836
<u>Revised Code, the tax expenditures authorized in sections 4301.23</u>	58837
<u>and 4303.333 of the Revised Code.</u>	58838
<u>(K) The committee shall complete the report required under</u>	58839
<u>division (F) of this section of the committee's review of the</u>	58840
<u>following tax expenditures on or before December 31, 2019:</u>	58841
<u>(1) For taxes levied under Chapters 5739. and 5741. of the</u>	58842
<u>Revised Code, the tax expenditures authorized in section 5709.25</u>	58843
<u>of the Revised Code with respect to exempt facilities, as that</u>	58844
<u>term is defined in section 5709.20 of the Revised Code, divisions</u>	58845
<u>(B)(32), (33), (39), (42)(a) with respect to the exemption for</u>	58846
<u>tangible personal property used or consumed in mining, (42)(d),</u>	58847
<u>and (42)(n) of section 5739.02, and section 5739.0210 of the</u>	58848
<u>Revised Code;</u>	58849
<u>(2) For the tax levied under Chapter 5747. of the Revised</u>	58850
<u>Code, the tax expenditures authorized in divisions (A)(5) and (31)</u>	58851
<u>of section 5747.01, divisions (C) and (D) of section 5747.05, and</u>	58852
<u>sections 5747.055, 5747.65, and 5747.80 of the Revised Code;</u>	58853
<u>(3) For the tax levied under Chapter 5751. of the Revised</u>	58854
<u>Code, the tax expenditures authorized in divisions (F)(2)(s), (y),</u>	58855
<u>(z), and (qq) of section 5751.01 and section 5751.52 of the</u>	58856
<u>Revised Code;</u>	58857
<u>(4) For the tax levied under Chapter 5726. of the Revised</u>	58858
<u>Code, the tax expenditures authorized in sections 5726.53 and</u>	58859
<u>5726.54 of the Revised Code;</u>	58860
<u>(5) For taxes levied under Chapter 5727. of the Revised Code,</u>	58861

the tax expenditure authorized in sections 5727.241 and 5727.29, 58862  
division (B)(4) of section 5727.33, and division (D) of section 58863  
5727.81 of the Revised Code; 58864

(6) For taxes levied under Chapters 5725. and 5729. of the 58865  
Revised Code, the tax expenditures authorized in sections 1731.07, 58866  
3956.20, 5725.19, 5725.33, 5729.031, 5729.08, and 5729.16 of the 58867  
Revised Code; 58868

(7) For taxes levied under Chapters 4301. and 4305. of the 58869  
Revised Code, the tax expenditure authorized in section 4303.33 of 58870  
the Revised Code; 58871

(8) For the taxes levied under Chapter 5743. of the Revised 58872  
Code, the tax expenditures authorized in sections 5743.05 and 58873  
5743.52 of the Revised Code; 58874

(9) The tax expenditure authorized in section 150.07 of the 58875  
Revised Code. 58876

(L) The tax expenditure review committee shall cease to exist 58877  
after December 31, 2019. 58878

**Sec. 5705.21.** (A) At any time, the board of education of any 58879  
city, local, exempted village, cooperative education, or joint 58880  
vocational school district, by a vote of two-thirds of all its 58881  
members, may declare by resolution that the amount of taxes which 58882  
may be raised within the ten-mill limitation by levies on the 58883  
current tax duplicate will be insufficient to provide an adequate 58884  
amount for the necessary requirements of the school district, that 58885  
it is necessary to levy a tax in excess of such limitation for one 58886  
of the purposes specified in division (A), (D), (F), (H), or (DD) 58887  
of section 5705.19 of the Revised Code, for general permanent 58888  
improvements, for the purpose of operating a cultural center, for 58889  
the purpose of providing for school safety and security, or for 58890  
the purpose of providing education technology, and that the 58891

question of such additional tax levy shall be submitted to the 58892  
electors of the school district at a special election on a day to 58893  
be specified in the resolution. In the case of a qualifying 58894  
library levy for the support of a library association or private 58895  
corporation, the question shall be submitted to the electors of 58896  
the association library district. If the resolution states that 58897  
the levy is for the purpose of operating a cultural center, the 58898  
ballot shall state that the levy is "for the purpose of operating 58899  
the ..... (name of cultural center)."

As used in this division, "cultural center" means a 58901  
freestanding building, separate from a public school building, 58902  
that is open to the public for educational, musical, artistic, and 58903  
cultural purposes; "education technology" means, but is not 58904  
limited to, computer hardware, equipment, materials, and 58905  
accessories, equipment used for two-way audio or video, and 58906  
software; and "general permanent improvements" means permanent 58907  
improvements without regard to the limitation of division (F) of 58908  
section 5705.19 of the Revised Code that the improvements be a 58909  
specific improvement or a class of improvements that may be 58910  
included in a single bond issue. 58911

A resolution adopted under this division shall be confined to 58912  
a single purpose and shall specify the amount of the increase in 58913  
rate that it is necessary to levy, the purpose of the levy, and 58914  
the number of years during which the increase in rate shall be in 58915  
effect. The number of years may be any number not exceeding five 58916  
or, if the levy is for current expenses of the district or for 58917  
general permanent improvements, for a continuing period of time. 58918

(B)(1) The board of education of a qualifying school 58919  
district, by resolution, may declare that it is necessary to levy 58920  
a tax in excess of the ten-mill limitation for the purpose of 58921  
paying the current expenses of ~~the district and of~~ partnering 58922  
community schools and, if any of the levy proceeds are so 58923

allocated, of the district. A qualifying school district that is 58924  
not a municipal school district may allocate all of the levy 58925  
proceeds to partnering community schools. A municipal school 58926  
district shall allocate a portion of the levy proceeds to the 58927  
current expenses of the district. The resolution shall declare 58928  
that the question of the additional tax levy shall be submitted to 58929  
the electors of the school district at a special election on a day 58930  
to be specified in the resolution. The resolution shall state the 58931  
purpose of the levy, the rate of the tax expressed in mills per 58932  
dollar of taxable value, the number of such mills to be levied for 58933  
the current expenses of the partnering community schools and the 58934  
number of such mills, if any, to be levied for the current 58935  
expenses of the school district, the number of years the tax will 58936  
be levied, and the first year the tax will be levied. The number 58937  
of years the tax may be levied may be any number not exceeding ten 58938  
years, or for a continuing period of time. 58939

The levy of a tax for the current expenses of a partnering 58940  
community school under this section and the distribution of 58941  
proceeds from the tax by a qualifying school district to 58942  
partnering community schools is hereby determined to be a proper 58943  
public purpose. 58944

(2) The (a) If any portion of the levy proceeds are to be 58945  
allocated to the current expenses of the qualifying school 58946  
district, the form of the ballot at an election held pursuant to 58947  
division (B) of this section shall be as follows: 58948

"Shall a levy be imposed by the ..... (insert the name of 58949  
the qualifying school district) for the purpose of current 58950  
expenses of the school district and of partnering community 58951  
schools at a rate not exceeding ..... (insert the number of 58952  
mills) mills for each one dollar of valuation, ~~of~~ of which ..... 58953  
(insert the number of mills to be allocated to partnering 58954  
community schools) mills is to be allocated to partnering 58955

community schools), which amounts to ..... (insert the rate 58956  
expressed in dollars and cents) for each one hundred dollars of 58957  
valuation, for ..... (insert the number of years the levy is to 58958  
be imposed, or that it will be levied for a continuing period of 58959  
time), beginning ..... (insert first year the tax is to be 58960  
levied), which will first be payable in calendar year ..... 58961  
(insert the first calendar year in which the tax would be 58962  
payable)? 58963

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

" 58964  
" 58965

(b) If all of the levy proceeds are to be allocated to the 58966  
current expenses of partnering community schools, the form of the 58967  
ballot shall be as follows: 58968

"Shall a levy be imposed by the ..... (insert the name of 58969  
the qualifying school district) for the purpose of current 58970  
expenses of partnering community schools at a rate not exceeding 58971  
..... (insert the number of mills) mills for each one dollar of 58972  
valuation which amounts to ..... (insert the rate expressed in 58973  
dollars and cents) for each one hundred dollars of valuation, for 58974  
..... (insert the number of years the levy is to be imposed, or 58975  
that it will be levied for a continuing period of time), beginning 58976  
..... (insert first year the tax is to be levied), which will 58977  
first be payable in calendar year ..... (insert the first 58978  
calendar year in which the tax would be payable)? 58979

	<u>FOR THE TAX LEVY</u>
	<u>AGAINST THE TAX LEVY</u>

" 58980  
" 58981

(3) Upon each receipt of a tax distribution by the qualifying 58982  
school district, the board of education shall credit the portion 58983  
allocated to partnering community schools to the partnering 58984  
community schools fund. All income from the investment of money in 58985  
the partnering community schools fund shall be credited to that 58986  
fund. 58987

(a) If the qualifying school district is a municipal school district, the board of education shall distribute the partnering community schools amount among the then qualifying community schools not more than forty-five days after the school district receives and deposits each tax distribution. From each tax distribution, each such partnering community school shall receive a portion of the partnering community schools amount in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date of receipt and deposit of the tax distribution.

(b) If the qualifying school district is not a municipal school district, the board of education may distribute all or a portion of the amount in the partnering community schools fund during a fiscal year to partnering community schools ~~that were either sponsored by the district or entered into an agreement pursuant to division (B)(6)(b) of this section~~ on or before the first day of June of the preceding fiscal year. Each such partnering community school shall receive a portion of the amount distributed by the board from the partnering community schools fund during the fiscal year in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date the school district received and deposited the most recent tax distribution. On or before the fifteenth day of June of each fiscal year, the board of education shall announce an estimated allocation to partnering community schools for the ensuing fiscal year. The board is not required to allocate to partnering community schools the entire partnering community schools amount in the fiscal year in which a tax distribution is received and deposited in the partnering community schools fund. The estimated allocation shall be published on the web site of the school district and expressed as a dollar amount per resident student.

The actual allocation to community schools in a fiscal year need 59021  
not conform to the estimate published by the school district so 59022  
long if the estimate was made in good faith. 59023

Distributions by a school district under division (B)(3)(b) 59024  
of this section shall be made in accordance with distribution 59025  
agreements entered into by the board of education and each 59026  
partnering community school eligible for distributions under this 59027  
division. The distribution agreements shall be certified to the 59028  
department of education each fiscal year before the thirtieth day 59029  
of July. Each agreement shall provide for at least three 59030  
distributions by the school district to the partnering community 59031  
school during the fiscal year and shall require the initial 59032  
distribution be made on or before the thirtieth day of July. 59033

(c) For the purposes of division (B) of this section, the 59034  
number of resident students shall be the number of such students 59035  
reported under section 3317.03 of the Revised Code and established 59036  
by the department of education as of the date of receipt and 59037  
deposit of the tax distribution. 59038

(4) To the extent an agreement whereby the qualifying school 59039  
district and a community school endorse each other's programs is 59040  
necessary for the community school to qualify as a partnering 59041  
community school under division (B)(6)(b) of this section, the 59042  
board of education of the school district shall certify to the 59043  
department of education the agreement along with the determination 59044  
that such agreement satisfies the requirements of that division. 59045  
The board's determination is conclusive. 59046

(5) For the purposes of Chapter 3317. of the Revised Code or 59047  
other laws referring to the "taxes charged and payable" for a 59048  
school district, the taxes charged and payable for a qualifying 59049  
school district that levies a tax under division (B) of this 59050  
section includes only the taxes charged and payable under that 59051  
levy for the current expenses of the school district, and does not 59052

include the taxes charged and payable for the current expenses of 59053  
partnering community schools. The taxes charged and payable for 59054  
the current expenses of partnering community schools shall not 59055  
affect the calculation of "state education aid" as defined in 59056  
section 5751.20 of the Revised Code. 59057

(6) As used in division (B) of this section: 59058

(a) "Qualifying school district" means a municipal school 59059  
district, as defined in section 3311.71 of the Revised Code, or a 59060  
school district that ~~has an average daily membership, as reported~~ 59061  
~~under division (A) of section 3317.03 of the Revised Code, greater~~ 59062  
~~than sixty thousand and the majority of the territory of which~~ 59063  
~~district is located in a city with a population greater than seven~~ 59064  
~~hundred thousand according to the most recent federal decennial~~ 59065  
~~census~~ contains within its territory a partnering community 59066  
school. 59067

(b) "Partnering community school" means a community school 59068  
established under Chapter 3314. of the Revised Code that is 59069  
located within the territory of the qualifying school district and 59070  
~~that either~~ meets one of the following criteria: 59071

(i) If the qualifying school district is a municipal school 59072  
district, the community school is sponsored by the district or is 59073  
a party to an agreement with the district whereby the district and 59074  
the community school endorse each other's programs; 59075

(ii) If the qualifying school district is not a municipal 59076  
school district, the community school is sponsored by a sponsor 59077  
that was rated as "exemplary" in the ratings most recently 59078  
published under section 3314.016 of the Revised Code before the 59079  
resolution proposing the levy is certified to the board of 59080  
elections. 59081

(c) "Partnering community schools amount" means the product 59082  
obtained, as of the receipt and deposit of the tax distribution, 59083

by multiplying the amount of a tax distribution by a fraction, the numerator of which is the number of mills per dollar of taxable value of the property tax to be allocated to partnering community schools, and the denominator of which is the total number of mills per dollar of taxable value authorized by the electors in the election held under division (B) of this section, each as set forth in the resolution levying the tax. If the resolution allocates all of the levy proceeds to partnering community schools, the "partnering schools amount" equals the amount of the tax distribution.

(d) "Partnering community schools fund" means a separate fund established by the board of education of a qualifying school district for the deposit of partnering community school amounts under this section.

(e) "Resident student" means a student enrolled in a partnering community school who is entitled to attend school in the qualifying school district under section 3313.64 or 3313.65 of the Revised Code.

(f) "Tax distribution" means a distribution of proceeds of the tax authorized by division (B) of this section under section 321.24 of the Revised Code and distributions that are attributable to that tax under sections 323.156 and 4503.068 of the Revised Code or other applicable law.

(C) A resolution adopted under this section shall specify the date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution and which shall be consistent with the requirements of section 3501.01 of the Revised Code.

A resolution adopted under this section may propose to renew one or more existing levies imposed under division (A) or (B) of this section or to increase or decrease a single levy imposed

under either such division. 59115

If the board of education imposes one or more existing levies 59116  
for the purpose specified in division (F) of section 5705.19 of 59117  
the Revised Code, the resolution may propose to renew one or more 59118  
of those existing levies, or to increase or decrease a single such 59119  
existing levy, for the purpose of general permanent improvements. 59120

If the resolution proposes to renew two or more existing 59121  
levies, the levies shall be levied for the same purpose. The 59122  
resolution shall identify those levies and the rates at which they 59123  
are levied. The resolution also shall specify that the existing 59124  
levies shall not be extended on the tax lists after the year 59125  
preceding the year in which the renewal levy is first imposed, 59126  
regardless of the years for which those levies originally were 59127  
authorized to be levied. 59128

If the resolution proposes to renew an existing levy imposed 59129  
under division (B) of this section, the rates allocated to the 59130  
qualifying school district and to partnering community schools 59131  
each may be increased or decreased or remain the same, and the 59132  
total rate may be increased, decreased, or remain the same. The 59133  
resolution and notice of election shall specify the number of the 59134  
mills to be levied for the current expenses of the partnering 59135  
community schools and the number of the mills, if any, to be 59136  
levied for the current expenses of the qualifying school district. 59137

A resolution adopted under this section shall go into 59138  
immediate effect upon its passage, and no publication of the 59139  
resolution shall be necessary other than that provided for in the 59140  
notice of election. A copy of the resolution shall immediately 59141  
after its passing be certified to the board of elections of the 59142  
proper county in the manner provided by section 5705.25 of the 59143  
Revised Code. That section shall govern the arrangements for the 59144  
submission of such question and other matters concerning the 59145  
election to which that section refers, including publication of 59146

notice of the election, except that the election shall be held on 59147  
the date specified in the resolution. In the case of a resolution 59148  
adopted under division (B) of this section, the publication of 59149  
notice of that election shall state the number of the mills, if 59150  
any, to be levied for the current expenses of partnering community 59151  
schools and the number of the mills to be levied for the current 59152  
expenses of the qualifying school district. If a majority of the 59153  
electors voting on the question so submitted in an election vote 59154  
in favor of the levy, the board of education may make the 59155  
necessary levy within the school district or, in the case of a 59156  
qualifying library levy for the support of a library association 59157  
or private corporation, within the association library district, 59158  
at the additional rate, or at any lesser rate in excess of the 59159  
ten-mill limitation on the tax list, for the purpose stated in the 59160  
resolution. A levy for a continuing period of time may be reduced 59161  
pursuant to section 5705.261 of the Revised Code. The tax levy 59162  
shall be included in the next tax budget that is certified to the 59163  
county budget commission. 59164

(D)(1) After the approval of a levy on the current tax list 59165  
and duplicate for current expenses, for recreational purposes, for 59166  
community centers provided for in section 755.16 of the Revised 59167  
Code, or for a public library of the district under division (A) 59168  
of this section, and prior to the time when the first tax 59169  
collection from the levy can be made, the board of education may 59170  
anticipate a fraction of the proceeds of the levy and issue 59171  
anticipation notes in a principal amount not exceeding fifty per 59172  
cent of the total estimated proceeds of the levy to be collected 59173  
during the first year of the levy. 59174

(2) After the approval of a levy for general permanent 59175  
improvements for a specified number of years or for permanent 59176  
improvements having the purpose specified in division (F) of 59177  
section 5705.19 of the Revised Code, the board of education may 59178

anticipate a fraction of the proceeds of the levy and issue 59179  
anticipation notes in a principal amount not exceeding fifty per 59180  
cent of the total estimated proceeds of the levy remaining to be 59181  
collected in each year over a period of five years after the 59182  
issuance of the notes. 59183

The notes shall be issued as provided in section 133.24 of 59184  
the Revised Code, shall have principal payments during each year 59185  
after the year of their issuance over a period not to exceed five 59186  
years, and may have a principal payment in the year of their 59187  
issuance. 59188

(3) After approval of a levy for general permanent 59189  
improvements for a continuing period of time, the board of 59190  
education may anticipate a fraction of the proceeds of the levy 59191  
and issue anticipation notes in a principal amount not exceeding 59192  
fifty per cent of the total estimated proceeds of the levy to be 59193  
collected in each year over a specified period of years, not 59194  
exceeding ten, after the issuance of the notes. 59195

The notes shall be issued as provided in section 133.24 of 59196  
the Revised Code, shall have principal payments during each year 59197  
after the year of their issuance over a period not to exceed ten 59198  
years, and may have a principal payment in the year of their 59199  
issuance. 59200

(4) After the approval of a levy on the current tax list and 59201  
duplicate under division (B) of this section, and prior to the 59202  
time when the first tax collection from the levy can be made, the 59203  
board of education may anticipate a fraction of the proceeds of 59204  
the levy for the current expenses of the school district and issue 59205  
anticipation notes in a principal amount not exceeding fifty per 59206  
cent of the estimated proceeds of the levy to be collected during 59207  
the first year of the levy and allocated to the school district. 59208  
The portion of the levy proceeds to be allocated to partnering 59209  
community schools under that division shall not be included in the 59210

estimated proceeds anticipated under this division and shall not 59211  
be used to pay debt charges on any anticipation notes. 59212

The notes shall be issued as provided in section 133.24 of 59213  
the Revised Code, shall have principal payments during each year 59214  
after the year of their issuance over a period not to exceed five 59215  
years, and may have a principal payment in the year of their 59216  
issuance. 59217

(E) The submission of questions to the electors under this 59218  
section is subject to the limitation on the number of election 59219  
dates established by section 5705.214 of the Revised Code. 59220

**Sec. 5705.212.** (A)(1) The board of education of any school 59221  
district, at any time and by a vote of two-thirds of all of its 59222  
members, may declare by resolution that the amount of taxes that 59223  
may be raised within the ten-mill limitation will be insufficient 59224  
to provide an adequate amount for the present and future 59225  
requirements of the school district, that it is necessary to levy 59226  
not more than five taxes in excess of that limitation for current 59227  
expenses, and that each of the proposed taxes first will be levied 59228  
in a different year, over a specified period of time. The board 59229  
shall identify the taxes proposed under this section as follows: 59230  
the first tax to be levied shall be called the "original tax." 59231  
Each tax subsequently levied shall be called an "incremental tax." 59232  
The rate of each incremental tax shall be identical, but the rates 59233  
of such incremental taxes need not be the same as the rate of the 59234  
original tax. The resolution also shall state that the question of 59235  
these additional taxes shall be submitted to the electors of the 59236  
school district at a special election. The resolution shall 59237  
specify separately for each tax proposed: the amount of the 59238  
increase in rate that it is necessary to levy, expressed 59239  
separately for the original tax and each incremental tax; that the 59240  
purpose of the levy is for current expenses; the number of years 59241

during which the original tax shall be in effect; a specification 59242  
that the last year in which the original tax is in effect shall 59243  
also be the last year in which each incremental tax shall be in 59244  
effect; and the year in which each tax first is proposed to be 59245  
levied. The original tax may be levied for any number of years not 59246  
exceeding ten, or for a continuing period of time. The resolution 59247  
shall specify the date of holding the special election, which 59248  
shall not be earlier than ninety days after the adoption and 59249  
certification of the resolution and shall be consistent with the 59250  
requirements of section 3501.01 of the Revised Code. 59251

(2) The board of education, by a vote of two-thirds of all of 59252  
its members, may adopt a resolution proposing to renew taxes 59253  
levied other than for a continuing period of time under division 59254  
(A)(1) of this section. Such a resolution shall provide for 59255  
levying a tax and specify all of the following: 59256

(a) That the tax shall be called and designated on the ballot 59257  
as a renewal levy; 59258

(b) The rate of the renewal tax, which shall be a single rate 59259  
that combines the rate of the original tax and each incremental 59260  
tax into a single rate. The rate of the renewal tax shall not 59261  
exceed the aggregate rate of the original and incremental taxes. 59262

(c) The number of years, not to exceed ten, that the renewal 59263  
tax will be levied, or that it will be levied for a continuing 59264  
period of time; 59265

(d) That the purpose of the renewal levy is for current 59266  
expenses; 59267

(e) Subject to the certification and notification 59268  
requirements of section 5705.251 of the Revised Code, that the 59269  
question of the renewal levy shall be submitted to the electors of 59270  
the school district at the general election held during the last 59271  
year the original tax may be extended on the real and public 59272

utility property tax list and duplicate or at a special election 59273  
held during the ensuing year. 59274

(3) A resolution adopted under division (A)(1) or (2) of this 59275  
section shall go into immediate effect upon its adoption and no 59276  
publication of the resolution is necessary other than that 59277  
provided for in the notice of election. Immediately after its 59278  
adoption, a copy of the resolution shall be certified to the board 59279  
of elections of the proper county in the manner provided by 59280  
division (A) of section 5705.251 of the Revised Code, and that 59281  
division shall govern the arrangements for the submission of the 59282  
question and other matters concerning the election to which that 59283  
section refers. The election shall be held on the date specified 59284  
in the resolution. If a majority of the electors voting on the 59285  
question so submitted in an election vote in favor of the taxes or 59286  
a renewal tax, the board of education, if the original or a 59287  
renewal tax is authorized to be levied for the current year, 59288  
immediately may make the necessary levy within the school district 59289  
at the authorized rate, or at any lesser rate in excess of the 59290  
ten-mill limitation, for the purpose stated in the resolution. No 59291  
tax shall be imposed prior to the year specified in the resolution 59292  
as the year in which it is first proposed to be levied. The rate 59293  
of the original tax and the rate of each incremental tax shall be 59294  
cumulative, so that the aggregate rate levied in any year is the 59295  
sum of the rates of both the original tax and all incremental 59296  
taxes levied in or prior to that year under the same proposal. A 59297  
tax levied for a continuing period of time under this section may 59298  
be reduced pursuant to section 5705.261 of the Revised Code. 59299

(B) Notwithstanding section 133.30 of the Revised Code, after 59300  
the approval of a tax to be levied in the current or the 59301  
succeeding year and prior to the time when the first tax 59302  
collection from that levy can be made, the board of education may 59303  
anticipate a fraction of the proceeds of the levy and issue 59304

anticipation notes in an amount not to exceed fifty per cent of 59305  
the total estimated proceeds of the levy to be collected during 59306  
the first year of the levy. The notes shall be sold as provided in 59307  
Chapter 133. of the Revised Code. If anticipation notes are 59308  
issued, they shall mature serially and in substantially equal 59309  
amounts during each year over a period not to exceed five years; 59310  
and the amount necessary to pay the interest and principal as the 59311  
anticipation notes mature shall be deemed appropriated for those 59312  
purposes from the levy, and appropriations from the levy by the 59313  
board of education shall be limited each fiscal year to the 59314  
balance available in excess of that amount. 59315

If the auditor of state has certified a deficit pursuant to 59316  
section 3313.483 of the Revised Code, the notes authorized under 59317  
this section may be sold in accordance with Chapter 133. of the 59318  
Revised Code, except that the board may sell the notes after 59319  
providing a reasonable opportunity for competitive bidding. 59320

(C)(1) The board of education of a qualifying school 59321  
district, at any time and by a vote of two-thirds of all its 59322  
members, may declare by resolution that it is necessary to levy 59323  
not more than five taxes in excess of the ten-mill limitation for 59324  
the current expenses of ~~the school district and of~~ partnering 59325  
community schools and, if any of the levy proceeds are so 59326  
allocated, of the school district, and that each of the proposed 59327  
taxes first will be levied in a different year, over a specified 59328  
period of time. A qualifying school district that is not a 59329  
municipal school district may allocate all of the levy proceeds to 59330  
partnering community schools. A municipal school district shall 59331  
allocate a portion of the levy proceeds to the current expenses of 59332  
the district. The board shall identify the taxes proposed under 59333  
this division in the same manner as in division (A)(1) of this 59334  
section. The rate of each incremental tax shall be identical, but 59335  
the rates of such incremental taxes need not be the same as the 59336

rate of the original tax. In addition to the specifications 59337  
required of the resolution in division (A) of this section, the 59338  
resolution shall state the number of the mills to be levied each 59339  
year for the current expenses of the partnering community schools 59340  
and the number of the mills, if any, to be levied each year for 59341  
the current expenses of the school district. The number of mills 59342  
for the current expenses of partnering community schools shall be 59343  
the same for each of the incremental taxes, and the number of 59344  
mills for the current expenses of the qualifying school district 59345  
shall be the same for each of the incremental taxes. 59346

The levy of taxes for the current expenses of a partnering 59347  
community school under division (C) of this section and the 59348  
distribution of proceeds from the tax by a qualifying school 59349  
district to partnering community schools is hereby determined to 59350  
be a proper public purpose. 59351

(2) The board of education, by a vote of two-thirds of all of 59352  
its members, may adopt a resolution proposing to renew taxes 59353  
levied other than for a continuing period of time under division 59354  
(C)(1) of this section. In such a renewal levy, the rates 59355  
allocated to the qualifying school district and to partnering 59356  
community schools each may be increased or decreased or remain the 59357  
same, and the total rate may be increased, decreased, or remain 59358  
the same. In addition to the requirements of division (A)(2) of 59359  
this section, the resolution shall state the number of the mills 59360  
to be levied for the current expenses of the partnering community 59361  
schools and the number of the mills to be levied for the current 59362  
expenses of the school district. 59363

(3) A resolution adopted under division (C)(1) or (2) of this 59364  
section is subject to the rules and procedures prescribed by 59365  
division (A)(3) of this section. 59366

(4) The proceeds of each tax levied under division (C)(1) or 59367  
(2) of this section shall be credited and distributed in the 59368

manner prescribed by division (B)(3) of section 5705.21 of the Revised Code, and divisions (B)(4), (5), and (6) of that section apply to taxes levied under division (C) of this section.

(5) Notwithstanding section 133.30 of the Revised Code, after the approval of a tax to be levied under division (C)(1) or (2) of this section, in the current or succeeding year and prior to the time when the first tax collection from that levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the qualifying school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of levy proceeds to be allocated to partnering community schools shall not be included in the estimated proceeds anticipated under this division and shall not be used to pay debt charges on any anticipation notes.

The notes shall be sold as provided in Chapter 133. of the Revised Code. If anticipation notes are issued, they shall mature serially and in substantially equal amounts during each year over a period not to exceed five years. The amount necessary to pay the interest and principal as the anticipation notes mature shall be deemed appropriated for those purposes from the levy, and appropriations from the levy by the board of education shall be limited each fiscal year to the balance available in excess of that amount.

If the auditor of state has certified a deficit pursuant to section 3313.483 of the Revised Code, the notes authorized under this section may be sold in accordance with Chapter 133. of the Revised Code, except that the board may sell the notes after providing a reasonable opportunity for competitive bidding.

As used in division (C) of this section, "qualifying school district" and "partnering community schools" have the same

meanings as in section 5705.21 of the Revised Code. 59401

(D) The submission of questions to the electors under this 59402  
section is subject to the limitation on the number of election 59403  
dates established by section 5705.214 of the Revised Code. 59404

**Sec. 5709.67.** (A) Except as otherwise provided in sections 59405  
5709.61 to 5709.69 of the Revised Code, the director of 59406  
development shall administer those sections and shall adopt rules 59407  
necessary to implement and administer the enterprise zone program. 59408  
The director shall assign to each zone currently certified a 59409  
unique designation by which the zone shall be identified for 59410  
purposes of administering sections 5709.61 to 5709.69 of the 59411  
Revised Code. The tax commissioner shall administer all other tax 59412  
incentives provided under sections 5709.61 to 5709.69 of the 59413  
Revised Code and shall adopt rules necessary to carry out that 59414  
duty. No tax incentive qualification certificate or employee tax 59415  
credit certificate shall be issued or remain in effect unless the 59416  
enterprise applying for or holding the certificate complies with 59417  
all such rules. The director of job and family services shall 59418  
administer the incentive provided under division (B)(1) of section 59419  
5709.66 of the Revised Code and shall adopt rules necessary to 59420  
carry out that duty. No extension of benefits certificate shall be 59421  
issued or remain in effect unless the enterprise applying for or 59422  
holding the certificate complies with all such rules. 59423

(B) Not later than the first day of August each year, the 59424  
director of development shall report to the general assembly on 59425  
all of the following for the preceding calendar year: 59426

(1) The cost to the state of the tax and other incentives 59427  
provided under sections 5709.61 to 5709.69 of the Revised Code; 59428

(2) The number of tax incentive qualification certificates, 59429  
employee tax credit certificates, and extension of benefits 59430  
certificates issued; 59431

(3) The names of the municipal corporations and counties that  
have entered agreements under sections 5709.62, 5709.63, and  
5709.632 of the Revised Code;

(4) The number of new employees hired as a result of the tax  
and other incentives provided under sections 5709.61 to 5709.69 of  
the Revised Code;

(5) Information on agreement terms concerning school district  
revenue that are not provided for in section 5709.631 of the  
Revised Code and that are forwarded to the director under division  
(H) of section 5709.62, division (H) of section 5709.63, or  
division (G) of section 5709.632 of the Revised Code.

The report shall include a finding by the director as to  
whether the incentives provided under sections 5709.61 to 5709.69  
of the Revised Code have resulted in the creation of more  
positions in the state than would have been created without the  
incentives. The director shall send a copy of the report to each  
member of the general assembly and to the director of the  
legislative service commission.

~~(C) All forms used in connection with the administration of  
sections 5709.61 to 5709.69 of the Revised Code, except forms  
administered directly by the tax commissioner, by the director of  
job and family services, or by a county or municipal corporation,  
are subject to review and approval by the state forms management  
control center under sections 125.91 to 125.98 of the Revised  
Code.~~

**Sec. 5709.92.** (A) As used in this section: 59457

(1) "School district" means a city, local, or exempted  
village school district. 59458  
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(2) "Joint vocational school district" means a joint  
vocational school district created under section 3311.16 of the 59460  
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Revised Code, and includes a cooperative education school district 59462  
created under section 3311.52 or 3311.521 of the Revised Code and 59463  
a county school financing district created under section 3311.50 59464  
of the Revised Code. 59465

(3) "Total resources" means the sum of the amounts described 59466  
in divisions (A)(3)(a) to (g) of this section less any reduction 59467  
required under division (C)(2)(a) of this section. 59468

(a) The state education aid for fiscal year 2015; 59469

(b) The sum of the payments received in fiscal year 2015 for 59470  
current expense levy losses under division (C)(3) of section 59471  
5727.85 and division (C)(12) of section 5751.21 of the Revised 59472  
Code, as they existed at that time, excluding the portion of such 59473  
payments attributable to levies for joint vocational school 59474  
district purposes; 59475

(c) The sum of fixed-sum levy loss payments received by the 59476  
school district in fiscal year 2015 under division (F)(1) of 59477  
section 5727.85 and division (E)(1) of section 5751.21 of the 59478  
Revised Code, as they existed at that time, for fixed-sum levies 59479  
charged and payable for a purpose other than paying debt charges; 59480

(d) The district's taxes charged and payable against all 59481  
property on the tax list of real and public utility property for 59482  
current expense purposes for tax year 2014, including taxes 59483  
charged and payable from emergency levies charged and payable 59484  
under sections 5705.194 to 5705.197 of the Revised Code, excluding 59485  
taxes levied for joint vocational school district purposes or 59486  
levied under section 5705.23 of the Revised Code; 59487

(e) The amount certified for fiscal year 2015 under division 59488  
(A)(2) of section 3317.08 of the Revised Code; 59489

(f) Distributions received during calendar year 2014 from 59490  
taxes levied under section 718.09 of the Revised Code; 59491

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund. 59492  
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(4)(a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 59494  
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(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 59500  
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(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code. 59506  
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(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section. 59510  
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(7) "Threshold per cent" means the following: 59512

(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one percentage point. 59513  
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(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-fourth percentage points. 59517  
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(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-half percentage points. 59522  
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(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and three-fourths percentage points. 59526  
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(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus two percentage points. 59531  
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(f) For a joint vocational school district, two per cent for fiscal year 2016; for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points. 59535  
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(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)(2)(b) of this section. 59538  
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(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division (C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom 59544  
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facilities. 59553

(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes. 59554  
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(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes. 59558  
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(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes. 59562  
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(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes. 59566  
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(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015. 59570  
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(B) The department of education shall rank all school districts in the order of districts' capacity measures determined under section 3317.017 of the Revised Code from lowest to highest, and divide such ranking into quintiles, with the first quintile containing the twenty per cent of school districts having the lowest capacity measure and the fifth quintile containing the twenty per cent of school districts having the highest capacity measure. This calculation and ranking shall be performed once, in fiscal year 2016, and used for subsequent years for the purpose of division (A)(7) of this section. 59573  
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(C)(1) In fiscal year 2016, payments shall be made to school 59583

districts and joint vocational school districts equal to the sum 59584  
of the amounts described in divisions (C)(1)(a) or (b) and 59585  
(C)(1)(c) of this section. In fiscal year 2017 and subsequent 59586  
fiscal years, payments shall be made to school districts and joint 59587  
vocational school districts equal to the amount described in 59588  
division (C)(1)(a) or (b) of this section. 59589

(a) If the ratio of the current expense allocation to total 59590  
resources is equal to or less than the district's threshold per 59591  
cent, zero; 59592

(b) If the ratio of the current expense allocation to total 59593  
resources is greater than the district's threshold per cent, the 59594  
difference between the current expense allocation and the product 59595  
of the threshold percentage and total resources; 59596

(c) For fiscal year 2016, the product of the non-current 59597  
expense allocation multiplied by fifty per cent. 59598

(2)(a) "Total resources" used to compute payments under 59599  
division (C)(1) of this section shall be reduced to the extent 59600  
that payments distributed in fiscal year 2015 were attributable to 59601  
levies no longer charged and payable for tax year 2014. 59602

(b) "Current expense allocation" used to compute payments 59603  
under division (C)(1) of this section shall be reduced to the 59604  
extent that the payments distributed in fiscal year 2015 were 59605  
attributable to levies no longer charged and payable for tax year 59606  
2014. 59607

(3) The department of education shall report to each school 59608  
district and joint vocational school district the apportionment of 59609  
the payments under division (C)(1) of this section among the 59610  
district's funds based on qualifying levies. 59611

(D) Payments in the following amounts shall be made to school 59612  
districts and joint vocational school districts in tax years 2016 59613  
through 2021: 59614

(1) In tax year 2016, the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 59615  
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(2) In tax year 2017, the sum of the district's operating TPP fixed-sum levy losses and eighty per cent of operating S.B. 3 fixed-sum levy losses. 59617  
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(3) In tax year 2018, the sum of eighty per cent of the district's operating TPP fixed-sum levy losses and sixty per cent of its operating S.B. 3 fixed-sum levy losses. 59620  
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(4) In tax year 2019, the sum of sixty per cent of the district's operating TPP fixed-sum levy losses and forty per cent of its operating S.B. 3 fixed-sum levy losses. 59623  
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(5) In tax year 2020, the sum of forty per cent of the district's operating TPP fixed-sum levy losses and twenty per cent of its operating S.B. 3 fixed-sum levy losses. 59626  
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(6) In tax year 2021, twenty per cent of the district's operating TPP fixed-sum levy losses. 59629  
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No payment shall be made under division (D) of this section after tax year 2021. 59631  
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Amounts are payable under division (D) of this section for fixed-sum levy losses only to the extent of such losses for qualifying levies that remain in effect for the current tax year. For this purpose, a qualifying levy levied under section 5705.194 or 5705.213 of the Revised Code remains in effect for the current tax year only if a tax levied under either of those sections is charged and payable for the current tax year for an annual sum at least equal to the annual sum levied by the board of education for tax year 2004 under those sections less the amount of the payment under this division. 59633  
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(E)(1) For fixed-sum levies for debt purposes, payments shall be made to school districts and joint vocational school districts 59643  
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equal to one hundred per cent of the district's fixed-sum levy 59645  
loss determined under division (E) of section 5751.20 and division 59646  
(H) of section 5727.84 of the Revised Code as in effect before 59647  
July 1, 2015, and paid in tax year 2014. No payment shall be made 59648  
for qualifying levies that are no longer charged and payable. 59649

(2) Beginning in 2016, by the thirty-first day of January of 59650  
each year, the tax commissioner shall review the calculation of 59651  
fixed-sum levy loss for debt purposes determined under division 59652  
(E) of section 5751.20 and division (H) of section 5727.84 of the 59653  
Revised Code as in effect before July 1, 2015. If the commissioner 59654  
determines that a fixed-sum levy that had been scheduled to be 59655  
reimbursed in the current year is no longer charged and payable, a 59656  
revised calculation for that year and all subsequent years shall 59657  
be made. 59658

(F)(1) For taxes levied within the ten-mill limitation for 59659  
debt purposes in tax year 1998 in the case of electric company tax 59660  
value losses, and in tax year 1999 in the case of natural gas 59661  
company tax value losses, payments shall be made to school 59662  
districts and joint vocational school districts equal to one 59663  
hundred per cent of the loss computed under division (D) of 59664  
section 5727.85 of the Revised Code as in effect before July 1, 59665  
2015, as if the tax were a fixed-rate levy, but those payments 59666  
shall extend through fiscal year 2016. 59667

(2) For taxes levied within the ten-mill limitation for debt 59668  
purposes in tax year 2005, payments shall be made to school 59669  
districts and joint vocational school districts equal to one 59670  
hundred per cent of the loss computed under division (D) of 59671  
section 5751.21 as in effect before July 1, 2015, as if the tax 59672  
were a fixed-rate levy, but those payments shall extend through 59673  
fiscal year 2018. 59674

(G) If all the territory of a school district or joint 59675  
vocational school district is merged with another district, or if 59676

a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows: 59677  
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(1) For a merger of two or more districts, the fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger. 59682  
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(2) If property is transferred from one district to a previously existing district, the amount of total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to total resources, current expense allocation, and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district. 59687  
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(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense allocation, total allocation, or non-current expense allocation. 59700  
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(4) If the recipient district under division (G)(2) of this section or the newly created district under division (G)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts 59705  
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losing the property had fixed-sum levy losses, the department of 59709  
education, in consultation with the tax commissioner, shall make 59710  
an equitable division of the fixed-sum levy loss reimbursements. 59711

(H) The payments required by divisions (C), (D), (E), and (F) 59712  
of this section shall be distributed periodically to each school 59713  
and joint vocational school district by the department of 59714  
education unless otherwise provided for. Except as provided in 59715  
division (D) of this section, if a levy that is a qualifying levy 59716  
is not charged and payable in any year after 2014, payments to the 59717  
school district or joint vocational school district shall be 59718  
reduced to the extent that the payments distributed in fiscal year 59719  
2015 were attributable to the levy loss of that levy. 59720

**Sec. 5709.93.** (A) As used in this section: 59721

(1) "Taxes charged and payable" means taxes charged and 59722  
payable after the reduction required by section 319.301 of the 59723  
Revised Code but before the reductions required by sections 59724  
319.302 and 323.152 of the Revised Code. 59725

(2) "Threshold per cent" means two per cent for fiscal year 59726  
2016; and, for fiscal year 2017 and thereafter, the sum of the 59727  
prior year's threshold per cent plus two percentage points. 59728

(3) "Public library" means a county, municipal, school 59729  
district, or township public library that receives the proceeds of 59730  
a tax levied under section 5705.23 of the Revised Code. 59731

(4) "Local taxing unit" means a subdivision or taxing unit, 59732  
as defined in section 5705.01 of the Revised Code, a park district 59733  
created under Chapter 1545. of the Revised Code, or a township 59734  
park district established under section 511.23 of the Revised 59735  
Code, but excludes school districts and joint vocational school 59736  
districts. 59737

(5) "Municipal current expense allocation" means the sum of 59738

the payments received by a municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1)(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 of the Revised Code as they existed at that time. 59739  
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(6) "Current expense allocation" means the sum of the payments received by a local taxing unit or public library in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, less any reduction required under division (B)(2) of this section. 59743  
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(7) "TPP inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under division (A)(3) of section 5751.22 of the Revised Code as that section existed at that time. 59749  
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(8) "S.B. 3 inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under section (A)(4) of section 5727.86 of the Revised Code as that section existed at that time. 59753  
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(9) "Qualifying levy" means a levy for which payment was made in calendar year 2014 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time. 59757  
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(10) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(10)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 59761  
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(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 59765  
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(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 59770  
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(11) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(11)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 59774  
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(a) The sum of the payments received by the county for senior services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 59778  
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(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 59782  
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(12) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(12)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 59786  
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(a) The sum of the payments received by the county for children's services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 59790  
59791  
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(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 59794  
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(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(13)(a) and (b) of this section less any reduction required 59798  
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under division (B)(1) of this section. 59801

(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 59802  
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(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 59806  
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(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section. 59810  
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(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 59815  
59816  
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(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 59819  
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(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable for the purpose of paying debt charges; 59826  
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59830

(d) The sum of the amounts distributed to the county in 59831

calendar year 2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code; 59832  
59833

(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April 2015. 59834  
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(15) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(15)(a) to (h) of this section less any reduction required under division (B)(1) or (2) of this section. 59837  
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59839  
59840

(a) The sum of the payments received by the municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 59841  
59842  
59843  
59844

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 59845  
59846  
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59848  
59849  
59850  
59851

(c) The sum of the amounts distributed to the municipal corporation in calendar year 2014 pursuant to section 5747.50 of the Revised Code; 59852  
59853  
59854

(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for municipal current expenses for tax year 2014; 59855  
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(e) The amount of admissions tax collected by the municipal corporation in calendar year 2013, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2013 for which the municipal corporation has reported data 59859  
59860  
59861  
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to the commissioner; 59863

(f) The amount of income taxes collected by the municipal corporation in calendar year 2013 as certified to the tax commissioner under section 5747.50 of the Revised Code in 2013, or if such information has not yet been reported to the commissioner, in the most recent year before 2014 for which the municipal corporation has reported such data to the commissioner; 59864  
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(g) The sum of the amounts distributed to the municipal corporation from the gross casino revenue host city fund from July 2014 through April 2015; 59870  
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(h) The sum of the amounts distributed to the municipal corporation from the gross casino revenue county fund from July 2014 through April 2015. 59873  
59874  
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(16) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(16)(a) to (c) of this section less any reduction required under division (B)(1) or (2) of this section. 59876  
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59878  
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(a) The sum of the payments received by the township in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes; 59880  
59881  
59882  
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(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 59885  
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(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real 59892  
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and public utility property for tax year 2014 excluding taxes 59894  
charged and payable for the purpose of paying debt charges or from 59895  
levies imposed under section 5705.23 of the Revised Code. 59896

(17) "Total resources," in the case of a local taxing unit 59897  
that is not a county, municipal corporation, township, or public 59898  
library means the sum of the amounts in divisions (A)(17)(a) to 59899  
(e) of this section less any reduction required under division 59900  
(B)(1) of this section. 59901

(a) The sum of the payments received by the local taxing unit 59902  
in calendar year 2014 pursuant to division (A)(1) of section 59903  
5727.86 of the Revised Code and division (A)(1) of section 5751.22 59904  
of the Revised Code as they existed at that time; 59905

(b) The local taxing unit's percentage share of county 59906  
undivided local government fund allocations as certified to the 59907  
tax commissioner for calendar year 2015 by the county auditor 59908  
under division (J) of section 5747.51 of the Revised Code or 59909  
division (F) of section 5747.53 of the Revised Code multiplied by 59910  
the total amount actually distributed in calendar year 2014 from 59911  
the county undivided local government fund; 59912

(c) With respect to taxes levied by the local taxing unit, 59913  
the taxes charged and payable against all property on the tax list 59914  
of real and public utility property for tax year 2014 excluding 59915  
taxes charged and payable for the purpose of paying debt charges 59916  
or from a levy imposed under section 5705.23 of the Revised Code; 59917

(d) The amount received from the tax commissioner during 59918  
calendar year 2014 for sales or use taxes authorized under 59919  
sections 5739.023 and 5741.022 of the Revised Code; 59920

(e) For institutions of higher education receiving tax 59921  
revenue from a local levy, as identified in section 3358.02 of the 59922  
Revised Code, the final state share of instruction allocation for 59923  
fiscal year 2014 as calculated by the director of higher education 59924

and reported to the state controlling board. 59925

(18) "Total library resources," in the case of a county, 59926  
municipal corporation, school district, or township public library 59927  
that receives the proceeds of a tax levied under section 5705.23 59928  
of the Revised Code, means the sum of the amounts in divisions 59929  
(A)(18)(a) to (d) of this section less any reduction required 59930  
under division (B)(1) of this section. 59931

(a) The sum of the payments received by the county, municipal 59932  
corporation, school district, or township public library in 59933  
calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the 59934  
Revised Code, as they existed at that time, for fixed-rate levy 59935  
losses attributable to a tax levied under section 5705.23 of the 59936  
Revised Code for the benefit of the public library; 59937

(b) The public library's percentage share of county undivided 59938  
local government fund allocations as certified to the tax 59939  
commissioner for calendar year 2015 by the county auditor under 59940  
division (J) of section 5747.51 of the Revised Code or division 59941  
(F) of section 5747.53 of the Revised Code multiplied by the total 59942  
amount actually distributed in calendar year 2014 from the county 59943  
undivided local government fund; 59944

(c) With respect to a tax levied pursuant to section 5705.23 59945  
of the Revised Code for the benefit of the public library, the 59946  
amount of such tax that is charged and payable against all 59947  
property on the tax list of real and public utility property for 59948  
tax year 2014 excluding any tax that is charged and payable for 59949  
the purpose of paying debt charges; 59950

(d) The sum of the amounts distributed to the library 59951  
district from the county public library fund in calendar year 59952  
2014, as reported to the tax commissioner by the county auditor. 59953

(19) "Municipal current expense property tax levies" means 59954  
all property tax levies of a municipality, except those with the 59955

following levy names: library; airport resurfacing; bond or any 59956  
levy name including the word "bond"; capital improvement or any 59957  
levy name including the word "capital"; debt or any levy name 59958  
including the word "debt"; equipment or any levy name including 59959  
the word "equipment," unless the levy is for combined operating 59960  
and equipment; employee termination fund; fire pension or any levy 59961  
containing the word "pension," including police pensions; 59962  
fireman's fund or any practically similar name; sinking fund; road 59963  
improvements or any levy containing the word "road"; fire truck or 59964  
apparatus; flood or any levy containing the word "flood"; 59965  
conservancy district; county health; note retirement; sewage, or 59966  
any levy containing the words "sewage" or "sewer"; park 59967  
improvement; parkland acquisition; storm drain; street or any levy 59968  
name containing the word "street"; lighting, or any levy name 59969  
containing the word "lighting"; and water. 59970

(20) "Operating fixed-rate levy loss" means, in the case of 59971  
local taxing units other than municipal corporations, fixed-rate 59972  
levy losses of levies imposed for purposes other than paying debt 59973  
charges or, in the case of municipal corporations, fixed-rate levy 59974  
losses of municipal current expense property tax levies. 59975

(21) Any term used in this section has the same meaning as in 59976  
section 5727.84 or 5751.20 of the Revised Code unless otherwise 59977  
defined by this section. 59978

(B)(1) "Total resources" used to compute payments to be made 59979  
under division (C) of this section shall be reduced to the extent 59980  
that payments distributed in calendar year 2014 were attributable 59981  
to levies no longer charged and payable. 59982

(2) "Current expense allocation" used to compute payments to 59983  
be made under division (C) of this section shall be reduced to the 59984  
extent that payments distributed in calendar year 2014 were 59985  
attributable to levies no longer charged and payable. 59986

(C)(1) Except as provided in division (D) of this section, 59987  
the tax commissioner shall compute payments for operating 59988  
fixed-rate levy losses of local taxing units and public libraries 59989  
for fiscal year 2016 and each year thereafter as prescribed in 59990  
divisions (C)(1)(a) and (b) of this section: 59991

(a) For public libraries and local taxing units other than 59992  
municipal corporations: 59993

(i) If the ratio of current expense allocation to total 59994  
resources is equal to or less than the threshold per cent, zero; 59995

(ii) If the ratio of current expense allocation to total 59996  
resources is greater than the threshold per cent, the current 59997  
expense allocation minus the product of total resources multiplied 59998  
by the threshold per cent. 59999

(b) For municipal corporations: 60000

(i) If the ratio of the municipal current expense allocation 60001  
to total resources is equal to or less than the threshold per 60002  
cent, zero; 60003

(ii) If the ratio of the municipal current expense allocation 60004  
to total resources is greater than the threshold per cent, the 60005  
municipal current expense allocation minus the product of total 60006  
resources multiplied by the threshold per cent. 60007

(2) For any local taxing unit or public library with 60008  
operating fixed-rate levy losses greater than zero, the operating 60009  
fixed-rate levy loss shall be allocated among all qualifying 60010  
operating fixed-rate levies in proportion to each such levy's 60011  
share of the payments received in tax year 2014. In fiscal year 60012  
2016 and thereafter, if a levy to which operating fixed-rate levy 60013  
loss is allocated is no longer charged and payable, the payment to 60014  
the local taxing unit or public library shall be reduced by the 60015  
amount allocated to the levy that is no longer charged and 60016  
payable. 60017

(D)(1) Except as provided in division (D)(2) of this section, 60018  
the tax commissioner shall make payments to local taxing units 60019  
equal to the sum of TPP inside millage debt levy loss and S.B. 3 60020  
inside millage debt levy loss. No payment shall be made if the 60021  
levy for which the levy loss is computed is not charged and 60022  
payable for debt purposes in fiscal year 2016 or any year 60023  
thereafter. 60024

(2) No payment shall be made for TPP inside millage debt levy 60025  
loss in calendar year 2018 or thereafter. No payment shall be made 60026  
for S.B.3 inside millage debt levy loss in calendar year 2017 or 60027  
thereafter. 60028

(E) The payments required to be made under divisions (C) and 60029  
(D) of this section shall be paid from local government tangible 60030  
property tax replacement fund to the county undivided income tax 60031  
fund in the proper county treasury. Beginning in August 2015, 60032  
one-half of the amount determined under each of those divisions 60033  
shall be paid on or before the last day of August each year, and 60034  
one-half shall be paid on or before the last day of February each 60035  
year. Within thirty days after receipt of such payments, the 60036  
county treasurer shall distribute amounts determined under this 60037  
section to the proper local taxing unit or public library as if 60038  
they had been levied and collected as taxes, and the local taxing 60039  
unit or public library shall allocate the amounts so received 60040  
among its funds in the same proportions as if those amounts had 60041  
been levied and collected as taxes. 60042

(F) If all or a part of the territories of two or more local 60043  
taxing units are merged, or unincorporated territory of a township 60044  
is annexed by a municipal corporation, the tax commissioner shall 60045  
adjust the payments made under this section to each of the local 60046  
taxing units in proportion to the square mileage of the merged or 60047  
annexed territory as a percentage of the total square mileage of 60048  
the jurisdiction from which the territory originated, or as 60049

otherwise provided by a written agreement between the legislative 60050  
authorities of the local taxing units certified to the 60051  
commissioner not later than the first day of June of the calendar 60052  
year in which the payment is to be made. 60053

**Sec. 5725.98.** (A) To provide a uniform procedure for 60054  
calculating the amount of tax imposed by section 5725.18 of the 60055  
Revised Code that is due under this chapter, a taxpayer shall 60056  
claim any credits and offsets against tax liability to which it is 60057  
entitled in the following order: 60058

(1) The credit for an insurance company or insurance company 60059  
group under section 5729.031 of the Revised Code; 60060

(2) The credit for eligible employee training costs under 60061  
section 5725.31 of the Revised Code; 60062

(3) The credit for purchasers of qualified low-income 60063  
community investments under section 5725.33 of the Revised Code; 60064

(4) The nonrefundable job retention credit under division 60065  
(B)~~(1)~~ of section 122.171 of the Revised Code; 60066

(5) The offset of assessments by the Ohio life and health 60067  
insurance guaranty association permitted by section 3956.20 of the 60068  
Revised Code; 60069

(6) The refundable credit for rehabilitating a historic 60070  
building under section 5725.34 of the Revised Code. 60071

(7) The refundable credit for Ohio job retention under former 60072  
division (B)(2) or (3) of section 122.171 of the Revised Code as 60073  
those divisions existed before the effective date of the amendment 60074  
of this section by ...B... of the 131st general assembly; 60075

(8) The refundable credit for Ohio job creation under section 60076  
5725.32 of the Revised Code; 60077

(9) The refundable credit under section 5725.19 of the 60078

Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 60079  
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(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 60082  
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**Sec. 5726.50.** (A) A taxpayer may claim a refundable tax credit against the tax imposed under this chapter for each person included in the annual report of the taxpayer that is granted a credit by the tax credit authority under section 122.17 or former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before the effective date of the amendment of this section by ...B... of the 131st general assembly. Such a credit shall not be claimed for any tax year following the calendar year in which a relocation of employment positions occurs in violation of an agreement entered into under section 122.17 or 122.171 of the Revised Code. For the purpose of making tax payments under this chapter, taxes equal to the amount of the refundable credit shall be considered to be paid on the first day of the tax year. 60090  
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(B) A taxpayer may claim a nonrefundable tax credit against the tax imposed under this chapter for each person included in the annual report of the taxpayer that is granted a nonrefundable credit by the tax credit authority under division (B)~~(1)~~ of section 122.171 of the Revised Code. A taxpayer may claim against the tax imposed by this chapter any unused portion of the credits 60104  
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authorized under division (B) of section 5733.0610 of the Revised Code. 60110  
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(C) The credits authorized in divisions (A) and (B) of this section shall be claimed in the order required under section 5726.98 of the Revised Code. If the amount of a credit authorized in division (A) of this section exceeds the tax otherwise due under section 5726.02 of the Revised Code after deducting all other credits preceding the credit in the order prescribed in section 5726.98 of the Revised Code, the excess shall be refunded to the taxpayer. 60112  
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**Sec. 5727.81.** (A) For the purpose of raising revenue ~~for~~ public education and to fund the needs of this state and its local government operations governments, an excise tax is hereby levied and imposed on an electric distribution company for all electricity distributed by such company at the following rates per kilowatt hour of electricity distributed in a thirty-day period by the company through a meter of an end user in this state: 60120  
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60123  
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KILOWATT HOURS DISTRIBUTED TO AN END USER	RATE PER KILOWATT HOUR	
For the first 2,000	\$.00465	60127 60129
For the next 2,001 to 15,000	\$.00419	60130
For 15,001 and above	\$.00363	60131

If no meter is used to measure the kilowatt hours of electricity distributed by the company, the rates shall apply to the estimated kilowatt hours of electricity distributed to an unmetered location in this state. 60132  
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The electric distribution company shall base the monthly tax on the kilowatt hours of electricity distributed to an end user through the meter of the end user that is not measured for a thirty-day period by dividing the days in the measurement period into the total kilowatt hours measured during the measurement 60136  
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period to obtain a daily average usage. The tax shall be 60141  
determined by obtaining the sum of divisions (A)(1), (2), and (3) 60142  
of this section and multiplying that amount by the number of days 60143  
in the measurement period: 60144

(1) Multiplying \$0.00465 per kilowatt hour for the first 60145  
sixty-seven kilowatt hours distributed using a daily average; 60146

(2) Multiplying \$0.00419 for the next sixty-eight to five 60147  
hundred kilowatt hours distributed using a daily average; 60148

(3) Multiplying \$0.00363 for the remaining kilowatt hours 60149  
distributed using a daily average. 60150

Except as provided in division (C) of this section, the 60151  
electric distribution company shall pay the tax to the tax 60152  
commissioner in accordance with section 5727.82 of the Revised 60153  
Code, unless required to remit each tax payment by electronic 60154  
funds transfer to the treasurer of state in accordance with 60155  
section 5727.83 of the Revised Code. 60156

Only the distribution of electricity through a meter of an 60157  
end user in this state shall be used by the electric distribution 60158  
company to compute the amount or estimated amount of tax due. In 60159  
the event a meter is not actually read for a measurement period, 60160  
the estimated kilowatt hours distributed by an electric 60161  
distribution company to bill for its distribution charges shall be 60162  
used. 60163

(B) Except as provided in division (C) of this section, each 60164  
electric distribution company shall pay the tax imposed by this 60165  
section in all of the following circumstances: 60166

(1) The electricity is distributed by the company through a 60167  
meter of an end user in this state; 60168

(2) The company is distributing electricity through a meter 60169  
located in another state, but the electricity is consumed in this 60170

state in the manner prescribed by the tax commissioner; 60171

(3) The company is distributing electricity in this state 60172  
without the use of a meter, but the electricity is consumed in 60173  
this state as estimated and in the manner prescribed by the tax 60174  
commissioner. 60175

(C)(1) As used in division (C) of this section: 60176

(a) "Total price of electricity" means the aggregate value in 60177  
money of anything paid or transferred, or promised to be paid or 60178  
transferred, to obtain electricity or electric service, including 60179  
but not limited to the value paid or promised to be paid for the 60180  
transmission or distribution of electricity and for transition 60181  
costs as described in Chapter 4928. of the Revised Code. 60182

(b) "Package" means the provision or the acquisition, at a 60183  
combined price, of electricity with other services or products, or 60184  
any combination thereof, such as natural gas or other fuels; 60185  
energy management products, software, and services; machinery and 60186  
equipment acquisition; and financing agreements. 60187

(c) "Single location" means a facility located on contiguous 60188  
property separated only by a roadway, railway, or waterway. 60189

(2) Division (C) of this section applies to any commercial or 60190  
industrial purchaser's receipt of electricity through a meter of 60191  
an end user in this state or through more than one meter at a 60192  
single location in this state in a quantity that exceeds 60193  
forty-five million kilowatt hours of electricity over the course 60194  
of the preceding calendar year, or any commercial or industrial 60195  
purchaser that will consume more than forty-five million kilowatt 60196  
hours of electricity over the course of the succeeding twelve 60197  
months as estimated by the tax commissioner. The tax commissioner 60198  
shall make such an estimate upon the written request by an 60199  
applicant for registration as a self-assessing purchaser under 60200  
this division. For the meter reading period including July 1, 60201

2008, through the meter reading period including December 31, 60202  
2010, such a purchaser may elect to self-assess the excise tax 60203  
imposed by this section at the rate of \$.00075 per kilowatt hour 60204  
on the first five hundred four million kilowatt hours distributed 60205  
to that meter or location during the registration year, and a 60206  
percentage of the total price of all electricity distributed to 60207  
that meter or location equal to three and one-half per cent. For 60208  
the meter reading period including January 1, 2011, and 60209  
thereafter, such a purchaser may elect to self-assess the excise 60210  
tax imposed by this section at the rate of \$.00257 per kilowatt 60211  
hour for the first five hundred million kilowatt hours, and 60212  
\$.001832 per kilowatt hour for each kilowatt hour in excess of 60213  
five hundred million kilowatt hours, distributed to that meter or 60214  
location during the registration year. 60215

A qualified end user that receives electricity through a 60216  
meter of an end user in this state or through more than one meter 60217  
at a single location in this state and that consumes, over the 60218  
course of the previous calendar year, more than forty-five million 60219  
kilowatt hours in other than its qualifying manufacturing process, 60220  
may elect to self-assess the tax as allowed by this division with 60221  
respect to the electricity used in other than its qualifying 60222  
manufacturing process. 60223

Payment of the tax shall be made directly to the tax 60224  
commissioner in accordance with divisions (A)(4) and (5) of 60225  
section 5727.82 of the Revised Code, or the treasurer of state in 60226  
accordance with section 5727.83 of the Revised Code. If the 60227  
electric distribution company serving the self-assessing purchaser 60228  
is a municipal electric utility and the purchaser is within the 60229  
municipal corporation's corporate limits, payment shall be made to 60230  
such municipal corporation's general fund and reports shall be 60231  
filed in accordance with divisions (A)(4) and (5) of section 60232  
5727.82 of the Revised Code, except that "municipal corporation" 60233

shall be substituted for "treasurer of state" and "tax commissioner." A self-assessing purchaser that pays the excise tax as provided in this division shall not be required to pay the tax to the electric distribution company from which its electricity is distributed. If a self-assessing purchaser's receipt of electricity is not subject to the tax as measured under this division, the tax on the receipt of such electricity shall be measured and paid as provided in division (A) of this section.

(3) In the case of the acquisition of a package, unless the elements of the package are separately stated isolating the total price of electricity from the price of the remaining elements of the package, the tax imposed under this section applies to the entire price of the package. If the elements of the package are separately stated, the tax imposed under this section applies to the total price of the electricity.

(4) Any electric supplier that sells electricity as part of a package shall separately state to the purchaser the total price of the electricity and, upon request by the tax commissioner, the total price of each of the other elements of the package.

(5) The tax commissioner may adopt rules relating to the computation of the total price of electricity with respect to self-assessing purchasers, which may include rules to establish the total price of electricity purchased as part of a package.

(6) An annual application for registration as a self-assessing purchaser shall be made for each qualifying meter or location on a form prescribed by the tax commissioner. The registration year begins on the first day of May and ends on the following thirtieth day of April. Persons may apply after the first day of May for the remainder of the registration year. In the case of an applicant applying on the basis of an estimated consumption of forty-five million kilowatt hours over the course of the succeeding twelve months, the applicant shall provide such

information as the tax commissioner considers to be necessary to 60266  
estimate such consumption. At the time of making the application 60267  
and by the first day of May of each year, a self-assessing 60268  
purchaser shall pay a fee of five hundred dollars to the tax 60269  
commissioner, or to the treasurer of state as provided in section 60270  
5727.83 of the Revised Code, for each qualifying meter or 60271  
location. The tax commissioner shall immediately pay to the 60272  
treasurer of state all amounts that the tax commissioner receives 60273  
under this section. The treasurer of state shall deposit such 60274  
amounts into the kilowatt hour excise tax administration fund, 60275  
which is hereby created in the state treasury. Money in the fund 60276  
shall be used to defray the tax commissioner's cost in 60277  
administering the tax owed under section 5727.81 of the Revised 60278  
Code by self-assessing purchasers. After the application is 60279  
approved by the tax commissioner, the registration shall remain in 60280  
effect for the current registration year, or until canceled by the 60281  
registrant upon written notification to the commissioner of the 60282  
election to pay the tax in accordance with division (A) of this 60283  
section, or until canceled by the tax commissioner for not paying 60284  
the tax or fee under division (C) of this section or for not 60285  
meeting the qualifications in division (C)(2) of this section. The 60286  
tax commissioner shall give written notice to the electric 60287  
distribution company from which electricity is delivered to a 60288  
self-assessing purchaser of the purchaser's self-assessing status, 60289  
and the electric distribution company is relieved of the 60290  
obligation to pay the tax imposed by division (A) of this section 60291  
for electricity distributed to that self-assessing purchaser until 60292  
it is notified by the tax commissioner that the self-assessing 60293  
purchaser's registration is canceled. Within fifteen days of 60294  
notification of the canceled registration, the electric 60295  
distribution company shall be responsible for payment of the tax 60296  
imposed by division (A) of this section on electricity distributed 60297  
to a purchaser that is no longer registered as a self-assessing 60298

purchaser. A self-assessing purchaser with a canceled registration 60299  
must file a report and remit the tax imposed by division (A) of 60300  
this section on all electricity it receives for any measurement 60301  
period prior to the tax being reported and paid by the electric 60302  
distribution company. A self-assessing purchaser whose 60303  
registration is canceled by the tax commissioner is not eligible 60304  
to register as a self-assessing purchaser for two years after the 60305  
registration is canceled. 60306

(7) If the tax commissioner cancels the self-assessing 60307  
registration of a purchaser registered on the basis of its 60308  
estimated consumption because the purchaser does not consume at 60309  
least forty-five million kilowatt hours of electricity over the 60310  
course of the twelve-month period for which the estimate was made, 60311  
the tax commissioner shall assess and collect from the purchaser 60312  
the difference between (a) the amount of tax that would have been 60313  
payable under division (A) of this section on the electricity 60314  
distributed to the purchaser during that period and (b) the amount 60315  
of tax paid by the purchaser on such electricity pursuant to 60316  
division (C)(2) of this section. The assessment shall be paid 60317  
within sixty days after the tax commissioner issues it, regardless 60318  
of whether the purchaser files a petition for reassessment under 60319  
section 5727.89 of the Revised Code covering that period. If the 60320  
purchaser does not pay the assessment within the time prescribed, 60321  
the amount assessed is subject to the additional charge and the 60322  
interest prescribed by divisions (B) and (C) of section 5727.82 of 60323  
the Revised Code, and is subject to assessment under section 60324  
5727.89 of the Revised Code. If the purchaser is a qualified end 60325  
user, division (C)(7) of this section applies only to electricity 60326  
it consumes in other than its qualifying manufacturing process. 60327

(D) The tax imposed by this section does not apply to the 60328  
distribution of any kilowatt hours of electricity to the federal 60329  
government, to an end user located at a federal facility that uses 60330

electricity for the enrichment of uranium, to a qualified 60331  
regeneration meter, or to an end user for any day the end user is 60332  
a qualified end user. The exemption under this division for a 60333  
qualified end user only applies to the manufacturing location 60334  
where the qualified end user uses more than three million kilowatt 60335  
hours per day in a qualifying manufacturing process. 60336

(E) All revenue arising from the tax imposed by this section 60337  
shall be credited to the general revenue fund. 60338

**Sec. 5727.811.** (A) For the purpose of raising revenue ~~for~~ 60339  
~~public education and to fund the needs of this~~ state and ~~its~~ local 60340  
~~government operations governments,~~ an excise tax is hereby levied 60341  
on every natural gas distribution company for all natural gas 60342  
volumes billed by, or on behalf of, the company beginning with the 60343  
measurement period that includes July 1, 2001. Except as provided 60344  
in divisions (C) or (D) of this section, the tax shall be levied 60345  
at the following rates per MCF of natural gas distributed by the 60346  
company through a meter of an end user in this state: 60347

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	60349
For the next 101 to 2000 MCF per month	\$.0877	60350
For 2001 and above MCF per month	\$.0411	60351

If no meter is used to measure the MCF of natural gas 60352  
distributed by the company, the rates shall apply to the estimated 60353  
MCF of natural gas distributed to an unmetered location in this 60354  
state. 60355

(B) A natural gas distribution company shall base the tax on 60356  
the MCF of natural gas distributed to an end user through the 60357  
meter of the end user in this state that is estimated to be 60358  
consumed by the end user as reflected on the end user's customer 60359  
statement from the natural gas distribution company. Until January 60360  
1, 2003, the natural gas distribution company shall pay the tax 60361

levied by this section to the treasurer of state in accordance 60362  
with section 5727.82 of the Revised Code. Beginning January 1, 60363  
2003, the natural gas distribution company shall pay the tax 60364  
levied by this section to the tax commissioner in accordance with 60365  
section 5727.82 of the Revised Code unless required to remit 60366  
payment to the treasurer of state in accordance with section 60367  
5727.83 of the Revised Code. 60368

(C) A natural gas distribution company with seventy thousand 60369  
customers or less may elect to apply the rates specified in 60370  
division (A) of this section to the aggregate of the natural gas 60371  
distributed by the company through the meter of all its customers 60372  
in this state, and upon such election, this method shall be used 60373  
to determine the amount of tax to be paid by such company. 60374

(D) A natural gas distribution company shall pay the tax 60375  
imposed by this section at the rate of \$.02 per MCF of natural gas 60376  
distributed by the company through the meter of a flex customer. 60377  
The natural gas distribution company correspondingly shall reduce 60378  
the per MCF rate that it charges the flex customer for natural gas 60379  
distribution services by \$.02 per MCF of natural gas distributed 60380  
to the flex customer. 60381

(E) Except as provided in division (F) of this section, each 60382  
natural gas distribution company shall pay the tax imposed by this 60383  
section in all of the following circumstances: 60384

(1) The natural gas is distributed by the company through a 60385  
meter of an end user in this state; 60386

(2) The natural gas distribution company is distributing 60387  
natural gas through a meter located in another state, but the 60388  
natural gas is consumed in this state in the manner prescribed by 60389  
the tax commissioner; 60390

(3) The natural gas distribution company is distributing 60391  
natural gas in this state without the use of a meter, but the 60392

natural gas is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

(F) The tax levied by this section does not apply to the distribution of natural gas to the federal government, or natural gas produced by an end user in this state that is consumed by that end user or its affiliates and is not distributed through the facilities of a natural gas company.

(G) All revenue arising from the tax imposed by this section shall be credited to the general revenue fund.

**Sec. 5727.84.** ~~(A)~~ No determinations, computations, certifications, or payments shall be made under this section after June 30, 2015.

(A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code:

(1) "School district" means a city, local, or exempted village school district.

(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(3) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(4) "State education aid," for a school district, means the following:

(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under former sections 3317.029, 3317.052, and 3317.053 of the Revised Code and the following provisions, as they existed for the applicable fiscal year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) of section 3317.024; and sections 3317.0216, 3317.0217, 3317.04, and 3317.05 of the Revised Code; and the adjustments required by: division (C) of section 3310.08; division (C)(2) of section 3310.41; division (C) of section 3314.08; division (D)(2) of section 3314.091; division (D) of former section 3314.13; divisions (E), (K), (L), (M), and (N) of section 3317.023; division (C) of section 3317.20; and sections 3313.979 and 3313.981 of the Revised Code. However, when calculating state education aid for a school district for fiscal years 2008 and 2009, include the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly, as subsequently amended, instead of division (D) of section 3317.022 of the Revised Code; and include amounts calculated under Section 269.30.80 of H.B. 119 of the 127th general assembly, as subsequently amended.

(b) For fiscal years 2010 and 2011, the sum of the amounts computed for the district under former sections 3306.052, 3306.12, 3306.13, 3306.19, 3306.191, 3306.192, 3317.052, and 3317.053 of the Revised Code and the following provisions, as they existed for the applicable fiscal year: division (G) of section 3317.024; section 3317.05 of the Revised Code; and the adjustments required by division (C) of section 3310.08; division (C)(2) of section 3310.41; division (C) of section 3314.08; division (D)(2) of section 3314.091; division (D) of former section 3314.13; divisions (E), (K), (L), (M), and (N) of section 3317.023; division (C) of section 3317.20; and sections 3313.979, 3313.981, and 3326.33 of the Revised Code.

(c) For fiscal years 2012 and 2013, the amount paid in accordance with the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS" and the adjustments required by division (C) of section 3310.08; division (C)(2) of section 3310.41; section 3310.55; division (C) of section 3314.08; division (D)(2) of section 3314.091; division (D) of former section 3314.13; divisions (B), (H), (I), (J), and (K) of section 3317.023; division (C) of section 3317.20; and sections 3313.979 and 3313.981 of the Revised Code;

(d) For fiscal year 2014 and each fiscal year thereafter, the sum of amounts computed for and paid to the district under section 3317.022 of the Revised Code; and the adjustments required by division (C) of section 3310.08, division (C)(2) of section 3310.41, section 3310.55, division (C) of section 3314.08, division (D)(2) of section 3314.091, divisions (B), (H), (J), and (K) of section 3317.023, and sections 3313.978, 3313.981, 3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. However, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also shall be included.

(5) "State education aid," for a joint vocational school district, means the following:

(a) For fiscal years prior to fiscal year 2010, the sum of the state aid amounts computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code. However, when calculating state education aid for a joint vocational school district for fiscal years 2008 and 2009, include the amount computed for the district under Section 269.30.90 of H.B. 119 of the 127th general assembly, as subsequently amended.

(b) For fiscal years 2010 and 2011, the amount computed for

the district in accordance with the section of H.B. 1 of the 128th 60488  
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 60489  
DISTRICTS." 60490

(c) For fiscal years 2012 and 2013, the amount paid in 60491  
accordance with the section of H.B. 153 of the 129th general 60492  
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 60493

(d) For fiscal year 2014 and each fiscal year thereafter, the 60494  
amount computed for the district under section 3317.16 of the 60495  
Revised Code; except that, for fiscal years 2014 and 2015, the 60496  
amount computed for the district under the section of this act 60497  
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 60498  
shall be included. 60499

(6) "State education aid offset" means the amount determined 60500  
for each school district or joint vocational school district under 60501  
division (A)(1) of section 5727.85 of the Revised Code. 60502

(7) "Recognized valuation" means the amount computed for a 60503  
school district pursuant to section 3317.015 of the Revised Code. 60504

(8) "Electric company tax value loss" means the amount 60505  
determined under division (D) of this section. 60506

(9) "Natural gas company tax value loss" means the amount 60507  
determined under division (E) of this section. 60508

(10) "Tax value loss" means the sum of the electric company 60509  
tax value loss and the natural gas company tax value loss. 60510

(11) "Fixed-rate levy" means any tax levied on property other 60511  
than a fixed-sum levy. 60512

(12) "Fixed-rate levy loss" means the amount determined under 60513  
division (G) of this section. 60514

(13) "Fixed-sum levy" means a tax levied on property at 60515  
whatever rate is required to produce a specified amount of tax 60516  
money or levied in excess of the ten-mill limitation to pay debt 60517

charges, and includes school district emergency levies charged and 60518  
payable pursuant to section 5705.194 of the Revised Code. 60519

(14) "Fixed-sum levy loss" means the amount determined under 60520  
division (H) of this section. 60521

(15) "Consumer price index" means the consumer price index 60522  
(all items, all urban consumers) prepared by the bureau of labor 60523  
statistics of the United States department of labor. 60524

(16) "Total resources" and "total library resources" have the 60525  
same meanings as in section 5751.20 of the Revised Code. 60526

(17) "2011 current expense S.B. 3 allocation" means the sum 60527  
of payments received by a school district or joint vocational 60528  
school district in fiscal year 2011 for current expense levy 60529  
losses pursuant to division (C)(2) of section 5727.85 of the 60530  
Revised Code. If a fixed-rate levy eligible for reimbursement is 60531  
not charged and payable in any year after tax year 2010, "2011 60532  
current expense S.B. 3 allocation" used to compute payments to be 60533  
made under division (C)(3) of section 5727.85 of the Revised Code 60534  
in the tax years following the last year the levy is charged and 60535  
payable shall be reduced to the extent that those payments are 60536  
attributable to the fixed-rate levy loss of that levy. 60537

(18) "2010 current expense S.B. 3 allocation" means the sum 60538  
of payments received by a municipal corporation in calendar year 60539  
2010 for current expense levy losses pursuant to division (A)(1) 60540  
of section 5727.86 of the Revised Code, excluding any such 60541  
payments received for current expense levy losses attributable to 60542  
a tax levied under section 5705.23 of the Revised Code. If a 60543  
fixed-rate levy eligible for reimbursement is not charged and 60544  
payable in any year after tax year 2010, "2010 current expense 60545  
S.B. 3 allocation" used to compute payments to be made under 60546  
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 60547  
in the tax years following the last year the levy is charged and 60548

payable shall be reduced to the extent that those payments are 60549  
attributable to the fixed-rate levy loss of that levy. 60550

(19) "2010 S.B. 3 allocation" means the sum of payments 60551  
received by a local taxing unit during calendar year 2010 pursuant 60552  
to division (A)(1) of section 5727.86 of the Revised Code, 60553  
excluding any such payments received for fixed-rate levy losses 60554  
attributable to a tax levied under section 5705.23 of the Revised 60555  
Code. If a fixed-rate levy eligible for reimbursement is not 60556  
charged and payable in any year after tax year 2010, "2010 S.B. 3 60557  
allocation" used to compute payments to be made under division 60558  
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 60559  
years following the last year the levy is charged and payable 60560  
shall be reduced to the extent that those payments are 60561  
attributable to the fixed-rate levy loss of that levy. 60562

(20) "Total S.B. 3 allocation" means, in the case of a school 60563  
district or joint vocational school district, the sum of the 60564  
payments received in fiscal year 2011 pursuant to divisions (C)(2) 60565  
and (D) of section 5727.85 of the Revised Code. In the case of a 60566  
local taxing unit, "total S.B. 3 allocation" means the sum of 60567  
payments received by the unit in calendar year 2010 pursuant to 60568  
divisions (A)(1) and (4) of section 5727.86 of the Revised Code, 60569  
excluding any such payments received for fixed-rate levy losses 60570  
attributable to a tax levied under section 5705.23 of the Revised 60571  
Code. If a fixed-rate levy eligible for reimbursement is not 60572  
charged and payable in any year after tax year 2010, "total S.B. 3 60573  
allocation" used to compute payments to be made under division 60574  
(C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 60575  
5727.86 of the Revised Code in the tax years following the last 60576  
year the levy is charged and payable shall be reduced to the 60577  
extent that those payments are attributable to the fixed-rate levy 60578  
loss of that levy as would be computed under division (C)(2) of 60579  
section 5727.85 or division (A)(1)(b) of section 5727.86 of the 60580

Revised Code. 60581

(21) "2011 non-current expense S.B. 3 allocation" means the 60582  
difference of a school district's or joint vocational school 60583  
district's total S.B. 3 allocation minus the sum of the school 60584  
district's 2011 current expense S.B. 3 allocation and the portion 60585  
of the school district's total S.B. 3 allocation constituting 60586  
reimbursement for debt levies pursuant to division (D) of section 60587  
5727.85 of the Revised Code. 60588

(22) "2010 non-current expense S.B. 3 allocation" means the 60589  
difference of a municipal corporation's total S.B. 3 allocation 60590  
minus the sum of its 2010 current expense S.B. 3 allocation and 60591  
the portion of its total S.B. 3 allocation constituting 60592  
reimbursement for debt levies pursuant to division (A)(4) of 60593  
section 5727.86 of the Revised Code. 60594

(23) "S.B. 3 allocation for library purposes" means, in the 60595  
case of a county, municipal corporation, school district, or 60596  
township public library that receives the proceeds of a tax levied 60597  
under section 5705.23 of the Revised Code, the sum of the payments 60598  
received by the public library in calendar year 2010 pursuant to 60599  
section 5727.86 of the Revised Code for fixed-rate levy losses 60600  
attributable to a tax levied under section 5705.23 of the Revised 60601  
Code. If a fixed-rate levy authorized under section 5705.23 of the 60602  
Revised Code that is eligible for reimbursement is not charged and 60603  
payable in any year after tax year 2010, "S.B. 3 allocation for 60604  
library purposes" used to compute payments to be made under 60605  
division (A)(1)(f) of section 5727.86 of the Revised Code in the 60606  
tax years following the last year the levy is charged and payable 60607  
shall be reduced to the extent that those payments are 60608  
attributable to the fixed-rate levy loss of that levy as would be 60609  
computed under division (A)(1)(b) of section 5727.86 of the 60610  
Revised Code. 60611

(24) "Threshold per cent" means, in the case of a school 60612

district or joint vocational school district, two per cent for 60613  
fiscal year 2012 and four per cent for fiscal years 2013 and 60614  
thereafter. In the case of a local taxing unit or public library 60615  
that receives the proceeds of a tax levied under section 5705.23 60616  
of the Revised Code, "threshold per cent" means two per cent for 60617  
calendar year 2011, four per cent for calendar year 2012, and six 60618  
per cent for calendar years 2013 and thereafter. 60619

(B) The kilowatt-hour tax receipts fund is hereby created in 60620  
the state treasury and shall consist of money arising from the tax 60621  
imposed by section 5727.81 of the Revised Code. All money in the 60622  
kilowatt-hour tax receipts fund shall be credited as follows: 60623

Fiscal Year	General Revenue Fund	School District Property Tax Replacement Fund	Local Government Property Tax Replacement Fund	
2001-2011	63.0%	25.4%	11.6%	60625
<del>2012 and</del> <del>thereafter</del> <u>2012-2015</u>	88.0%	9.0%	3.0%	60626

(C) The natural gas tax receipts fund is hereby created in 60627  
the state treasury and shall consist of money arising from the tax 60628  
imposed by section 5727.811 of the Revised Code. All money in the 60629  
fund shall be credited as follows: 60630

~~(1) For~~ for fiscal years before fiscal year 2012: 60631

~~(a)~~ (1) Sixty-eight and seven-tenths per cent shall be 60632  
credited to the school district property tax replacement fund for 60633  
the purpose of making the payments described in section 5727.85 of 60634  
the Revised Code. 60635

~~(b)~~ (2) Thirty-one and three-tenths per cent shall be credited 60636  
to the local government property tax replacement fund for the 60637  
purpose of making the payments described in section 5727.86 of the 60638  
Revised Code. 60639

~~(2) For fiscal years 2012 and thereafter, one hundred per cent to the general revenue fund.~~ 60640  
60641

(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (4) of this section: 60642  
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60645

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section. 60646  
60647  
60648

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998; 60649  
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60653

(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001. 60654  
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(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section. 60659  
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60661

(a) The three-year average for tax years 1996, 1997, and 1998 of the assessed value from nuclear fuel materials and assemblies assessed against a person under Chapter 5711. of the Revised Code from the leasing of them to an electric company for those respective tax years, as reflected in the preliminary assessments; 60662  
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60666

(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five 60667  
60668  
60669  
60670

per cent. 60671

(3) In the case of a taxing district having a nuclear power 60672  
plant within its territory, any amount, resulting in an electric 60673  
company tax value loss, obtained by subtracting the amount 60674  
described in division (D)(1) of this section from the difference 60675  
obtained by subtracting the amount described in division (D)(3)(b) 60676  
of this section from the amount described in division (D)(3)(a) of 60677  
this section. 60678

(a) The value of electric company tangible personal property 60679  
as assessed by the tax commissioner for tax year 2000 on a 60680  
preliminary assessment, or an amended preliminary assessment if 60681  
issued prior to March 1, 2001, and as apportioned to the taxing 60682  
district for tax year 2000; 60683

(b) The value of electric company tangible personal property 60684  
as assessed by the tax commissioner for tax year 2001 on a 60685  
preliminary assessment, or an amended preliminary assessment if 60686  
issued prior to March 1, 2002, and as apportioned to the taxing 60687  
district for tax year 2001. 60688

(4) In the case of a taxing district having a nuclear power 60689  
plant within its territory, the difference obtained by subtracting 60690  
the amount described in division (D)(4)(b) of this section from 60691  
the amount described in division (D)(4)(a) of this section, 60692  
provided that such difference is greater than ten per cent of the 60693  
amount described in division (D)(4)(a) of this section. 60694

(a) The value of electric company tangible personal property 60695  
as assessed by the tax commissioner for tax year 2005 on a 60696  
preliminary assessment, or an amended preliminary assessment if 60697  
issued prior to March 1, 2006, and as apportioned to the taxing 60698  
district for tax year 2005; 60699

(b) The value of electric company tangible personal property 60700  
as assessed by the tax commissioner for tax year 2006 on a 60701

preliminary assessment, or an amended preliminary assessment if 60702  
issued prior to March 1, 2007, and as apportioned to the taxing 60703  
district for tax year 2006. 60704

(E) Not later than January 1, 2002, the tax commissioner 60705  
shall determine for each taxing district its natural gas company 60706  
tax value loss, which is the sum of the amounts described in 60707  
divisions (E)(1) and (2) of this section: 60708

(1) The difference obtained by subtracting the amount 60709  
described in division (E)(1)(b) from the amount described in 60710  
division (E)(1)(a) of this section. 60711

(a) The value of all natural gas company tangible personal 60712  
property, other than property described in division (E)(2) of this 60713  
section, as assessed by the tax commissioner for tax year 1999 on 60714  
a preliminary assessment, or an amended preliminary assessment if 60715  
issued prior to March 1, 2000, and apportioned to the taxing 60716  
district for tax year 1999; 60717

(b) The value of all natural gas company tangible personal 60718  
property, other than property described in division (E)(2) of this 60719  
section, as assessed by the tax commissioner for tax year 1999 had 60720  
the property been apportioned to the taxing district for tax year 60721  
2001, and assessed at the rates in effect for tax year 2001. 60722

(2) The difference in the value of current gas obtained by 60723  
subtracting the amount described in division (E)(2)(b) from the 60724  
amount described in division (E)(2)(a) of this section. 60725

(a) The three-year average assessed value of current gas as 60726  
assessed by the tax commissioner for tax years 1997, 1998, and 60727  
1999 on a preliminary assessment, or an amended preliminary 60728  
assessment if issued prior to March 1, 2001, and as apportioned in 60729  
the taxing district for those respective years; 60730

(b) The three-year average assessed value from current gas 60731  
under division (E)(2)(a) of this section for tax years 1997, 1998, 60732

and 1999, as reflected in the preliminary assessment, using an 60733  
assessment rate of twenty-five per cent. 60734

(F) The tax commissioner may request that natural gas 60735  
companies, electric companies, and rural electric companies file a 60736  
report to help determine the tax value loss under divisions (D) 60737  
and (E) of this section. The report shall be filed within thirty 60738  
days of the commissioner's request. A company that fails to file 60739  
the report or does not timely file the report is subject to the 60740  
penalty in section 5727.60 of the Revised Code. 60741

(G) Not later than January 1, 2002, the tax commissioner 60742  
shall determine for each school district, joint vocational school 60743  
district, and local taxing unit its fixed-rate levy loss, which is 60744  
the sum of its electric company tax value loss multiplied by the 60745  
tax rate in effect in tax year 1998 for fixed-rate levies and its 60746  
natural gas company tax value loss multiplied by the tax rate in 60747  
effect in tax year 1999 for fixed-rate levies. 60748

(H) Not later than January 1, 2002, the tax commissioner 60749  
shall determine for each school district, joint vocational school 60750  
district, and local taxing unit its fixed-sum levy loss, which is 60751  
the amount obtained by subtracting the amount described in 60752  
division (H)(2) of this section from the amount described in 60753  
division (H)(1) of this section: 60754

(1) The sum of the electric company tax value loss multiplied 60755  
by the tax rate in effect in tax year 1998, and the natural gas 60756  
company tax value loss multiplied by the tax rate in effect in tax 60757  
year 1999, for fixed-sum levies for all taxing districts within 60758  
each school district, joint vocational school district, and local 60759  
taxing unit. For the years 2002 through 2006, this computation 60760  
shall include school district emergency levies that existed in 60761  
1998 in the case of the electric company tax value loss, and 1999 60762  
in the case of the natural gas company tax value loss, and all 60763  
other fixed-sum levies that existed in 1998 in the case of the 60764

electric company tax value loss and 1999 in the case of the 60765  
natural gas company tax value loss and continue to be charged in 60766  
the tax year preceding the distribution year. For the years 2007 60767  
through 2016 in the case of school district emergency levies, and 60768  
for all years after 2006 in the case of all other fixed-sum 60769  
levies, this computation shall exclude all fixed-sum levies that 60770  
existed in 1998 in the case of the electric company tax value loss 60771  
and 1999 in the case of the natural gas company tax value loss, 60772  
but are no longer in effect in the tax year preceding the 60773  
distribution year. For the purposes of this section, an emergency 60774  
levy that existed in 1998 in the case of the electric company tax 60775  
value loss, and 1999 in the case of the natural gas company tax 60776  
value loss, continues to exist in a year beginning on or after 60777  
January 1, 2007, but before January 1, 2017, if, in that year, the 60778  
board of education levies a school district emergency levy for an 60779  
annual sum at least equal to the annual sum levied by the board in 60780  
tax year 1998 or 1999, respectively, less the amount of the 60781  
payment certified under this division for 2002. 60782

(2) The total taxable value in tax year 1999 less the tax 60783  
value loss in each school district, joint vocational school 60784  
district, and local taxing unit multiplied by one-fourth of one 60785  
mill. 60786

If the amount computed under division (H) of this section for 60787  
any school district, joint vocational school district, or local 60788  
taxing unit is greater than zero, that amount shall equal the 60789  
fixed-sum levy loss reimbursed pursuant to division (F) of section 60790  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 60791  
of the Revised Code, and the one-fourth of one mill that is 60792  
subtracted under division (H)(2) of this section shall be 60793  
apportioned among all contributing fixed-sum levies in the 60794  
proportion of each levy to the sum of all fixed-sum levies within 60795  
each school district, joint vocational school district, or local 60796

taxing unit. 60797

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 60798  
section, in computing the tax value loss, fixed-rate levy loss, 60799  
and fixed-sum levy loss, the tax commissioner shall use the 60800  
greater of the 1998 tax rate or the 1999 tax rate in the case of 60801  
levy losses associated with the electric company tax value loss, 60802  
but the 1999 tax rate shall not include for this purpose any tax 60803  
levy approved by the voters after June 30, 1999, and the tax 60804  
commissioner shall use the greater of the 1999 or the 2000 tax 60805  
rate in the case of levy losses associated with the natural gas 60806  
company tax value loss. 60807

(J) Not later than January 1, 2002, the tax commissioner 60808  
shall certify to the department of education the tax value loss 60809  
determined under divisions (D) and (E) of this section for each 60810  
taxing district, the fixed-rate levy loss calculated under 60811  
division (G) of this section, and the fixed-sum levy loss 60812  
calculated under division (H) of this section. The calculations 60813  
under divisions (G) and (H) of this section shall separately 60814  
display the levy loss for each levy eligible for reimbursement. 60815

(K) Not later than September 1, 2001, the tax commissioner 60816  
shall certify the amount of the fixed-sum levy loss to the county 60817  
auditor of each county in which a school district with a fixed-sum 60818  
levy loss has territory. 60819

**Sec. 5727.85.** ~~(A) No determinations, computations,~~ 60820  
~~certifications, or payments shall be made under this section after~~ 60821  
~~June 30, 2015.~~ 60822

(A) By the thirty-first day of July of each year, beginning 60823  
in 2002 and ending in 2010, the department of education shall 60824  
determine the following for each school district and each joint 60825  
vocational school district: 60826

(1) The state education aid offset, which, except as provided 60827  
in division (A)(1)(c) of this section, is the difference obtained 60828  
by subtracting the amount described in division (A)(1)(b) of this 60829  
section from the amount described in division (A)(1)(a) of this 60830  
section: 60831

(a) The state education aid computed for the school district 60832  
or joint vocational school district for the current fiscal year as 60833  
of the thirty-first day of July; 60834

(b) The state education aid that would be computed for the 60835  
school district or joint vocational school district for the 60836  
current fiscal year as of the thirty-first day of July if the 60837  
recognized valuation included the tax value loss for the school 60838  
district or joint vocational school district; 60839

(c) The state education aid offset for fiscal year 2010 and 60840  
fiscal year 2011 equals the greater of the state education aid 60841  
offset calculated for that fiscal year under divisions (A)(1)(a) 60842  
and (b) of this section or the state education aid offset 60843  
calculated for fiscal year 2009. 60844

(2) For fiscal years 2008 through 2011, the greater of zero 60845  
or the difference obtained by subtracting the state education aid 60846  
offset determined under division (A)(1) of this section from the 60847  
fixed-rate levy loss certified under division (J) of section 60848  
5727.84 of the Revised Code for all taxing districts in each 60849  
school district and joint vocational school district. 60850

By the fifth day of August of each such year, the department 60851  
of education shall certify the amount so determined under division 60852  
(A)(1) of this section to the director of budget and management. 60853

(B) Not later than the thirty-first day of October of the 60854  
years 2006 through 2010, the department of education shall 60855  
determine all of the following for each school district: 60856

(1) The amount obtained by subtracting the district's state 60857

education aid computed for fiscal year 2002 from the district's 60858  
state education aid computed for the current fiscal year as of the 60859  
fifteenth day of July, by including in the definition of 60860  
recognized valuation the machinery and equipment, inventory, 60861  
furniture and fixtures, and telephone property tax value losses, 60862  
as defined in section 5751.20 of the Revised Code, for the school 60863  
district or joint vocational school district for the preceding tax 60864  
year; 60865

(2) The inflation-adjusted property tax loss. The 60866  
inflation-adjusted property tax loss equals the fixed-rate levy 60867  
loss, excluding the tax loss from levies within the ten-mill 60868  
limitation to pay debt charges, determined under division ~~(G)~~(D) 60869  
of section 5727.84 of the Revised Code for all taxing districts in 60870  
each school district, plus the product obtained by multiplying 60871  
that loss by the cumulative percentage increase in the consumer 60872  
price index from January 1, 2002, to the thirtieth day of June of 60873  
the current year. 60874

(3) The difference obtained by subtracting the amount 60875  
computed under division (B)(1) from the amount of the 60876  
inflation-adjusted property tax loss. If this difference is zero 60877  
or a negative number, no further payments shall be made under 60878  
division (C) of this section to the school district from the 60879  
school district property tax replacement fund. 60880

(C) Beginning in 2002 for school districts and beginning in 60881  
August 2011 for joint vocational school districts, the department 60882  
of education shall pay from the school district property tax 60883  
replacement fund to each school district all of the following: 60884

(1) In February 2002, one-half of the fixed-rate levy loss 60885  
certified under division ~~(J)~~(G) of section 5727.84 of the Revised 60886  
Code between the twenty-first and twenty-eighth days of February. 60887

(2) From August 2002 through February 2011, one-half of the 60888

amount calculated for that fiscal year under division (A)(2) of 60889  
this section between the twenty-first and twenty-eighth days of 60890  
August and of February, provided the difference computed under 60891  
division (B)(3) of this section is not less than or equal to zero. 60892

(3) For fiscal years 2012 and thereafter, the sum of the 60893  
amounts in divisions (C)(3)(a) or (b) and (c) of this section 60894  
shall be paid on or before the thirty-first day of August and the 60895  
twenty-eighth day of February: 60896

(a) If the ratio of 2011 current expense S.B. 3 allocation to 60897  
total resources is equal to or less than the threshold per cent, 60898  
zero; 60899

(b) If the ratio of 2011 current expense S.B. 3 allocation to 60900  
total resources is greater than the threshold per cent, fifty per 60901  
cent of the difference of 2011 current expense S.B. 3 allocation 60902  
minus the product of total resources multiplied by the threshold 60903  
per cent; 60904

(c) Fifty per cent of the product of 2011 non-current expense 60905  
S.B. 3 allocation multiplied by seventy-five per cent for fiscal 60906  
year 2012 and fifty per cent for fiscal years 2013 and thereafter. 60907

The department of education shall report to each school 60908  
district the apportionment of the payments among the school 60909  
district's funds based on the certifications under division (J) of 60910  
section 5727.84 of the Revised Code. 60911

(D) For taxes levied within the ten-mill limitation for debt 60912  
purposes in tax year 1998 in the case of electric company tax 60913  
value losses, and in tax year 1999 in the case of natural gas 60914  
company tax value losses, payments shall be made equal to one 60915  
hundred per cent of the loss computed as if the tax were a 60916  
fixed-rate levy, but those payments shall extend from fiscal year 60917  
2006 through fiscal year 2016. 60918

(E) Not later than January 1, 2002, for all taxing districts 60919

in each joint vocational school district, the tax commissioner 60920  
shall certify to the department of education the fixed-rate levy 60921  
loss determined under division (G) of section 5727.84 of the 60922  
Revised Code. From February 2002 through February 2011, the 60923  
department shall pay from the school district property tax 60924  
replacement fund to the joint vocational school district one-half 60925  
of the amount calculated for that fiscal year under division 60926  
(A)(2) of this section between the twenty-first and twenty-eighth 60927  
days of August and of February. 60928

(F)(1) Not later than January 1, 2002, for each fixed-sum 60929  
levy levied by each school district or joint vocational school 60930  
district and for each year for which a determination is made under 60931  
division (H) of section 5727.84 of the Revised Code that a 60932  
fixed-sum levy loss is to be reimbursed, the tax commissioner 60933  
shall certify to the department of education the fixed-sum levy 60934  
loss determined under that division. The certification shall cover 60935  
a time period sufficient to include all fixed-sum levies for which 60936  
the tax commissioner made such a determination. The department 60937  
shall pay from the school district property tax replacement fund 60938  
to the school district or joint vocational school district 60939  
one-half of the fixed-sum levy loss so certified for each year 60940  
between the twenty-first and twenty-eighth days of August and of 60941  
February. 60942

(2) Beginning in 2003, by the thirty-first day of January of 60943  
each year, the tax commissioner shall review the certification 60944  
originally made under division (F)(1) of this section. If the 60945  
commissioner determines that a debt levy that had been scheduled 60946  
to be reimbursed in the current year has expired, a revised 60947  
certification for that and all subsequent years shall be made to 60948  
the department of education. 60949

(G) If the balance of the half-mill equalization fund created 60950  
under section 3318.18 of the Revised Code is insufficient to make 60951

the full amount of payments required under division (D) of that 60952  
section, the department of education, at the end of the third 60953  
quarter of the fiscal year, shall certify to the director of 60954  
budget and management the amount of the deficiency, and the 60955  
director shall transfer an amount equal to the deficiency from the 60956  
school district property tax replacement fund to the half-mill 60957  
equalization fund. 60958

(H) Beginning in August 2002, and ending in May 2011, the 60959  
director of budget and management shall transfer from the school 60960  
district property tax replacement fund to the general revenue fund 60961  
each of the following: 60962

(1) Between the twenty-eighth day of August and the fifth day 60963  
of September, the lesser of one-half of the amount certified for 60964  
that fiscal year under division (A)(2) of this section or the 60965  
balance in the school district property tax replacement fund; 60966

(2) Between the first and fifth days of May, the lesser of 60967  
one-half of the amount certified for that fiscal year under 60968  
division (A)(2) of this section or the balance in the school 60969  
district property tax replacement fund. 60970

(I) On the first day of June each year, the director of 60971  
budget and management shall transfer any balance remaining in the 60972  
school district property tax replacement fund after the payments 60973  
have been made under divisions (C), (D), (E), (F), (G), and (H) of 60974  
this section to the half-mill equalization fund created under 60975  
section 3318.18 of the Revised Code to the extent required to make 60976  
any payments in the current fiscal year under that section, and 60977  
shall transfer the remaining balance to the general revenue fund. 60978

(J) After fiscal year 2002, if the total amount in the school 60979  
district property tax replacement fund is insufficient to make all 60980  
payments under divisions (C), (D), (E), (F), and (G) of this 60981  
section at the time the payments are to be made, the director of 60982

budget and management shall transfer from the general revenue fund 60983  
to the school district property tax replacement fund the 60984  
difference between the total amount to be paid and the total 60985  
amount in the school district property tax replacement fund, 60986  
except that no transfer shall be made by reason of a deficiency to 60987  
the extent that it results from the amendment of section 5727.84 60988  
of the Revised Code by Amended Substitute House Bill No. 95 of the 60989  
125th general assembly. 60990

(K) If all of the territory of a school district or joint 60991  
vocational school district is merged with an existing district, or 60992  
if a part of the territory of a school district or joint 60993  
vocational school district is transferred to an existing or new 60994  
district, the department of education, in consultation with the 60995  
tax commissioner, shall adjust the payments made under this 60996  
section as follows: 60997

(1) For the merger of all of the territory of two or more 60998  
districts, the total resources, 2011 current expense S.B. 3 60999  
allocation, total 2011 S.B. 3 allocation, 2011 non-current expense 61000  
S.B. 3 allocation, and fixed-sum levy loss of the successor 61001  
district shall be equal to the sum of the total resources, 2011 61002  
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 61003  
2011 non-current expense S.B. 3 allocation, and fixed-sum levy 61004  
loss for each of the districts involved in the merger. 61005

(2) For the transfer of a part of one district's territory to 61006  
an existing district, the amount of the total resources, 2011 61007  
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 61008  
and 2011 non-current expense S.B. 3 allocation that is transferred 61009  
to the recipient district shall be an amount equal to the 61010  
transferring district's total resources, 2011 current expense S.B. 61011  
3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current 61012  
expense S.B. 3 allocation times a fraction, the numerator of which 61013  
is the number of pupils being transferred to the recipient 61014

district, measured, in the case of a school district, by formula 61015  
ADM as that term is defined in section 3317.02 of the Revised Code 61016  
or, in the case of a joint vocational school district, by formula 61017  
ADM as defined for a joint vocational school district in that 61018  
section, and the denominator of which is the average daily 61019  
membership or formula ADM of the transferor district. Fixed-sum 61020  
levy losses for both districts shall be determined under division 61021  
(K)(4) of this section. 61022

(3) For the transfer of a part of the territory of one or 61023  
more districts to create a new district: 61024

(a) If the new district is created on or after January 1, 61025  
2000, but before January 1, 2005, the new district shall be paid 61026  
its current fixed-rate levy loss through August 2009. In February 61027  
2010, August 2010, and February 2011, the new district shall be 61028  
paid fifty per cent of the lesser of: (i) the amount calculated 61029  
under division (C)(2) of this section or (ii) an amount equal to 61030  
seventy per cent of the new district's fixed-rate levy loss. 61031

Beginning in fiscal year 2012, the new district shall be paid 61032  
as provided in division (C) of this section. 61033

Fixed-sum levy losses for the districts shall be determined 61034  
under division (K)(4) of this section. 61035

(b) If the new district is created on or after January 1, 61036  
2005, the new district shall be deemed not to have any fixed-rate 61037  
levy loss or, except as provided in division (K)(4) of this 61038  
section, fixed-sum levy loss. The district or districts from which 61039  
the territory was transferred shall have no reduction in their 61040  
fixed-rate levy loss, or, except as provided in division (K)(4) of 61041  
this section, their fixed-sum levy loss. 61042

(4) If a recipient district under division (K)(2) of this 61043  
section or a new district under division (K)(3)(a) or (b) of this 61044  
section takes on debt from one or more of the districts from which 61045

territory was transferred, and any of the districts transferring 61046  
the territory had fixed-sum levy losses, the department of 61047  
education, in consultation with the tax commissioner, shall make 61048  
an equitable division of the fixed-sum levy losses. 61049

**Sec. 5727.86.** ~~(A) No determinations, computations,~~ 61050  
certifications, or payments shall be made under this section after 61051  
June 30, 2015. 61052

(A) The tax commissioner shall compute the payments to be 61053  
made to each local taxing unit, and to each public library that 61054  
receives the proceeds of a tax levied under section 5705.23 of the 61055  
Revised Code, for each year according to divisions (A)(1), (2), 61056  
(3), and (4) and division (E) of this section, and shall 61057  
distribute the payments in the manner prescribed by division (C) 61058  
of this section. The calculation of the fixed-sum levy loss shall 61059  
cover a time period sufficient to include all fixed-sum levies for 61060  
which the tax commissioner determined, pursuant to division (H) of 61061  
section 5727.84 of the Revised Code, that a fixed-sum levy loss is 61062  
to be reimbursed. 61063

(1) Except as provided in divisions (A)(3) and (4) of this 61064  
section, the following amounts shall be paid on or before the 61065  
thirty-first day of August and the twenty-eighth day of February: 61066

(a) For years 2002 through 2006, fifty per cent of the 61067  
fixed-rate levy loss computed under division (G) of section 61068  
5727.84 of the Revised Code; 61069

(b) For years 2007 through 2010, forty per cent of the 61070  
fixed-rate levy loss computed under division (G) of section 61071  
5727.84 of the Revised Code; 61072

(c) For the payment in 2011 to be made on or before the 61073  
twentieth day of February, the amount required to be paid in 2010 61074  
on or before the twentieth day of February; 61075

(d) For the payment in 2011 to be made on or before the 61076  
thirty-first day of August, the sum of the amounts in divisions 61077  
(A)(1)(d)(i) or (ii) and (iii) of this section: 61078

(i) If the ratio of fifty per cent of the taxing unit's 2010 61079  
S.B. 3 allocation to its total resources is equal to or less than 61080  
the threshold per cent, zero; 61081

(ii) If the ratio of fifty per cent of the taxing unit's 2010 61082  
S.B. 3 allocation to its total resources is greater than the 61083  
threshold per cent, the difference of fifty per cent of the 2010 61084  
S.B. 3 allocation minus the product of total resources multiplied 61085  
by the threshold per cent; 61086

(iii) In the case of a municipal corporation, fifty per cent 61087  
of the product of its 2010 non-current expense S.B. 3 allocation 61088  
multiplied by seventy-five per cent. 61089

(e) For 2012 and each year thereafter, the sum of the amounts 61090  
in divisions (A)(1)(e)(i) or (ii) and (iii) of this section: 61091

(i) If the ratio of the taxing unit's 2010 S.B. 3 allocation 61092  
to its total resources is equal to or less than the threshold per 61093  
cent, zero; 61094

(ii) If the ratio of the taxing unit's 2010 S.B. 3 allocation 61095  
to its total resources is greater than the threshold per cent, 61096  
fifty per cent of the difference of the 2010 S.B. 3 allocation 61097  
minus the product of total resources multiplied by the threshold 61098  
per cent; 61099

(iii) In the case of a municipal corporation, fifty per cent 61100  
of the product of its 2010 non-current expense S.B. 3 allocation 61101  
multiplied by fifty per cent for year 2012 and by twenty-five per 61102  
cent for years 2013 and thereafter. 61103

(f) For the payment in 2012 to be made to a public library on 61104  
or before the thirty-first day of August and for all such payments 61105

to be made in 2013 and thereafter, the amount in division 61106  
(A)(1)(f)(i) or (ii) of this section: 61107

(i) If the ratio of S.B. 3 allocation for library purposes to 61108  
total library resources is equal to or less than the threshold per 61109  
cent, zero; 61110

(ii) If the ratio of S.B. 3 allocation for library purposes 61111  
to total library resources is greater than the threshold per cent, 61112  
fifty per cent of the difference of the S.B. 3 allocation for 61113  
library purposes minus the product of total library resources 61114  
multiplied by the threshold per cent. 61115

(2) For fixed-sum levy losses determined under division (H) 61116  
of section 5727.84 of the Revised Code, payments shall be made in 61117  
the amount of one hundred per cent of the fixed-sum levy loss for 61118  
payments required to be made in 2002 and thereafter. 61119

(3) A local taxing unit in a county of less than two hundred 61120  
fifty square miles that receives eighty per cent or more of its 61121  
combined general fund and bond retirement fund revenues from 61122  
property taxes and rollbacks based on 1997 actual revenues as 61123  
presented in its 1999 tax budget, and in which electric companies 61124  
and rural electric companies comprise over twenty per cent of its 61125  
property valuation, shall receive one hundred per cent of its 61126  
fixed-rate levy losses from electric company tax value losses 61127  
certified under division (A) of this section in years 2002 to 61128  
2010. Beginning in 2011, payments for such local taxing units 61129  
shall be determined under division (A)(1) of this section. 61130

(4) For taxes levied within the ten-mill limitation or 61131  
pursuant to a municipal charter for debt purposes in tax year 1998 61132  
in the case of electric company tax value losses, and in tax year 61133  
1999 in the case of natural gas company tax value losses, payments 61134  
shall be made equal to one hundred per cent of the loss computed 61135  
as if the tax were a fixed-rate levy, but those payments shall 61136

extend from 2011 through 2016 if the levy was charged and payable 61137  
for debt purposes in tax year 2010. If the levy is not charged and 61138  
payable for debt purposes in tax year 2010 or any following tax 61139  
year before tax year 2016, payments for that levy shall be made 61140  
under division (A)(1) of this section beginning with the first 61141  
year after the year the levy is charged and payable for a purpose 61142  
other than debt. For the purposes of this division, taxes levied 61143  
pursuant to a municipal charter refer to taxes levied pursuant to 61144  
a provision of a municipal charter that permits the tax to be 61145  
levied without prior voter approval. 61146

(B) Beginning in 2003, by the thirty-first day of January of 61147  
each year, the tax commissioner shall review the calculation 61148  
originally made under division (A) of this section of the 61149  
fixed-sum levy loss determined under division (H) of section 61150  
5727.84 of the Revised Code. If the commissioner determines that a 61151  
fixed-sum levy that had been scheduled to be reimbursed in the 61152  
current year has expired, a revised calculation for that and all 61153  
subsequent years shall be made. 61154

(C) Payments to local taxing units and public libraries 61155  
required to be made under divisions (A) and (E) of this section 61156  
shall be paid from the local government property tax replacement 61157  
fund to the county undivided income tax fund in the proper county 61158  
treasury. The county treasurer shall distribute amounts paid under 61159  
division (A) of this section to the proper local taxing unit or 61160  
public library as if they had been levied and collected as taxes, 61161  
and the local taxing unit or public library shall apportion the 61162  
amounts so received among its funds in the same proportions as if 61163  
those amounts had been levied and collected as taxes. Except in 61164  
the case of amounts distributed to the county as a local taxing 61165  
unit, amounts distributed under division (E)(2) of this section 61166  
shall be credited to the general fund of the local taxing unit 61167  
that receives them. Amounts distributed to each county as a local 61168

taxing unit under division (E)(2) of this section shall be 61169  
credited in the proportion that the current taxes charged and 61170  
payable from each levy of or by the county bears to the total 61171  
current taxes charged and payable from all levies of or by the 61172  
county. 61173

(D) By February 5, 2002, the tax commissioner shall estimate 61174  
the amount of money in the local government property tax 61175  
replacement fund in excess of the amount necessary to make 61176  
payments in that month under division (C) of this section. 61177  
Notwithstanding division (A) of this section, the tax commissioner 61178  
may pay any local taxing unit, from those excess funds, nine and 61179  
four-tenths times the amount computed for 2002 under division 61180  
(A)(1) of this section. A payment made under this division shall 61181  
be in lieu of the payment to be made in February 2002 under 61182  
division (A)(1) of this section. A local taxing unit receiving a 61183  
payment under this division will no longer be entitled to any 61184  
further payments under division (A)(1) of this section. A payment 61185  
made under this division shall be paid from the local government 61186  
property tax replacement fund to the county undivided income tax 61187  
fund in the proper county treasury. The county treasurer shall 61188  
distribute the payment to the proper local taxing unit as if it 61189  
had been levied and collected as taxes, and the local taxing unit 61190  
shall apportion the amounts so received among its funds in the 61191  
same proportions as if those amounts had been levied and collected 61192  
as taxes. 61193

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 61194  
2005, and 2006, and on the thirty-first day of January and July of 61195  
2007 through January 2011, if the amount credited to the local 61196  
government property tax replacement fund exceeds the amount needed 61197  
to be distributed from the fund under division (A) of this section 61198  
in the following month, the tax commissioner shall distribute the 61199  
excess to each county as follows: 61200

(a) One-half shall be distributed to each county in proportion to each county's population. 61201  
61202

(b) One-half shall be distributed to each county in the proportion that the amounts determined under divisions (G) and (H) of section 5727.84 of the Revised Code for all local taxing units in the county is of the total amounts so determined for all local taxing units in the state. 61203  
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(2) The amounts distributed to each county under division (E) of this section shall be distributed by the county auditor to each local taxing unit in the county in the proportion that the unit's current taxes charged and payable are of the total current taxes charged and payable of all the local taxing units in the county. 61208  
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If the amount that the county auditor determines to be distributed to a local taxing unit is less than five dollars, that amount shall not be distributed, and the amount not distributed shall remain credited to the county undivided income tax fund. At the time of the next distribution under division (E)(2) of this section, any amount that had not been distributed in the prior distribution shall be added to the amount available for the next distribution prior to calculation of the amount to be distributed. 61213  
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As used in this division, "current taxes charged and payable" means the taxes charged and payable as most recently determined for local taxing units in the county. 61221  
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After January 2011, any amount that exceeds the amount needed to be distributed from the fund under division (A) of this section in the following month shall be transferred to the general revenue fund. 61224  
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(F) If the total amount in the local government property tax replacement fund is insufficient to make all payments under division (C) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government property tax 61228  
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replacement fund the difference between the total amount to be 61233  
paid and the amount in the local government property tax 61234  
replacement fund, except that no transfer shall be made by reason 61235  
of a deficiency to the extent that it results from the amendment 61236  
of section 5727.84 of the Revised Code by Amended Substitute House 61237  
Bill 95 of the 125th general assembly. 61238

(G) If all or a part of the territories of two or more local 61239  
taxing units are merged, or unincorporated territory of a township 61240  
is annexed by a municipal corporation, the tax commissioner shall 61241  
adjust the payments made under this section to each of the local 61242  
taxing units in proportion to the square mileage apportioned to 61243  
the merged or annexed territory, or as otherwise provided by a 61244  
written agreement between the legislative authorities of the local 61245  
taxing units certified to the tax commissioner not later than the 61246  
first day of June of the calendar year in which the payment is to 61247  
be made. 61248

**Sec. 5729.98.** (A) To provide a uniform procedure for 61249  
calculating the amount of tax due under this chapter, a taxpayer 61250  
shall claim any credits and offsets against tax liability to which 61251  
it is entitled in the following order: 61252

(1) The credit for an insurance company or insurance company 61253  
group under section 5729.031 of the Revised Code; 61254

(2) The credit for eligible employee training costs under 61255  
section 5729.07 of the Revised Code; 61256

(3) The credit for purchases of qualified low-income 61257  
community investments under section 5729.16 of the Revised Code; 61258

(4) The nonrefundable job retention credit under division 61259  
(B)~~(1)~~ of section 122.171 of the Revised Code; 61260

(5) The offset of assessments by the Ohio life and health 61261  
insurance guaranty association against tax liability permitted by 61262

section 3956.20 of the Revised Code; 61263

(6) The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code. 61264  
61265

(7) The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before the effective date of the amendment of this section by ...B... of the 131st general assembly; 61266  
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(8) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code; 61271  
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(9) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 61273  
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(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 61277  
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**Sec. 5733.0610.** (A) A refundable corporation franchise tax credit granted by the tax credit authority under section 122.17 or former division (B)(2) or (3) of section 122.171 of the Revised Code, as those divisions existed before the effective date of the amendment of this section by ...B... of the 131st general assembly, may be claimed under this chapter in the order required under section 5733.98 of the Revised Code. For purposes of making tax payments under this chapter, taxes equal to the amount of the 61285  
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refundable credit shall be considered to be paid to this state on 61293  
the first day of the tax year. The refundable credit shall not be 61294  
claimed for any tax years following the calendar year in which a 61295  
relocation of employment positions occurs in violation of an 61296  
agreement entered into under section 122.17 or 122.171 of the 61297  
Revised Code. 61298

(B) A nonrefundable corporation franchise tax credit granted 61299  
by the tax credit authority under division (B)~~(1)~~ of section 61300  
122.171 of the Revised Code may be claimed under this chapter in 61301  
the order required under section 5733.98 of the Revised Code. 61302

**Sec. 5733.40.** As used in sections 5733.40 and 5733.41 and 61303  
Chapter 5747. of the Revised Code: 61304

(A)(1) "Adjusted qualifying amount" means either of the 61305  
following: 61306

(a) The sum of each qualifying investor's distributive share 61307  
of the income, gain, expense, or loss of a qualifying pass-through 61308  
entity for the qualifying taxable year of the qualifying 61309  
pass-through entity multiplied by the apportionment fraction 61310  
defined in division (B) of this section, subject to section 61311  
5733.401 of the Revised Code and divisions (A)(2) to (7) of this 61312  
section; 61313

(b) The sum of each qualifying beneficiary's share of the 61314  
qualifying net income and qualifying net gain distributed by a 61315  
qualifying trust for the qualifying taxable year of the qualifying 61316  
trust multiplied by the apportionment fraction defined in division 61317  
(B) of this section, subject to section 5733.401 of the Revised 61318  
Code and divisions (A)(2) to (7) of this section. 61319

(2) The sum shall exclude any amount which, pursuant to the 61320  
Constitution of the United States, the Constitution of Ohio, or 61321  
any federal law is not subject to a tax on or measured by net 61322

income. 61323

(3) For the purposes of Chapters 5733. and 5747. of the 61324  
Revised Code, the profit or net income of the qualifying entity 61325  
shall be increased by disallowing all amounts representing 61326  
expenses, other than amounts described in division (A)(7) of this 61327  
section or for which a related member is otherwise subject to the 61328  
tax imposed by Chapter 5747. of the Revised Code, that the 61329  
qualifying entity paid to or incurred with respect to direct or 61330  
indirect transactions with one or more related members, excluding 61331  
the cost of goods sold calculated in accordance with section 263A 61332  
of the Internal Revenue Code and United States department of the 61333  
treasury regulations issued thereunder. Nothing in division (A)(3) 61334  
of this section shall be construed to limit solely to this chapter 61335  
the application of section 263A of the Internal Revenue Code and 61336  
United States department of the treasury regulations issued 61337  
thereunder. 61338

(4) For the purposes of Chapters 5733. and 5747. of the 61339  
Revised Code, the profit or net income of the qualifying entity 61340  
shall be increased by disallowing all recognized losses, other 61341  
than losses from sales of inventory the cost of which is 61342  
calculated in accordance with section 263A of the Internal Revenue 61343  
Code and United States department of the treasury regulations 61344  
issued thereunder, with respect to all direct or indirect 61345  
transactions with one or more related members. For the purposes of 61346  
Chapters 5733. and 5747. of the Revised Code, losses from the 61347  
sales of such inventory shall be allowed only to the extent 61348  
calculated in accordance with section 482 of the Internal Revenue 61349  
Code and United States department of the treasury regulations 61350  
issued thereunder. Nothing in division (A)(4) of this section 61351  
shall be construed to limit solely to this section the application 61352  
of section 263A and section 482 of the Internal Revenue Code and 61353  
United States department of the treasury regulations issued 61354

thereunder. 61355

(5) The sum shall be increased or decreased by an amount 61356  
equal to the qualifying investor's or qualifying beneficiary's 61357  
distributive or proportionate share of the amount that the 61358  
qualifying entity would be required to add or deduct under 61359  
divisions (A)(20) and (21) of section 5747.01 of the Revised Code 61360  
if the qualifying entity were a taxpayer for the purposes of 61361  
Chapter 5747. of the Revised Code. 61362

(6) The sum shall be computed without regard to section 61363  
5733.051 or division (D) of section 5733.052 of the Revised Code. 61364

(7) For the purposes of Chapters 5733. and 5747. of the 61365  
Revised Code, guaranteed payments or compensation paid to 61366  
investors by a qualifying entity ~~that is not subject to the tax~~ 61367  
~~imposed by section 5733.06 of the Revised Code~~ shall be considered 61368  
a distributive share of income of the qualifying entity. Division 61369  
(A)(7) of this section applies only to such payments or such 61370  
compensation not otherwise subject to the tax imposed by Chapter 61371  
5747. of the Revised Code on an investor and paid to an investor 61372  
who at any time during the qualifying entity's taxable year holds 61373  
at least a twenty per cent direct or indirect interest in the 61374  
profits or capital of the qualifying entity. 61375

(B) "Apportionment fraction" means: 61376

(1) With respect to a qualifying pass-through entity other 61377  
than a financial institution, the fraction calculated pursuant to 61378  
division (B)(2) of section 5733.05 of the Revised Code as if the 61379  
qualifying pass-through entity were a corporation subject to the 61380  
tax imposed by section 5733.06 of the Revised Code; 61381

(2) With respect to a qualifying pass-through entity that is 61382  
a financial institution, the fraction calculated pursuant to 61383  
division (C) of section 5733.056 of the Revised Code as if the 61384  
qualifying pass-through entity were a financial institution 61385

subject to the tax imposed by section 5733.06 of the Revised Code. 61386

(3) With respect to a qualifying trust, the fraction 61387  
calculated pursuant to division (B)(2) of section 5733.05 of the 61388  
Revised Code as if the qualifying trust were a corporation subject 61389  
to the tax imposed by section 5733.06 of the Revised Code, except 61390  
that the property, payroll, and sales fractions shall be 61391  
calculated by including in the numerator and denominator of the 61392  
fractions only the property, payroll, and sales, respectively, 61393  
directly related to the production of income or gain from 61394  
acquisition, ownership, use, maintenance, management, or 61395  
disposition of tangible personal property located in this state at 61396  
any time during the qualifying trust's qualifying taxable year or 61397  
of real property located in this state. 61398

(C) "Qualifying beneficiary" means any individual that, 61399  
during the qualifying taxable year of a qualifying trust, is a 61400  
beneficiary of that trust, but does not include an individual who 61401  
is a resident taxpayer for the purposes of Chapter 5747. of the 61402  
Revised Code for the entire qualifying taxable year of the 61403  
qualifying trust. 61404

(D) "Fiscal year" means an accounting period ending on any 61405  
day other than the thirty-first day of December. 61406

(E) "Individual" means a natural person. 61407

(F) "Month" means a calendar month. 61408

(G) "Partnership" has the same meaning as in section 5747.01 61409  
of the Revised Code. 61410

(H) "Investor" means any person that, during any portion of a 61411  
taxable year of a qualifying pass-through entity, is a partner, 61412  
member, shareholder, or investor in that qualifying pass-through 61413  
entity. 61414

(I) Except as otherwise provided in section 5733.402 or 61415

5747.401 of the Revised Code, "qualifying investor" means any investor except those described in divisions (I)(1) to (9) of this section.

(1) An investor satisfying one of the descriptions under section 501(a) or (c) of the Internal Revenue Code, a partnership with equity securities registered with the United States securities and exchange commission under section 12 of the "Securities Exchange Act of 1934," as amended, or an investor described in division (F) of section 3334.01, or division (A) or (C) of section 5733.09 of the Revised Code for the entire qualifying taxable year of the qualifying pass-through entity.

(2) An investor who is either an individual or an estate and is a resident taxpayer for the purposes of section 5747.01 of the Revised Code for the entire qualifying taxable year of the qualifying pass-through entity.

(3) An investor who is an individual for whom the qualifying pass-through entity makes a good faith and reasonable effort to comply fully and timely with the filing and payment requirements set forth in division (D) of section 5747.08 of the Revised Code and section 5747.09 of the Revised Code with respect to the individual's adjusted qualifying amount for the entire qualifying taxable year of the qualifying pass-through entity.

(4) An investor that is another qualifying pass-through entity having only investors described in division (I)(1), (2), (3), or (6) of this section during the three-year period beginning twelve months prior to the first day of the qualifying taxable year of the qualifying pass-through entity.

(5) An investor that is another pass-through entity having no investors other than individuals and estates during the qualifying taxable year of the qualifying pass-through entity in which it is an investor, and that makes a good faith and reasonable effort to

comply fully and timely with the filing and payment requirements 61447  
set forth in division (D) of section 5747.08 of the Revised Code 61448  
and section 5747.09 of the Revised Code with respect to investors 61449  
that are not resident taxpayers of this state for the purposes of 61450  
Chapter 5747. of the Revised Code for the entire qualifying 61451  
taxable year of the qualifying pass-through entity in which it is 61452  
an investor. 61453

(6) An investor that is a financial institution required to 61454  
calculate the tax in accordance with division (E) of section 61455  
5733.06 of the Revised Code on the first day of January of the 61456  
calendar year immediately following the last day of the financial 61457  
institution's calendar or fiscal year in which ends the taxpayer's 61458  
taxable year. 61459

(7) An investor other than an individual that satisfies all 61460  
the following: 61461

(a) The investor submits a written statement to the 61462  
qualifying pass-through entity stating that the investor 61463  
irrevocably agrees that the investor has nexus with this state 61464  
under the Constitution of the United States and is subject to and 61465  
liable for the tax calculated under division (A) or (B) of section 61466  
5733.06 of the Revised Code with respect to the investor's 61467  
adjusted qualifying amount for the entire qualifying taxable year 61468  
of the qualifying pass-through entity. The statement is subject to 61469  
the penalties of perjury, shall be retained by the qualifying 61470  
pass-through entity for no fewer than seven years, and shall be 61471  
delivered to the tax commissioner upon request. 61472

(b) The investor makes a good faith and reasonable effort to 61473  
comply timely and fully with all the reporting and payment 61474  
requirements set forth in Chapter 5733. of the Revised Code with 61475  
respect to the investor's adjusted qualifying amount for the 61476  
entire qualifying taxable year of the qualifying pass-through 61477  
entity. 61478

(c) Neither the investor nor the qualifying pass-through entity in which it is an investor, before, during, or after the qualifying pass-through entity's qualifying taxable year, carries out any transaction or transactions with one or more related members of the investor or the qualifying pass-through entity resulting in a reduction or deferral of tax imposed by Chapter 5733. of the Revised Code with respect to all or any portion of the investor's adjusted qualifying amount for the qualifying pass-through entity's taxable year, or that constitute a sham, lack economic reality, or are part of a series of transactions the form of which constitutes a step transaction or transactions or does not reflect the substance of those transactions.

(8) Any other investor that the tax commissioner may designate by rule. The tax commissioner may adopt rules including a rule defining "qualifying investor" or "qualifying beneficiary" and governing the imposition of the withholding tax imposed by section 5747.41 of the Revised Code with respect to an individual who is a resident taxpayer for the purposes of Chapter 5747. of the Revised Code for only a portion of the qualifying taxable year of the qualifying entity.

(9) An investor that is a trust or fund the beneficiaries of which, during the qualifying taxable year of the qualifying pass-through entity, are limited to the following:

(a) A person that is or may be the beneficiary of a trust subject to Subchapter D of Chapter 1 of Subtitle A of the Internal Revenue Code.

(b) A person that is or may be the beneficiary of or the recipient of payments from a trust or fund that is a nuclear decommissioning reserve fund, a designated settlement fund, or any other trust or fund established to resolve and satisfy claims that may otherwise be asserted by the beneficiary or a member of the beneficiary's family. Sections 267(c)(4), 468A(e), and 468B(d)(2)

of the Internal Revenue Code apply to the determination of whether 61511  
such a person satisfies division (I)(9) of this section. 61512

(c) A person who is or may be the beneficiary of a trust 61513  
that, under its governing instrument, is not required to 61514  
distribute all of its income currently. Division (I)(9)(c) of this 61515  
section applies only if the trust, prior to the due date for 61516  
filing the qualifying pass-through entity's return for taxes 61517  
imposed by section 5733.41 and sections 5747.41 to 5747.453 of the 61518  
Revised Code, irrevocably agrees in writing that for the taxable 61519  
year during or for which the trust distributes any of its income 61520  
to any of its beneficiaries, the trust is a qualifying trust and 61521  
will pay the estimated tax, and will withhold and pay the withheld 61522  
tax, as required under sections 5747.40 to 5747.453 of the Revised 61523  
Code. 61524

For the purposes of division (I)(9) of this section, a trust 61525  
or fund shall be considered to have a beneficiary other than 61526  
persons described under divisions (I)(9)(a) to (c) of this section 61527  
if a beneficiary would not qualify under those divisions under the 61528  
doctrines of "economic reality," "sham transaction," "step 61529  
doctrine," or "substance over form." A trust or fund described in 61530  
division (I)(9) of this section bears the burden of establishing 61531  
by a preponderance of the evidence that any transaction giving 61532  
rise to the tax benefits provided under division (I)(9) of this 61533  
section does not have as a principal purpose a claim of those tax 61534  
benefits. Nothing in this section shall be construed to limit 61535  
solely to this section the application of the doctrines referred 61536  
to in this paragraph. 61537

(J) "Qualifying net gain" means any recognized net gain with 61538  
respect to the acquisition, ownership, use, maintenance, 61539  
management, or disposition of tangible personal property located 61540  
in this state at any time during a trust's qualifying taxable year 61541  
or real property located in this state. 61542

(K) "Qualifying net income" means any recognized income, net of related deductible expenses, other than distributions deductions with respect to the acquisition, ownership, use, maintenance, management, or disposition of tangible personal property located in this state at any time during the trust's qualifying taxable year or real property located in this state.

(L) "Qualifying entity" means a qualifying pass-through entity or a qualifying trust.

(M) "Qualifying trust" means a trust subject to subchapter J of the Internal Revenue Code that, during any portion of the trust's qualifying taxable year, has income or gain from the acquisition, management, ownership, use, or disposition of tangible personal property located in this state at any time during the trust's qualifying taxable year or real property located in this state. "Qualifying trust" does not include a person described in section 501(c) of the Internal Revenue Code or a person described in division (C) of section 5733.09 of the Revised Code.

(N) "Qualifying pass-through entity" means a pass-through entity as defined in section 5733.04 of the Revised Code, excluding: a person described in section 501(c) of the Internal Revenue Code; a partnership with equity securities registered with the United States securities and exchange commission under section 12 of the Securities Exchange Act of 1934, as amended; or a person described in division (C) of section 5733.09 of the Revised Code.

(O) "Quarter" means the first three months, the second three months, the third three months, or the last three months of a qualifying entity's qualifying taxable year.

(P) "Related member" has the same meaning as in division (A)(6) of section 5733.042 of the Revised Code without regard to division (B) of that section. However, for the purposes of

divisions (A)(3) and (4) of this section only, "related member" 61574  
has the same meaning as in division (A)(6) of section 5733.042 of 61575  
the Revised Code without regard to division (B) of that section, 61576  
but shall be applied by substituting "forty per cent" for "twenty 61577  
per cent" wherever "twenty per cent" appears in division (A) of 61578  
that section. 61579

(Q) "Return" or "report" means the notifications and reports 61580  
required to be filed pursuant to sections 5747.42 to 5747.45 of 61581  
the Revised Code for the purpose of reporting the tax imposed 61582  
under section 5733.41 or 5747.41 of the Revised Code, and included 61583  
declarations of estimated tax when so required. 61584

(R) "Qualifying taxable year" means the calendar year or the 61585  
qualifying entity's fiscal year ending during the calendar year, 61586  
or fractional part thereof, for which the adjusted qualifying 61587  
amount is calculated pursuant to sections 5733.40 and 5733.41 or 61588  
sections 5747.40 to 5747.453 of the Revised Code. 61589

(S) "Distributive share" includes the sum of the income, 61590  
gain, expense, or loss of a disregarded entity or qualified 61591  
subchapter S subsidiary. 61592

**Sec. 5736.50.** (A) A taxpayer granted a credit by the tax 61593  
credit authority under section 122.17 or former division (B)(2) or 61594  
(3) of section 122.171 of the Revised Code, as those divisions 61595  
existed before the effective date of the amendment of this section 61596  
by ...B... of the 131st general assembly, may claim a refundable 61597  
credit against the tax imposed under this chapter. For the purpose 61598  
of making tax payments under this chapter, taxes equal to the 61599  
amount of the refundable credit shall be considered to be paid on 61600  
the first day of the tax period. 61601

(B) A ~~taxpayer granted a~~ nonrefundable credit granted by the 61602  
tax credit authority under division (B)(~~1~~) of section 122.171 of 61603  
the Revised Code may ~~claim a nonrefundable tax credit~~ be claimed 61604

against the tax imposed under this chapter. 61605

(C) Credits authorized in division (A) or (B) of this section 61606  
shall not be claimed for any tax period beginning after the date 61607  
on which a relocation of employment positions occurs in violation 61608  
of an agreement entered into under section 122.17 or 122.171 of 61609  
the Revised Code. 61610

(D) A taxpayer may claim any unused portion of the credit 61611  
authorized under division (B) of section 5751.50 of the Revised 61612  
Code against the tax imposed under this chapter. No credit shall 61613  
be allowed under this division if the credit was available against 61614  
the tax imposed under section 5751.02 of the Revised Code except 61615  
to the extent the credit was not applied against that tax. 61616

(E) The amount of a credit claimed under division (B) or (D) 61617  
of this section shall not exceed the tax otherwise due for the tax 61618  
period. If the credit allowed under division (B) or (D) of this 61619  
section exceeds the tax otherwise due, the excess may be carried 61620  
forward to the extent authorized by section 122.171 of the Revised 61621  
Code. 61622

If a taxpayer is authorized to claim credits under division 61623  
(A) and either or both of divisions (B) and (D) of this section 61624  
for the same tax period, the taxpayer shall claim the credit 61625  
allowed under division (B) or (D) before the credit allowed under 61626  
division (A) of this section. 61627

**Sec. 5739.01.** As used in this chapter: 61628

(A) "Person" includes individuals, receivers, assignees, 61629  
trustees in bankruptcy, estates, firms, partnerships, 61630  
associations, joint-stock companies, joint ventures, clubs, 61631  
societies, corporations, the state and its political subdivisions, 61632  
and combinations of individuals of any form. 61633

(B) "Sale" and "selling" include all of the following 61634

transactions for a consideration in any manner, whether absolutely 61635  
or conditionally, whether for a price or rental, in money or by 61636  
exchange, and by any means whatsoever: 61637

(1) All transactions by which title or possession, or both, 61638  
of tangible personal property, is or is to be transferred, or a 61639  
license to use or consume tangible personal property is or is to 61640  
be granted; 61641

(2) All transactions by which lodging by a hotel is or is to 61642  
be furnished to transient guests; 61643

(3) All transactions by which: 61644

(a) An item of tangible personal property is or is to be 61645  
repaired, except property, the purchase of which would not be 61646  
subject to the tax imposed by section 5739.02 of the Revised Code; 61647

(b) An item of tangible personal property is or is to be 61648  
installed, except property, the purchase of which would not be 61649  
subject to the tax imposed by section 5739.02 of the Revised Code 61650  
or property that is or is to be incorporated into and will become 61651  
a part of a production, transmission, transportation, or 61652  
distribution system for the delivery of a public utility service; 61653

(c) The service of washing, cleaning, waxing, polishing, or 61654  
painting a motor vehicle is or is to be furnished; 61655

(d) Until August 1, 2003, industrial laundry cleaning 61656  
services are or are to be provided and, on and after August 1, 61657  
2003, laundry and dry cleaning services are or are to be provided; 61658

(e) Automatic data processing, computer services, or 61659  
electronic information services are or are to be provided for use 61660  
in business when the true object of the transaction is the receipt 61661  
by the consumer of automatic data processing, computer services, 61662  
or electronic information services rather than the receipt of 61663  
personal or professional services to which automatic data 61664

processing, computer services, or electronic information services 61665  
are incidental or supplemental. Notwithstanding any other 61666  
provision of this chapter, such transactions that occur between 61667  
members of an affiliated group are not sales. An "affiliated 61668  
group" means two or more persons related in such a way that one 61669  
person owns or controls the business operation of another member 61670  
of the group. In the case of corporations with stock, one 61671  
corporation owns or controls another if it owns more than fifty 61672  
per cent of the other corporation's common stock with voting 61673  
rights. 61674

(f) Telecommunications service, including prepaid calling 61675  
service, prepaid wireless calling service, or ancillary service, 61676  
is or is to be provided, but not including coin-operated telephone 61677  
service; 61678

(g) Landscaping and lawn care service is or is to be 61679  
provided; 61680

(h) Private investigation and security service is or is to be 61681  
provided; 61682

(i) Information services or tangible personal property is 61683  
provided or ordered by means of a nine hundred telephone call; 61684

(j) Building maintenance and janitorial service is or is to 61685  
be provided; 61686

(k) Employment service is or is to be provided; 61687

(l) Employment placement service is or is to be provided; 61688

(m) Exterminating service is or is to be provided; 61689

(n) Physical fitness facility service is or is to be 61690  
provided; 61691

(o) Recreation and sports club service is or is to be 61692  
provided; 61693

(p) On and after August 1, 2003, satellite broadcasting 61694

service is or is to be provided; 61695

(q) On and after August 1, 2003, personal care service is or 61696  
is to be provided to an individual. As used in this division, 61697  
"personal care service" includes skin care, the application of 61698  
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 61699  
piercing, tanning, massage, and other similar services. "Personal 61700  
care service" does not include a service provided by or on the 61701  
order of a licensed physician or licensed chiropractor, or the 61702  
cutting, coloring, or styling of an individual's hair. 61703

(r) On and after August 1, 2003, the transportation of 61704  
persons by motor vehicle or aircraft is or is to be provided, when 61705  
the transportation is entirely within this state, except for 61706  
transportation provided by an ambulance service, by a transit bus, 61707  
as defined in section 5735.01 of the Revised Code, and 61708  
transportation provided by a citizen of the United States holding 61709  
a certificate of public convenience and necessity issued under 49 61710  
U.S.C. 41102; 61711

(s) On and after August 1, 2003, motor vehicle towing service 61712  
is or is to be provided. As used in this division, "motor vehicle 61713  
towing service" means the towing or conveyance of a wrecked, 61714  
disabled, or illegally parked motor vehicle. 61715

(t) On and after August 1, 2003, snow removal service is or 61716  
is to be provided. As used in this division, "snow removal 61717  
service" means the removal of snow by any mechanized means, but 61718  
does not include the providing of such service by a person that 61719  
has less than five thousand dollars in sales of such service 61720  
during the calendar year. 61721

(u) Electronic publishing service is or is to be provided to 61722  
a consumer for use in business, except that such transactions 61723  
occurring between members of an affiliated group, as defined in 61724  
division (B)(3)(e) of this section, are not sales. 61725

(v) On and after October 1, 2015, cable service is or is to be provided. As used in this division, "cable service" means the one-way transmission to subscribers of video programming, or other programming service, and subscriber interaction, if any, that is required for the selection or use of such video programming or other programming service.

(w) On and after October 1, 2015, bad debt, as defined in section 5739.121 of the Revised Code, is or is to be transferred.

(x) On and after October 1, 2015, travel service is or is to be provided. As used in this division, "travel service" means acting as an agent in selling travel, tour, or accommodation services to the general public and commercial clients.

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care

service and the transfer of property as part of such service is 61758  
never a construction contract. 61759

As used in division (B)(5) of this section: 61760

(a) "Agricultural land tile" means fired clay or concrete 61761  
tile, or flexible or rigid perforated plastic pipe or tubing, 61762  
incorporated or to be incorporated into a subsurface drainage 61763  
system appurtenant to land used or to be used primarily in 61764  
production by farming, agriculture, horticulture, or floriculture. 61765  
The term does not include such materials when they are or are to 61766  
be incorporated into a drainage system appurtenant to a building 61767  
or structure even if the building or structure is used or to be 61768  
used in such production. 61769

(b) "Portable grain bin" means a structure that is used or to 61770  
be used by a person engaged in farming or agriculture to shelter 61771  
the person's grain and that is designed to be disassembled without 61772  
significant damage to its component parts. 61773

(6) All transactions in which all of the shares of stock of a 61774  
closely held corporation are transferred, or an ownership interest 61775  
in a pass-through entity, as defined in section 5733.04 of the 61776  
Revised Code, is transferred, if the corporation or pass-through 61777  
entity is not engaging in business and its entire assets consist 61778  
of boats, planes, motor vehicles, or other tangible personal 61779  
property operated primarily for the use and enjoyment of the 61780  
shareholders or owners; 61781

(7) All transactions in which a warranty, maintenance or 61782  
service contract, or similar agreement by which the vendor of the 61783  
warranty, contract, or agreement agrees to repair or maintain the 61784  
tangible personal property of the consumer is or is to be 61785  
provided; 61786

(8) The transfer of copyrighted motion picture films used 61787  
solely for advertising purposes, except that the transfer of such 61788

films for exhibition purposes is not a sale; 61789

(9) ~~On and after August 1, 2003, all~~ All transactions by 61790  
which tangible personal property is or is to be stored, except 61791  
such property that the consumer of the storage holds for sale in 61792  
the regular course of business~~+~~. The impoundment of motor vehicles 61793  
by the state or a political subdivision of the state is not the 61794  
storage of tangible personal property for the purposes of this 61795  
division. 61796

(10) All transactions in which "guaranteed auto protection" 61797  
is provided whereby a person promises to pay to the consumer the 61798  
difference between the amount the consumer receives from motor 61799  
vehicle insurance and the amount the consumer owes to a person 61800  
holding title to or a lien on the consumer's motor vehicle in the 61801  
event the consumer's motor vehicle suffers a total loss under the 61802  
terms of the motor vehicle insurance policy or is stolen and not 61803  
recovered, if the protection and its price are included in the 61804  
purchase or lease agreement; 61805

(11)(a) Except as provided in division (B)(11)(b) of this 61806  
section, on and after October 1, 2009, all transactions by which 61807  
health care services are paid for, reimbursed, provided, 61808  
delivered, arranged for, or otherwise made available by a medicaid 61809  
health insuring corporation pursuant to the corporation's contract 61810  
with the state. 61811

(b) If the centers for medicare and medicaid services of the 61812  
United States department of health and human services determines 61813  
that the taxation of transactions described in division (B)(11)(a) 61814  
of this section constitutes an impermissible health care-related 61815  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 61816  
1396b(w), and regulations adopted thereunder, the medicaid 61817  
director shall notify the tax commissioner of that determination. 61818  
Beginning with the first day of the month following that 61819  
notification, the transactions described in division (B)(11)(a) of 61820

this section are not sales for the purposes of this chapter or Chapter 5741. of the Revised Code. The tax commissioner shall order that the collection of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code shall cease for transactions occurring on or after that date.

(12) All transactions by which a specified digital product is provided for permanent use or less than permanent use, regardless of whether continued payment is required.

(13) On and after October 1, 2015, the following services regardless of the profession of the provider of the service, except if the service is performed by an employee for the employee's employer:

(a) Research and public opinion polling service is or is to be provided. As used in this division, "research and public opinion polling service" means systematically gathering, recording, tabulating, and presenting marketing and public opinion data. "Research and public opinion polling service" includes, but is not limited to, broadcast media rating services, political opinion polling services, marketing analysis or research services, statistical sampling services and opinion research services, economic research and analysis, and sociological research and analysis.

(b) Public relations service is or is to be provided. As used in this division, "public relations service" means designing and implementing public relations campaigns designed to promote the interests and image of one or more clients.

(c) Lobbying service is or is to be provided. As used in this division, "lobbying service" means any activity that serves to influence the behavior or opinion of an individual, an industry, or an organization.

(d) Management consulting service is or is to be provided. As used in this division, "management consulting service" means any activity that provides advice and assistance to businesses and other organizations on business issues. The business issues may include, but are not limited to, financial planning and budgeting, equity and asset management, records management, office planning, strategic and organizational planning, site selection, new business startup, business process improvement, human resource management, marketing issues and planning, new product development, pricing strategies, licensing and franchise planning, manufacturing operations improvement, productivity improvement, production planning and control, quality assurance and control, inventory management, distribution and warehouse operations, materials management and handling, telecommunications management, and utilities management.

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(e) Parking of a motor vehicle is or is to be provided.

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(f) Debt collection service is or is to be provided. As used in this division, "debt collection service" means collecting payments for claims and remitting payments collected to their clients including, but not limited to, account or delinquent account collection services, tax collection services on a contract or fee basis, and bill or debt collection services.

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(g) Repossession service is or is to be provided. As used in this division, "repossession service" means repossessing tangible assets for the creditor as a result of delinquent debts. The repossessed assets may include, but are not limited to, automobiles, boats, equipment, aircraft, furniture, and appliances.

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Except as otherwise provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or

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personal service transactions that involve the transfer of 61884  
tangible personal property as an inconsequential element, for 61885  
which no separate charges are made. 61886

(C) "Vendor" means the person providing the service or by 61887  
whom the transfer effected or license given by a sale is or is to 61888  
be made or given and, for sales described in division (B)(3)(i) of 61889  
this section, the telecommunications service vendor that provides 61890  
the nine hundred telephone service; if two or more persons are 61891  
engaged in business at the same place of business under a single 61892  
trade name in which all collections on account of sales by each 61893  
are made, such persons shall constitute a single vendor. 61894

Physicians, dentists, hospitals, and veterinarians who are 61895  
engaged in selling tangible personal property as received from 61896  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 61897  
articles, are vendors. Veterinarians who are engaged in 61898  
transferring to others for a consideration drugs, the dispensing 61899  
of which does not require an order of a licensed veterinarian or 61900  
physician under federal law, are vendors. 61901

(D)(1) "Consumer" means the person for whom the service is 61902  
provided, to whom the transfer effected or license given by a sale 61903  
is or is to be made or given, to whom the service described in 61904  
division (B)(3)(f) or (i) of this section is charged, or to whom 61905  
the admission is granted. 61906

(2) Physicians, dentists, hospitals, and blood banks operated 61907  
by nonprofit institutions and persons licensed to practice 61908  
veterinary medicine, surgery, and dentistry are consumers of all 61909  
tangible personal property and services purchased by them in 61910  
connection with the practice of medicine, dentistry, the rendition 61911  
of hospital or blood bank service, or the practice of veterinary 61912  
medicine, surgery, and dentistry. In addition to being consumers 61913  
of drugs administered by them or by their assistants according to 61914  
their direction, veterinarians also are consumers of drugs that 61915

under federal law may be dispensed only by or upon the order of a licensed veterinarian or physician, when transferred by them to others for a consideration to provide treatment to animals as directed by the veterinarian.

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E)(1) of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exemption under division (B)~~(42)~~(41)(f) of section 5739.02 of the Revised Code for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E)(1) of this section.

(6) A person who engages in highway transportation for hire is the consumer of all packaging materials purchased by that person and used in performing the service, except for packaging materials sold by such person in a transaction separate from the service.

(7) In the case of a transaction for health care services under division (B)(11) of this section, a medicaid health insuring corporation is the consumer of such services. The purchase of such services by a medicaid health insuring corporation is not subject to the exception for resale under division (E)(1) of this section or to the exemptions provided under divisions (B)(12), (18), and (19), ~~and (22)~~ of section 5739.02 of the Revised Code.

(E) "Retail sale" and "sales at retail" include all sales, except those in which the purpose of the consumer is to resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person.

(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds.

(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business.

(H)(1)(a) "Price," except as provided in divisions (H)(2),

(3), and (4) of this section, means the total amount of 61978  
consideration, including cash, credit, property, and services, for 61979  
which tangible personal property or services are sold, leased, or 61980  
rented, valued in money, whether received in money or otherwise, 61981  
without any deduction for any of the following: 61982

- (i) The vendor's cost of the property sold; 61983
- (ii) The cost of materials used, labor or service costs, 61984  
interest, losses, all costs of transportation to the vendor, all 61985  
taxes imposed on the vendor, including the tax imposed under 61986  
Chapter 5751. of the Revised Code, and any other expense of the 61987  
vendor; 61988
- (iii) Charges by the vendor for any services necessary to 61989  
complete the sale; 61990
- (iv) On and after August 1, 2003, delivery charges. As used 61991  
in this division, "delivery charges" means charges by the vendor 61992  
for preparation and delivery to a location designated by the 61993  
consumer of tangible personal property or a service, including 61994  
transportation, shipping, postage, handling, crating, and packing. 61995
- (v) Installation charges; 61996
- (vi) Credit for any trade-in. 61997

(b) "Price" includes consideration received by the vendor 61998  
from a third party, if the vendor actually receives the 61999  
consideration from a party other than the consumer, and the 62000  
consideration is directly related to a price reduction or discount 62001  
on the sale; the vendor has an obligation to pass the price 62002  
reduction or discount through to the consumer; the amount of the 62003  
consideration attributable to the sale is fixed and determinable 62004  
by the vendor at the time of the sale of the item to the consumer; 62005  
and one of the following criteria is met: 62006

- (i) The consumer presents a coupon, certificate, or other 62007

document to the vendor to claim a price reduction or discount 62008  
where the coupon, certificate, or document is authorized, 62009  
distributed, or granted by a third party with the understanding 62010  
that the third party will reimburse any vendor to whom the coupon, 62011  
certificate, or document is presented; 62012

(ii) The consumer identifies the consumer's self to the 62013  
seller as a member of a group or organization entitled to a price 62014  
reduction or discount. A preferred customer card that is available 62015  
to any patron does not constitute membership in such a group or 62016  
organization. 62017

(iii) The price reduction or discount is identified as a 62018  
third party price reduction or discount on the invoice received by 62019  
the consumer, or on a coupon, certificate, or other document 62020  
presented by the consumer. 62021

(c) "Price" does not include any of the following: 62022

(i) Discounts, including cash, term, or coupons that are not 62023  
reimbursed by a third party that are allowed by a vendor and taken 62024  
by a consumer on a sale; 62025

(ii) Interest, financing, and carrying charges from credit 62026  
extended on the sale of tangible personal property or services, if 62027  
the amount is separately stated on the invoice, bill of sale, or 62028  
similar document given to the purchaser; 62029

(iii) Any taxes legally imposed directly on the consumer that 62030  
are separately stated on the invoice, bill of sale, or similar 62031  
document given to the consumer. For the purpose of this division, 62032  
the tax imposed under Chapter 5751. of the Revised Code is not a 62033  
tax directly on the consumer, even if the tax or a portion thereof 62034  
is separately stated. 62035

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 62036  
section, any discount allowed by an automobile manufacturer to its 62037  
employee, or to the employee of a supplier, on the purchase of a 62038

new motor vehicle from a new motor vehicle dealer in this state. 62039

(v) The dollar value of a gift card that is not sold by a 62040  
vendor or purchased by a consumer and that is redeemed by the 62041  
consumer in purchasing tangible personal property or services if 62042  
the vendor is not reimbursed and does not receive compensation 62043  
from a third party to cover all or part of the gift card value. 62044  
For the purposes of this division, a gift card is not sold by a 62045  
vendor or purchased by a consumer if it is distributed pursuant to 62046  
an awards, loyalty, or promotional program. Past and present 62047  
purchases of tangible personal property or services by the 62048  
consumer shall not be treated as consideration exchanged for a 62049  
gift card. 62050

(2) In the case of a sale of any new motor vehicle by a new 62051  
motor vehicle dealer, as defined in section 4517.01 of the Revised 62052  
Code, in which another motor vehicle is accepted by the dealer as 62053  
part of the consideration received, "price" has the same meaning 62054  
as in division (H)(1) of this section, reduced by one-half of the 62055  
credit afforded the consumer by the dealer for the motor vehicle 62056  
received in trade. 62057

(3) In the case of a sale of any watercraft or outboard motor 62058  
by a watercraft dealer licensed in accordance with section 62059  
1547.543 of the Revised Code, in which another watercraft, 62060  
watercraft and trailer, or outboard motor is accepted by the 62061  
dealer as part of the consideration received, "price" has the same 62062  
meaning as in division (H)(1) of this section, reduced by one-half 62063  
of the credit afforded the consumer by the dealer for the 62064  
watercraft, watercraft and trailer, or outboard motor received in 62065  
trade. As used in this division, "watercraft" includes an outdrive 62066  
unit attached to the watercraft. 62067

(4) In the case of transactions for health care services 62068  
under division (B)(11) of this section, "price" means the amount 62069  
of managed care premiums received each month by a medicaid health 62070

insuring corporation. 62071

(I) "Receipts" means the total amount of the prices of the 62072  
sales of vendors, provided that the dollar value of gift cards 62073  
distributed pursuant to an awards, loyalty, or promotional 62074  
program, and cash discounts allowed and taken on sales at the time 62075  
they are consummated are not included, minus any amount deducted 62076  
as a bad debt pursuant to section 5739.121 of the Revised Code. 62077  
"Receipts" does not include the sale price of property returned or 62078  
services rejected by consumers when the full sale price and tax 62079  
are refunded either in cash or by credit. 62080

(J) "Place of business" means any location at which a person 62081  
engages in business. 62082

(K) "Premises" includes any real property or portion thereof 62083  
upon which any person engages in selling tangible personal 62084  
property at retail or making retail sales and also includes any 62085  
real property or portion thereof designated for, or devoted to, 62086  
use in conjunction with the business engaged in by such person. 62087

(L) "Casual sale" means a sale of an item of tangible 62088  
personal property that was obtained by the person making the sale, 62089  
through purchase or otherwise, for the person's own use and was 62090  
previously subject to any state's taxing jurisdiction on its sale 62091  
or use, and includes such items acquired for the seller's use that 62092  
are sold by an auctioneer employed directly by the person for such 62093  
purpose, provided the location of such sales is not the 62094  
auctioneer's permanent place of business. As used in this 62095  
division, "permanent place of business" includes any location 62096  
where such auctioneer has conducted more than two auctions during 62097  
the year. 62098

(M) "Hotel" means every establishment kept, used, maintained, 62099  
advertised, or held out to the public to be a place where sleeping 62100  
accommodations are offered to guests, in which five or more rooms 62101

are used for the accommodation of such guests, whether the rooms 62102  
are in one or several structures, except as otherwise provided in 62103  
division (G) of section 5739.09 of the Revised Code. 62104

(N) "Transient guests" means persons occupying a room or 62105  
rooms for sleeping accommodations for less than thirty consecutive 62106  
days. 62107

(O) "Making retail sales" means the effecting of transactions 62108  
wherein one party is obligated to pay the price and the other 62109  
party is obligated to provide a service or to transfer title to or 62110  
possession of the item sold. "Making retail sales" does not 62111  
include the preliminary acts of promoting or soliciting the retail 62112  
sales, other than the distribution of printed matter which 62113  
displays or describes and prices the item offered for sale, nor 62114  
does it include delivery of a predetermined quantity of tangible 62115  
personal property or transportation of property or personnel to or 62116  
from a place where a service is performed. 62117

(P) "Used directly in the rendition of a public utility 62118  
service" means that property that is to be incorporated into and 62119  
will become a part of the consumer's production, transmission, 62120  
transportation, or distribution system and that retains its 62121  
classification as tangible personal property after such 62122  
incorporation; fuel or power used in the production, transmission, 62123  
transportation, or distribution system; and tangible personal 62124  
property used in the repair and maintenance of the production, 62125  
transmission, transportation, or distribution system, including 62126  
only such motor vehicles as are specially designed and equipped 62127  
for such use. Tangible personal property and services used 62128  
primarily in providing highway transportation for hire are not 62129  
used directly in the rendition of a public utility service. In 62130  
this definition, "public utility" includes a citizen of the United 62131  
States holding, and required to hold, a certificate of public 62132  
convenience and necessity issued under 49 U.S.C. 41102. 62133

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes. 62134  
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(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product. 62137  
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(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. 62140  
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"Manufacturing operation" does not include packaging. 62146

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system. 62147  
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(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau. 62153  
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(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect 62163  
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to a county that is a transit authority, the board of county commissioners. 62165  
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(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau. 62167  
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(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration. 62174  
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(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data. 62177  
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(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems. 62181  
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(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following: 62187  
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62189

(i) Examining or acquiring data stored in or accessible to the computer equipment; 62190  
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(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment. 62192  
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For transactions occurring on or after the effective date of 62194

the amendment of this section by H.B. 157 of the 127th general assembly, December 21, 2007, "electronic information services" does not include electronic publishing as defined in division (LLL) of this section.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;

(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;

(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;

(g) Testing of business procedures;

(h) Training personnel in business procedure applications;

(i) Providing credit information to users of such information 62225  
by a consumer reporting agency, as defined in the "Fair Credit 62226  
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or 62227  
as hereafter amended, including but not limited to gathering, 62228  
organizing, analyzing, recording, and furnishing such information 62229  
by any oral, written, graphic, or electronic medium; 62230

(j) Providing debt collection services by any oral, written, 62231  
graphic, or electronic means. 62232

The services listed in divisions (Y)(2)(a) to (j) of this 62233  
section are not automatic data processing or computer services. 62234

(Z) "Highway transportation for hire" means the 62235  
transportation of personal property belonging to others for 62236  
consideration by any of the following: 62237

(1) The holder of a permit or certificate issued by this 62238  
state or the United States authorizing the holder to engage in 62239  
transportation of personal property belonging to others for 62240  
consideration over or on highways, roadways, streets, or any 62241  
similar public thoroughfare; 62242

(2) A person who engages in the transportation of personal 62243  
property belonging to others for consideration over or on 62244  
highways, roadways, streets, or any similar public thoroughfare 62245  
but who could not have engaged in such transportation on December 62246  
11, 1985, unless the person was the holder of a permit or 62247  
certificate of the types described in division (Z)(1) of this 62248  
section; 62249

(3) A person who leases a motor vehicle to and operates it 62250  
for a person described by division (Z)(1) or (2) of this section. 62251

(AA)(1) "Telecommunications service" means the electronic 62252  
transmission, conveyance, or routing of voice, data, audio, video, 62253  
or any other information or signals to a point, or between or 62254  
among points. "Telecommunications service" includes such 62255

transmission, conveyance, or routing in which computer processing 62256  
applications are used to act on the form, code, or protocol of the 62257  
content for purposes of transmission, conveyance, or routing 62258  
without regard to whether the service is referred to as voice-over 62259  
internet protocol service or is classified by the federal 62260  
communications commission as enhanced or value-added. 62261  
"Telecommunications service" does not include any of the 62262  
following: 62263

(a) Data processing and information services that allow data 62264  
to be generated, acquired, stored, processed, or retrieved and 62265  
delivered by an electronic transmission to a consumer where the 62266  
consumer's primary purpose for the underlying transaction is the 62267  
processed data or information; 62268

(b) Installation or maintenance of wiring or equipment on a 62269  
customer's premises; 62270

(c) Tangible personal property; 62271

(d) Advertising, including directory advertising; 62272

(e) Billing and collection services provided to third 62273  
parties; 62274

(f) Internet access service; 62275

(g) Radio and television audio and video programming 62276  
services, regardless of the medium, including the furnishing of 62277  
transmission, conveyance, and routing of such services by the 62278  
programming service provider. Radio and television audio and video 62279  
programming services include, but are not limited to, cable 62280  
service, as defined in 47 U.S.C. 522(6), and audio and video 62281  
programming services delivered by commercial mobile radio service 62282  
providers, as defined in 47 C.F.R. 20.3; 62283

(h) Ancillary service; 62284

(i) Digital products delivered electronically, including 62285

software, music, video, reading materials, or ring tones. 62286

(2) "Ancillary service" means a service that is associated 62287  
with or incidental to the provision of telecommunications service, 62288  
including conference bridging service, detailed telecommunications 62289  
billing service, directory assistance, vertical service, and voice 62290  
mail service. As used in this division: 62291

(a) "Conference bridging service" means an ancillary service 62292  
that links two or more participants of an audio or video 62293  
conference call, including providing a telephone number. 62294  
"Conference bridging service" does not include telecommunications 62295  
services used to reach the conference bridge. 62296

(b) "Detailed telecommunications billing service" means an 62297  
ancillary service of separately stating information pertaining to 62298  
individual calls on a customer's billing statement. 62299

(c) "Directory assistance" means an ancillary service of 62300  
providing telephone number or address information. 62301

(d) "Vertical service" means an ancillary service that is 62302  
offered in connection with one or more telecommunications 62303  
services, which offers advanced calling features that allow 62304  
customers to identify callers and manage multiple calls and call 62305  
connections, including conference bridging service. 62306

(e) "Voice mail service" means an ancillary service that 62307  
enables the customer to store, send, or receive recorded messages. 62308  
"Voice mail service" does not include any vertical services that 62309  
the customer may be required to have in order to utilize the voice 62310  
mail service. 62311

(3) "900 service" means an inbound toll telecommunications 62312  
service purchased by a subscriber that allows the subscriber's 62313  
customers to call in to the subscriber's prerecorded announcement 62314  
or live service, and which is typically marketed under the name 62315  
"900 service" and any subsequent numbers designated by the federal 62316

communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital products delivered electronically, and content and ancillary services, that must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(6) "Value-added non-voice data service" means a telecommunications service in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing.

(7) "Coin-operated telephone service" means a telecommunications service paid for by inserting money into a telephone accepting direct deposits of money to operate.

(8) "Customer" has the same meaning as in section 5739.034 of the Revised Code.

(BB) "Laundry and dry cleaning services" means removing soil or dirt from towels, linens, articles of clothing, or other fabric items that belong to others and supplying towels, linens, articles

of clothing, or other fabric items. "Laundry and dry cleaning services" does not include the provision of self-service facilities for use by consumers to remove soil or dirt from towels, linens, articles of clothing, or other fabric items.

(CC) "Magazines distributed as controlled circulation publications" means magazines containing at least twenty-four pages, at least twenty-five per cent editorial content, issued at regular intervals four or more times a year, and circulated without charge to the recipient, provided that such magazines are not owned or controlled by individuals or business concerns which conduct such publications as an auxiliary to, and essentially for the advancement of the main business or calling of, those who own or control them.

(DD) "Landscaping and lawn care service" means the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose. However, "landscaping and lawn care service" does not include the providing of such services by a person who has less than five thousand dollars in sales of such services during the calendar year.

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar

monitoring devices. "Private investigation and security service" 62380  
does not include special duty services provided by off-duty police 62381  
officers, deputy sheriffs, and other peace officers regularly 62382  
employed by the state or a political subdivision. 62383

(FF) "Information services" means providing conversation, 62384  
giving consultation or advice, playing or making a voice or other 62385  
recording, making or keeping a record of the number of callers, 62386  
and any other service provided to a consumer by means of a nine 62387  
hundred telephone call, except when the nine hundred telephone 62388  
call is the means by which the consumer makes a contribution to a 62389  
recognized charity. 62390

(GG) "Research and development" means designing, creating, or 62391  
formulating new or enhanced products, equipment, or manufacturing 62392  
processes, and also means conducting scientific or technological 62393  
inquiry and experimentation in the physical sciences with the goal 62394  
of increasing scientific knowledge which may reveal the bases for 62395  
new or enhanced products, equipment, or manufacturing processes. 62396

(HH) "Qualified research and development equipment" means 62397  
capitalized tangible personal property, and leased personal 62398  
property that would be capitalized if purchased, used by a person 62399  
primarily to perform research and development. Tangible personal 62400  
property primarily used in testing, as defined in division (A)(4) 62401  
of section 5739.011 of the Revised Code, or used for recording or 62402  
storing test results, is not qualified research and development 62403  
equipment unless such property is primarily used by the consumer 62404  
in testing the product, equipment, or manufacturing process being 62405  
created, designed, or formulated by the consumer in the research 62406  
and development activity or in recording or storing such test 62407  
results. 62408

(II) "Building maintenance and janitorial service" means 62409  
cleaning the interior or exterior of a building and any tangible 62410  
personal property located therein or thereon, including any 62411

services incidental to such cleaning for which no separate charge 62412  
is made. However, "building maintenance and janitorial service" 62413  
does not include the providing of such service by a person who has 62414  
less than five thousand dollars in sales of such service during 62415  
the calendar year. 62416

(JJ) "Employment service" means providing or supplying 62417  
personnel, on a temporary or long-term basis, to perform work or 62418  
labor under the supervision or control of another, when the 62419  
personnel so provided or supplied receive their wages, salary, or 62420  
other compensation from the provider or supplier of the employment 62421  
service or from a third party that provided or supplied the 62422  
personnel to the provider or supplier. "Employment service" does 62423  
not include: 62424

(1) Acting as a contractor or subcontractor, where the 62425  
personnel performing the work are not under the direct control of 62426  
the purchaser. 62427

(2) Medical and health care services. 62428

(3) Supplying personnel to a purchaser pursuant to a contract 62429  
of at least one year between the service provider and the 62430  
purchaser that specifies that each employee covered under the 62431  
contract is assigned to the purchaser on a permanent basis. 62432

(4) Transactions between members of an affiliated group, as 62433  
defined in division (B)(3)(e) of this section. 62434

(5) Transactions where the personnel so provided or supplied 62435  
by a provider or supplier to a purchaser of an employment service 62436  
are then provided or supplied by that purchaser to a third party 62437  
as an employment service, except "employment service" does include 62438  
the transaction between that purchaser and the third party. 62439

(KK) "Employment placement service" means locating or finding 62440  
employment for a person or finding or locating an employee to fill 62441  
an available position. 62442

(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.

(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.

(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization.

(OO) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of

livestock, and includes feed storage or handling structures and 62475  
structures for livestock waste handling. 62476

(QQ) "Horticulture" means the growing, cultivation, and 62477  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 62478  
and nursery stock. As used in this division, "nursery stock" has 62479  
the same meaning as in section 927.51 of the Revised Code. 62480

(RR) "Horticulture structure" means a building or structure 62481  
used exclusively for the commercial growing, raising, or 62482  
overwintering of horticultural products, and includes the area 62483  
used for stocking, storing, and packing horticultural products 62484  
when done in conjunction with the production of those products. 62485

(SS) "Newspaper" means an unbound publication bearing a title 62486  
or name that is regularly published, at least as frequently as 62487  
biweekly, and distributed from a fixed place of business to the 62488  
public in a specific geographic area, and that contains a 62489  
substantial amount of news matter of international, national, or 62490  
local events of interest to the general public. 62491

(TT) "Professional racing team" means a person that employs 62492  
at least twenty full-time employees for the purpose of conducting 62493  
a motor vehicle racing business for profit. The person must 62494  
conduct the business with the purpose of racing one or more motor 62495  
racing vehicles in at least ten competitive professional racing 62496  
events each year that comprise all or part of a motor racing 62497  
series sanctioned by one or more motor racing sanctioning 62498  
organizations. A "motor racing vehicle" means a vehicle for which 62499  
the chassis, engine, and parts are designed exclusively for motor 62500  
racing, and does not include a stock or production model vehicle 62501  
that may be modified for use in racing. For the purposes of this 62502  
division: 62503

(1) A "competitive professional racing event" is a motor 62504  
vehicle racing event sanctioned by one or more motor racing 62505

sanctioning organizations, at which aggregate cash prizes in 62506  
excess of eight hundred thousand dollars are awarded to the 62507  
competitors. 62508

(2) "Full-time employee" means an individual who is employed 62509  
for consideration for thirty-five or more hours a week, or who 62510  
renders any other standard of service generally accepted by custom 62511  
or specified by contract as full-time employment. 62512

(UU)(1) "Lease" or "rental" means any transfer of the 62513  
possession or control of tangible personal property for a fixed or 62514  
indefinite term, for consideration. "Lease" or "rental" includes 62515  
future options to purchase or extend, and agreements described in 62516  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 62517  
the amount of consideration may be increased or decreased by 62518  
reference to the amount realized upon the sale or disposition of 62519  
the property. "Lease" or "rental" does not include: 62520

(a) A transfer of possession or control of tangible personal 62521  
property under a security agreement or a deferred payment plan 62522  
that requires the transfer of title upon completion of the 62523  
required payments; 62524

(b) A transfer of possession or control of tangible personal 62525  
property under an agreement that requires the transfer of title 62526  
upon completion of required payments and payment of an option 62527  
price that does not exceed the greater of one hundred dollars or 62528  
one per cent of the total required payments; 62529

(c) Providing tangible personal property along with an 62530  
operator for a fixed or indefinite period of time, if the operator 62531  
is necessary for the property to perform as designed. For purposes 62532  
of this division, the operator must do more than maintain, 62533  
inspect, or set up the tangible personal property. 62534

(2) "Lease" and "rental," as defined in division (UU) of this 62535  
section, shall not apply to leases or rentals that exist before 62536

June 26, 2003. 62537

(3) "Lease" and "rental" have the same meaning as in division 62538  
(UU)(1) of this section regardless of whether a transaction is 62539  
characterized as a lease or rental under generally accepted 62540  
accounting principles, the Internal Revenue Code, Title XIII of 62541  
the Revised Code, or other federal, state, or local laws. 62542

(VV) "Mobile telecommunications service" has the same meaning 62543  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 62544  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 62545  
on and after August 1, 2003, includes related fees and ancillary 62546  
services, including universal service fees, detailed billing 62547  
service, directory assistance, service initiation, voice mail 62548  
service, and vertical services, such as caller ID and three-way 62549  
calling. 62550

(WW) "Certified service provider" has the same meaning as in 62551  
section 5740.01 of the Revised Code. 62552

(XX) "Satellite broadcasting service" means the distribution 62553  
or broadcasting of programming or services by satellite directly 62554  
to the subscriber's receiving equipment without the use of ground 62555  
receiving or distribution equipment, except the subscriber's 62556  
receiving equipment or equipment used in the uplink process to the 62557  
satellite, and includes all service and rental charges, premium 62558  
channels or other special services, installation and repair 62559  
service charges, and any other charges having any connection with 62560  
the provision of the satellite broadcasting service. 62561

(YY) "Tangible personal property" means personal property 62562  
that can be seen, weighed, measured, felt, or touched, or that is 62563  
in any other manner perceptible to the senses. For purposes of 62564  
this chapter and Chapter 5741. of the Revised Code, "tangible 62565  
personal property" includes motor vehicles, electricity, water, 62566  
gas, steam, and prewritten computer software. 62567

(ZZ) "Direct mail" means printed material delivered or 62568  
distributed by United States mail or other delivery service to a 62569  
mass audience or to addressees on a mailing list provided by the 62570  
consumer or at the direction of the consumer when the cost of the 62571  
items are not billed directly to the recipients. "Direct mail" 62572  
includes tangible personal property supplied directly or 62573  
indirectly by the consumer to the direct mail vendor for inclusion 62574  
in the package containing the printed material. "Direct mail" does 62575  
not include multiple items of printed material delivered to a 62576  
single address. 62577

(AAA) "Computer" means an electronic device that accepts 62578  
information in digital or similar form and manipulates it for a 62579  
result based on a sequence of instructions. 62580

(BBB) "Computer software" means a set of coded instructions 62581  
designed to cause a computer or automatic data processing 62582  
equipment to perform a task. 62583

(CCC) "Delivered electronically" means delivery of computer 62584  
software from the seller to the purchaser by means other than 62585  
tangible storage media. 62586

(DDD) "Prewritten computer software" means computer software, 62587  
including prewritten upgrades, that is not designed and developed 62588  
by the author or other creator to the specifications of a specific 62589  
purchaser. The combining of two or more prewritten computer 62590  
software programs or prewritten portions thereof does not cause 62591  
the combination to be other than prewritten computer software. 62592  
"Prewritten computer software" includes software designed and 62593  
developed by the author or other creator to the specifications of 62594  
a specific purchaser when it is sold to a person other than the 62595  
purchaser. If a person modifies or enhances computer software of 62596  
which the person is not the author or creator, the person shall be 62597  
deemed to be the author or creator only of such person's 62598  
modifications or enhancements. Prewritten computer software or a 62599

prewritten portion thereof that is modified or enhanced to any 62600  
degree, where such modification or enhancement is designed and 62601  
developed to the specifications of a specific purchaser, remains 62602  
prewritten computer software; provided, however, that where there 62603  
is a reasonable, separately stated charge or an invoice or other 62604  
statement of the price given to the purchaser for the modification 62605  
or enhancement, the modification or enhancement shall not 62606  
constitute prewritten computer software. 62607

(EEE)(1) "Food" means substances, whether in liquid, 62608  
concentrated, solid, frozen, dried, or dehydrated form, that are 62609  
sold for ingestion or chewing by humans and are consumed for their 62610  
taste or nutritional value. "Food" does not include alcoholic 62611  
beverages, dietary supplements, soft drinks, or tobacco. 62612

(2) As used in division (EEE)(1) of this section: 62613

(a) "Alcoholic beverages" means beverages that are suitable 62614  
for human consumption and contain one-half of one per cent or more 62615  
of alcohol by volume. 62616

(b) "Dietary supplements" means any product, other than 62617  
tobacco, that is intended to supplement the diet and that is 62618  
intended for ingestion in tablet, capsule, powder, softgel, 62619  
gelcap, or liquid form, or, if not intended for ingestion in such 62620  
a form, is not represented as conventional food for use as a sole 62621  
item of a meal or of the diet; that is required to be labeled as a 62622  
dietary supplement, identifiable by the "supplement facts" box 62623  
found on the label, as required by 21 C.F.R. 101.36; and that 62624  
contains one or more of the following dietary ingredients: 62625

(i) A vitamin; 62626

(ii) A mineral; 62627

(iii) An herb or other botanical; 62628

(iv) An amino acid; 62629

(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; 62630  
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(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section. 62632  
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(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume. 62635  
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(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco. 62640  
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(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body. 62642  
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(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription. 62651  
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(HHH) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing 62655  
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equipment. 62661

(III) "Mobility enhancing equipment" means equipment, 62662  
including repair and replacement parts for such equipment, that is 62663  
primarily and customarily used to provide or increase the ability 62664  
to move from one place to another and is appropriate for use 62665  
either in a home or a motor vehicle, that is not generally used by 62666  
persons with normal mobility, and that does not include any motor 62667  
vehicle or equipment on a motor vehicle normally provided by a 62668  
motor vehicle manufacturer. "Mobility enhancing equipment" does 62669  
not include durable medical equipment. 62670

(JJJ) "Prosthetic device" means a replacement, corrective, or 62671  
supportive device, including repair and replacement parts for the 62672  
device, worn on or in the human body to artificially replace a 62673  
missing portion of the body, prevent or correct physical deformity 62674  
or malfunction, or support a weak or deformed portion of the body. 62675  
As used in this division, "prosthetic device" does not include 62676  
corrective eyeglasses, contact lenses, or dental prosthesis. 62677

(KKK)(1) "Fractional aircraft ownership program" means a 62678  
program in which persons within an affiliated group sell and 62679  
manage fractional ownership program aircraft, provided that at 62680  
least one hundred airworthy aircraft are operated in the program 62681  
and the program meets all of the following criteria: 62682

(a) Management services are provided by at least one program 62683  
manager within an affiliated group on behalf of the fractional 62684  
owners. 62685

(b) Each program aircraft is owned or possessed by at least 62686  
one fractional owner. 62687

(c) Each fractional owner owns or possesses at least a 62688  
one-sixteenth interest in at least one fixed-wing program 62689  
aircraft. 62690

(d) A dry-lease aircraft interchange arrangement is in effect 62691

among all of the fractional owners. 62692

(e) Multi-year program agreements are in effect regarding the 62693  
fractional ownership, management services, and dry-lease aircraft 62694  
interchange arrangement aspects of the program. 62695

(2) As used in division (KKK)(1) of this section: 62696

(a) "Affiliated group" has the same meaning as in division 62697  
(B)(3)(e) of this section. 62698

(b) "Fractional owner" means a person that owns or possesses 62699  
at least a one-sixteenth interest in a program aircraft and has 62700  
entered into the agreements described in division (KKK)(1)(e) of 62701  
this section. 62702

(c) "Fractional ownership program aircraft" or "program 62703  
aircraft" means a turbojet aircraft that is owned or possessed by 62704  
a fractional owner and that has been included in a dry-lease 62705  
aircraft interchange arrangement and agreement under divisions 62706  
(KKK)(1)(d) and (e) of this section, or an aircraft a program 62707  
manager owns or possesses primarily for use in a fractional 62708  
aircraft ownership program. 62709

(d) "Management services" means administrative and aviation 62710  
support services furnished under a fractional aircraft ownership 62711  
program in accordance with a management services agreement under 62712  
division (KKK)(1)(e) of this section, and offered by the program 62713  
manager to the fractional owners, including, at a minimum, the 62714  
establishment and implementation of safety guidelines; the 62715  
coordination of the scheduling of the program aircraft and crews; 62716  
program aircraft maintenance; program aircraft insurance; crew 62717  
training for crews employed, furnished, or contracted by the 62718  
program manager or the fractional owner; the satisfaction of 62719  
record-keeping requirements; and the development and use of an 62720  
operations manual and a maintenance manual for the fractional 62721  
aircraft ownership program. 62722

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.

(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an electronic format. Providing electronic publishing includes the functions necessary for the acquisition, formatting, editing, storage, and dissemination of data or information that is the subject of a sale.

(MMM) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of job and family services pursuant to section 5111.17 of the Revised Code.

(NNN) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state.

(OOO) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes.

(PPP) "Gift card" means a document, card, certificate, or

other record, whether tangible or intangible, that may be redeemed 62754  
by a consumer for a dollar value when making a purchase of 62755  
tangible personal property or services. 62756

(QQQ) "Specified digital product" means an electronically 62757  
transferred digital audiovisual work, digital audio work, or 62758  
digital book. 62759

As used in division (QQQ) of this section: 62760

(1) "Digital audiovisual work" means a series of related 62761  
images that, when shown in succession, impart an impression of 62762  
motion, together with accompanying sounds, if any. 62763

(2) "Digital audio work" means a work that results from the 62764  
fixation of a series of musical, spoken, or other sounds, 62765  
including digitized sound files that are downloaded onto a device 62766  
and that may be used to alert the customer with respect to a 62767  
communication. 62768

(3) "Digital book" means a work that is generally recognized 62769  
in the ordinary and usual sense as a book. 62770

(4) "Electronically transferred" means obtained by the 62771  
purchaser by means other than tangible storage media. 62772

**Sec. 5739.011.** (A) As used in this section: 62773

(1) "Manufacturer" means a person who is engaged in 62774  
manufacturing, processing, assembling, or refining a product for 62775  
sale and, solely for the purposes of division (B)(12) of this 62776  
section, a person who meets all the qualifications of that 62777  
division. 62778

(2) "Manufacturing facility" means a single location where a 62779  
manufacturing operation is conducted, including locations 62780  
consisting of one or more buildings or structures in a contiguous 62781  
area owned or controlled by the manufacturer. 62782

(3) "Materials handling" means the movement of the product 62783  
being or to be manufactured, during which movement the product is 62784  
not undergoing any substantial change or alteration in its state 62785  
or form. 62786

(4) "Testing" means a process or procedure to identify the 62787  
properties or assure the quality of a material or product. 62788

(5) "Completed product" means a manufactured item that is in 62789  
the form and condition as it will be sold by the manufacturer. An 62790  
item is completed when all processes that change or alter its 62791  
state or form or enhance its value are finished, even though the 62792  
item subsequently will be tested to ensure its quality or be 62793  
packaged for storage or shipment. 62794

(6) "Continuous manufacturing operation" means the process in 62795  
which raw materials or components are moved through the steps 62796  
whereby manufacturing occurs. Materials handling of raw materials 62797  
or parts from the point of receipt or preproduction storage or of 62798  
a completed product, to or from storage, to or from packaging, or 62799  
to the place from which the completed product will be shipped, is 62800  
not a part of a continuous manufacturing operation. 62801

(B) For purposes of division (B)~~(42)~~(41)(g) of section 62802  
5739.02 of the Revised Code, the "thing transferred" includes, but 62803  
is not limited to, any of the following: 62804

(1) Production machinery and equipment that act upon the 62805  
product or machinery and equipment that treat the materials or 62806  
parts in preparation for the manufacturing operation; 62807

(2) Materials handling equipment that moves the product 62808  
through a continuous manufacturing operation; equipment that 62809  
temporarily stores the product during the manufacturing operation; 62810  
or, excluding motor vehicles licensed to operate on public 62811  
highways, equipment used in intraplant or interplant transfers of 62812  
work in process where the plant or plants between which such 62813

transfers occur are manufacturing facilities operated by the same person;	62814 62815
(3) Catalysts, solvents, water, acids, oil, and similar consumables that interact with the product and that are an integral part of the manufacturing operation;	62816 62817 62818
(4) Machinery, equipment, and other tangible personal property used during the manufacturing operation that control, physically support, produce power for, lubricate, or are otherwise necessary for the functioning of production machinery and equipment and the continuation of the manufacturing operation;	62819 62820 62821 62822 62823
(5) Machinery, equipment, fuel, power, material, parts, and other tangible personal property used to manufacture machinery, equipment, or other tangible personal property used in manufacturing a product for sale;	62824 62825 62826 62827
(6) Machinery, equipment, and other tangible personal property used by a manufacturer to test raw materials, the product being manufactured, or the completed product;	62828 62829 62830
(7) Machinery and equipment used to handle or temporarily store scrap that is intended to be reused in the manufacturing operation at the same manufacturing facility;	62831 62832 62833
(8) Coke, gas, water, steam, and similar substances used in the manufacturing operation; machinery and equipment used for, and fuel consumed in, producing or extracting those substances; machinery, equipment, and other tangible personal property used to treat, filter, pump, or otherwise make the substance suitable for use in the manufacturing operation; and machinery and equipment used for, and fuel consumed in, producing electricity for use in the manufacturing operation;	62834 62835 62836 62837 62838 62839 62840 62841
(9) Machinery, equipment, and other tangible personal property used to transport or transmit electricity, coke, gas, water, steam, or similar substances used in the manufacturing	62842 62843 62844

operation from the point of generation, if produced by the 62845  
manufacturer, or from the point where the substance enters the 62846  
manufacturing facility, if purchased by the manufacturer, to the 62847  
manufacturing operation; 62848

(10) Machinery, equipment, and other tangible personal 62849  
property that treats, filters, cools, refines, or otherwise 62850  
renders water, steam, acid, oil, solvents, or similar substances 62851  
used in the manufacturing operation reusable, provided that the 62852  
substances are intended for reuse and not for disposal, sale, or 62853  
transportation from the manufacturing facility; 62854

(11) Parts, components, and repair and installation services 62855  
for items described in division (B) of this section; 62856

(12) Machinery and equipment, detergents, supplies, solvents, 62857  
and any other tangible personal property located at a 62858  
manufacturing facility that are used in the process of removing 62859  
soil, dirt, or other contaminants from, or otherwise preparing in 62860  
a suitable condition for use, towels, linens, articles of 62861  
clothing, floor mats, mop heads, or other similar items, to be 62862  
supplied to a consumer as part of laundry and dry cleaning 62863  
services as defined in division (BB) of section 5739.01 of the 62864  
Revised Code, only when the towels, linens, articles of clothing, 62865  
floor mats, mop heads, or other similar items belong to the 62866  
provider of the services; 62867

(13) Equipment and supplies used to clean processing 62868  
equipment that is part of a continuous manufacturing operation to 62869  
produce milk, ice cream, yogurt, cheese, and similar dairy 62870  
products for human consumption. 62871

(C) For purposes of division (B)~~(42)~~(41)(g) of section 62872  
5739.02 of the Revised Code, the "thing transferred" does not 62873  
include any of the following: 62874

(1) Tangible personal property used in administrative, 62875

personnel, security, inventory control, record-keeping, ordering,	62876
billing, or similar functions;	62877
(2) Tangible personal property used in storing raw materials	62878
or parts prior to the commencement of the manufacturing operation	62879
or used to handle or store a completed product, including storage	62880
that actively maintains a completed product in a marketable state	62881
or form;	62882
(3) Tangible personal property used to handle or store scrap	62883
or waste intended for disposal, sale, or other disposition, other	62884
than reuse in the manufacturing operation at the same	62885
manufacturing facility;	62886
(4) Tangible personal property that is or is to be	62887
incorporated into realty;	62888
(5) Machinery, equipment, and other tangible personal	62889
property used for ventilation, dust or gas collection, humidity or	62890
temperature regulation, or similar environmental control, except	62891
machinery, equipment, and other tangible personal property that	62892
totally regulates the environment in a special and limited area of	62893
the manufacturing facility where the regulation is essential for	62894
production to occur;	62895
(6) Tangible personal property used for the protection and	62896
safety of workers, unless the property is attached to or	62897
incorporated into machinery and equipment used in a continuous	62898
manufacturing operation;	62899
(7) Tangible personal property used to store fuel, water,	62900
solvents, acid, oil, or similar items consumed in the	62901
manufacturing operation;	62902
(8) Except as provided in division (B)(13) of this section,	62903
machinery, equipment, and other tangible personal property used to	62904
clean, repair, or maintain real or personal property in the	62905
manufacturing facility;	62906

(9) Motor vehicles registered for operation on public highways. 62907  
62908

(D) For purposes of division (B)~~(42)~~(41)(g) of section 62909  
5739.02 of the Revised Code, if the "thing transferred" is a 62910  
machine used by a manufacturer in both a taxable and an exempt 62911  
manner, it shall be totally taxable or totally exempt from 62912  
taxation based upon its quantified primary use. If the "things 62913  
transferred" are fungibles, they shall be taxed based upon the 62914  
proportion of the fungibles used in a taxable manner. 62915

**Sec. 5739.02.** For the purpose of providing revenue with which 62916  
to meet the needs of the state, for the use of the general revenue 62917  
fund of the state, for the purpose of securing a thorough and 62918  
efficient system of common schools throughout the state, for the 62919  
purpose of affording revenues, in addition to those from general 62920  
property taxes, permitted under constitutional limitations, and 62921  
from other sources, for the support of local governmental 62922  
functions, and for the purpose of reimbursing the state for the 62923  
expense of administering this chapter, an excise tax is hereby 62924  
levied on each retail sale made in this state. 62925

(A)(1) The tax shall be collected as provided in section 62926  
5739.025 of the Revised Code. The rate of the tax shall be ~~five~~ 62927  
~~and three-fourths~~ six and one-fourth per cent. The tax applies and 62928  
is collectible when the sale is made, regardless of the time when 62929  
the price is paid or delivered. 62930

(2) In the case of the lease or rental, with a fixed term of 62931  
more than thirty days or an indefinite term with a minimum period 62932  
of more than thirty days, of any motor vehicles designed by the 62933  
manufacturer to carry a load of not more than one ton, watercraft, 62934  
outboard motor, or aircraft, or of any tangible personal property, 62935  
other than motor vehicles designed by the manufacturer to carry a 62936  
load of more than one ton, to be used by the lessee or renter 62937

primarily for business purposes, the tax shall be collected by the vendor at the time the lease or rental is consummated and shall be calculated by the vendor on the basis of the total amount to be paid by the lessee or renter under the lease agreement. If the total amount of the consideration for the lease or rental includes amounts that are not calculated at the time the lease or rental is executed, the tax shall be calculated and collected by the vendor at the time such amounts are billed to the lessee or renter. In the case of an open-end lease or rental, the tax shall be calculated by the vendor on the basis of the total amount to be paid during the initial fixed term of the lease or rental, and for each subsequent renewal period as it comes due. As used in this division, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code, and "watercraft" includes an outdrive unit attached to the watercraft.

A lease with a renewal clause and a termination penalty or similar provision that applies if the renewal clause is not exercised is presumed to be a sham transaction. In such a case, the tax shall be calculated and paid on the basis of the entire length of the lease period, including any renewal periods, until the termination penalty or similar provision no longer applies. The taxpayer shall bear the burden, by a preponderance of the evidence, that the transaction or series of transactions is not a sham transaction.

(3) Except as provided in division (A)(2) of this section, in the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall

be measured by the installments thereof.	62970
(B) The tax does not apply to the following:	62971
(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;	62972 62973 62974 62975
(2) Sales of food for human consumption off the premises where sold;	62976 62977
(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;	62978 62979 62980
(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;	62981 62982
(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;	62983 62984 62985 62986
(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;	62987 62988 62989 62990 62991 62992 62993 62994 62995 62996
(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes	62997 62998 62999

or conduits, and all sales of communications services by a 63000  
telegraph company, all terms as defined in section 5727.01 of the 63001  
Revised Code, and sales of electricity delivered through wires; 63002

(8) Casual sales by a person, or auctioneer employed directly 63003  
by the person to conduct such sales, except as to such sales of 63004  
motor vehicles, watercraft or outboard motors required to be 63005  
titled under section 1548.06 of the Revised Code, watercraft 63006  
documented with the United States coast guard, snowmobiles, and 63007  
all-purpose vehicles as defined in section 4519.01 of the Revised 63008  
Code; 63009

(9)(a) Sales of services or tangible personal property, other 63010  
than motor vehicles, mobile homes, and manufactured homes, by 63011  
churches, organizations exempt from taxation under section 63012  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 63013  
organizations operated exclusively for charitable purposes as 63014  
defined in division (B)(12) of this section, provided that the 63015  
number of days on which such tangible personal property or 63016  
services, other than items never subject to the tax, are sold does 63017  
not exceed six in any calendar year, except as otherwise provided 63018  
in division (B)(9)(b) of this section. If the number of days on 63019  
which such sales are made exceeds six in any calendar year, the 63020  
church or organization shall be considered to be engaged in 63021  
business and all subsequent sales by it shall be subject to the 63022  
tax. In counting the number of days, all sales by groups within a 63023  
church or within an organization shall be considered to be sales 63024  
of that church or organization. 63025

(b) The limitation on the number of days on which tax-exempt 63026  
sales may be made by a church or organization under division 63027  
(B)(9)(a) of this section does not apply to sales made by student 63028  
clubs and other groups of students of a primary or secondary 63029  
school, or a parent-teacher association, booster group, or similar 63030  
organization that raises money to support or fund curricular or 63031

extracurricular activities of a primary or secondary school. 63032

(c) Divisions (B)(9)(a) and (b) of this section do not apply 63033  
to sales by a noncommercial educational radio or television 63034  
broadcasting station. 63035

(10) Sales not within the taxing power of this state under 63036  
the Constitution or laws of the United States or the Constitution 63037  
of this state; 63038

(11) Except for transactions that are sales under division 63039  
(B)(3)(r) of section 5739.01 of the Revised Code, the 63040  
transportation of persons or property, unless the transportation 63041  
is by a private investigation and security service; 63042

(12) Sales of tangible personal property or services to 63043  
churches, to organizations exempt from taxation under section 63044  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 63045  
nonprofit organizations operated exclusively for charitable 63046  
purposes in this state, no part of the net income of which inures 63047  
to the benefit of any private shareholder or individual, and no 63048  
substantial part of the activities of which consists of carrying 63049  
on propaganda or otherwise attempting to influence legislation; 63050  
sales to offices administering one or more homes for the aged or 63051  
one or more hospital facilities exempt under section 140.08 of the 63052  
Revised Code; and sales to organizations described in division (D) 63053  
of section 5709.12 of the Revised Code. 63054

"Charitable purposes" means the relief of poverty; the 63055  
improvement of health through the alleviation of illness, disease, 63056  
or injury; the operation of an organization exclusively for the 63057  
provision of professional, laundry, printing, and purchasing 63058  
services to hospitals or charitable institutions; the operation of 63059  
a home for the aged, as defined in section 5701.13 of the Revised 63060  
Code; the operation of a radio or television broadcasting station 63061  
that is licensed by the federal communications commission as a 63062

noncommercial educational radio or television station; the 63063  
operation of a nonprofit animal adoption service or a county 63064  
humane society; the promotion of education by an institution of 63065  
learning that maintains a faculty of qualified instructors, 63066  
teaches regular continuous courses of study, and confers a 63067  
recognized diploma upon completion of a specific curriculum; the 63068  
operation of a parent-teacher association, booster group, or 63069  
similar organization primarily engaged in the promotion and 63070  
support of the curricular or extracurricular activities of a 63071  
primary or secondary school; the operation of a community or area 63072  
center in which presentations in music, dramatics, the arts, and 63073  
related fields are made in order to foster public interest and 63074  
education therein; the production of performances in music, 63075  
dramatics, and the arts; or the promotion of education by an 63076  
organization engaged in carrying on research in, or the 63077  
dissemination of, scientific and technological knowledge and 63078  
information primarily for the public. 63079

Nothing in this division shall be deemed to exempt sales to 63080  
any organization for use in the operation or carrying on of a 63081  
trade or business, or sales to a home for the aged for use in the 63082  
operation of independent living facilities as defined in division 63083  
(A) of section 5709.12 of the Revised Code. 63084

(13) Building and construction materials and services sold to 63085  
construction contractors for incorporation into a structure or 63086  
improvement to real property under a construction contract with 63087  
this state or a political subdivision of this state, or with the 63088  
United States government or any of its agencies; building and 63089  
construction materials and services sold to construction 63090  
contractors for incorporation into a structure or improvement to 63091  
real property that are accepted for ownership by this state or any 63092  
of its political subdivisions, or by the United States government 63093  
or any of its agencies at the time of completion of the structures 63094

or improvements; building and construction materials sold to 63095  
construction contractors for incorporation into a horticulture 63096  
structure or livestock structure for a person engaged in the 63097  
business of horticulture or producing livestock; building 63098  
materials and services sold to a construction contractor for 63099  
incorporation into a house of public worship or religious 63100  
education, or a building used exclusively for charitable purposes 63101  
under a construction contract with an organization whose purpose 63102  
is as described in division (B)(12) of this section; building 63103  
materials and services sold to a construction contractor for 63104  
incorporation into a building under a construction contract with 63105  
an organization exempt from taxation under section 501(c)(3) of 63106  
the Internal Revenue Code of 1986 when the building is to be used 63107  
exclusively for the organization's exempt purposes; building and 63108  
construction materials sold for incorporation into the original 63109  
construction of a sports facility under section 307.696 of the 63110  
Revised Code; building and construction materials and services 63111  
sold to a construction contractor for incorporation into real 63112  
property outside this state if such materials and services, when 63113  
sold to a construction contractor in the state in which the real 63114  
property is located for incorporation into real property in that 63115  
state, would be exempt from a tax on sales levied by that state; 63116  
building and construction materials for incorporation into a 63117  
transportation facility pursuant to a public-private agreement 63118  
entered into under sections 5501.70 to 5501.83 of the Revised 63119  
Code; and, until one calendar year after the construction of a 63120  
convention center that qualifies for property tax exemption under 63121  
section 5709.084 of the Revised Code is completed, building and 63122  
construction materials and services sold to a construction 63123  
contractor for incorporation into the real property comprising 63124  
that convention center; 63125

(14) Sales of ships or vessels or rail rolling stock used or 63126  
to be used principally in interstate or foreign commerce, and 63127

repairs, alterations, fuel, and lubricants for such ships or 63128  
vessels or rail rolling stock; 63129

(15) Sales to persons primarily engaged in any of the 63130  
activities mentioned in division (B)~~(42)~~(41)(a), (g), or (h) of 63131  
this section, to persons engaged in making retail sales, or to 63132  
persons who purchase for sale from a manufacturer tangible 63133  
personal property that was produced by the manufacturer in 63134  
accordance with specific designs provided by the purchaser, of 63135  
packages, including material, labels, and parts for packages, and 63136  
of machinery, equipment, and material for use primarily in 63137  
packaging tangible personal property produced for sale, including 63138  
any machinery, equipment, and supplies used to make labels or 63139  
packages, to prepare packages or products for labeling, or to 63140  
label packages or products, by or on the order of the person doing 63141  
the packaging, or sold at retail. "Packages" includes bags, 63142  
baskets, cartons, crates, boxes, cans, bottles, bindings, 63143  
wrappings, and other similar devices and containers, but does not 63144  
include motor vehicles or bulk tanks, trailers, or similar devices 63145  
attached to motor vehicles. "Packaging" means placing in a 63146  
package. Division (B)(15) of this section does not apply to 63147  
persons engaged in highway transportation for hire. 63148

(16) Sales of food to persons using supplemental nutrition 63149  
assistance program benefits to purchase the food. As used in this 63150  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 63151  
federal regulations adopted pursuant to the Food and Nutrition Act 63152  
of 2008. 63153

(17) Sales to persons engaged in farming, agriculture, 63154  
horticulture, or floriculture, of tangible personal property for 63155  
use or consumption primarily in the production by farming, 63156  
agriculture, horticulture, or floriculture of other tangible 63157  
personal property for use or consumption primarily in the 63158  
production of tangible personal property for sale by farming, 63159

agriculture, horticulture, or floriculture; or material and parts 63160  
for incorporation into any such tangible personal property for use 63161  
or consumption in production; and of tangible personal property 63162  
for such use or consumption in the conditioning or holding of 63163  
products produced by and for such use, consumption, or sale by 63164  
persons engaged in farming, agriculture, horticulture, or 63165  
floriculture, except where such property is incorporated into real 63166  
property; 63167

(18) Sales of drugs for a human being that may be dispensed 63168  
only pursuant to a prescription; insulin as recognized in the 63169  
official United States pharmacopoeia; urine and blood testing 63170  
materials when used by diabetics or persons with hypoglycemia to 63171  
test for glucose or acetone; hypodermic syringes and needles when 63172  
used by diabetics for insulin injections; epoetin alfa when 63173  
purchased for use in the treatment of persons with medical 63174  
disease; hospital beds when purchased by hospitals, nursing homes, 63175  
or other medical facilities; and medical oxygen and medical 63176  
oxygen-dispensing equipment when purchased by hospitals, nursing 63177  
homes, or other medical facilities; 63178

(19) Sales of prosthetic devices, durable medical equipment 63179  
for home use, or mobility enhancing equipment, when made pursuant 63180  
to a prescription and when such devices or equipment are for use 63181  
by a human being. 63182

(20) Sales of emergency and fire protection vehicles and 63183  
equipment to nonprofit organizations for use solely in providing 63184  
fire protection and emergency services, including trauma care and 63185  
emergency medical services, for political subdivisions of the 63186  
state; 63187

(21) Sales of tangible personal property manufactured in this 63188  
state, if sold by the manufacturer in this state to a retailer for 63189  
use in the retail business of the retailer outside of this state 63190  
and if possession is taken from the manufacturer by the purchaser 63191

within this state for the sole purpose of immediately removing the 63192  
same from this state in a vehicle owned by the purchaser; 63193

~~(22) Sales of services provided by the state or any of its 63194  
political subdivisions, agencies, instrumentalities, institutions, 63195  
or authorities, or by governmental entities of the state or any of 63196  
its political subdivisions, agencies, instrumentalities, 63197  
institutions, or authorities; 63198~~

~~(23)~~ Sales of motor vehicles to nonresidents of this state 63199  
under the circumstances described in division (B) of section 63200  
5739.029 of the Revised Code; 63201

~~(24)~~(23) Sales to persons engaged in the preparation of eggs 63202  
for sale of tangible personal property used or consumed directly 63203  
in such preparation, including such tangible personal property 63204  
used for cleaning, sanitizing, preserving, grading, sorting, and 63205  
classifying by size; packages, including material and parts for 63206  
packages, and machinery, equipment, and material for use in 63207  
packaging eggs for sale; and handling and transportation equipment 63208  
and parts therefor, except motor vehicles licensed to operate on 63209  
public highways, used in intraplant or interplant transfers or 63210  
shipment of eggs in the process of preparation for sale, when the 63211  
plant or plants within or between which such transfers or 63212  
shipments occur are operated by the same person. "Packages" 63213  
includes containers, cases, baskets, flats, fillers, filler flats, 63214  
cartons, closure materials, labels, and labeling materials, and 63215  
"packaging" means placing therein. 63216

~~(25)~~(24)(a) Sales of water to a consumer for residential use; 63217

(b) Sales of water by a nonprofit corporation engaged 63218  
exclusively in the treatment, distribution, and sale of water to 63219  
consumers, if such water is delivered to consumers through pipes 63220  
or tubing. 63221

~~(26)~~(25) Fees charged for inspection or reinspection of motor 63222

vehicles under section 3704.14 of the Revised Code;	63223
<del>(27)</del> <u>(26)</u> Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	63224
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(a) To prepare food for human consumption for sale;	63228
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	63229
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(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	63233
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<del>(28)</del> <u>(27)</u> Sales of animals by nonprofit animal adoption services or county humane societies;	63235
	63236
<del>(29)</del> <u>(28)</u> Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	63237
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<del>(30)</del> <u>(29)</u> Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	63241
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<del>(31)</del> <u>(30)</u> Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	63244
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<del>(32)</del> <u>(31)</u> The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	63247
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~~(33)~~(32) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;

~~(34)~~(33) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)~~(42)~~(41)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.

~~(35)~~(34)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; and of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)~~(35)~~(34)(a) of this section;

(c) Sales of equipment such as telephones, computers,

facsimile machines, and similar tangible personal property	63285
primarily used to accept orders for direct marketing retail sales.	63286
(d) Sales of automatic food vending machines that preserve	63287
food with a shelf life of forty-five days or less by refrigeration	63288
and dispense it to the consumer.	63289
For purposes of division (B) <del>(35)</del> <u>(34)</u> of this section, "direct	63290
marketing" means the method of selling where consumers order	63291
tangible personal property by United States mail, delivery	63292
service, or telecommunication and the vendor delivers or ships the	63293
tangible personal property sold to the consumer from a warehouse,	63294
catalogue distribution center, or similar fulfillment facility by	63295
means of the United States mail, delivery service, or common	63296
carrier.	63297
<del>(36)</del> <u>(35)</u> Sales to a person engaged in the business of	63298
horticulture or producing livestock of materials to be	63299
incorporated into a horticulture structure or livestock structure;	63300
<del>(37)</del> <u>(36)</u> Sales of personal computers, computer monitors,	63301
computer keyboards, modems, and other peripheral computer	63302
equipment to an individual who is licensed or certified to teach	63303
in an elementary or a secondary school in this state for use by	63304
that individual in preparation for teaching elementary or	63305
secondary school students;	63306
<del>(38)</del> <u>(37)</u> Sales to a professional racing team of any of the	63307
following:	63308
(a) Motor racing vehicles;	63309
(b) Repair services for motor racing vehicles;	63310
(c) Items of property that are attached to or incorporated in	63311
motor racing vehicles, including engines, chassis, and all other	63312
components of the vehicles, and all spare, replacement, and	63313
rebuilt parts or components of the vehicles; except not including	63314

tires, consumable fluids, paint, and accessories consisting of 63315  
instrumentation sensors and related items added to the vehicle to 63316  
collect and transmit data by means of telemetry and other forms of 63317  
communication. 63318

~~(39)~~(38) Sales of used manufactured homes and used mobile 63319  
homes, as defined in section 5739.0210 of the Revised Code, made 63320  
on or after January 1, 2000; 63321

~~(40)~~(39) Sales of tangible personal property and services to 63322  
a provider of electricity used or consumed directly and primarily 63323  
in generating, transmitting, or distributing electricity for use 63324  
by others, including property that is or is to be incorporated 63325  
into and will become a part of the consumer's production, 63326  
transmission, or distribution system and that retains its 63327  
classification as tangible personal property after incorporation; 63328  
fuel or power used in the production, transmission, or 63329  
distribution of electricity; energy conversion equipment as 63330  
defined in section 5727.01 of the Revised Code; and tangible 63331  
personal property and services used in the repair and maintenance 63332  
of the production, transmission, or distribution system, including 63333  
only those motor vehicles as are specially designed and equipped 63334  
for such use. The exemption provided in this division shall be in 63335  
lieu of all other exemptions in division (B)~~(42)~~(41)(a) or (n) of 63336  
this section to which a provider of electricity may otherwise be 63337  
entitled based on the use of the tangible personal property or 63338  
service purchased in generating, transmitting, or distributing 63339  
electricity. 63340

~~(41)~~(40) Sales to a person providing services under division 63341  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 63342  
personal property and services used directly and primarily in 63343  
providing taxable services under that section. 63344

~~(42)~~(41) Sales where the purpose of the purchaser is to do 63345  
any of the following: 63346

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. Persons engaged in rendering services in the exploration for, and production of, crude oil and natural gas for others are deemed engaged directly in the exploration for, and production of, crude oil and natural gas. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property. 63347  
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(b) To hold the thing transferred as security for the performance of an obligation of the vendor; 63364  
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(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance; 63366  
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(d) To use or consume the thing directly in commercial fishing; 63368  
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(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications; 63370  
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(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of 63374  
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written or graphic matter; 63378

(g) To use the thing transferred, as described in section 63379  
5739.011 of the Revised Code, primarily in a manufacturing 63380  
operation to produce tangible personal property for sale; 63381

(h) To use the benefit of a warranty, maintenance or service 63382  
contract, or similar agreement, as described in division (B)(7) of 63383  
section 5739.01 of the Revised Code, to repair or maintain 63384  
tangible personal property, if all of the property that is the 63385  
subject of the warranty, contract, or agreement would not be 63386  
subject to the tax imposed by this section; 63387

(i) To use the thing transferred as qualified research and 63388  
development equipment; 63389

(j) To use or consume the thing transferred primarily in 63390  
storing, transporting, mailing, or otherwise handling purchased 63391  
sales inventory in a warehouse, distribution center, or similar 63392  
facility when the inventory is primarily distributed outside this 63393  
state to retail stores of the person who owns or controls the 63394  
warehouse, distribution center, or similar facility, to retail 63395  
stores of an affiliated group of which that person is a member, or 63396  
by means of direct marketing. This division does not apply to 63397  
motor vehicles registered for operation on the public highways. As 63398  
used in this division, "affiliated group" has the same meaning as 63399  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 63400  
"direct marketing" has the same meaning as in division (B)~~(35)~~(34) 63401  
of this section. 63402

(k) To use or consume the thing transferred to fulfill a 63403  
contractual obligation incurred by a warrantor pursuant to a 63404  
warranty provided as a part of the price of the tangible personal 63405  
property sold or by a vendor of a warranty, maintenance or service 63406  
contract, or similar agreement the provision of which is defined 63407  
as a sale under division (B)(7) of section 5739.01 of the Revised 63408

Code;	63409
(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;	63410 63411
(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;	63412 63413 63414 63415 63416
(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.	63417 63418 63419 63420 63421 63422 63423 63424 63425
(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing.	63426 63427 63428
As used in division (B) <del>(42)</del> <u>(41)</u> of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.	63429 63430 63431
<del>(43)</del> <u>(42)</u> Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.	63432 63433 63434 63435 63436 63437 63438
<del>(44)</del> <u>(43)</u> Sales of replacement and modification parts for	63439

engines, airframes, instruments, and interiors in, and paint for, 63440  
aircraft used primarily in a fractional aircraft ownership 63441  
program, and sales of services for the repair, modification, and 63442  
maintenance of such aircraft, and machinery, equipment, and 63443  
supplies primarily used to provide those services. 63444

~~(45)~~(44) Sales of telecommunications service that is used 63445  
directly and primarily to perform the functions of a call center. 63446  
As used in this division, "call center" means any physical 63447  
location where telephone calls are placed or received in high 63448  
volume for the purpose of making sales, marketing, customer 63449  
service, technical support, or other specialized business 63450  
activity, and that employs at least fifty individuals that engage 63451  
in call center activities on a full-time basis, or sufficient 63452  
individuals to fill fifty full-time equivalent positions. 63453

~~(46)~~(45) Sales by a telecommunications service vendor of 900 63454  
service to a subscriber. This division does not apply to 63455  
information services, as defined in division (FF) of section 63456  
5739.01 of the Revised Code. 63457

~~(47)~~(46) Sales of value-added non-voice data service. This 63458  
division does not apply to any similar service that is not 63459  
otherwise a telecommunications service. 63460

~~(48)~~(47)(a) Sales of machinery, equipment, and software to a 63461  
qualified direct selling entity for use in a warehouse or 63462  
distribution center primarily for storing, transporting, or 63463  
otherwise handling inventory that is held for sale to independent 63464  
salespersons who operate as direct sellers and that is held 63465  
primarily for distribution outside this state; 63466

(b) As used in division (B)~~(48)~~(47)(a) of this section: 63467

(i) "Direct seller" means a person selling consumer products 63468  
to individuals for personal or household use and not from a fixed 63469  
retail location, including selling such product at in-home product 63470

demonstrations, parties, and other one-on-one selling. 63471

(ii) "Qualified direct selling entity" means an entity 63472  
selling to direct sellers at the time the entity enters into a tax 63473  
credit agreement with the tax credit authority pursuant to section 63474  
122.17 of the Revised Code, provided that the agreement was 63475  
entered into on or after January 1, 2007. Neither contingencies 63476  
relevant to the granting of, nor later developments with respect 63477  
to, the tax credit shall impair the status of the qualified direct 63478  
selling entity under division (B)~~(48)~~(47) of this section after 63479  
execution of the tax credit agreement by the tax credit authority. 63480

(c) Division (B)~~(48)~~(47) of this section is limited to 63481  
machinery, equipment, and software first stored, used, or consumed 63482  
in this state within the period commencing June 24, 2008, and 63483  
ending on the date that is five years after that date. 63484

~~(49)~~(48) Sales of materials, parts, equipment, or engines 63485  
used in the repair or maintenance of aircraft or avionics systems 63486  
of such aircraft, and sales of repair, remodeling, replacement, or 63487  
maintenance services in this state performed on aircraft or on an 63488  
aircraft's avionics, engine, or component materials or parts. As 63489  
used in division (B)~~(49)~~(48) of this section, "aircraft" means 63490  
aircraft of more than six thousand pounds maximum certified 63491  
takeoff weight or used exclusively in general aviation. 63492

~~(50)~~(49) Sales of full flight simulators that are used for 63493  
pilot or flight-crew training, sales of repair or replacement 63494  
parts or components, and sales of repair or maintenance services 63495  
for such full flight simulators. "Full flight simulator" means a 63496  
replica of a specific type, or make, model, and series of aircraft 63497  
cockpit. It includes the assemblage of equipment and computer 63498  
programs necessary to represent aircraft operations in ground and 63499  
flight conditions, a visual system providing an out-of-the-cockpit 63500  
view, and a system that provides cues at least equivalent to those 63501  
of a three-degree-of-freedom motion system, and has the full range 63502

of capabilities of the systems installed in the device as 63503  
described in appendices A and B of part 60 of chapter 1 of title 63504  
14 of the Code of Federal Regulations. 63505

~~(51)~~(50) Any transfer or lease of tangible personal property 63506  
between the state and JobsOhio in accordance with section 4313.02 63507  
of the Revised Code. 63508

~~(52)~~(51)(a) Sales to a qualifying corporation. 63509

(b) As used in division (B)~~(52)~~(51) of this section: 63510

(i) "Qualifying corporation" means a nonprofit corporation 63511  
organized in this state that leases from an eligible county land, 63512  
buildings, structures, fixtures, and improvements to the land that 63513  
are part of or used in a public recreational facility used by a 63514  
major league professional athletic team or a class A to class AAA 63515  
minor league affiliate of a major league professional athletic 63516  
team for a significant portion of the team's home schedule, 63517  
provided the following apply: 63518

(I) The facility is leased from the eligible county pursuant 63519  
to a lease that requires substantially all of the revenue from the 63520  
operation of the business or activity conducted by the nonprofit 63521  
corporation at the facility in excess of operating costs, capital 63522  
expenditures, and reserves to be paid to the eligible county at 63523  
least once per calendar year. 63524

(II) Upon dissolution and liquidation of the nonprofit 63525  
corporation, all of its net assets are distributable to the board 63526  
of commissioners of the eligible county from which the corporation 63527  
leases the facility. 63528

(ii) "Eligible county" has the same meaning as in section 63529  
307.695 of the Revised Code. 63530

~~(53)~~(52) Sales to ~~or by~~ a cable service provider, video 63531  
service provider, or radio or television broadcast station 63532

regulated by the federal government of cable service or 63533  
programming, video service or programming, audio service or 63534  
programming, or electronically transferred digital audiovisual or 63535  
audio work. As used in division (B)~~(53)~~(52) of this section, 63536  
"cable service" and "cable service provider" have the same 63537  
meanings as in section 1332.01 of the Revised Code, and "video 63538  
service," "video service provider," and "video programming" have 63539  
the same meanings as in section 1332.21 of the Revised Code. 63540

(C) For the purpose of the proper administration of this 63541  
chapter, and to prevent the evasion of the tax, it is presumed 63542  
that all sales made in this state are subject to the tax until the 63543  
contrary is established. 63544

(D) The levy of this tax on retail sales of recreation and 63545  
sports club service shall not prevent a municipal corporation from 63546  
levying any tax on recreation and sports club dues or on any 63547  
income generated by recreation and sports club dues. 63548

(E) The tax collected by the vendor from the consumer under 63549  
this chapter is not part of the price, but is a tax collection for 63550  
the benefit of the state, and of counties levying an additional 63551  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 63552  
Code and of transit authorities levying an additional sales tax 63553  
pursuant to section 5739.023 of the Revised Code. Except for the 63554  
discount authorized under section 5739.12 of the Revised Code and 63555  
the effects of any rounding pursuant to section 5703.055 of the 63556  
Revised Code, no person other than the state or such a county or 63557  
transit authority shall derive any benefit from the collection or 63558  
payment of the tax levied by this section or section 5739.021, 63559  
5739.023, or 5739.026 of the Revised Code. 63560

**Sec. 5739.03.** (A) Except as provided in section 5739.05 or 63561  
section 5739.051 of the Revised Code, the tax imposed by or 63562  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 63563

the Revised Code shall be paid by the consumer to the vendor, and 63564  
each vendor shall collect from the consumer, as a trustee for the 63565  
state of Ohio, the full and exact amount of the tax payable on 63566  
each taxable sale, in the manner and at the times provided as 63567  
follows: 63568

(1) If the price is, at or prior to the provision of the 63569  
service or the delivery of possession of the thing sold to the 63570  
consumer, paid in currency passed from hand to hand by the 63571  
consumer or the consumer's agent to the vendor or the vendor's 63572  
agent, the vendor or the vendor's agent shall collect the tax with 63573  
and at the same time as the price; 63574

(2) If the price is otherwise paid or to be paid, the vendor 63575  
or the vendor's agent shall, at or prior to the provision of the 63576  
service or the delivery of possession of the thing sold to the 63577  
consumer, charge the tax imposed by or pursuant to section 63578  
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 63579  
the account of the consumer, which amount shall be collected by 63580  
the vendor from the consumer in addition to the price. Such sale 63581  
shall be reported on and the amount of the tax applicable thereto 63582  
shall be remitted with the return for the period in which the sale 63583  
is made, and the amount of the tax shall become a legal charge in 63584  
favor of the vendor and against the consumer. 63585

(B)(1)(a) If any sale is claimed to be exempt under division 63586  
(E) of section 5739.01 of the Revised Code or under section 63587  
5739.02 of the Revised Code, with the exception of divisions 63588  
(B)(1) to (11) or ~~(28)~~(27) of section 5739.02 of the Revised Code, 63589  
the consumer must provide to the vendor, and the vendor must 63590  
obtain from the consumer, a certificate specifying the reason that 63591  
the sale is not legally subject to the tax. The certificate shall 63592  
be in such form, and shall be provided either in a hard copy form 63593  
or electronic form, as the tax commissioner prescribes. 63594

(b) A vendor that obtains a fully completed exemption 63595

certificate from a consumer is relieved of liability for 63596  
collecting and remitting tax on any sale covered by that 63597  
certificate. If it is determined the exemption was improperly 63598  
claimed, the consumer shall be liable for any tax due on that sale 63599  
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 63600  
5741. of the Revised Code. Relief under this division from 63601  
liability does not apply to any of the following: 63602

(i) A vendor that fraudulently fails to collect tax; 63603

(ii) A vendor that solicits consumers to participate in the 63604  
unlawful claim of an exemption; 63605

(iii) A vendor that accepts an exemption certificate from a 63606  
consumer that claims an exemption based on who purchases or who 63607  
sells property or a service, when the subject of the transaction 63608  
sought to be covered by the exemption certificate is actually 63609  
received by the consumer at a location operated by the vendor in 63610  
this state, and this state has posted to its web site an exemption 63611  
certificate form that clearly and affirmatively indicates that the 63612  
claimed exemption is not available in this state; 63613

(iv) A vendor that accepts an exemption certificate from a 63614  
consumer who claims a multiple points of use exemption under 63615  
division (D) of section 5739.033 of the Revised Code, if the item 63616  
purchased is tangible personal property, other than prewritten 63617  
computer software. 63618

(2) The vendor shall maintain records, including exemption 63619  
certificates, of all sales on which a consumer has claimed an 63620  
exemption, and provide them to the tax commissioner on request. 63621

(3) The tax commissioner may establish an identification 63622  
system whereby the commissioner issues an identification number to 63623  
a consumer that is exempt from payment of the tax. The consumer 63624  
must present the number to the vendor, if any sale is claimed to 63625  
be exempt as provided in this section. 63626

(4) If no certificate is provided or obtained within ninety 63627  
days after the date on which such sale is consummated, it shall be 63628  
presumed that the tax applies. Failure to have so provided or 63629  
obtained a certificate shall not preclude a vendor, within one 63630  
hundred twenty days after the tax commissioner gives written 63631  
notice of intent to levy an assessment, from either establishing 63632  
that the sale is not subject to the tax, or obtaining, in good 63633  
faith, a fully completed exemption certificate. 63634

(5) Certificates need not be obtained nor provided where the 63635  
identity of the consumer is such that the transaction is never 63636  
subject to the tax imposed or where the item of tangible personal 63637  
property sold or the service provided is never subject to the tax 63638  
imposed, regardless of use, or when the sale is in interstate 63639  
commerce. 63640

(6) If a transaction is claimed to be exempt under division 63641  
(B)(13) of section 5739.02 of the Revised Code, the contractor 63642  
shall obtain certification of the claimed exemption from the 63643  
contractee. This certification shall be in addition to an 63644  
exemption certificate provided by the contractor to the vendor. A 63645  
contractee that provides a certification under this division shall 63646  
be deemed to be the consumer of all items purchased by the 63647  
contractor under the claim of exemption, if it is subsequently 63648  
determined that the exemption is not properly claimed. The 63649  
certification shall be in such form as the tax commissioner 63650  
prescribes. 63651

(C) As used in this division, "contractee" means a person who 63652  
seeks to enter or enters into a contract or agreement with a 63653  
contractor or vendor for the construction of real property or for 63654  
the sale and installation onto real property of tangible personal 63655  
property. 63656

Any contractor or vendor may request from any contractee a 63657  
certification of what portion of the property to be transferred 63658

under such contract or agreement is to be incorporated into the 63659  
realty and what portion will retain its status as tangible 63660  
personal property after installation is completed. The contractor 63661  
or vendor shall request the certification by certified mail 63662  
delivered to the contractee, return receipt requested. Upon 63663  
receipt of such request and prior to entering into the contract or 63664  
agreement, the contractee shall provide to the contractor or 63665  
vendor a certification sufficiently detailed to enable the 63666  
contractor or vendor to ascertain the resulting classification of 63667  
all materials purchased or fabricated by the contractor or vendor 63668  
and transferred to the contractee. This requirement applies to a 63669  
contractee regardless of whether the contractee holds a direct 63670  
payment permit under section 5739.031 of the Revised Code or 63671  
provides to the contractor or vendor an exemption certificate as 63672  
provided under this section. 63673

For the purposes of the taxes levied by this chapter and 63674  
Chapter 5741. of the Revised Code, the contractor or vendor may in 63675  
good faith rely on the contractee's certification. Notwithstanding 63676  
division (B) of section 5739.01 of the Revised Code, if the tax 63677  
commissioner determines that certain property certified by the 63678  
contractee as tangible personal property pursuant to this division 63679  
is, in fact, real property, the contractee shall be considered to 63680  
be the consumer of all materials so incorporated into that real 63681  
property and shall be liable for the applicable tax, and the 63682  
contractor or vendor shall be excused from any liability on those 63683  
materials. 63684

If a contractee fails to provide such certification upon the 63685  
request of the contractor or vendor, the contractor or vendor 63686  
shall comply with the provisions of this chapter and Chapter 5741. 63687  
of the Revised Code without the certification. If the tax 63688  
commissioner determines that such compliance has been performed in 63689  
good faith and that certain property treated as tangible personal 63690

property by the contractor or vendor is, in fact, real property, 63691  
the contractee shall be considered to be the consumer of all 63692  
materials so incorporated into that real property and shall be 63693  
liable for the applicable tax, and the construction contractor or 63694  
vendor shall be excused from any liability on those materials. 63695

This division does not apply to any contract or agreement 63696  
where the tax commissioner determines as a fact that a 63697  
certification under this division was made solely on the decision 63698  
or advice of the contractor or vendor. 63699

(D) Notwithstanding division (B) of section 5739.01 of the 63700  
Revised Code, whenever the total rate of tax imposed under this 63701  
chapter is increased after the date after a construction contract 63702  
is entered into, the contractee shall reimburse the construction 63703  
contractor for any additional tax paid on tangible property 63704  
consumed or services received pursuant to the contract. 63705

(E) A vendor who files a petition for reassessment contesting 63706  
the assessment of tax on sales for which the vendor obtained no 63707  
valid exemption certificates and for which the vendor failed to 63708  
establish that the sales were properly not subject to the tax 63709  
during the one-hundred-twenty-day period allowed under division 63710  
(B) of this section, may present to the tax commissioner 63711  
additional evidence to prove that the sales were properly subject 63712  
to a claim of exception or exemption. The vendor shall file such 63713  
evidence within ninety days of the receipt by the vendor of the 63714  
notice of assessment, except that, upon application and for 63715  
reasonable cause, the period for submitting such evidence shall be 63716  
extended thirty days. 63717

The commissioner shall consider such additional evidence in 63718  
reaching the final determination on the assessment and petition 63719  
for reassessment. 63720

(F) Whenever a vendor refunds the price, minus any separately 63721

stated delivery charge, of an item of tangible personal property 63722  
on which the tax imposed under this chapter has been paid, the 63723  
vendor shall also refund the amount of tax paid, minus the amount 63724  
of tax attributable to the delivery charge. 63725

**Sec. 5739.10.** (A) In addition to the tax levied by section 63726  
5739.02 of the Revised Code and any tax levied pursuant to section 63727  
5739.021, 5739.023, or 5739.026 of the Revised Code, and to secure 63728  
the same objectives specified in those sections, there is hereby 63729  
levied upon the privilege of engaging in the business of making 63730  
retail sales, an excise tax equal to the tax levied by section 63731  
5739.02 of the Revised Code, or, in the case of retail sales 63732  
subject to a tax levied pursuant to section 5739.021, 5739.023, or 63733  
5739.026 of the Revised Code, a percentage equal to the aggregate 63734  
rate of such taxes and the tax levied by section 5739.02 of the 63735  
Revised Code of the receipts derived from all retail sales, except 63736  
those to which the excise tax imposed by section 5739.02 of the 63737  
Revised Code is made inapplicable by division (B) of that section. 63738

(B) For the purpose of this section, no vendor shall be 63739  
required to maintain records of sales of food for human 63740  
consumption off the premises where sold, and no assessment shall 63741  
be made against any vendor for sales of food for human consumption 63742  
off the premises where sold, solely because the vendor has no 63743  
records of, or has inadequate records of, such sales; provided 63744  
that where a vendor does not have adequate records of receipts 63745  
from the vendor's sales of food for human consumption on the 63746  
premises where sold, the tax commissioner may refuse to accept the 63747  
vendor's return and, upon the basis of test checks of the vendor's 63748  
business for a representative period, and other information 63749  
relating to the sales made by such vendor, determine the 63750  
proportion that taxable retail sales bear to all of the vendor's 63751  
retail sales. The tax imposed by this section shall be determined 63752  
by deducting from the sum representing ~~five and three-fourths~~ six 63753

and one-fourth per cent, as applicable under division (A) of this section, or, in the case of retail sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, a percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code of the receipts from such retail sales, the amount of tax paid to the state or to a clerk of a court of common pleas. The section does not affect any duty of the vendor under sections 5739.01 to 5739.19 and 5739.26 to 5739.31 of the Revised Code, nor the liability of any consumer to pay any tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code.

**Sec. 5739.12.** (A)(1) Each person who has or is required to have a vendor's license, on or before the twenty-third day of each month, shall make and file a return for the preceding month in the form prescribed by the tax commissioner, and shall pay the tax shown on the return to be due. The return shall be filed electronically using the Ohio business gateway, as defined in section 718.01 of the Revised Code, the Ohio telefile system, or any other electronic means prescribed by the commissioner. Payment of the tax shown on the return to be due shall be made electronically in a manner approved by the commissioner. The commissioner may require a vendor that operates from multiple locations or has multiple vendor's licenses to report all tax liabilities on one consolidated return. The return shall show the amount of tax due from the vendor to the state for the period covered by the return and such other information as the commissioner deems necessary for the proper administration of this chapter. The commissioner may extend the time for making and filing returns and paying the tax, and may require that the return for the last month of any annual or semiannual period, as determined by the commissioner, be a reconciliation return

detailing the vendor's sales activity for the preceding annual or 63786  
semiannual period. The reconciliation return shall be filed by the 63787  
last day of the month following the last month of the annual or 63788  
semiannual period. The commissioner may remit all or any part of 63789  
amounts or penalties that may become due under this chapter and 63790  
may adopt rules relating thereto. Such return shall be filed 63791  
electronically as directed by the tax commissioner, and payment of 63792  
the amount of tax shown to be due thereon, after deduction of any 63793  
discount provided for under this section, shall be made 63794  
electronically in a manner approved by the tax commissioner. 63795

(2) Any person required to file returns and make payments 63796  
electronically under division (A)(1) of this section may apply to 63797  
the tax commissioner on a form prescribed by the commissioner to 63798  
be excused from that requirement. For good cause shown, the 63799  
commissioner may excuse the person from that requirement and may 63800  
permit the person to file the returns and make the payments 63801  
required by this section by nonelectronic means. 63802

(B)(1) If the return is filed and the amount of tax shown 63803  
thereon to be due is paid on or before the date such return is 63804  
required to be filed, the vendor shall be entitled to a discount 63805  
of three-fourths of one per cent of the amount shown to be due on 63806  
the return, but the discount amount shall not exceed one thousand 63807  
dollars per month. 63808

(2) A vendor that has selected a certified service provider 63809  
as its agent shall not be entitled to the discount if the 63810  
certified service provider receives a monetary allowance pursuant 63811  
to section 5739.06 of the Revised Code for performing the vendor's 63812  
sales and use tax functions in this state. Amounts paid to the 63813  
clerk of courts pursuant to section 4505.06 of the Revised Code 63814  
shall be subject to the applicable discount. The discount shall be 63815  
in consideration for prompt payment to the clerk of courts and for 63816  
other services performed by the vendor in the collection of the 63817

tax. 63818

(C)(1) Upon application to the tax commissioner, a vendor who 63819  
is required to file monthly returns may be relieved of the 63820  
requirement to report and pay the actual tax due, provided that 63821  
the vendor agrees to remit to the commissioner payment of not less 63822  
than an amount determined by the commissioner to be the average 63823  
monthly tax liability of the vendor, based upon a review of the 63824  
returns or other information pertaining to such vendor for a 63825  
period of not less than six months nor more than two years 63826  
immediately preceding the filing of the application. Vendors who 63827  
agree to the above conditions shall make and file an annual or 63828  
semiannual reconciliation return, as prescribed by the 63829  
commissioner. The reconciliation return shall be filed 63830  
electronically as directed by the tax commissioner, and payment of 63831  
the amount of tax shown to be due thereon, after deduction of any 63832  
discount provided in this section, shall be made electronically in 63833  
a manner approved by the commissioner. Failure of a vendor to 63834  
comply with any of the above conditions may result in immediate 63835  
reinstatement of the requirement of reporting and paying the 63836  
actual tax liability on each monthly return, and the commissioner 63837  
may at the commissioner's discretion deny the vendor the right to 63838  
report and pay based upon the average monthly liability for a 63839  
period not to exceed two years. The amount ascertained by the 63840  
commissioner to be the average monthly tax liability of a vendor 63841  
may be adjusted, based upon a review of the returns or other 63842  
information pertaining to the vendor for a period of not less than 63843  
six months nor more than two years preceding such adjustment. 63844

(2) The commissioner may authorize vendors whose tax 63845  
liability is not such as to merit monthly returns, as ascertained 63846  
by the commissioner upon the basis of administrative costs to the 63847  
state, to make and file returns at less frequent intervals. When 63848  
returns are filed at less frequent intervals in accordance with 63849

such authorization, the vendor shall be allowed the discount 63850  
provided in this section in consideration for prompt payment with 63851  
the return, provided the return is filed and payment is made of 63852  
the amount of tax shown to be due thereon, at the time specified 63853  
by the commissioner, but a vendor that has selected a certified 63854  
service provider as its agent shall not be entitled to the 63855  
discount. 63856

(D) Any vendor who fails to file a return or to pay the full 63857  
amount of the tax shown on the return to be due in the manner 63858  
prescribed under this section and the rules of the commissioner 63859  
may, for each such return, be required to forfeit and pay into the 63860  
state treasury an additional charge not exceeding fifty dollars or 63861  
ten per cent of the tax required to be paid for the reporting 63862  
period, whichever is greater, as revenue arising from the tax 63863  
imposed by this chapter, and such sum may be collected by 63864  
assessment in the manner provided in section 5739.13 of the 63865  
Revised Code. The commissioner may remit all or a portion of the 63866  
additional charge and may adopt rules relating to the imposition 63867  
and remission of the additional charge. 63868

(E) If the amount required to be collected by a vendor from 63869  
consumers is in excess of the applicable percentage of the 63870  
vendor's receipts from sales that are taxable under section 63871  
5739.02 of the Revised Code, or in the case of sales subject to a 63872  
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 63873  
the Revised Code, in excess of the percentage equal to the 63874  
aggregate rate of such taxes and the tax levied by section 5739.02 63875  
of the Revised Code, such excess shall be remitted along with the 63876  
remittance of the amount of tax due under section 5739.10 of the 63877  
Revised Code. 63878

(F) The commissioner, if the commissioner deems it necessary 63879  
in order to insure the payment of the tax imposed by this chapter, 63880  
may require returns and payments to be made for other than monthly 63881

periods. 63882

(G) Any vendor required to file a return and pay the tax 63883  
under this section whose total payment for a year equals or 63884  
exceeds the amount shown in division (A) of section 5739.122 of 63885  
the Revised Code is subject to the accelerated tax payment 63886  
requirements in divisions (B) and (C) of that section. For a 63887  
vendor that operates from multiple locations or has multiple 63888  
vendor's licenses, in determining whether the vendor's total 63889  
payment equals or exceeds the amount shown in division (A) of that 63890  
section, the vendor's total payment amount shall be the amount of 63891  
the vendor's total tax liability for the previous calendar year 63892  
for all of the vendor's locations or licenses. 63893

**Sec. 5741.02.** (A)(1) For the use of the general revenue fund 63894  
of the state, an excise tax is hereby levied on the storage, use, 63895  
or other consumption in this state of tangible personal property 63896  
or the benefit realized in this state of any service provided. The 63897  
tax shall be collected as provided in section 5739.025 of the 63898  
Revised Code. The rate of the tax shall be ~~five and three-fourths~~ 63899  
six and one-fourth per cent. 63900

(2) In the case of the lease or rental, with a fixed term of 63901  
more than thirty days or an indefinite term with a minimum period 63902  
of more than thirty days, of any motor vehicles designed by the 63903  
manufacturer to carry a load of not more than one ton, watercraft, 63904  
outboard motor, or aircraft, or of any tangible personal property, 63905  
other than motor vehicles designed by the manufacturer to carry a 63906  
load of more than one ton, to be used by the lessee or renter 63907  
primarily for business purposes, the tax shall be collected by the 63908  
seller at the time the lease or rental is consummated and shall be 63909  
calculated by the seller on the basis of the total amount to be 63910  
paid by the lessee or renter under the lease or rental agreement. 63911  
If the total amount of the consideration for the lease or rental 63912

includes amounts that are not calculated at the time the lease or 63913  
rental is executed, the tax shall be calculated and collected by 63914  
the seller at the time such amounts are billed to the lessee or 63915  
renter. In the case of an open-end lease or rental, the tax shall 63916  
be calculated by the seller on the basis of the total amount to be 63917  
paid during the initial fixed term of the lease or rental, and for 63918  
each subsequent renewal period as it comes due. As used in this 63919  
division, "motor vehicle" has the same meaning as in section 63920  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 63921  
unit attached to the watercraft. 63922

(3) Except as provided in division (A)(2) of this section, in 63923  
the case of a transaction, the price of which consists in whole or 63924  
part of the lease or rental of tangible personal property, the tax 63925  
shall be measured by the installments of those leases or rentals. 63926

(B) Each consumer, storing, using, or otherwise consuming in 63927  
this state tangible personal property or realizing in this state 63928  
the benefit of any service provided, shall be liable for the tax, 63929  
and such liability shall not be extinguished until the tax has 63930  
been paid to this state; provided, that the consumer shall be 63931  
relieved from further liability for the tax if the tax has been 63932  
paid to a seller in accordance with section 5741.04 of the Revised 63933  
Code or prepaid by the seller in accordance with section 5741.06 63934  
of the Revised Code. 63935

(C) The tax does not apply to the storage, use, or 63936  
consumption in this state of the following described tangible 63937  
personal property or services, nor to the storage, use, or 63938  
consumption or benefit in this state of tangible personal property 63939  
or services purchased under the following described circumstances: 63940

(1) When the sale of property or service in this state is 63941  
subject to the excise tax imposed by sections 5739.01 to 5739.31 63942  
of the Revised Code, provided said tax has been paid; 63943

(2) Except as provided in division (D) of this section, 63944  
tangible personal property or services, the acquisition of which, 63945  
if made in Ohio, would be a sale not subject to the tax imposed by 63946  
sections 5739.01 to 5739.31 of the Revised Code; 63947

(3) Property or services, the storage, use, or other 63948  
consumption of or benefit from which this state is prohibited from 63949  
taxing by the Constitution of the United States, laws of the 63950  
United States, or the Constitution of this state. This exemption 63951  
shall not exempt from the application of the tax imposed by this 63952  
section the storage, use, or consumption of tangible personal 63953  
property that was purchased in interstate commerce, but that has 63954  
come to rest in this state, provided that fuel to be used or 63955  
transported in carrying on interstate commerce that is stopped 63956  
within this state pending transfer from one conveyance to another 63957  
is exempt from the excise tax imposed by this section and section 63958  
5739.02 of the Revised Code; 63959

(4) Transient use of tangible personal property in this state 63960  
by a nonresident tourist or vacationer, or a nonbusiness use 63961  
within this state by a nonresident of this state, if the property 63962  
so used was purchased outside this state for use outside this 63963  
state and is not required to be registered or licensed under the 63964  
laws of this state; 63965

(5) Tangible personal property or services rendered, upon 63966  
which taxes have been paid to another jurisdiction to the extent 63967  
of the amount of the tax paid to such other jurisdiction. Where 63968  
the amount of the tax imposed by this section and imposed pursuant 63969  
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 63970  
exceeds the amount paid to another jurisdiction, the difference 63971  
shall be allocated between the tax imposed by this section and any 63972  
tax imposed by a county or a transit authority pursuant to section 63973  
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 63974  
to the respective rates of such taxes. 63975

As used in this subdivision, "taxes paid to another jurisdiction" means the total amount of retail sales or use tax or similar tax based upon the sale, purchase, or use of tangible personal property or services rendered legally, levied by and paid to another state or political subdivision thereof, or to the District of Columbia, where the payment of such tax does not entitle the taxpayer to any refund or credit for such payment.

(6) The transfer of a used manufactured home or used mobile home, as defined by section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(7) Drugs that are or are intended to be distributed free of charge to a practitioner licensed to prescribe, dispense, and administer drugs to a human being in the course of a professional practice and that by law may be dispensed only by or upon the order of such a practitioner;

(8) Computer equipment and related software leased from a lessor located outside this state and initially received in this state on behalf of the consumer by a third party that will retain possession of such property for not more than ninety days and that will, within that ninety-day period, deliver such property to the consumer at a location outside this state. Division (C)(8) of this section does not provide exemption from taxation for any otherwise taxable charges associated with such property while it is in this state or for any subsequent storage, use, or consumption of such property in this state by or on behalf of the consumer.

(9) Tangible personal property held for sale by a person but not for that person's own use and donated by that person, without charge or other compensation, to either of the following:

(a) A nonprofit organization operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or

individual and no substantial part of the activities of which 64007  
consists of carrying on propaganda or otherwise attempting to 64008  
influence legislation; or 64009

(b) This state or any political subdivision of this state, 64010  
but only if donated for exclusively public purposes. 64011

For the purposes of division (C)~~(10)~~(9) of this section, 64012  
"charitable purposes" has the same meaning as in division (B)(12) 64013  
of section 5739.02 of the Revised Code. 64014

(D) The tax applies to the storage, use, or other consumption 64015  
in this state of tangible personal property or services, the 64016  
acquisition of which at the time of sale was excepted under 64017  
division (E) of section 5739.01 of the Revised Code from the tax 64018  
imposed by section 5739.02 of the Revised Code, but which has 64019  
subsequently been temporarily or permanently stored, used, or 64020  
otherwise consumed in a taxable manner. 64021

(E)(1)(a) If any transaction is claimed to be exempt under 64022  
division (E) of section 5739.01 of the Revised Code or under 64023  
section 5739.02 of the Revised Code, with the exception of 64024  
divisions (B)(1) to (11) or ~~(28)~~(27) of section 5739.02 of the 64025  
Revised Code, the consumer shall provide to the seller, and the 64026  
seller shall obtain from the consumer, a certificate specifying 64027  
the reason that the transaction is not subject to the tax. The 64028  
certificate shall be in such form, and shall be provided either in 64029  
a hard copy form or electronic form, as the tax commissioner 64030  
prescribes. 64031

(b) A seller that obtains a fully completed exemption 64032  
certificate from a consumer is relieved of liability for 64033  
collecting and remitting tax on any sale covered by that 64034  
certificate. If it is determined the exemption was improperly 64035  
claimed, the consumer shall be liable for any tax due on that sale 64036  
under this chapter. Relief under this division from liability does 64037

not apply to any of the following: 64038

(i) A seller that fraudulently fails to collect tax; 64039

(ii) A seller that solicits consumers to participate in the 64040  
unlawful claim of an exemption; 64041

(iii) A seller that accepts an exemption certificate from a 64042  
consumer that claims an exemption based on who purchases or who 64043  
sells property or a service, when the subject of the transaction 64044  
sought to be covered by the exemption certificate is actually 64045  
received by the consumer at a location operated by the seller in 64046  
this state, and this state has posted to its web site an exemption 64047  
certificate form that clearly and affirmatively indicates that the 64048  
claimed exemption is not available in this state; 64049

(iv) A seller that accepts an exemption certificate from a 64050  
consumer who claims a multiple points of use exemption under 64051  
division (D) of section 5739.033 of the Revised Code, if the item 64052  
purchased is tangible personal property, other than prewritten 64053  
computer software. 64054

(2) The seller shall maintain records, including exemption 64055  
certificates, of all sales on which a consumer has claimed an 64056  
exemption, and provide them to the tax commissioner on request. 64057

(3) If no certificate is provided or obtained within ninety 64058  
days after the date on which the transaction is consummated, it 64059  
shall be presumed that the tax applies. Failure to have so 64060  
provided or obtained a certificate shall not preclude a seller, 64061  
within one hundred twenty days after the tax commissioner gives 64062  
written notice of intent to levy an assessment, from either 64063  
establishing that the transaction is not subject to the tax, or 64064  
obtaining, in good faith, a fully completed exemption certificate. 64065

(4) If a transaction is claimed to be exempt under division 64066  
(B)(13) of section 5739.02 of the Revised Code, the contractor 64067  
shall obtain certification of the claimed exemption from the 64068

contractee. This certification shall be in addition to an 64069  
exemption certificate provided by the contractor to the seller. A 64070  
contractee that provides a certification under this division shall 64071  
be deemed to be the consumer of all items purchased by the 64072  
contractor under the claim of exemption, if it is subsequently 64073  
determined that the exemption is not properly claimed. The 64074  
certification shall be in such form as the tax commissioner 64075  
prescribes. 64076

(F) A seller who files a petition for reassessment contesting 64077  
the assessment of tax on transactions for which the seller 64078  
obtained no valid exemption certificates, and for which the seller 64079  
failed to establish that the transactions were not subject to the 64080  
tax during the one-hundred-twenty-day period allowed under 64081  
division (E) of this section, may present to the tax commissioner 64082  
additional evidence to prove that the transactions were exempt. 64083  
The seller shall file such evidence within ninety days of the 64084  
receipt by the seller of the notice of assessment, except that, 64085  
upon application and for reasonable cause, the tax commissioner 64086  
may extend the period for submitting such evidence thirty days. 64087

(G) For the purpose of the proper administration of sections 64088  
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 64089  
of the tax hereby levied, it shall be presumed that any use, 64090  
storage, or other consumption of tangible personal property in 64091  
this state is subject to the tax until the contrary is 64092  
established. 64093

(H) The tax collected by the seller from the consumer under 64094  
this chapter is not part of the price, but is a tax collection for 64095  
the benefit of the state, and of counties levying an additional 64096  
use tax pursuant to section 5741.021 or 5741.023 of the Revised 64097  
Code and of transit authorities levying an additional use tax 64098  
pursuant to section 5741.022 of the Revised Code. Except for the 64099  
discount authorized under section 5741.12 of the Revised Code and 64100

the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection of such tax.

**Sec. 5743.01.** As used in this chapter:

(A) "Person" includes individuals, firms, partnerships, associations, joint-stock companies, corporations, combinations of individuals of any form, and the state and any of its political subdivisions.

(B) "Wholesale dealer" includes only those persons:

(1) Who bring in or cause to be brought into this state unstamped cigarettes purchased directly from the manufacturer, producer, or importer of cigarettes for sale in this state but does not include persons who bring in or cause to be brought into this state cigarettes with respect to which no evidence of tax payment is required thereon as provided in section 5743.04 of the Revised Code; or

(2) Who are engaged in the business of selling cigarettes or tobacco products to others for the purpose of resale.

"Wholesale dealer" does not include any cigarette manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. 5713 if that person sells cigarettes in this state only to wholesale dealers holding valid and current licenses under section 5743.15 of the Revised Code or to an export warehouse proprietor or another manufacturer.

(C) "Retail dealer" includes:

(1) In reference to dealers in cigarettes, every person other than a wholesale dealer engaged in the business of selling cigarettes in this state, regardless of whether the person is located in this state or elsewhere, and regardless of quantity,

amount, or number of sales; 64131

(2) In reference to dealers in tobacco products, any person 64132  
in this state engaged in the business of selling tobacco products 64133  
to ultimate consumers in this state, regardless of quantity, 64134  
amount, or number of sales. 64135

(D) "Sale" includes exchange, barter, gift, offer for sale, 64136  
and distribution, and includes transactions in interstate or 64137  
foreign commerce. 64138

(E) "Cigarettes" includes any roll for smoking made wholly or 64139  
in part of tobacco, irrespective of size or shape, and whether or 64140  
not such tobacco is flavored, adulterated, or mixed with any other 64141  
ingredient, the wrapper or cover of which is made of paper, 64142  
reconstituted cigarette tobacco, homogenized cigarette tobacco, 64143  
cigarette tobacco sheet, or any similar materials other than cigar 64144  
tobacco. 64145

(F) "Package" means the individual package, box, or other 64146  
container in or from which retail sales of cigarettes are normally 64147  
made or intended to be made. 64148

(G) "Storage" includes any keeping or retention of cigarettes 64149  
or tobacco products for use or consumption in this state. 64150

(H) "Use" includes the exercise of any right or power 64151  
incidental to the ownership of cigarettes or tobacco products. 64152

(I) "Tobacco product" or "other tobacco product" means any 64153  
product made from tobacco, other than cigarettes, that is made for 64154  
smoking or chewing, or both, and snuff. 64155

(J) "Wholesale price" means the invoice price, including all 64156  
federal excise taxes, at which the manufacturer of the tobacco 64157  
product sells the tobacco product to unaffiliated distributors, 64158  
excluding any discounts based on the method of payment of the 64159  
invoice or on time of payment of the invoice. If the taxpayer buys 64160

from other than a manufacturer, "wholesale price" means the 64161  
invoice price, including all federal excise taxes and excluding 64162  
any discounts based on the method of payment of the invoice or on 64163  
time of payment of the invoice. 64164

(K) "Distributor" means: 64165

(1) Any manufacturer who sells, barters, exchanges, or 64166  
distributes tobacco products to a retail dealer in the state, 64167  
except when selling to a retail dealer that has filed with the 64168  
manufacturer a signed statement agreeing to pay and be liable for 64169  
the tax imposed by section 5743.51 of the Revised Code; 64170

(2) Any wholesale dealer located in the state who receives 64171  
tobacco products from a manufacturer, or who receives tobacco 64172  
products on which the tax imposed by this chapter has not been 64173  
paid; 64174

(3) Any wholesale dealer located outside the state who sells, 64175  
barters, exchanges, or distributes tobacco products to a wholesale 64176  
or retail dealer in the state; or 64177

(4) Any retail dealer who receives tobacco products on which 64178  
the tax has not or will not be paid by another distributor, 64179  
including a retail dealer that has filed a signed statement with a 64180  
manufacturer in which the retail dealer agrees to pay and be 64181  
liable for the tax that would otherwise be imposed on the 64182  
manufacturer by section 5743.51 of the Revised Code. 64183

(L) "Taxpayer" means any person liable for the tax imposed by 64184  
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 64185

(M) "Seller" means any person located outside this state 64186  
engaged in the business of selling tobacco products to consumers 64187  
for storage, use, or other consumption in this state. 64188

(N) "Manufacturer" means any person who manufactures and 64189  
sells cigarettes or tobacco products. 64190

(O) "Importer" means any person that is authorized, under a valid permit issued under Section 5713 of the Internal Revenue Code, to import finished cigarettes into the United States, either directly or indirectly.

~~(P) "Little cigar" means any roll for smoking, other than cigarettes, made wholly or in part of tobacco that uses an integrated cellulose acetate filter or other filter and is wrapped in any substance containing tobacco, other than natural leaf tobacco.~~

"Retail cigarette price" means the wholesale cigarette price multiplied by one hundred eight per cent, except that, if the wholesale cigarette price includes any county cigarette excise taxes levied on the sale of the cigarettes, "retail cigarette price" shall be calculated by (a) subtracting the county excise taxes from the wholesale cigarette price, (b) multiplying the difference by one hundred eight per cent, and (c) adding the county excise taxes to the product thus obtained.

(O) "Wholesale cigarette price" means the product of one hundred three and one-half per cent multiplied by the sum of the following amounts:

(1) The manufacturer list price of the cigarettes, as certified by the manufacturer of the cigarette brand under section 5743.15 of the Revised Code and posted on the department of taxation's web site;

(2) The state cigarette tax levied on the sale of the cigarettes under section 5743.02 of the Revised Code;

(3) If applicable, any county cigarette excise tax levied on the sale of the cigarettes under sections 5743.021, 5743.024, or 5743.026 of the Revised Code.

(R)(1) "Sell at retail" and "sales at retail" include any transfer of title to tangible personal property for a valuable

consideration made, in the ordinary course of trade or usual 64222  
prosecution of the seller's business, to the purchaser for 64223  
consumption or use. 64224

(2) "Sell at wholesale" and "sales at wholesale" include any 64225  
such transfer of title to tangible personal property for the 64226  
purpose of resale. 64227

**Sec. 5743.02.** To provide revenues for the general revenue 64228  
fund, an excise tax on sales of cigarettes is hereby levied at the 64229  
rate of ~~sixty two~~ one hundred twelve and one-half mills on each 64230  
cigarette. 64231

Only one sale of the same article shall be used in computing 64232  
the amount of tax due. 64233

The treasurer of state shall place to the credit of the tax 64234  
refund fund created by section 5703.052 of the Revised Code, out 64235  
of receipts from the tax levied by this section, amounts equal to 64236  
the refunds certified by the tax commissioner pursuant to section 64237  
5743.05 of the Revised Code. The balance of taxes collected under 64238  
such section, after the credits to the tax refund fund, shall be 64239  
paid into the general revenue fund. 64240

**Sec. 5743.05.** The tax commissioner shall sell all stamps 64241  
provided for by section 5743.03 of the Revised Code. The stamps 64242  
shall be sold at their face value, ~~except the commissioner shall,~~ 64243  
~~by rule, authorize the sale of stamps to wholesale dealers in this~~ 64244  
~~state, or to wholesale dealers outside this state, at a discount~~ 64245  
~~of not less than one and eight tenths per cent or more than ten~~ 64246  
~~per cent of their face value, as a commission for affixing and~~ 64247  
~~canceling the stamps.~~ 64248

The commissioner, by rule, shall authorize the delivery of 64249  
stamps to wholesale dealers in this state and to wholesale dealers 64250  
outside this state on credit. If such a dealer has not been in 64251

good credit standing with this state for five consecutive years 64252  
preceding the purchase, the commissioner shall require the dealer 64253  
to file with the commissioner a bond to the state in the amount 64254  
and in the form prescribed by the commissioner, with surety to the 64255  
satisfaction of the commissioner, conditioned on payment to the 64256  
treasurer of state or the commissioner within thirty days for 64257  
stamps delivered within that time. If such a dealer has been in 64258  
good credit standing with this state for five consecutive years 64259  
preceding the purchase, the commissioner shall not require that 64260  
the dealer file such a bond but shall require payment for the 64261  
stamps within thirty days after purchase of the stamps. Stamps 64262  
sold to a dealer not required to file a bond shall be sold at face 64263  
value. The maximum amount that may be sold on credit to a dealer 64264  
not required to file a bond shall equal one hundred ten per cent 64265  
of the dealer's average monthly purchases over the preceding 64266  
calendar year. The maximum amount shall be adjusted to reflect any 64267  
changes in the tax rate and may be adjusted, upon application to 64268  
the commissioner by the dealer, to reflect changes in the business 64269  
operations of the dealer. The maximum amount shall be applicable 64270  
to the period of July through April. Payment by a dealer not 64271  
required to file a bond shall be remitted by electronic funds 64272  
transfer as prescribed by section 5743.051 of the Revised Code. If 64273  
a dealer not required to file a bond fails to make the payment in 64274  
full within the thirty-day period, the commissioner shall not 64275  
thereafter sell stamps to that dealer until the dealer pays the 64276  
outstanding amount, including penalty and interest on that amount 64277  
as prescribed in this chapter, and the commissioner thereafter may 64278  
require the dealer to file a bond until the dealer is restored to 64279  
good standing. The commissioner shall limit delivery of stamps on 64280  
credit to the period running from the first day of July of the 64281  
fiscal year until the first day of the following May. ~~Any discount~~ 64282  
~~allowed as a commission for affixing and canceling stamps shall be~~ 64283  
~~allowed with respect to sales of stamps on credit.~~ 64284

The commissioner shall redeem and pay for any destroyed, 64285  
unused, or spoiled tax stamps at their net value, and shall refund 64286  
to wholesale dealers the net amount of state and county taxes paid 64287  
erroneously or paid on cigarettes that have been sold in 64288  
interstate or foreign commerce or that have become unsalable, and 64289  
the net amount of county taxes that were paid on cigarettes that 64290  
have been sold at retail or for retail sale outside a taxing 64291  
county. 64292

An application for a refund of tax shall be filed with the 64293  
commissioner, on the form prescribed by the commissioner for that 64294  
purpose, within three years from the date the tax stamps are 64295  
destroyed or spoiled, from the date of the erroneous payment, or 64296  
from the date that cigarettes on which taxes have been paid have 64297  
been sold in interstate or foreign commerce or have become 64298  
unsalable. 64299

On the filing of the application, the commissioner shall 64300  
determine the amount of refund to which the applicant is entitled, 64301  
payable from receipts of the state tax, and, if applicable, 64302  
payable from receipts of a county tax. If the amount is less than 64303  
that claimed, the commissioner shall certify the amount to the 64304  
director of budget and management and treasurer of state for 64305  
payment from the tax refund fund created by section 5703.052 of 64306  
the Revised Code. If the amount is less than that claimed, the 64307  
commissioner shall proceed in accordance with section 5703.70 of 64308  
the Revised Code. 64309

If a refund is granted for payment of an illegal or erroneous 64310  
assessment issued by the department, the refund shall include 64311  
interest on the amount of the refund from the date of the 64312  
overpayment. The interest shall be computed at the rate per annum 64313  
prescribed by section 5703.47 of the Revised Code. 64314

**Sec. 5743.15.** (A) Except as otherwise provided in this 64315

division, no person shall engage in this state in the wholesale or 64316  
retail business of trafficking in cigarettes or in the business of 64317  
a manufacturer or importer of cigarettes without having a license 64318  
to conduct each such activity issued by a county auditor under 64319  
division (B) of this section or the tax commissioner under 64320  
divisions (C) and (F) of this section. On dissolution of a 64321  
partnership by death, the surviving partner may operate under the 64322  
license of the partnership until expiration of the license, and 64323  
the heirs or legal representatives of deceased persons, and 64324  
receivers and trustees in bankruptcy appointed by any competent 64325  
authority, may operate under the license of the person succeeded 64326  
in possession by such heir, representative, receiver, or trustee 64327  
in bankruptcy if the partner or successor notifies the issuer of 64328  
the license of the dissolution or succession within thirty days 64329  
after the dissolution or succession. 64330

(B)(1) Each applicant for a license to engage in the retail 64331  
business of trafficking in cigarettes under this section, 64332  
annually, on or before the fourth Monday of May, shall make and 64333  
deliver to the county auditor of the county in which the applicant 64334  
desires to engage in the retail business of trafficking in 64335  
cigarettes, upon a blank form furnished by such auditor for that 64336  
purpose, a statement showing the name of the applicant, each 64337  
physical place in the county where the applicant's business is 64338  
conducted, the nature of the business, and any other information 64339  
the tax commissioner requires in the form of statement prescribed 64340  
by the commissioner. If the applicant is a firm, partnership, or 64341  
association other than a corporation, the application shall state 64342  
the name and address of each of its members. If the applicant is a 64343  
corporation, the application shall state the name and address of 64344  
each of its officers. At the time of making the application 64345  
required by this section, every person desiring to engage in the 64346  
retail business of trafficking in cigarettes shall pay an 64347  
application fee in the sum of one hundred twenty-five dollars for 64348

each physical place where the person proposes to carry on such 64349  
business. Each place of business shall be deemed such space, under 64350  
lease or license to, or under the control of, or under the 64351  
supervision of the applicant, as is contained in one or more 64352  
contiguous, adjacent, or adjoining buildings constituting an 64353  
industrial plant or a place of business operated by, or under the 64354  
control of, one person, or under one roof and connected by doors, 64355  
halls, stairways, or elevators, which space may contain any number 64356  
of points at which cigarettes are offered for sale, provided that 64357  
each additional point at which cigarettes are offered for sale 64358  
shall be listed in the application. 64359

(2) Upon receipt of the application and exhibition of the 64360  
county treasurer's receipt showing the payment of the application 64361  
fee, the county auditor shall issue to the applicant a license for 64362  
each place of business designated in the application, authorizing 64363  
the applicant to engage in such business at such place for one 64364  
year commencing on the fourth Monday of May. The form of the 64365  
license shall be prescribed by the commissioner. A duplicate 64366  
license may be obtained from the county auditor upon payment of a 64367  
five-dollar fee if the original license is lost, destroyed, or 64368  
defaced. When an application is filed after the fourth Monday of 64369  
May, the application fee required to be paid shall be proportioned 64370  
in amount to the remainder of the license year, except that it 64371  
shall not be less than twenty-five dollars in any one year. 64372

(3) The holder of a retail dealer's cigarette license may 64373  
transfer the license to a place of business within the same county 64374  
other than that designated on the license on condition that the 64375  
licensee's ownership interest and business structure remain 64376  
unchanged, and that the licensee applies to the county auditor 64377  
therefor, upon forms approved by the commissioner and the payment 64378  
of a fee of five dollars into the county treasury. 64379

(C)(1) Each applicant for a license to engage in the 64380

wholesale business of trafficking in cigarettes under this 64381  
section, annually, on or before the fourth Monday in May, shall 64382  
make and deliver to the tax commissioner, upon a blank form 64383  
furnished by the commissioner for that purpose, a statement 64384  
showing the name of the applicant, physical street address where 64385  
the applicant's business is conducted, the nature of the business, 64386  
and any other information required by the commissioner. If the 64387  
applicant is a firm, partnership, or association other than a 64388  
corporation, the applicant shall state the name and address of 64389  
each of its members. If the applicant is a corporation, the 64390  
applicant shall state the name and address of each of its 64391  
officers. At the time of making the application required by this 64392  
section, every person desiring to engage in the wholesale business 64393  
of trafficking in cigarettes shall pay an application fee of one 64394  
thousand dollars for each physical place where the person proposes 64395  
to carry on such business. Each place of business shall be deemed 64396  
such space, under lease or license to, or under the control of, or 64397  
under the supervision of the applicant, as is contained in one or 64398  
more contiguous, adjacent, or adjoining buildings constituting an 64399  
industrial plant or a place of business operated by, or under the 64400  
control of, one person, or under one roof and connected by doors, 64401  
halls, stairways, or elevators. A duplicate license may be 64402  
obtained from the commissioner upon payment of a 64403  
twenty-five-dollar fee if the original license is lost, destroyed, 64404  
or defaced. 64405

(2) Upon receipt of the application and payment of any 64406  
application fee required by this section, the commissioner shall 64407  
verify that the applicant is not in violation of any provision of 64408  
Chapter 1346. or Title LVII of the Revised Code. The commissioner 64409  
shall also verify that the applicant has filed any returns, 64410  
submitted any information, and paid any outstanding taxes or fees 64411  
as required by the commissioner, to the extent that the 64412  
commissioner is aware of the returns, information, taxes, or fees 64413

at the time of the application. Upon approval, the commissioner 64414  
shall issue to the applicant a license for each physical place of 64415  
business designated in the application authorizing the applicant 64416  
to engage in business at that location for one year commencing on 64417  
the fourth Monday in May. For licenses issued after the fourth 64418  
Monday in May, the application fee shall be reduced 64419  
proportionately by the remainder of the twelve-month period for 64420  
which the license is issued, except that the application fee 64421  
required to be paid under this section shall be not less than two 64422  
hundred dollars in any one year. 64423

(3) The holder of a wholesale dealer cigarette license may 64424  
transfer the license to a place of business other than that 64425  
designated on the license on condition that the licensee's 64426  
ownership or business structure remains unchanged, and that the 64427  
licensee applies to the commissioner for such a transfer upon a 64428  
form promulgated by the commissioner and pays a fee of twenty-five 64429  
dollars, which shall be deposited into the cigarette tax 64430  
enforcement fund created in division (E) of this section. 64431

(D)(1) The wholesale cigarette license application fees 64432  
collected under this section shall be paid into the cigarette tax 64433  
enforcement fund. 64434

(2) The retail cigarette license application fees collected 64435  
under this section shall be distributed as follows: 64436

(a) Thirty per cent shall be paid upon the warrant of the 64437  
county auditor into the treasury of the municipal corporation or 64438  
township in which the places of business for which the tax revenue 64439  
was received are located; 64440

(b) Ten per cent shall be credited to the general fund of the 64441  
county; 64442

(c) Sixty per cent shall be paid into the cigarette tax 64443  
enforcement fund. 64444

(3) The remainder of the revenues and fines collected under 64445  
this section and the penal laws relating to cigarettes shall be 64446  
distributed as follows: 64447

(a) Three-fourths shall be paid upon the warrant of the 64448  
county auditor into the treasury of the municipal corporation or 64449  
township in which the place of business, on account of which the 64450  
revenues and fines were received, is located; 64451

(b) One-fourth shall be credited to the general fund of the 64452  
county. 64453

(E) There is hereby created within the state treasury the 64454  
cigarette tax enforcement fund for the purpose of providing funds 64455  
to assist in paying the costs of enforcing ~~sections 1333.11 to~~ 64456  
~~1333.21 and~~ Chapter 5743. of the Revised Code. 64457

The portion of cigarette license application fees received by 64458  
a county auditor during the annual application period that ends on 64459  
the fourth Monday in May and that is required to be deposited in 64460  
the cigarette tax enforcement fund shall be sent to the treasurer 64461  
of state by the thirtieth day of June each year accompanied by the 64462  
form prescribed by the tax commissioner. The portion of cigarette 64463  
license application fees received by each county auditor after the 64464  
fourth Monday in May and that is required to be deposited in the 64465  
cigarette tax enforcement fund shall be sent to the treasurer of 64466  
state by the last day of the month following the month in which 64467  
such fees were collected. 64468

(F)(1) Every person who desires to engage in the business of 64469  
a manufacturer or importer of cigarettes shall, annually, on or 64470  
before the fourth Monday of May, make and deliver to the tax 64471  
commissioner, upon a blank form furnished by the commissioner for 64472  
that purpose, a statement showing the name of the applicant, the 64473  
nature of the applicant's business, the manufacturer list price 64474  
for each cigarette brand family listed in the applicant's annual 64475

certification required under Chapter 1346. of the Revised Code, 64476  
and any other information required by the commissioner. If the 64477  
applicant is a firm, partnership, or association other than a 64478  
corporation, the applicant shall state the name and address of 64479  
each of its members. If the applicant is a corporation, the 64480  
applicant shall state the name and address of each of its 64481  
officers. 64482

(2) Upon receipt of the application required under this 64483  
section, the commissioner shall verify that the applicant is not 64484  
in violation of any provision of Chapter 1346. or Title LVII of 64485  
the Revised Code. The commissioner shall also verify that the 64486  
applicant has filed any returns, submitted any information, and 64487  
paid any outstanding taxes or fees as required by the 64488  
commissioner, to the extent that the commissioner is aware of the 64489  
returns, information, taxes, or fees at the time of the 64490  
application. Upon approval, the commissioner shall issue to the 64491  
applicant a license authorizing the applicant to engage in the 64492  
business of manufacturer or importer, whichever the case may be, 64493  
for one year commencing on the fourth Monday of May. 64494

(3) The issuing of a license under division (F)(1) of this 64495  
section to a manufacturer does not excuse a manufacturer from the 64496  
certification process required under section 1346.05 of the 64497  
Revised Code. A manufacturer who is issued a license under 64498  
division (F)(1) of this section and who is not listed on the 64499  
directory required under section 1346.05 of the Revised Code shall 64500  
not be permitted to sell cigarettes in this state other than to a 64501  
licensed cigarette wholesaler for sale outside this state. Such a 64502  
manufacturer shall provide documentation to the commissioner 64503  
evidencing that the cigarettes are legal for sale in another 64504  
state. 64505

(4) The commissioner shall publish on the department of 64506  
taxation's web site the name of each manufacturer licensed under 64507

division (F) of this section, the manufacturer's cigarette brand families legal for sale in the state in accordance with section 1346.05 of the Revised Code, and the manufacturer list price associated with each of those brands. If a manufacturer intends to change a manufacturer list price certified under division (F) of this section, the manufacturer shall notify the commissioner of the new list price before selling the brand at the new price within this state.

(G) The ~~tax~~ commissioner may adopt rules necessary to administer this section.

**Sec. 5743.20. (A)(1)** No person shall sell any cigarettes both as a retail dealer and as a wholesale dealer at the same place of business. No person other than a licensed wholesale dealer shall sell cigarettes to a licensed retail dealer. No retail dealer shall purchase cigarettes from any person other than a licensed wholesale dealer.

(2) Subject to section 5743.031 of the Revised Code, a licensed wholesale dealer may not sell cigarettes to any person in this state other than a licensed retail dealer, except a licensed wholesale dealer may sell cigarettes to another licensed wholesale dealer if the tax commissioner has authorized the sale of the cigarettes between those wholesale dealers and the wholesale dealer that sells the cigarettes received them directly from a licensed manufacturer or licensed importer.

(3) The ~~tax~~ commissioner shall adopt rules governing sales of cigarettes between licensed wholesale dealers, including rules establishing criteria for authorizing such sales.

(B) No manufacturer or importer shall sell cigarettes to any person in this state other than to a licensed wholesale dealer or licensed importer. No importer shall purchase cigarettes from any person other than a licensed manufacturer or licensed importer. On

and after July 1, 2015, a manufacturer shall not sell cigarettes 64539  
in this state unless the cigarette brand family is listed on the 64540  
department of taxation's web site in accordance with division 64541  
(F)(4) of section 5743.15 of the Revised Code. 64542

(C)(1) A retail dealer may purchase other tobacco products 64543  
only from a licensed distributor. A licensed distributor may sell 64544  
tobacco products only to a retail dealer, except a licensed 64545  
distributor may sell tobacco products to another licensed 64546  
distributor if the tax commissioner has authorized the sale of the 64547  
tobacco products between those distributors and the distributor 64548  
that sells the tobacco products received them directly from a 64549  
manufacturer or importer of tobacco products. 64550

(2) The ~~tax~~ commissioner may adopt rules governing sales of 64551  
tobacco products between licensed distributors, including rules 64552  
establishing criteria for authorizing such sales. 64553

(D) The identities of cigarette manufacturers and importers, 64554  
licensed cigarette wholesalers, licensed distributors of other 64555  
tobacco products, and registered manufacturers and importers of 64556  
other tobacco products are subject to public disclosure. The tax 64557  
commissioner shall maintain an alphabetical list of all such 64558  
manufacturers, importers, wholesalers, and distributors, shall 64559  
post the list on a web site accessible to the public through the 64560  
internet, and shall periodically update the web site posting. 64561

(E) As used in this section, "licensed" means the 64562  
manufacturer, importer, wholesale dealer, or distributor holds a 64563  
current and valid license issued under section 5743.15 or 5743.61 64564  
of the Revised Code, and "registered" means registered with the 64565  
commissioner under section 5743.66 of the Revised Code. 64566

**Sec. 5743.32.** To provide revenue for the general revenue fund 64567  
of the state, an excise tax is hereby levied on the use, 64568  
consumption, or storage for consumption of cigarettes by consumers 64569

in this state at the rate of ~~sixty-two~~ one hundred twelve and 64570  
one-half mills on each cigarette. The tax shall not apply if the 64571  
tax levied by section 5743.02 of the Revised Code has been paid. 64572

The money received into the state treasury from the excise 64573  
tax levied by this section shall be credited to the general 64574  
revenue fund. 64575

Sec. 5743.36. (A) In all advertisements, offers for sale, or 64576  
sales involving two or more items at a combined price and in all 64577  
advertisements, offers for sale, or sales involving the giving of 64578  
any concession of any kind, whether it be coupons or otherwise, 64579  
the retail dealer's or wholesale dealer's selling price shall not 64580  
be below the retail cigarette price or the wholesale cigarette 64581  
price, respectively, of all articles, products, commodities, and 64582  
concessions included in such transactions. 64583

(B) No retail dealer shall, with intent to injure competitors 64584  
or to destroy substantially or lessen competition, advertise, 64585  
offer to sell, or sell at retail cigarettes at less than the 64586  
retail cigarette price. No wholesale dealer shall, with intent to 64587  
injure competitors or to destroy substantially or lessen 64588  
competition, advertise, offer to sell, or sell at wholesale 64589  
cigarettes at less than the wholesale cigarette price. 64590

Evidence of advertisement, offering to sell, or sale of 64591  
cigarettes by any retail dealer or wholesale dealer at less than 64592  
the retail cigarette price or wholesale cigarette price, 64593  
respectively, is prima-facie evidence of intent to injure 64594  
competitors or to destroy substantially or lessen competition. 64595

(C)(1) If a retail dealer or wholesale dealer violates any 64596  
provision of this section, the tax commissioner may revoke the 64597  
license issued to the dealer under section 5743.15 of the Revised 64598  
Code. The commissioner shall notify the dealer in writing of such 64599  
revocation by certified mail sent to the last known address of the 64600

dealer appearing on the files of the commissioner. 64601

(2) The commissioner shall transmit a certified copy of an order revoking a retail cigarette license to the county auditor of the county in which the license was issued. The auditor shall make written demand upon the licensee to surrender the license and, upon receipt of such demand, the licensee shall immediately surrender the license to the auditor. Upon receipt of the order of the commissioner and the mailing of the written demand to surrender the license, the licensee shall be deemed to be engaged in the retail business of trafficking in cigarettes without a license as required by section 5743.15 of the Revised Code and shall be subject to the provisions of section 5743.19 and division (A) of section 5743.99 of the Revised Code. 64602  
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(3) A county auditor shall not reissue a retail cigarette license revoked under division (C) of this section during the remainder of the license year for which the license was revoked. 64614  
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(D) The commissioner may adopt rules necessary to administer this section. 64617  
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**Sec. 5743.361.** Section 5743.36 of the Revised Code does not apply to sales at retail or sales at wholesale made under any of the following circumstances with the preauthorization of the tax commissioner: 64619  
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(A) In an isolated transaction and not in the usual course of business; 64623  
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(B) Where cigarettes are advertised, offered for sale, or sold in bona fide clearance sales for the purpose of discontinuing trade in the cigarettes, and the advertising, offer to sell, or sale states the reason for the sale and the quantity of the cigarettes advertised, offered for sale, or to be sold; 64625  
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(C) Where cigarettes are advertised, offered for sale, or 64630

sold as imperfect or damaged and the advertising, offer to sell, or sale states the reason for the sale and the quantity of the cigarettes advertised, offered for sale, or to be sold; 64631  
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(D) Where cigarettes are sold upon the complete final liquidation of a business; 64634  
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(E) Where cigarettes are advertised, offered for sale, or sold by any fiduciary or other officer acting under the order or direction of any court. 64636  
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**Sec. 5743.362.** Any contract, express or implied, made by any person in violation of section 5743.36 of the Revised Code is void and no recovery thereon shall be had. 64639  
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**Sec. 5743.363.** A court, in determining the retail cigarette price or wholesale cigarette price of cigarettes, shall receive and consider as bearing on the bona fides of such price, evidence tending to show that any person complained against under section 5743.36 of the Revised Code purchased cigarettes, with respect to the sale of which complaint is made, at a fictitious price, or upon terms, or in such a manner, or under such invoices as to conceal the true price. 64642  
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**Sec. 5743.364.** Any person injured by any violation of section 5743.36 of the Revised Code, or any trade association which is representative of such injured person, may maintain an action to prevent, restrain, or enjoin such violation. If in such action a violation is established, the court shall enjoin and restrain or otherwise prohibit such violation and in addition shall assess in favor of the plaintiff and against the defendant the costs of the suit. In such action it is not necessary that actual damages to the plaintiff be alleged or proved, but where alleged and proved the plaintiff in such action, in addition to such injunctive relief and costs of suit, may recover from the defendant the 64650  
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amount of actual damages sustained by the plaintiff. 64661

In the event no injunctive relief is sought or required, any 64662  
person injured by a violation of such sections may maintain an 64663  
action for damages alone and the measure of damages in such action 64664  
shall be the same as prescribed in this section. 64665

Sec. 5743.365. The tax commissioner may request that licensed 64666  
wholesale dealers and licensed retail dealers provide to the 64667  
commissioner any information that the commissioner considers 64668  
necessary to enforce section 5743.36 of the Revised Code. A 64669  
dealer's failure to provide information requested by the 64670  
commissioner within two business days after receiving the 64671  
commissioner's request may result in revocation of the dealer's 64672  
license pursuant to division (C) of section 5743.36 of the Revised 64673  
Code. 64674

**Sec. 5743.45.** (A) As used in this section, "felony" has the 64675  
same meaning as in section 109.511 of the Revised Code. 64676

(B) For purposes of enforcing this chapter and Chapters 64677  
5728., 5735., 5739., 5741., 5744., and 5747. of the Revised Code 64678  
and subject to division (C) of this section, the tax commissioner, 64679  
by journal entry, may delegate any investigation powers of the 64680  
commissioner to an employee of the department of taxation who has 64681  
been certified by the Ohio peace officer training commission and 64682  
who is engaged in the enforcement of those chapters. A separate 64683  
journal entry shall be entered for each employee to whom that 64684  
power is delegated. Each journal entry shall be a matter of public 64685  
record and shall be maintained in an administrative portion of the 64686  
journal as provided for in division (L) of section 5703.05 of the 64687  
Revised Code. When that journal entry is completed, the employee 64688  
to whom it pertains, while engaged within the scope of the 64689  
employee's duties in enforcing the provisions of this chapter or 64690

Chapter 5728., 5735., 5739., 5741., 5744., or 5747. of the Revised Code, has the power of a police officer to carry concealed weapons, make arrests, and obtain warrants for violations of any provision in those chapters. The commissioner, at any time, may suspend or revoke the commissioner's delegation by journal entry. No employee of the department shall divulge any information acquired as a result of an investigation pursuant to this chapter or Chapter 5728., 5735., 5739., 5741., 5744., or 5747. of the Revised Code, except as may be required by the commissioner or a court.

(C)(1) The tax commissioner shall not delegate any investigation powers to an employee of the department of taxation pursuant to division (B) of this section on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the employee previously has been convicted of or has pleaded guilty to a felony.

(2)(a) The tax commissioner shall revoke the delegation of investigation powers to an employee to whom the delegation was made pursuant to division (B) of this section if that employee does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the employee agrees to surrender the certificate awarded to that employee under section 109.77 of the Revised Code.

(b) The tax commissioner shall suspend the delegation of investigation powers to an employee to whom the delegation was made pursuant to division (B) of this section if that employee is convicted, after trial, of a felony. If the employee files an appeal from that conviction and the conviction is upheld by the

highest court to which the appeal is taken or if the employee does 64722  
not file a timely appeal, the commissioner shall revoke the 64723  
delegation of investigation powers to that employee. If the 64724  
employee files an appeal that results in that employee's acquittal 64725  
of the felony or conviction of a misdemeanor, or in the dismissal 64726  
of the felony charge against that employee, the commissioner shall 64727  
reinstate the delegation of investigation powers to that employee. 64728  
The suspension, revocation, and reinstatement of the delegation of 64729  
investigation powers to an employee under division (C)(2) of this 64730  
section shall be made by journal entry pursuant to division (B) of 64731  
this section. An employee to whom the delegation of investigation 64732  
powers is reinstated under division (C)(2)(b) of this section 64733  
shall not receive any back pay for the exercise of those 64734  
investigation powers unless that employee's conviction of the 64735  
felony was reversed on appeal, or the felony charge was dismissed, 64736  
because the court found insufficient evidence to convict the 64737  
employee of the felony. 64738

(3) Division (C) of this section does not apply regarding an 64739  
offense that was committed prior to January 1, 1997. 64740

(4) The suspension or revocation of the delegation of 64741  
investigation powers to an employee under division (C)(2) of this 64742  
section shall be in accordance with Chapter 119. of the Revised 64743  
Code. 64744

**Sec. 5743.51.** (A) To provide revenue for the general revenue 64745  
fund of the state, an excise tax on tobacco products is hereby 64746  
levied at ~~one of the following rates:~~ 64747

~~(1) For tobacco products other than little cigars, seventeen~~ 64748  
~~rate of sixty~~ per cent of the wholesale price of the tobacco 64749  
product received by a distributor or sold by a manufacturer to a 64750  
retail dealer located in this state. 64751

~~(2) For invoices dated October 1, 2013, or later,~~ 64752

~~thirty seven per cent of the wholesale price of little cigars  
received by a distributor or sold by a manufacturer to a retail  
dealer located in this state.~~

Each distributor who brings tobacco products, or causes tobacco products to be brought, into this state for distribution within this state, or any out-of-state distributor who sells tobacco products to wholesale or retail dealers located in this state for resale by those wholesale or retail dealers is liable for the tax imposed by this section. Only one sale of the same article shall be used in computing the amount of the tax due.

(B) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of the receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.53 of the Revised Code. The balance of the taxes collected under this section shall be paid into the general revenue fund.

(C) The commissioner may adopt rules as are necessary to assist in the enforcement and administration of sections 5743.51 to 5743.66 of the Revised Code, including rules providing for the remission of penalties imposed.

(D) A manufacturer is not liable for payment of the tax imposed by this section for sales of tobacco products to a retail dealer that has filed a signed statement with the manufacturer in which the retail dealer agrees to pay and be liable for the tax, as long as the manufacturer has provided a copy of the statement to the tax commissioner.

**Sec. 5743.52.** (A) Each distributor of tobacco products subject to the tax levied by section 5743.51 of the Revised Code, on or before the twenty-third day of each month, shall file with the tax commissioner a return for the preceding month showing any

information the tax commissioner finds necessary for the proper 64784  
administration of sections 5743.51 to 5743.66 of the Revised Code, 64785  
together with remittance of the tax due. The return and payment of 64786  
the tax required by this section shall be filed in such a manner 64787  
that it is received by the commissioner on or before the 64788  
twenty-third day of the month following the reporting period. ~~If 64789  
the return is filed and the amount of tax shown on the return to  
be due is paid on or before the date the return is required to be 64790  
filed, the distributor is entitled to a discount equal to two and  
five tenths per cent of the amount shown on the return to be due. 64791  
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(B) Any person who fails to timely file the return and make 64794  
payment of taxes as required under this section, section 5743.62, 64795  
or section 5743.63 of the Revised Code may be required to pay an 64796  
additional charge not exceeding the greater of fifty dollars or 64797  
ten per cent of the tax due. Any additional charge imposed under 64798  
this section may be collected by assessment as provided in section 64799  
5743.56 of the Revised Code. 64800

(C) If any tax due is not paid timely in accordance with 64801  
sections 5743.52, 5743.62, or 5743.63 of the Revised Code, the 64802  
person liable for the tax shall pay interest, calculated at the 64803  
rate per annum as prescribed by section 5703.47 of the Revised 64804  
Code, from the date the tax payment was due to the date of payment 64805  
or to the date an assessment is issued under section 5743.56 of 64806  
the Revised Code, whichever occurs first. The commissioner may 64807  
collect such interest by assessment pursuant to section 5743.56 of 64808  
the Revised Code. 64809

(D) The commissioner may authorize the filing of returns and 64810  
the payment of the tax required by this section, section 5743.62, 64811  
or section 5743.63 of the Revised Code for periods longer than a 64812  
calendar month. 64813

(E) The commissioner may order any taxpayer to file with the 64814  
commissioner security to the satisfaction of the commissioner 64815

conditioned upon filing the return and paying the taxes required 64816  
under this section, section 5743.62, or section 5743.63 of the 64817  
Revised Code if the commissioner believes that the collection of 64818  
the tax may be in jeopardy. 64819

**Sec. 5743.62.** (A) To provide revenue for the general revenue 64820  
fund of the state, an excise tax is hereby levied on the seller of 64821  
tobacco products in this state at ~~one of the following rates:~~ 64822

~~(1) For tobacco products other than little cigars, seventeen 64823  
rate of sixty per cent of the wholesale price of the tobacco 64824  
product whenever the tobacco product is delivered to a consumer in 64825  
this state for the storage, use, or other consumption of such 64826  
tobacco products. 64827~~

~~(2) For little cigars, thirty seven per cent of the wholesale 64828  
price of the little cigars whenever the little cigars are 64829  
delivered to a consumer in this state for the storage, use, or 64830  
other consumption of the little cigars. 64831~~

The tax imposed by this section applies only to sellers 64832  
having nexus in this state, as defined in section 5741.01 of the 64833  
Revised Code. 64834

(B) A seller of tobacco products who has nexus in this state 64835  
as defined in section 5741.01 of the Revised Code shall register 64836  
with the tax commissioner and supply any information concerning 64837  
the seller's contacts with this state as may be required by the 64838  
tax commissioner. A seller who does not have nexus in this state 64839  
may voluntarily register with the tax commissioner. A seller who 64840  
voluntarily registers with the tax commissioner is entitled to the 64841  
same benefits and is subject to the same duties and requirements 64842  
as a seller required to be registered with the tax commissioner 64843  
under this division. 64844

(C) Each seller of tobacco products subject to the tax levied 64845

by this section, on or before the last day of each month, shall 64846  
file with the tax commissioner a return for the preceding month 64847  
showing any information the tax commissioner finds necessary for 64848  
the proper administration of sections 5743.51 to 5743.66 of the 64849  
Revised Code, together with remittance of the tax due, payable to 64850  
the treasurer of state. The return and payment of the tax required 64851  
by this section shall be filed in such a manner that it is 64852  
received by the tax commissioner on or before the last day of the 64853  
month following the reporting period. ~~If the return is filed and 64854~~  
~~the amount of the tax shown on the return to be due is paid on or 64855~~  
~~before the date the return is required to be filed, the seller is 64856~~  
~~entitled to a discount equal to two and five tenths per cent of 64857~~  
~~the amount shown on the return to be due. 64858~~

(D) The tax commissioner shall immediately forward to the 64859  
treasurer of state all money received from the tax levied by this 64860  
section, and the treasurer shall credit the amount to the general 64861  
revenue fund. 64862

(E) Each seller of tobacco products subject to the tax levied 64863  
by this section shall mark on the invoices of tobacco products 64864  
sold that the tax levied by that section has been paid and shall 64865  
indicate the seller's account number as assigned by the tax 64866  
commissioner. 64867

**Sec. 5743.63.** (A) To provide revenue for the general revenue 64868  
fund of the state, an excise tax is hereby levied on the storage, 64869  
use, or other consumption of tobacco products at ~~one of the 64870~~  
~~following rates:~~ 64871

~~(1) For tobacco products other than little cigars, seventeen 64872~~  
~~rate of sixty per cent of the wholesale price of the tobacco 64873~~  
product. 64874

~~(2) For little cigars, thirty seven per cent of the wholesale 64875~~  
~~price of the little cigars. 64876~~

The tax levied under division (A) of this section is imposed 64877  
only if the tax has not been paid by the seller as provided in 64878  
section 5743.62 of the Revised Code, or by the distributor as 64879  
provided in section 5743.51 of the Revised Code. 64880

(B) Each person subject to the tax levied by this section, on 64881  
or before the last day of each month, shall file with the tax 64882  
commissioner a return for the preceding month showing any 64883  
information the tax commissioner finds necessary for the proper 64884  
administration of sections 5743.51 to 5743.66 of the Revised Code, 64885  
together with remittance of the tax due, payable to the treasurer 64886  
of state. The return and payment of the tax required by this 64887  
section shall be filed in such a manner that it is received by the 64888  
tax commissioner on or before the last day of the month following 64889  
the reporting period. 64890

(C) The tax commissioner shall immediately forward to the 64891  
treasurer of state all money received from the tax levied by this 64892  
section, and the treasurer shall credit the amount to the general 64893  
revenue fund. 64894

**Sec. 5744.01. As used in this chapter:** 64895

(A) "Person" includes, but is not limited to, any individual, 64896  
combination of individuals of any form, receiver, assignee, 64897  
trustee in bankruptcy, company, joint-stock company, trust, 64898  
business trust, estate, partnership, limited liability 64899  
partnership, limited liability company, association, joint 64900  
venture, club, society, for-profit corporation, S corporation, 64901  
qualified subchapter S subsidiary, qualified subchapter S trust, 64902  
entity that is disregarded for federal income tax purposes, or any 64903  
other entity. 64904

(B) "Wholesale dealer" means any person that: 64905

(1) Sells vapor products to a retail dealer; 64906

(2) Is a retail dealer that receives vapor products with respect to which the tax imposed by section 5744.02 of the Revised Code has not or will not be paid by another person that is a wholesale dealer; 64907  
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(3) Is a vapor dealer. 64911

(C) "Retail dealer" means any person in this state engaged in the business of selling vapor products, in any quantity, amount, or number of sales, to consumers in this state. 64912  
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(D) "Vapor dealer" means any person in this state engaged in the business of repackaging, reconstituting, diluting, or reprocessing a vapor product for resale to consumers. 64915  
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(E) "Vapor product" means a noncombustible product that contains or is made or derived from nicotine, that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing, and that includes any component, part, or additive that is intended for use in a mechanical heating element, battery, or electronic circuit and is used to deliver the product. "Vapor product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 or 353(g). "Vapor product" includes any product containing nicotine, regardless of concentration. 64918  
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(F) "Sale" includes exchange, barter, gift, offer for sale, and distribution, and includes transactions in interstate or foreign commerce. 64928  
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(G) "Storage" includes any keeping or retention of vapor products for use or consumption in this state. 64931  
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(H) "Use" includes the exercise of any right or power incidental to the ownership of vapor products. 64933  
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(I) "Taxpayer" means any person liable for the tax imposed by section 5744.02 or 5744.03 of the Revised Code. 64935  
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Sec. 5744.02. (A) On and after January 1, 2016, there is 64937  
hereby levied an excise tax on the sale of vapor products in this 64938  
state, to be paid by the wholesale dealer of the vapor products. 64939  
The tax shall be levied on each cigarette equivalent of vapor 64940  
product at the rate established in section 5743.02 of the Revised 64941  
Code. All revenue from the tax shall be used for the purpose of 64942  
funding the needs of this state and its local governments. For the 64943  
purposes of this section and section 5744.03 of the Revised Code, 64944  
the "cigarette equivalent" of a vapor product shall equal one of 64945  
the following amounts: 64946

(1) If the vapor product is sold in liquid form, one-tenth of 64947  
one milliliter of vapor product; 64948

(2) If the vapor product is sold in a nonliquid form, one 64949  
gram of vapor product. 64950

The tax shall apply to the entire volume or weight, as 64951  
applicable, of the vapor product, regardless of whether the 64952  
product includes additives other than nicotine. 64953

(B) Only one sale of the same article shall be used in 64954  
computing the amount of tax due. If a product is repackaged, 64955  
reconstituted, diluted, or reprocessed, the subsequent sale of 64956  
that product is not considered a sale of the same article for 64957  
purposes of computing the amount of tax due. 64958

(C)(1) Each wholesale dealer subject to the tax imposed by 64959  
this section shall mark on all invoices of vapor products sold 64960  
that the tax imposed by this section has been paid. The invoice 64961  
shall indicate the dealer's account number. If the vapor product 64962  
is not sold in liquid form, the invoice shall also indicate the 64963  
actual weight, in milligrams, of nicotine per gram of vapor 64964  
product sold and the total weight, in grams, of the vapor product. 64965  
If the vapor product is sold in liquid form, the invoice shall 64966  
also indicate each of the following: 64967

(a) The actual volume, in milliliters, of nicotine per milliliter of vapor product sold; 64968  
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(b) The actual volume, in fluid ounces, of nicotine per fluid ounce of vapor product sold; 64970  
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(c) The total volume, in both milliliters and fluid ounces, of the vapor product. 64972  
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(2) Any person that holds both a wholesale dealer license and a retail dealer license issued under section 5744.05 of the Revised Code for the same location shall create and maintain records showing any transfer or sale of vapor products by the person, acting as a wholesale dealer, to the person's own retail operation. In addition to the information required under division (C)(1) of this section, the records shall include the date of each such transaction for which tax was due under this section. 64974  
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(D) The tax imposed by this section is in addition to any other taxes or fees imposed under the Revised Code. 64982  
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(E) The tax commissioner may adopt any rules necessary to enforce and administer this chapter. 64984  
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**Sec. 5744.03.** (A) On and after January 1, 2016, there is hereby levied an excise tax on the storage, use, or other consumption of vapor products in this state. The tax shall be levied on each cigarette equivalent of vapor product at the rate established in section 5743.02 of the Revised Code. The tax shall apply to the entire volume or weight, as applicable, of the vapor product, regardless of whether the product includes additives other than nicotine. All revenue from the tax shall be used for the purpose of funding the needs of this state and its local governments. 64986  
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(B) The tax imposed by this section applies only if no wholesale dealer has paid the tax imposed by section 5744.02 of 64996  
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the Revised Code with respect to the vapor products. 64998

**Sec. 5744.04.** (A) As used in this section with respect to a 64999  
wholesale or retail dealer, "licensed" means a wholesale or retail 65000  
dealer that holds a current and valid license issued under section 65001  
5744.05 of the Revised Code on the basis of an application under 65002  
division (B) or (C) of that section, respectively. 65003

(B)(1) A retail dealer may purchase vapor products only from 65004  
a licensed wholesale dealer. 65005

(2) A licensed wholesale dealer may sell vapor products only 65006  
to a licensed retail dealer or to another licensed wholesale 65007  
dealer, except that, if the licensed wholesale dealer is a vapor 65008  
dealer, the licensed wholesale dealer may also sell vapor products 65009  
to consumers. 65010

(C) The tax commissioner shall maintain a list of all 65011  
licensed wholesale dealers. The list shall include each dealer's 65012  
account number, as assigned by the commissioner, and physical 65013  
address. The commissioner shall post the list on the web site of 65014  
the department of taxation. 65015

**Sec. 5744.05.** (A) Beginning January 1, 2016, and except as 65016  
otherwise provided in this section: 65017

(1) No person that has nexus with this state, as defined by 65018  
section 5741.01 of the Revised Code, shall act as a wholesale 65019  
dealer without having a license issued by the tax commissioner for 65020  
such purpose. A wholesale dealer that does not have nexus with 65021  
this state may obtain a wholesale dealer license under this 65022  
section, which shall have the same effect as a license obtained by 65023  
a wholesale dealer that has nexus with this state. 65024

(2) No retail dealer shall engage in the business of selling 65025  
vapor products to consumers in this state without having a license 65026  
issued by the commissioner for such purpose. 65027

On dissolution of a partnership by death, the surviving partner may operate under the license of the partnership until expiration of the license, and the heirs or legal representatives of the deceased person, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license of the person succeeded in possession by the heir, representative, receiver, or trustee in bankruptcy if the partner or successor notifies the department of taxation of the dissolution or succession within thirty days after the dissolution or succession. 65028  
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(B)(1) Each applicant for a wholesale dealer license shall, on or before the first day of October of each year, make and deliver to the tax commissioner, upon a form furnished by the commissioner for that purpose, a statement showing the name and address of the applicant and any other information the commissioner considers necessary for the administration of this chapter. 65038  
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(2) At the time of making the license application, the applicant shall pay a license fee of one thousand dollars for each location listed on the application at which the applicant proposes to engage in business as a wholesale dealer. The fee shall accompany the application and shall be made payable to the treasurer of state for deposit into the vapor products tax administration fund. 65045  
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(C)(1) Each applicant for a retail dealer license shall, on or before the first day of October of each year, make and deliver to the commissioner, upon a form furnished by the commissioner for that purpose, a statement showing the name and address of the applicant and any other information the commissioner considers necessary for the administration of this chapter. 65052  
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(2) At the time of making the license application, the applicant shall pay a license fee of one hundred twenty-five 65058  
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dollars for each location listed on the application at which the applicant proposes to engage in business as a retail dealer. The fee shall accompany the application and shall be made payable to the treasurer of state for deposit into the vapor products tax administration fund. 65060  
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(D) Any person that operates as both a wholesale dealer and a retail dealer at the same location shall secure licenses under both divisions (B) and (C) of this section. 65065  
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(E) Upon receipt of an application and payment of any application fee required by this section, the commissioner shall issue to the applicant the appropriate license for each location designated in the application. The license shall authorize the applicant to engage in business at that location for one year, commencing on the first day of October. For licenses issued after the first day of October, the license fee shall be reduced proportionately by the remainder of the twelve-month period for which the license is issued, except that the application fee required to be paid under this section shall be not less than fifty dollars in any one year. If an original license is lost, destroyed, or defaced, a duplicate license may be obtained from the commissioner upon payment of a license replacement fee of twenty-five dollars. 65068  
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(F) The holder of a license issued under this section may transfer the license to a place of business on condition that the licensee's ownership and business structure remains unchanged and the licensee applies to the commissioner for the transfer on a form issued by the commissioner and pays a transfer fee of twenty-five dollars. 65082  
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(G) A license fee may be collected by assessment in the manner provided in section 5744.13 of the Revised Code. A license fee may be refunded pursuant to section 5744.07 of the Revised Code. 65088  
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(H) If any return required under section 5744.06 of the Revised Code remains unfiled, or if any tax due under Title 57. of the Revised Code remains unpaid, at the time of a person's application for a license under this section, the commissioner may refuse to issue or reissue the license. 65092  
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(I) Any person that voluntarily applies for a wholesale dealer license under this section shall be entitled to the same benefits and subject to the same duties and requirements as a wholesale dealer that is required to apply for a license under this section. 65097  
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**Sec. 5744.06.** (A)(1) Each person subject to the tax imposed by section 5744.02 or 5744.03 of the Revised Code shall, on or before the fifteenth day of each month, file with the tax commissioner a return for the preceding month showing any information the commissioner considers necessary for the proper administration of this chapter, together with remittance of any tax due. The taxpayer shall file the return and remit the tax payment electronically. 65102  
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(2) Each taxpayer that holds both a wholesale dealer license and a retail dealer license shall file, with the taxpayer's return, a schedule that includes any information the commissioner requires to ensure compliance with division (C)(2) of section 5744.02 of the Revised Code. 65110  
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(B)(1) The commissioner shall require taxpayers to use the Ohio business gateway, as defined in section 718.01 of the Revised Code, to file returns and remit the tax, and may provide another means for the taxpayers to file returns and remit the tax electronically. 65115  
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(2) The commissioner may excuse a person from the requirement to file returns electronically for good cause. The commissioner may prescribe a form for such purpose. 65120  
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(C) The commissioner may authorize the filing of returns or the payment of tax required under this chapter at intervals longer than one calendar month. 65123  
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**Sec. 5744.07.** (A) An application for refund to the taxpayer of the amount of taxes or fees imposed under this chapter that are overpaid, paid illegally or erroneously, or paid on any illegal or erroneous assessment shall be filed by the person that paid the tax or fee with the tax commissioner, on the form prescribed by the commissioner, within four years after the date of the illegal or erroneous payment of the tax or fee, or within any additional period allowed under division (F) of section 5744.13 of the Revised Code. The applicant shall provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund. 65126  
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(B) On the filing of the refund application, the commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code. 65137  
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(C) Interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax or fee was paid or the date the tax or fee payment was due. 65145  
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(D) Except as provided in section 5744.08 of the Revised Code, the commissioner may provide for the crediting against any tax or fee due for a reporting period the amount of any refund due the taxpayer under this chapter for the preceding reporting period. 65149  
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Sec. 5744.08. (A) As used in this section, "debt to the state" means unpaid taxes that are due the state, unpaid workers' compensation premiums that are due, unpaid unemployment compensation contributions that are due, unpaid unemployment compensation payments in lieu of contributions that are due, unpaid fees payable to the state or to the clerk of courts pursuant to section 4505.06 of the Revised Code, incorrect medical assistance payments, or any unpaid charge, penalty, or interest arising from any of the foregoing. A debt is not a "debt to the state" unless the liability underlying the debt has become incontestable because the time for appealing, reconsidering, reassessing, or otherwise questioning the liability has expired or the liability has been finally determined to be valid.

(B) If a taxpayer entitled to a refund under section 5744.07 of the Revised Code owes any debt to the state, the amount refundable may be applied in satisfaction of the debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded to the taxpayer.

Sec. 5744.09. (A) Every taxpayer shall maintain complete and accurate records of all purchases and sales of vapor products, and shall procure and retain all invoices, bills of lading, and other documents relating to the purchases and sales of vapor products, except that no retail dealer shall be required to issue or maintain invoices relating to the retail dealer's sales of vapor products unless the retail dealer also holds a wholesale dealer license issued under section 5744.05 of the Revised Code. The invoices or documents shall be maintained for each place of business, shall show the name and address of the other party to

the purchase or sale, and shall meet the requirements of division 65185  
(C) of section 5744.02 of the Revised Code. 65186

The records and documents shall be open during business hours 65187  
to the inspection of the tax commissioner, and shall be preserved 65188  
for a period of four years, unless the commissioner, in writing, 65189  
consents to their destruction within that period, or by order 65190  
requires that they be kept for a longer period. With the 65191  
commissioner's consent, a person with multiple places of business 65192  
may keep centralized records but shall transmit duplicates of the 65193  
invoices or documents to each place of business within seventy-two 65194  
hours after the commissioner or the commissioner's designee 65195  
requests access to the records. 65196

(B) The commissioner or an agent of the commissioner may 65197  
enter and inspect the facilities and records of any person selling 65198  
vapor products. Such entrance and inspection requires a properly 65199  
issued search warrant if conducted outside the normal business 65200  
hours of the person, but does not require a search warrant if 65201  
conducted during the normal business hours of the person. No 65202  
person shall prevent or hinder the commissioner or an agent of the 65203  
commissioner from carrying out the authority granted by this 65204  
division. 65205

Sec. 5744.10. Whenever the tax commissioner has reason to 65206  
believe that a person is avoiding paying the tax due under this 65207  
chapter with respect to vapor products or discovers vapor products 65208  
subject to the tax imposed by this chapter upon which the tax has 65209  
not been paid as required by this chapter, the commissioner may 65210  
seize and take possession of the vapor products. Upon seizure, the 65211  
vapor products shall be forfeited to the state. Within a 65212  
reasonable time after the seizure, the commissioner may sell 65213  
forfeited vapor products. From the proceeds of such a sale, the 65214  
commissioner shall pay the costs incurred in the seizure and sale, 65215

and any proceeds remaining after payment of those costs shall be 65216  
considered as revenue arising from the tax. The seizure and sale 65217  
shall not relieve any person from any fine or imprisonment 65218  
provided for violation of this chapter. The commissioner shall 65219  
make the sale where it is most convenient and economical, and may 65220  
order the destruction of the forfeited vapor products if the 65221  
quantity or quality of the vapor products is not sufficient to 65222  
warrant a sale. 65223

**Sec. 5744.11.** If any person, regardless of organizational 65224  
form, required to file reports and to remit taxes or fees imposed 65225  
under this chapter fails for any reason to file such reports or 65226  
pay such taxes or fees, any employees of the person having control 65227  
or supervision of, or charged with the responsibility of, filing 65228  
reports and making payments, or any officers or trustees of the 65229  
person responsible for the execution of the person's fiscal 65230  
responsibilities, are personally liable for the failure. 65231

The dissolution, termination, or bankruptcy of a person shall 65232  
not discharge a responsible officer's, shareholder's, member's, 65233  
manager's, employee's, or trustee's liability for failure of the 65234  
person to file reports or remit taxes or fees. The sum due for the 65235  
liability may be collected by assessment in the manner provided in 65236  
section 5744.13 of the Revised Code. 65237

If more than one individual is personally liable under this 65238  
section for the unpaid taxes or fees of a person, then the 65239  
liability of all such individuals shall be joint and several. The 65240  
sum due for the liability may be collected by assessment in the 65241  
manner provided in section 5703.90 of the Revised Code. 65242

**Sec. 5744.12.** Out of the receipts from the taxes imposed by 65243  
this chapter, amounts equal to the refunds certified by the tax 65244  
commissioner pursuant to section 5744.07 of the Revised Code shall 65245

be placed to the credit of the tax refund fund created by section 5703.052 of the Revised Code. The balance of taxes collected under those sections, after the credits to the tax refund fund, shall be paid into the general revenue fund. 65246  
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All money collected from the license fees imposed under section 5744.05 of the Revised Code shall be deposited into the vapor products tax administration fund, which is hereby created in the state treasury. 65250  
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Amounts credited to the vapor products tax administration fund shall be used solely for the purpose of paying the expenses of the department of taxation incident to the administration and enforcement of the taxes and fees imposed under this chapter. 65254  
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**Sec. 5744.13.** (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any person that fails to file a return or pay any tax or license fee as required by this chapter. The commissioner shall give the person assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. 65258  
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(B) Unless the person assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the person assessed or that person's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the person assessed to the treasurer of state. The petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by 65267  
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the commissioner prior to the date shown on the final 65276  
determination. If the petition has been properly filed, the 65277  
commissioner shall proceed under section 5703.60 of the Revised 65278  
Code. 65279

(C)(1) After an assessment becomes final, if any portion of 65280  
the assessment, including accrued interest, remains unpaid, a 65281  
certified copy of the tax commissioner's entry making the 65282  
assessment final may be filed in the office of the clerk of the 65283  
court of common pleas in the county in which the person resides or 65284  
has its principal place of business in this state, or in the 65285  
office of the clerk of the court of common pleas of Franklin 65286  
county. 65287

(2) Immediately upon the filing of the commissioner's entry, 65288  
the clerk shall enter a judgment for the state against the person 65289  
assessed in the amount shown on the entry. The judgment may be 65290  
filed by the clerk in a loose-leaf book entitled "special 65291  
judgments for the vapor products tax," and shall have the same 65292  
effect as other judgments. Execution shall issue upon the judgment 65293  
upon the request of the commissioner, and all laws applicable to 65294  
sales on execution shall apply to sales made under the judgment. 65295

(3) If the assessment is not paid in its entirety within 65296  
sixty days after the assessment was issued, the portion of the 65297  
assessment consisting of taxes or fees due shall bear interest at 65298  
the rate per annum prescribed by section 5703.47 of the Revised 65299  
Code from the day the commissioner issues the assessment until it 65300  
is paid or until it is certified to the attorney general for 65301  
collection under section 131.02 of the Revised Code, whichever 65302  
comes first. If the unpaid portion of the assessment is certified 65303  
to the attorney general for collection, the entire unpaid portion 65304  
of the assessment shall bear interest at the rate per annum 65305  
prescribed by section 5703.47 of the Revised Code from the date of 65306  
certification until the date it is paid in its entirety. Interest 65307

shall be paid in the same manner as the tax or fee and may be 65308  
collected by the issuance of an assessment under this section. 65309

(D) If the tax commissioner believes that collection of a tax 65310  
or fee will be jeopardized unless proceedings to collect or secure 65311  
collection of the tax or fee are instituted without delay, the 65312  
commissioner may issue a jeopardy assessment against the person 65313  
liable for the tax or fee. Immediately upon the issuance of the 65314  
jeopardy assessment, the commissioner shall file an entry with the 65315  
clerk of the court of common pleas in the manner prescribed by 65316  
division (C) of this section. Notice of the jeopardy assessment 65317  
shall be served on the person assessed or the person's authorized 65318  
agent in the manner provided by section 5703.37 of the Revised 65319  
Code within five days of the filing of the entry with the clerk. 65320  
The total amount assessed is immediately due and payable unless 65321  
the person assessed files a petition for reassessment in 65322  
accordance with division (B) of this section and provides security 65323  
in a form satisfactory to the commissioner and in an amount 65324  
sufficient to satisfy the unpaid balance of the assessment. Full 65325  
or partial payment of the assessment shall not prejudice the 65326  
commissioner's consideration of the petition for reassessment. 65327

(E) The tax commissioner shall immediately forward to the 65328  
treasurer of state all amounts the commissioner receives under 65329  
this section, and such amounts shall be considered as revenue 65330  
arising from the taxes imposed by this chapter. 65331

(F) Except as otherwise provided in this division, no 65332  
assessment shall be made or issued against a taxpayer for the 65333  
taxes imposed by this chapter more than four years after the due 65334  
date of the return for the reporting period for which the tax was 65335  
due, or more than four years after the return for that reporting 65336  
period was filed, whichever is later. Except as otherwise provided 65337  
in this division, no assessment shall be made or issued against a 65338  
taxpayer for any fee imposed under section 5744.05 of the Revised 65339

Code more than four years after the due date of the fee, or more than four years after the application to which the fee relates was filed, whichever is later. 65340  
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A time limit prescribed by this division may be extended if both the taxpayer and the commissioner consent in writing to the extension or enter into an agreement waiving or extending the time limit. Any such extension shall extend the four-year time limit prescribed by division (A) of section 5744.07 of the Revised Code for the same period. Nothing in this division bars an assessment against a taxpayer that fails to file a return required by this chapter, that files a fraudulent return, or that operates without a license in violation of section 5744.05 of the Revised Code. 65343  
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(G) If the tax commissioner possesses information that indicates that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the taxpayer paid, the commissioner may, upon agreement with the taxpayer, audit a sample of the taxpayer's records over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach an agreement with the taxpayer in selecting a representative sample. 65352  
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(H) If the whereabouts of a person subject to this chapter is not known to the tax commissioner, the commissioner shall follow the procedures prescribed in section 5703.37 of the Revised Code. 65361  
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**Sec. 5744.14.** If any person liable for the tax or fees imposed under this chapter sells the trade or business, disposes in any manner other than in the regular course of business at least seventy-five per cent of the assets of the trade or business, or quits the trade or business, any taxes or fees owed by such person shall become due and payable immediately, and the person shall pay the taxes or fees under this section, including 65364  
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any applicable penalties and interest, within forty-five days 65371  
after the date of selling or quitting the trade or business. The 65372  
person's successor shall withhold a sufficient amount of the 65373  
purchase money to cover the amount due and unpaid until the former 65374  
owner produces a receipt from the tax commissioner showing that 65375  
the amounts are paid or a certificate from the commissioner 65376  
indicating that no taxes are due. If a purchaser fails to withhold 65377  
purchase money, that person is personally liable for amounts that 65378  
are unpaid during the operation of the business by the former 65379  
owner, not to exceed the purchase money amount. The amount for 65380  
which the purchaser is liable may be collected by assessment in 65381  
the manner provided by section 5703.90 of the Revised Code. 65382

The tax commissioner may adopt rules regarding the issuance 65383  
of certificates under this section, including the waiver of the 65384  
need for a certificate if certain criteria established by the 65385  
commissioner are satisfied. 65386

**Sec. 5744.15.** (A) If, for three consecutive reporting 65387  
periods, a taxpayer fails to file any return as required by 65388  
section 5744.06 of the Revised Code or fails to pay the full 65389  
amount of the tax due with a return, the tax commissioner may 65390  
suspend the license issued to the taxpayer under section 5744.05 65391  
of the Revised Code until all returns have been filed or payments 65392  
made. 65393

(B) If a taxpayer files a false return, fails to file a 65394  
return as required by section 5744.06 of the Revised Code, or 65395  
fails to pay the full amount due with a return, the commissioner 65396  
may revoke the license issued to the taxpayer under section 65397  
5744.05 of the Revised Code by notifying the taxpayer in writing 65398  
of such revocation by certified mail sent to the last known 65399  
address of the taxpayer appearing on the files of the 65400  
commissioner. 65401

(C) Upon the request of a person that is no longer subject to the tax imposed by this chapter, the commissioner may cancel the license issued to the person under section 5744.05 of the Revised Code. The cancellation shall become effective at the time determined by the commissioner. No license shall be cancelled upon a person's request unless, before cancellation, the person has paid to the state all taxes, interest, and penalties owed by the person to the state under any provision of the Revised Code. 65402  
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**Sec. 5744.97.** (A) The tax commissioner may impose a penalty on any person that fails to timely file a return or pay a tax as required under section 5744.06 of the Revised Code. The penalty shall not exceed the greater of fifty dollars or ten per cent of the tax due. 65410  
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(B)(1) If any additional tax is found to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent on the additional tax found to be due. 65415  
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(2) Any delinquent payments of the tax made after a taxpayer is notified of an audit or a tax discrepancy by the commissioner is subject to the penalty imposed by division (B)(1) of this section. If an assessment is issued under section 5744.13 of the Revised Code in connection with such delinquent payments, the payments shall be credited to the assessment. 65418  
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(C) If the tax commissioner notifies a person required to be licensed under section 5744.05 of the Revised Code of such requirement and of the requirement to remit taxes due under this chapter, and the person fails to apply for a license or remit any tax due within thirty days of such notice, the commissioner may impose an additional penalty of up to thirty-five per cent of the amount due. 65424  
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(D) If a person required to remit taxes or file a return electronically under section 5744.06 of the Revised Code fails to 65431  
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do so, the commissioner may impose a penalty not to exceed the 65433  
following: 65434

(1) For either of the first two reporting periods the person 65435  
so fails, the greater of twenty-five dollars or five per cent of 65436  
the amount of the payment that was required to be remitted; 65437

(2) For the third and any subsequent reporting periods the 65438  
person so fails, the greater of fifty dollars or ten per cent of 65439  
the amount of the payment that was required to be remitted. 65440

(E) A wholesale dealer that fails to mark the dealer's 65441  
invoices in accordance with division (C) of section 5744.02 of the 65442  
Revised may be subject to a penalty of not less than the greater 65443  
of twenty-five dollars or five per cent of the total value of the 65444  
vapor products as indicated on the invoice, and not more than the 65445  
greater of fifty dollars or ten per cent of the total value of the 65446  
vapor products as indicated on the invoice. 65447

(F) The tax commissioner may collect any penalty or interest 65448  
imposed by this section by assessment in the same manner as the 65449  
taxes imposed by this chapter. 65450

(G) The tax commissioner may abate all or a portion of any 65451  
penalties imposed under this section and may adopt rules governing 65452  
such abatements. 65453

(H) If any tax or fee due is not timely paid in accordance 65454  
with this chapter, the taxpayer shall pay interest, calculated at 65455  
the rate per annum prescribed by section 5703.47 of the Revised 65456  
Code, from the date the tax payment was due to the date of the 65457  
payment or the date an assessment was issued, whichever occurs 65458  
first. 65459

**Sec. 5744.99.** (A) Whoever knowingly files a fraudulent refund 65460  
claim under section 5744.07 of the Revised Code shall be fined the 65461  
greater of one thousand dollars or the amount of the fraudulent 65462

refund requested and may be imprisoned for not more than sixty days. 65463  
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(B) Except as provided in this section, whoever knowingly violates any section of this chapter or any rule adopted by the tax commissioner under this chapter shall be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both. 65465  
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(C) The penalties provided for under this section are in addition to any penalties imposed by the tax commissioner under section 5744.97 of the Revised Code. 65470  
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**Sec. 5747.01.** Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes. 65473  
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As used in this chapter: 65482

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section: 65483  
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(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities. 65486  
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(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income 65489  
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taxes. 65493

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States. 65494  
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(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income. 65500  
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(5) ~~Deduct~~ If the taxpayer's federal adjusted gross income is not greater than one hundred thousand dollars, deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code. 65502  
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(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. 65507  
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"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by 65516  
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reason of a prior accumulation distribution. Any undistributed net 65525  
income included in the adjusted gross income of a beneficiary 65526  
shall reduce the undistributed net income of the trust commencing 65527  
with the earliest years of the accumulation period. 65528

(7) Deduct the amount of wages and salaries, if any, not 65529  
otherwise allowable as a deduction but that would have been 65530  
allowable as a deduction in computing federal adjusted gross 65531  
income for the taxable year, had the targeted jobs credit allowed 65532  
and determined under sections 38, 51, and 52 of the Internal 65533  
Revenue Code not been in effect. 65534

(8) Deduct any interest or interest equivalent on public 65535  
obligations and purchase obligations to the extent that the 65536  
interest or interest equivalent is included in federal adjusted 65537  
gross income. 65538

(9) Add any loss or deduct any gain resulting from the sale, 65539  
exchange, or other disposition of public obligations to the extent 65540  
that the loss has been deducted or the gain has been included in 65541  
computing federal adjusted gross income. 65542

(10) Deduct or add amounts, as provided under section 5747.70 65543  
of the Revised Code, related to contributions to variable college 65544  
savings program accounts made or tuition units purchased pursuant 65545  
to Chapter 3334. of the Revised Code. 65546

(11)(a) Deduct, to the extent not otherwise allowable as a 65547  
deduction or exclusion in computing federal or Ohio adjusted gross 65548  
income for the taxable year, the amount the taxpayer paid during 65549  
the taxable year for medical care insurance and qualified 65550  
long-term care insurance for the taxpayer, the taxpayer's spouse, 65551  
and dependents. No deduction for medical care insurance under 65552  
division (A)(11) of this section shall be allowed either to any 65553  
taxpayer who is eligible to participate in any subsidized health 65554  
plan maintained by any employer of the taxpayer or of the 65555

taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year.

(b) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, the amount the taxpayer paid during the taxable year, not compensated for by any insurance or otherwise, for medical care of the taxpayer, the taxpayer's spouse, and dependents, to the extent the expenses exceed seven and one-half per cent of the taxpayer's federal adjusted gross income.

(c) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income, any amount included in federal adjusted gross income under section 105 or not excluded under section 106 of the Internal Revenue Code solely because it relates to an accident and health plan for a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(d) For purposes of division (A)(11) of this section, "medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c)

of this section, "dependent" includes a person who otherwise would 65588  
be a "qualifying relative" and thus a "dependent" under section 65589  
152 of the Internal Revenue Code but for the fact that the person 65590  
fails to meet the income and support limitations under section 65591  
152(d)(1)(B) and (C) of the Internal Revenue Code. 65592

(12)(a) Deduct any amount included in federal adjusted gross 65593  
income solely because the amount represents a reimbursement or 65594  
refund of expenses that in any year the taxpayer had deducted as 65595  
an itemized deduction pursuant to section 63 of the Internal 65596  
Revenue Code and applicable United States department of the 65597  
treasury regulations. The deduction otherwise allowed under 65598  
division (A)(12)(a) of this section shall be reduced to the extent 65599  
the reimbursement is attributable to an amount the taxpayer 65600  
deducted under this section in any taxable year. 65601

(b) Add any amount not otherwise included in Ohio adjusted 65602  
gross income for any taxable year to the extent that the amount is 65603  
attributable to the recovery during the taxable year of any amount 65604  
deducted or excluded in computing federal or Ohio adjusted gross 65605  
income in any taxable year. 65606

(13) Deduct any portion of the deduction described in section 65607  
1341(a)(2) of the Internal Revenue Code, for repaying previously 65608  
reported income received under a claim of right, that meets both 65609  
of the following requirements: 65610

(a) It is allowable for repayment of an item that was 65611  
included in the taxpayer's adjusted gross income for a prior 65612  
taxable year and did not qualify for a credit under division (A) 65613  
or (B) of section 5747.05 of the Revised Code for that year; 65614

(b) It does not otherwise reduce the taxpayer's adjusted 65615  
gross income for the current or any other taxable year. 65616

(14) Deduct an amount equal to the deposits made to, and net 65617  
investment earnings of, a medical savings account during the 65618

taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.

(16) Add any amount claimed as a credit under section 5747.059 or 5747.65 of the Revised Code to the extent that such amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the

amount deducted under division (A)(17) of this section. 65650

(18) Beginning in taxable year 2001 but not for any taxable 65651  
year beginning after December 31, 2005, if the taxpayer is married 65652  
and files a joint return and the combined federal adjusted gross 65653  
income of the taxpayer and the taxpayer's spouse for the taxable 65654  
year does not exceed one hundred thousand dollars, or if the 65655  
taxpayer is single and has a federal adjusted gross income for the 65656  
taxable year not exceeding fifty thousand dollars, deduct amounts 65657  
paid during the taxable year for qualified tuition and fees paid 65658  
to an eligible institution for the taxpayer, the taxpayer's 65659  
spouse, or any dependent of the taxpayer, who is a resident of 65660  
this state and is enrolled in or attending a program that 65661  
culminates in a degree or diploma at an eligible institution. The 65662  
deduction may be claimed only to the extent that qualified tuition 65663  
and fees are not otherwise deducted or excluded for any taxable 65664  
year from federal or Ohio adjusted gross income. The deduction may 65665  
not be claimed for educational expenses for which the taxpayer 65666  
claims a credit under section 5747.27 of the Revised Code. 65667

(19) Add any reimbursement received during the taxable year 65668  
of any amount the taxpayer deducted under division (A)(18) of this 65669  
section in any previous taxable year to the extent the amount is 65670  
not otherwise included in Ohio adjusted gross income. 65671

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 65672  
(v) of this section, add five-sixths of the amount of depreciation 65673  
expense allowed by subsection (k) of section 168 of the Internal 65674  
Revenue Code, including the taxpayer's proportionate or 65675  
distributive share of the amount of depreciation expense allowed 65676  
by that subsection to a pass-through entity in which the taxpayer 65677  
has a direct or indirect ownership interest. 65678

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 65679  
this section, add five-sixths of the amount of qualifying section 65680  
179 depreciation expense, including the taxpayer's proportionate 65681

or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(iii) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the taxpayer during the taxpayer's immediately preceding taxable year, "two-thirds" shall be substituted for "five-sixths" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

(iv) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(20) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (A)(20) of this section shall be 65714  
construed to adjust or modify the adjusted basis of any asset. 65715

(c) To the extent the add-back required under division 65716  
(A)(20)(a) of this section is attributable to property generating 65717  
nonbusiness income or loss allocated under section 5747.20 of the 65718  
Revised Code, the add-back shall be situated to the same location 65719  
as the nonbusiness income or loss generated by the property for 65720  
the purpose of determining the credit under division (A) of 65721  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 65722  
be apportioned, subject to one or more of the four alternative 65723  
methods of apportionment enumerated in section 5747.21 of the 65724  
Revised Code. 65725

(d) For the purposes of division (A)(20)(a)(v) of this 65726  
section, net operating loss carryback and carryforward shall not 65727  
include the allowance of any net operating loss deduction 65728  
carryback or carryforward to the taxable year to the extent such 65729  
loss resulted from depreciation allowed by section 168(k) of the 65730  
Internal Revenue Code and by the qualifying section 179 65731  
depreciation expense amount. 65732

(e) For the purposes of divisions (A)(20) and (21) of this 65733  
section: 65734

(i) "Income taxes withheld" means the total amount withheld 65735  
and remitted under sections 5747.06 and 5747.07 of the Revised 65736  
Code by an employer during the employer's taxable year. 65737

(ii) "Increase in income taxes withheld" means the amount by 65738  
which the amount of income taxes withheld by an employer during 65739  
the employer's current taxable year exceeds the amount of income 65740  
taxes withheld by that employer during the employer's immediately 65741  
preceding taxable year. 65742

(iii) "Qualifying section 179 depreciation expense" means the 65743  
difference between (I) the amount of depreciation expense directly 65744

or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such

depreciation results in or increases a federal net operating loss 65776  
carryback or carryforward. If no such deduction is available for a 65777  
taxable year, the taxpayer may carry forward the amount not 65778  
deducted in such taxable year to the next taxable year and add 65779  
that amount to any deduction otherwise available under division 65780  
(A)(21)(a) of this section for that next taxable year. The 65781  
carryforward of amounts not so deducted shall continue until the 65782  
entire addition required by division (A)(20)(a) of this section 65783  
has been deducted. 65784

(d) No refund shall be allowed as a result of adjustments 65785  
made by division (A)(21) of this section. 65786

(22) Deduct, to the extent not otherwise deducted or excluded 65787  
in computing federal or Ohio adjusted gross income for the taxable 65788  
year, the amount the taxpayer received during the taxable year as 65789  
reimbursement for life insurance premiums under section 5919.31 of 65790  
the Revised Code. 65791

(23) Deduct, to the extent not otherwise deducted or excluded 65792  
in computing federal or Ohio adjusted gross income for the taxable 65793  
year, the amount the taxpayer received during the taxable year as 65794  
a death benefit paid by the adjutant general under section 5919.33 65795  
of the Revised Code. 65796

(24) Deduct, to the extent included in federal adjusted gross 65797  
income and not otherwise allowable as a deduction or exclusion in 65798  
computing federal or Ohio adjusted gross income for the taxable 65799  
year, military pay and allowances received by the taxpayer during 65800  
the taxable year for active duty service in the United States 65801  
army, air force, navy, marine corps, or coast guard or reserve 65802  
components thereof or the national guard. The deduction may not be 65803  
claimed for military pay and allowances received by the taxpayer 65804  
while the taxpayer is stationed in this state. 65805

(25) Deduct, to the extent not otherwise allowable as a 65806

deduction or exclusion in computing federal or Ohio adjusted gross 65807  
income for the taxable year and not otherwise compensated for by 65808  
any other source, the amount of qualified organ donation expenses 65809  
incurred by the taxpayer during the taxable year, not to exceed 65810  
ten thousand dollars. A taxpayer may deduct qualified organ 65811  
donation expenses only once for all taxable years beginning with 65812  
taxable years beginning in 2007. 65813

For the purposes of division (A)(25) of this section: 65814

(a) "Human organ" means all or any portion of a human liver, 65815  
pancreas, kidney, intestine, or lung, and any portion of human 65816  
bone marrow. 65817

(b) "Qualified organ donation expenses" means travel 65818  
expenses, lodging expenses, and wages and salary forgone by a 65819  
taxpayer in connection with the taxpayer's donation, while living, 65820  
of one or more of the taxpayer's human organs to another human 65821  
being. 65822

(26) Deduct, to the extent not otherwise deducted or excluded 65823  
in computing federal or Ohio adjusted gross income for the taxable 65824  
year, amounts received by the taxpayer as retired personnel pay 65825  
for service in the uniformed services or reserve components 65826  
thereof, or the national guard, or received by the surviving 65827  
spouse or former spouse of such a taxpayer under the survivor 65828  
benefit plan on account of such a taxpayer's death. If the 65829  
taxpayer receives income on account of retirement paid under the 65830  
federal civil service retirement system or federal employees 65831  
retirement system, or under any successor retirement program 65832  
enacted by the congress of the United States that is established 65833  
and maintained for retired employees of the United States 65834  
government, and such retirement income is based, in whole or in 65835  
part, on credit for the taxpayer's uniformed service, the 65836  
deduction allowed under this division shall include only that 65837  
portion of such retirement income that is attributable to the 65838

taxpayer's uniformed service, to the extent that portion of such 65839  
retirement income is otherwise included in federal adjusted gross 65840  
income and is not otherwise deducted under this section. Any 65841  
amount deducted under division (A)(26) of this section is not 65842  
included in a taxpayer's adjusted gross income for the purposes of 65843  
section 5747.055 of the Revised Code. No amount may be deducted 65844  
under division (A)(26) of this section on the basis of which a 65845  
credit was claimed under section 5747.055 of the Revised Code. 65846

(27) Deduct, to the extent not otherwise deducted or excluded 65847  
in computing federal or Ohio adjusted gross income for the taxable 65848  
year, the amount the taxpayer received during the taxable year 65849  
from the military injury relief fund created in section ~~5101.98~~ 65850  
5902.05 of the Revised Code. 65851

(28) Deduct, to the extent not otherwise deducted or excluded 65852  
in computing federal or Ohio adjusted gross income for the taxable 65853  
year, the amount the taxpayer received as a veterans bonus during 65854  
the taxable year from the Ohio department of veterans services as 65855  
authorized by Section 2r of Article VIII, Ohio Constitution. 65856

(29) Deduct, to the extent not otherwise deducted or excluded 65857  
in computing federal or Ohio adjusted gross income for the taxable 65858  
year, any income derived from a transfer agreement or from the 65859  
enterprise transferred under that agreement under section 4313.02 65860  
of the Revised Code. 65861

(30) Deduct, to the extent not otherwise deducted or excluded 65862  
in computing federal or Ohio adjusted gross income for the taxable 65863  
year, Ohio college opportunity or federal Pell grant amounts 65864  
received by the taxpayer or the taxpayer's spouse or dependent 65865  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 65866  
1070a, et seq., and used to pay room or board furnished by the 65867  
educational institution for which the grant was awarded at the 65868  
institution's facilities, including meal plans administered by the 65869  
institution. For the purposes of this division, receipt of a grant 65870

includes the distribution of a grant directly to an educational 65871  
institution and the crediting of the grant to the enrollee's 65872  
account with the institution. 65873

(31)(a) Deduct ~~one-half~~, to the extent not otherwise deducted 65874  
or excluded in computing federal or Ohio adjusted gross income for 65875  
the taxable year, each of the following, as applicable: 65876

(i) All of the individual's Ohio small business income from 65877  
businesses each of which has gross receipts not exceeding two 65878  
million dollars for the taxable year; 65879

(ii) One-half of the ~~taxpayer's~~ individual's Ohio small 65880  
business ~~investor~~ income, ~~the~~ from each business having gross 65881  
receipts exceeding two million dollars for the taxable year. The 65882  
aggregate deduction under division (A)(31)(a)(ii) of this section 65883  
shall not ~~to~~ exceed sixty-two thousand five hundred dollars for 65884  
each spouse if spouses file separate returns under section 5747.08 65885  
of the Revised Code or one hundred twenty-five thousand dollars 65886  
for all other ~~taxpayers~~. ~~No pass-through entity may claim a~~ 65887  
deduction under this division individuals. 65888

(b) For the purposes of ~~this~~ division, (A)(31) of this 65889  
section: 65890

(i) "Ohio small business ~~investor~~ income" means the portion 65891  
of a ~~taxpayer's~~ an individual's adjusted gross income, computed 65892  
without regard to the deduction under division (A)(31) of this 65893  
section, that is business income, reduced by deductions from 65894  
business income and apportioned or allocated to this state under 65895  
sections 5747.21 and 5747.22 of the Revised Code, ~~to the extent 65896~~  
not otherwise deducted or excluded in computing federal or Ohio 65897  
adjusted gross income for the taxable year. 65898

(ii) "Gross receipts" has the same meaning as when used in 65899  
section 448(c) of the Internal Revenue Code of 1986, except that 65900  
computation of the deduction under division (A)(31) of this 65901

section is based on the gross receipts of the business for the 65902  
current taxable year. 65903

(B) "Business income" means income, including gain or loss, 65904  
arising from transactions, activities, and sources in the regular 65905  
course of a trade or business and includes income, gain, or loss 65906  
from real property, tangible property, and intangible property if 65907  
the acquisition, rental, management, and disposition of the 65908  
property constitute integral parts of the regular course of a 65909  
trade or business operation. "Business income" includes income, 65910  
including gain or loss, from a partial or complete liquidation of 65911  
a business, including, but not limited to, gain or loss from the 65912  
sale or other disposition of goodwill. 65913

(C) "Nonbusiness income" means all income other than business 65914  
income and may include, but is not limited to, compensation, rents 65915  
and royalties from real or tangible personal property, capital 65916  
gains, interest, dividends and distributions, patent or copyright 65917  
royalties, or lottery winnings, prizes, and awards. 65918

(D) "Compensation" means any form of remuneration paid to an 65919  
employee for personal services. 65920

(E) "Fiduciary" means a guardian, trustee, executor, 65921  
administrator, receiver, conservator, or any other person acting 65922  
in any fiduciary capacity for any individual, trust, or estate. 65923

(F) "Fiscal year" means an accounting period of twelve months 65924  
ending on the last day of any month other than December. 65925

(G) "Individual" means any natural person. 65926

(H) "Internal Revenue Code" means the "Internal Revenue Code 65927  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 65928

(I) "Resident" means any of the following, provided that 65929  
division (I)(3) of this section applies only to taxable years of a 65930  
trust beginning in 2002 or thereafter: 65931

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code; 65932  
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(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section. 65934  
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(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part. 65938  
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For the purposes of division (I)(3) of this section: 65941

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following: 65942  
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(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section; 65948  
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(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year; 65952  
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(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter 65958  
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during all or some portion of the trust's current taxable year. If 65963  
a trust document or instrument became irrevocable upon the death 65964  
of a person who at the time of death was domiciled in this state 65965  
for purposes of this chapter, that person is a person described in 65966  
division (I)(3)(a)(iii) of this section. 65967

(b) A trust is irrevocable to the extent that the transferor 65968  
is not considered to be the owner of the net assets of the trust 65969  
under sections 671 to 678 of the Internal Revenue Code. 65970

(c) With respect to a trust other than a charitable lead 65971  
trust, "qualifying beneficiary" has the same meaning as "potential 65972  
current beneficiary" as defined in section 1361(e)(2) of the 65973  
Internal Revenue Code, and with respect to a charitable lead trust 65974  
"qualifying beneficiary" is any current, future, or contingent 65975  
beneficiary, but with respect to any trust "qualifying 65976  
beneficiary" excludes a person or a governmental entity or 65977  
instrumentality to any of which a contribution would qualify for 65978  
the charitable deduction under section 170 of the Internal Revenue 65979  
Code. 65980

(d) For the purposes of division (I)(3)(a) of this section, 65981  
the extent to which a trust consists directly or indirectly, in 65982  
whole or in part, of assets, net of any related liabilities, that 65983  
were transferred directly or indirectly, in whole or part, to the 65984  
trust by any of the sources enumerated in that division shall be 65985  
ascertained by multiplying the fair market value of the trust's 65986  
assets, net of related liabilities, by the qualifying ratio, which 65987  
shall be computed as follows: 65988

(i) The first time the trust receives assets, the numerator 65989  
of the qualifying ratio is the fair market value of those assets 65990  
at that time, net of any related liabilities, from sources 65991  
enumerated in division (I)(3)(a) of this section. The denominator 65992  
of the qualifying ratio is the fair market value of all the 65993  
trust's assets at that time, net of any related liabilities. 65994

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this

section, a "qualifying transfer" is a transfer of assets, net of 66026  
any related liabilities, directly or indirectly to a trust, if the 66027  
transfer is described in any of the following: 66028

(i) The transfer is made to a trust, created by the decedent 66029  
before the decedent's death and while the decedent was domiciled 66030  
in this state for the purposes of this chapter, and, prior to the 66031  
death of the decedent, the trust became irrevocable while the 66032  
decedent was domiciled in this state for the purposes of this 66033  
chapter. 66034

(ii) The transfer is made to a trust to which the decedent, 66035  
prior to the decedent's death, had directly or indirectly 66036  
transferred assets, net of any related liabilities, while the 66037  
decedent was domiciled in this state for the purposes of this 66038  
chapter, and prior to the death of the decedent the trust became 66039  
irrevocable while the decedent was domiciled in this state for the 66040  
purposes of this chapter. 66041

(iii) The transfer is made on account of a contractual 66042  
relationship existing directly or indirectly between the 66043  
transferor and either the decedent or the estate of the decedent 66044  
at any time prior to the date of the decedent's death, and the 66045  
decedent was domiciled in this state at the time of death for 66046  
purposes of the taxes levied under Chapter 5731. of the Revised 66047  
Code. 66048

(iv) The transfer is made to a trust on account of a 66049  
contractual relationship existing directly or indirectly between 66050  
the transferor and another person who at the time of the 66051  
decedent's death was domiciled in this state for purposes of this 66052  
chapter. 66053

(v) The transfer is made to a trust on account of the will of 66054  
a testator who was domiciled in this state at the time of the 66055  
testator's death for purposes of the taxes levied under Chapter 66056

5731. of the Revised Code. 66057

(vi) The transfer is made to a trust created by or caused to 66058  
be created by a court, and the trust was directly or indirectly 66059  
created in connection with or as a result of the death of an 66060  
individual who, for purposes of the taxes levied under Chapter 66061  
5731. of the Revised Code, was domiciled in this state at the time 66062  
of the individual's death. 66063

(g) The tax commissioner may adopt rules to ascertain the 66064  
part of a trust residing in this state. 66065

(J) "Nonresident" means an individual or estate that is not a 66066  
resident. An individual who is a resident for only part of a 66067  
taxable year is a nonresident for the remainder of that taxable 66068  
year. 66069

(K) "Pass-through entity" has the same meaning as in section 66070  
5733.04 of the Revised Code. 66071

(L) "Return" means the notifications and reports required to 66072  
be filed pursuant to this chapter for the purpose of reporting the 66073  
tax due and includes declarations of estimated tax when so 66074  
required. 66075

(M) "Taxable year" means the calendar year or the taxpayer's 66076  
fiscal year ending during the calendar year, or fractional part 66077  
thereof, upon which the adjusted gross income is calculated 66078  
pursuant to this chapter. 66079

(N) "Taxpayer" means any person subject to the tax imposed by 66080  
section 5747.02 of the Revised Code or any pass-through entity 66081  
that makes the election under division (D) of section 5747.08 of 66082  
the Revised Code. 66083

(O) "Dependents" means dependents as defined in the Internal 66084  
Revenue Code and as claimed in the taxpayer's federal income tax 66085  
return for the taxable year or which the taxpayer would have been 66086

permitted to claim had the taxpayer filed a federal income tax return. 66087  
66088

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed. 66089  
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(Q) As used in sections 5747.50 to 5747.55 of the Revised Code: 66094  
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(1) "Subdivision" means any county, municipal corporation, park district, or township. 66096  
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(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution. 66098  
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(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax. 66102  
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(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows: 66104  
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(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section: 66107  
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(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to 66115  
66116

beneficiaries for the taxable year; 66117

(b) The net amount is attributable to the S portion of an 66118  
electing small business trust for the taxable year. 66119

(2) Add interest or dividends, net of ordinary, necessary, 66120  
and reasonable expenses not deducted in computing federal taxable 66121  
income, on obligations of any authority, commission, 66122  
instrumentality, territory, or possession of the United States to 66123  
the extent that the interest or dividends are exempt from federal 66124  
income taxes but not from state income taxes, but only to the 66125  
extent that such net amount is not otherwise includible in Ohio 66126  
taxable income and is described in either division (S)(1)(a) or 66127  
(b) of this section; 66128

(3) Add the amount of personal exemption allowed to the 66129  
estate pursuant to section 642(b) of the Internal Revenue Code; 66130

(4) Deduct interest or dividends, net of related expenses 66131  
deducted in computing federal taxable income, on obligations of 66132  
the United States and its territories and possessions or of any 66133  
authority, commission, or instrumentality of the United States to 66134  
the extent that the interest or dividends are exempt from state 66135  
taxes under the laws of the United States, but only to the extent 66136  
that such amount is included in federal taxable income and is 66137  
described in either division (S)(1)(a) or (b) of this section; 66138

(5) Deduct the amount of wages and salaries, if any, not 66139  
otherwise allowable as a deduction but that would have been 66140  
allowable as a deduction in computing federal taxable income for 66141  
the taxable year, had the targeted jobs credit allowed under 66142  
sections 38, 51, and 52 of the Internal Revenue Code not been in 66143  
effect, but only to the extent such amount relates either to 66144  
income included in federal taxable income for the taxable year or 66145  
to income of the S portion of an electing small business trust for 66146  
the taxable year; 66147

(6) Deduct any interest or interest equivalent, net of 66148  
related expenses deducted in computing federal taxable income, on 66149  
public obligations and purchase obligations, but only to the 66150  
extent that such net amount relates either to income included in 66151  
federal taxable income for the taxable year or to income of the S 66152  
portion of an electing small business trust for the taxable year; 66153

(7) Add any loss or deduct any gain resulting from sale, 66154  
exchange, or other disposition of public obligations to the extent 66155  
that such loss has been deducted or such gain has been included in 66156  
computing either federal taxable income or income of the S portion 66157  
of an electing small business trust for the taxable year; 66158

(8) Except in the case of the final return of an estate, add 66159  
any amount deducted by the taxpayer on both its Ohio estate tax 66160  
return pursuant to section 5731.14 of the Revised Code, and on its 66161  
federal income tax return in determining federal taxable income; 66162

(9)(a) Deduct any amount included in federal taxable income 66163  
solely because the amount represents a reimbursement or refund of 66164  
expenses that in a previous year the decedent had deducted as an 66165  
itemized deduction pursuant to section 63 of the Internal Revenue 66166  
Code and applicable treasury regulations. The deduction otherwise 66167  
allowed under division (S)(9)(a) of this section shall be reduced 66168  
to the extent the reimbursement is attributable to an amount the 66169  
taxpayer or decedent deducted under this section in any taxable 66170  
year. 66171

(b) Add any amount not otherwise included in Ohio taxable 66172  
income for any taxable year to the extent that the amount is 66173  
attributable to the recovery during the taxable year of any amount 66174  
deducted or excluded in computing federal or Ohio taxable income 66175  
in any taxable year, but only to the extent such amount has not 66176  
been distributed to beneficiaries for the taxable year. 66177

(10) Deduct any portion of the deduction described in section 66178

1341(a)(2) of the Internal Revenue Code, for repaying previously 66179  
reported income received under a claim of right, that meets both 66180  
of the following requirements: 66181

(a) It is allowable for repayment of an item that was 66182  
included in the taxpayer's taxable income or the decedent's 66183  
adjusted gross income for a prior taxable year and did not qualify 66184  
for a credit under division (A) or (B) of section 5747.05 of the 66185  
Revised Code for that year. 66186

(b) It does not otherwise reduce the taxpayer's taxable 66187  
income or the decedent's adjusted gross income for the current or 66188  
any other taxable year. 66189

(11) Add any amount claimed as a credit under section 66190  
5747.059 or 5747.65 of the Revised Code to the extent that the 66191  
amount satisfies either of the following: 66192

(a) The amount was deducted or excluded from the computation 66193  
of the taxpayer's federal taxable income as required to be 66194  
reported for the taxpayer's taxable year under the Internal 66195  
Revenue Code; 66196

(b) The amount resulted in a reduction in the taxpayer's 66197  
federal taxable income as required to be reported for any of the 66198  
taxpayer's taxable years under the Internal Revenue Code. 66199

(12) Deduct any amount, net of related expenses deducted in 66200  
computing federal taxable income, that a trust is required to 66201  
report as farm income on its federal income tax return, but only 66202  
if the assets of the trust include at least ten acres of land 66203  
satisfying the definition of "land devoted exclusively to 66204  
agricultural use" under section 5713.30 of the Revised Code, 66205  
regardless of whether the land is valued for tax purposes as such 66206  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 66207  
trust is a pass-through entity investor, section 5747.231 of the 66208  
Revised Code applies in ascertaining if the trust is eligible to 66209

claim the deduction provided by division (S)(12) of this section 66210  
in connection with the pass-through entity's farm income. 66211

Except for farm income attributable to the S portion of an 66212  
electing small business trust, the deduction provided by division 66213  
(S)(12) of this section is allowed only to the extent that the 66214  
trust has not distributed such farm income. Division (S)(12) of 66215  
this section applies only to taxable years of a trust beginning in 66216  
2002 or thereafter. 66217

(13) Add the net amount of income described in section 641(c) 66218  
of the Internal Revenue Code to the extent that amount is not 66219  
included in federal taxable income. 66220

(14) Add or deduct the amount the taxpayer would be required 66221  
to add or deduct under division (A)(20) or (21) of this section if 66222  
the taxpayer's Ohio taxable income were computed in the same 66223  
manner as an individual's Ohio adjusted gross income is computed 66224  
under this section. In the case of a trust, division (S)(14) of 66225  
this section applies only to any of the trust's taxable years 66226  
beginning in 2002 or thereafter. 66227

(T) "School district income" and "school district income tax" 66228  
have the same meanings as in section 5748.01 of the Revised Code. 66229

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 66230  
of this section, "public obligations," "purchase obligations," and 66231  
"interest or interest equivalent" have the same meanings as in 66232  
section 5709.76 of the Revised Code. 66233

(V) "Limited liability company" means any limited liability 66234  
company formed under Chapter 1705. of the Revised Code or under 66235  
the laws of any other state. 66236

(W) "Pass-through entity investor" means any person who, 66237  
during any portion of a taxable year of a pass-through entity, is 66238  
a partner, member, shareholder, or equity investor in that 66239  
pass-through entity. 66240

(X) "Banking day" has the same meaning as in section 1304.01 66241  
of the Revised Code. 66242

(Y) "Month" means a calendar month. 66243

(Z) "Quarter" means the first three months, the second three 66244  
months, the third three months, or the last three months of the 66245  
taxpayer's taxable year. 66246

(AA)(1) "Eligible institution" means a state university or 66247  
state institution of higher education as defined in section 66248  
3345.011 of the Revised Code, or a private, nonprofit college, 66249  
university, or other post-secondary institution located in this 66250  
state that possesses a certificate of authorization issued by the 66251  
~~Ohio board of regents~~ director of higher education pursuant to 66252  
Chapter 1713. of the Revised Code or a certificate of registration 66253  
issued by the state board of career colleges and schools under 66254  
Chapter 3332. of the Revised Code. 66255

(2) "Qualified tuition and fees" means tuition and fees 66256  
imposed by an eligible institution as a condition of enrollment or 66257  
attendance, not exceeding two thousand five hundred dollars in 66258  
each of the individual's first two years of post-secondary 66259  
education. If the individual is a part-time student, "qualified 66260  
tuition and fees" includes tuition and fees paid for the academic 66261  
equivalent of the first two years of post-secondary education 66262  
during a maximum of five taxable years, not exceeding a total of 66263  
five thousand dollars. "Qualified tuition and fees" does not 66264  
include: 66265

(a) Expenses for any course or activity involving sports, 66266  
games, or hobbies unless the course or activity is part of the 66267  
individual's degree or diploma program; 66268

(b) The cost of books, room and board, student activity fees, 66269  
athletic fees, insurance expenses, or other expenses unrelated to 66270  
the individual's academic course of instruction; 66271

(c) Tuition, fees, or other expenses paid or reimbursed 66272  
through an employer, scholarship, grant in aid, or other 66273  
educational benefit program. 66274

(BB)(1) "Modified business income" means the business income 66275  
included in a trust's Ohio taxable income after such taxable 66276  
income is first reduced by the qualifying trust amount, if any. 66277

(2) "Qualifying trust amount" of a trust means capital gains 66278  
and losses from the sale, exchange, or other disposition of equity 66279  
or ownership interests in, or debt obligations of, a qualifying 66280  
investee to the extent included in the trust's Ohio taxable 66281  
income, but only if the following requirements are satisfied: 66282

(a) The book value of the qualifying investee's physical 66283  
assets in this state and everywhere, as of the last day of the 66284  
qualifying investee's fiscal or calendar year ending immediately 66285  
prior to the date on which the trust recognizes the gain or loss, 66286  
is available to the trust. 66287

(b) The requirements of section 5747.011 of the Revised Code 66288  
are satisfied for the trust's taxable year in which the trust 66289  
recognizes the gain or loss. 66290

Any gain or loss that is not a qualifying trust amount is 66291  
modified business income, qualifying investment income, or 66292  
modified nonbusiness income, as the case may be. 66293

(3) "Modified nonbusiness income" means a trust's Ohio 66294  
taxable income other than modified business income, other than the 66295  
qualifying trust amount, and other than qualifying investment 66296  
income, as defined in section 5747.012 of the Revised Code, to the 66297  
extent such qualifying investment income is not otherwise part of 66298  
modified business income. 66299

(4) "Modified Ohio taxable income" applies only to trusts, 66300  
and means the sum of the amounts described in divisions (BB)(4)(a) 66301  
to (c) of this section: 66302

(a) The fraction, calculated under section 5747.013, and 66303  
applying section 5747.231 of the Revised Code, multiplied by the 66304  
sum of the following amounts: 66305

(i) The trust's modified business income; 66306

(ii) The trust's qualifying investment income, as defined in 66307  
section 5747.012 of the Revised Code, but only to the extent the 66308  
qualifying investment income does not otherwise constitute 66309  
modified business income and does not otherwise constitute a 66310  
qualifying trust amount. 66311

(b) The qualifying trust amount multiplied by a fraction, the 66312  
numerator of which is the sum of the book value of the qualifying 66313  
investee's physical assets in this state on the last day of the 66314  
qualifying investee's fiscal or calendar year ending immediately 66315  
prior to the day on which the trust recognizes the qualifying 66316  
trust amount, and the denominator of which is the sum of the book 66317  
value of the qualifying investee's total physical assets 66318  
everywhere on the last day of the qualifying investee's fiscal or 66319  
calendar year ending immediately prior to the day on which the 66320  
trust recognizes the qualifying trust amount. If, for a taxable 66321  
year, the trust recognizes a qualifying trust amount with respect 66322  
to more than one qualifying investee, the amount described in 66323  
division (BB)(4)(b) of this section shall equal the sum of the 66324  
products so computed for each such qualifying investee. 66325

(c)(i) With respect to a trust or portion of a trust that is 66326  
a resident as ascertained in accordance with division (I)(3)(d) of 66327  
this section, its modified nonbusiness income. 66328

(ii) With respect to a trust or portion of a trust that is 66329  
not a resident as ascertained in accordance with division 66330  
(I)(3)(d) of this section, the amount of its modified nonbusiness 66331  
income satisfying the descriptions in divisions (B)(2) to (5) of 66332  
section 5747.20 of the Revised Code, except as otherwise provided 66333

in division (BB)(4)(c)(ii) of this section. With respect to a 66334  
trust or portion of a trust that is not a resident as ascertained 66335  
in accordance with division (I)(3)(d) of this section, the trust's 66336  
portion of modified nonbusiness income recognized from the sale, 66337  
exchange, or other disposition of a debt interest in or equity 66338  
interest in a section 5747.212 entity, as defined in section 66339  
5747.212 of the Revised Code, without regard to division (A) of 66340  
that section, shall not be allocated to this state in accordance 66341  
with section 5747.20 of the Revised Code but shall be apportioned 66342  
to this state in accordance with division (B) of section 5747.212 66343  
of the Revised Code without regard to division (A) of that 66344  
section. 66345

If the allocation and apportionment of a trust's income under 66346  
divisions (BB)(4)(a) and (c) of this section do not fairly 66347  
represent the modified Ohio taxable income of the trust in this 66348  
state, the alternative methods described in division (C) of 66349  
section 5747.21 of the Revised Code may be applied in the manner 66350  
and to the same extent provided in that section. 66351

(5)(a) Except as set forth in division (BB)(5)(b) of this 66352  
section, "qualifying investee" means a person in which a trust has 66353  
an equity or ownership interest, or a person or unit of government 66354  
the debt obligations of either of which are owned by a trust. For 66355  
the purposes of division (BB)(2)(a) of this section and for the 66356  
purpose of computing the fraction described in division (BB)(4)(b) 66357  
of this section, all of the following apply: 66358

(i) If the qualifying investee is a member of a qualifying 66359  
controlled group on the last day of the qualifying investee's 66360  
fiscal or calendar year ending immediately prior to the date on 66361  
which the trust recognizes the gain or loss, then "qualifying 66362  
investee" includes all persons in the qualifying controlled group 66363  
on such last day. 66364

(ii) If the qualifying investee, or if the qualifying 66365

investee and any members of the qualifying controlled group of 66366  
which the qualifying investee is a member on the last day of the 66367  
qualifying investee's fiscal or calendar year ending immediately 66368  
prior to the date on which the trust recognizes the gain or loss, 66369  
separately or cumulatively own, directly or indirectly, on the 66370  
last day of the qualifying investee's fiscal or calendar year 66371  
ending immediately prior to the date on which the trust recognizes 66372  
the qualifying trust amount, more than fifty per cent of the 66373  
equity of a pass-through entity, then the qualifying investee and 66374  
the other members are deemed to own the proportionate share of the 66375  
pass-through entity's physical assets which the pass-through 66376  
entity directly or indirectly owns on the last day of the 66377  
pass-through entity's calendar or fiscal year ending within or 66378  
with the last day of the qualifying investee's fiscal or calendar 66379  
year ending immediately prior to the date on which the trust 66380  
recognizes the qualifying trust amount. 66381

(iii) For the purposes of division (BB)(5)(a)(iii) of this 66382  
section, "upper level pass-through entity" means a pass-through 66383  
entity directly or indirectly owning any equity of another 66384  
pass-through entity, and "lower level pass-through entity" means 66385  
that other pass-through entity. 66386

An upper level pass-through entity, whether or not it is also 66387  
a qualifying investee, is deemed to own, on the last day of the 66388  
upper level pass-through entity's calendar or fiscal year, the 66389  
proportionate share of the lower level pass-through entity's 66390  
physical assets that the lower level pass-through entity directly 66391  
or indirectly owns on the last day of the lower level pass-through 66392  
entity's calendar or fiscal year ending within or with the last 66393  
day of the upper level pass-through entity's fiscal or calendar 66394  
year. If the upper level pass-through entity directly and 66395  
indirectly owns less than fifty per cent of the equity of the 66396  
lower level pass-through entity on each day of the upper level 66397

pass-through entity's calendar or fiscal year in which or with 66398  
which ends the calendar or fiscal year of the lower level 66399  
pass-through entity and if, based upon clear and convincing 66400  
evidence, complete information about the location and cost of the 66401  
physical assets of the lower pass-through entity is not available 66402  
to the upper level pass-through entity, then solely for purposes 66403  
of ascertaining if a gain or loss constitutes a qualifying trust 66404  
amount, the upper level pass-through entity shall be deemed as 66405  
owning no equity of the lower level pass-through entity for each 66406  
day during the upper level pass-through entity's calendar or 66407  
fiscal year in which or with which ends the lower level 66408  
pass-through entity's calendar or fiscal year. Nothing in division 66409  
(BB)(5)(a)(iii) of this section shall be construed to provide for 66410  
any deduction or exclusion in computing any trust's Ohio taxable 66411  
income. 66412

(b) With respect to a trust that is not a resident for the 66413  
taxable year and with respect to a part of a trust that is not a 66414  
resident for the taxable year, "qualifying investee" for that 66415  
taxable year does not include a C corporation if both of the 66416  
following apply: 66417

(i) During the taxable year the trust or part of the trust 66418  
recognizes a gain or loss from the sale, exchange, or other 66419  
disposition of equity or ownership interests in, or debt 66420  
obligations of, the C corporation. 66421

(ii) Such gain or loss constitutes nonbusiness income. 66422

(6) "Available" means information is such that a person is 66423  
able to learn of the information by the due date plus extensions, 66424  
if any, for filing the return for the taxable year in which the 66425  
trust recognizes the gain or loss. 66426

(CC) "Qualifying controlled group" has the same meaning as in 66427  
section 5733.04 of the Revised Code. 66428

(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code. 66429  
66430

(EE)(1) For the purposes of division (EE) of this section: 66431

(a) "Qualifying person" means any person other than a qualifying corporation. 66432  
66433

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following: 66434  
66435  
66436

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year; 66437  
66438  
66439  
66440

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year. 66441  
66442  
66443  
66444

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation. 66445  
66446  
66447

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code: 66448  
66449

(1) "Trust" does not include a qualified pre-income tax trust. 66450  
66451

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section. 66452  
66453  
66454

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, 66455  
66456  
66457  
66458

directly, indirectly, or constructively through related interests, 66459  
five per cent or more of the ownership or equity interests. The 66460  
trustee shall notify the tax commissioner in writing of the 66461  
election on or before April 15, 2006. The election, if timely 66462  
made, shall be effective on and after January 1, 2006, and shall 66463  
apply for all tax periods and tax years until revoked by the 66464  
trustee of the trust. 66465

(4) A "pre-income tax trust" is a trust that satisfies all of 66466  
the following requirements: 66467

(a) The document or instrument creating the trust was 66468  
executed by the grantor before January 1, 1972; 66469

(b) The trust became irrevocable upon the creation of the 66470  
trust; and 66471

(c) The grantor was domiciled in this state at the time the 66472  
trust was created. 66473

(GG) "Uniformed services" has the same meaning as in 10 66474  
U.S.C. 101. 66475

**Sec. 5747.02.** (A) For the purpose of providing revenue for 66476  
the support of schools and local government functions, to provide 66477  
relief to property taxpayers, to provide revenue for the general 66478  
revenue fund, and to meet the expenses of administering the tax 66479  
levied by this chapter, there is hereby levied on every 66480  
individual, trust, and estate residing in or earning or receiving 66481  
income in this state, on every individual, trust, and estate 66482  
earning or receiving lottery winnings, prizes, or awards pursuant 66483  
to Chapter 3770. of the Revised Code, on every individual, trust, 66484  
and estate earning or receiving winnings on casino gaming, and on 66485  
every individual, trust, and estate otherwise having nexus with or 66486  
in this state under the Constitution of the United States, an 66487  
annual tax measured in the case of individuals by Ohio adjusted 66488

gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income. The tax imposed by this section on the balance thus obtained is hereby levied as follows:

(1) For taxable years beginning in 2004:		66489
OHIO ADJUSTED GROSS INCOME LESS		66490
EXEMPTIONS (INDIVIDUALS)		66491
OR		66492
MODIFIED OHIO		66493
TAXABLE INCOME (TRUSTS)		66494
OR		66495
OHIO TAXABLE INCOME (ESTATES)	TAX	66496
\$5,000 or less	.743%	66497
More than \$5,000 but not more than \$10,000	\$37.15 plus 1.486% of the amount in excess of \$5,000	66498
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	66499
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	66500
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	66501
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	66502
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	66503
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	66504
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	66505
		66506
		66507
		66508
		66509
		66510
		66511

(2) For taxable years beginning in 2005:	66512
OHIO ADJUSTED GROSS INCOME LESS	66513
EXEMPTIONS (INDIVIDUALS)	
OR	66514
MODIFIED OHIO	66515
TAXABLE INCOME (TRUSTS)	66516
OR	66517
OHIO TAXABLE INCOME (ESTATES)	TAX 66518
\$5,000 or less	.712% 66519
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000 66520
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000 66521
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000 66522
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000 66523
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000 66524
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000 66525
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000 66526
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000 66527
(3) For taxable years beginning in 2006:	66528
OHIO ADJUSTED GROSS INCOME LESS	66529
EXEMPTIONS (INDIVIDUALS)	
OR	66530
MODIFIED OHIO	66531
TAXABLE INCOME (TRUSTS)	66532
OR	66533

OHIO TAXABLE INCOME (ESTATES)	TAX	66534
\$5,000 or less	.681%	66535
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	66536
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	66537
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	66538
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	66539
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	66540
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	66541
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	66542
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	66543
(4) For taxable years beginning in 2007:		66544
OHIO ADJUSTED GROSS INCOME LESS		66545
EXEMPTIONS (INDIVIDUALS)		
OR		66546
MODIFIED OHIO		66547
TAXABLE INCOME (TRUSTS)		66548
OR		66549
OHIO TAXABLE INCOME (ESTATES)	TAX	66550
\$5,000 or less	.649%	66551
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	66552
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	66553
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	66554

More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	66555
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	66556
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	66557
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	66558
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	66559
(5) For taxable years beginning in 2008, 2009, or 2010:		66560
OHIO ADJUSTED GROSS INCOME LESS		66561
EXEMPTIONS (INDIVIDUALS)		
OR		66562
MODIFIED OHIO		66563
TAXABLE INCOME (TRUSTS)		66564
OR		66565
OHIO TAXABLE INCOME (ESTATES)	TAX	66566
\$5,000 or less	.618%	66567
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	66568
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	66569
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	66570
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	66571
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	66572
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	66573
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	66574

More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	66575
(6) For taxable years beginning in 2011 or 2012:		66576
OHIO ADJUSTED GROSS INCOME LESS		66577
EXEMPTIONS (INDIVIDUALS)		
OR		66578
MODIFIED OHIO		66579
TAXABLE INCOME (TRUSTS)		66580
OR		66581
OHIO TAXABLE INCOME (ESTATES)	TAX	66582
\$5,000 or less	.587%	66583
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	66584
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	66585
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	66586
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	66587
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	66588
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	66589
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	66590
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	66591
(7) For taxable years beginning in 2013:		66592
OHIO ADJUSTED GROSS INCOME LESS		66593
EXEMPTIONS (INDIVIDUALS)		
OR		66594
MODIFIED OHIO		66595

TAXABLE INCOME (TRUSTS)		66596
OR		66597
OHIO TAXABLE INCOME (ESTATES)	TAX	66598
\$5,000 or less	.537%	66599
More than \$5,000 but not more than \$10,000	\$26.86 plus 1.074% of the amount in excess of \$5,000	66600
More than \$10,000 but not more than \$15,000	\$80.57 plus 2.148% of the amount in excess of \$10,000	66601
More than \$15,000 but not more than \$20,000	\$187.99 plus 2.686% of the amount in excess of \$15,000	66602
More than \$20,000 but not more than \$40,000	\$322.26 plus 3.222% of the amount in excess of \$20,000	66603
More than \$40,000 but not more than \$80,000	\$966.61 plus 3.760% of the amount in excess of \$40,000	66604
More than \$80,000 but not more than \$100,000	\$2,470.50 plus 4.296% of the amount in excess of \$80,000	66605
More than \$100,000 but not more than \$200,000	\$3,329.68 plus 4.988% of the amount in excess of \$100,000	66606
More than \$200,000	\$8,317.35 plus 5.421% of the amount in excess of \$200,000	66607
(8) For taxable years beginning in 2014 <del>or thereafter:</del>		66608
OHIO ADJUSTED GROSS INCOME LESS		66609
EXEMPTIONS (INDIVIDUALS)		
OR		66610
MODIFIED OHIO		66611
TAXABLE INCOME (TRUSTS)		66612
OR		66613
OHIO TAXABLE INCOME (ESTATES)	TAX	66614
\$5,000 or less	.528%	66615
More than \$5,000 but not more than \$10,000	\$26.41 plus 1.057% of the amount in excess of \$5,000	66616
More than \$10,000 but not more than \$15,000	\$79.24 plus 2.113% of the amount in excess of \$10,000	66617

More than \$15,000 but not more than \$20,000	\$184.90 plus 2.642% of the amount in excess of \$15,000	66618
More than \$20,000 but not more than \$40,000	\$316.98 plus 3.169% of the amount in excess of \$20,000	66619
More than \$40,000 but not more than \$80,000	\$950.76 plus 3.698% of the amount in excess of \$40,000	66620
More than \$80,000 but not more than \$100,000	\$2,430.00 plus 4.226% of the amount in excess of \$80,000	66621
More than \$100,000 but not more than \$200,000	\$3,275.10 plus 4.906% of the amount in excess of \$100,000	66622
More than \$200,000	\$8,181.00 plus 5.333% of the amount in excess of \$200,000	66623
<u>(9) For taxable years beginning in 2015:</u>		66624
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		66625
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		66626
<u>MODIFIED OHIO</u>		66627
<u>TAXABLE INCOME (TRUSTS)</u>		66628
<u>OR</u>		66629
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	66630
<u>\$5,000 or less</u>	<u>.449%</u>	66631
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$22.45 plus .898% of the amount in excess of \$5,000</u>	66632
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$67.35 plus 1.796% of the amount in excess of \$10,000</u>	66633
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$157.15 plus 2.246% of the amount in excess of \$15,000</u>	66634
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$269.45 plus 2.694% of the amount in excess of \$20,000</u>	66635
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$808.25 plus 3.143% of the amount in excess of \$40,000</u>	66636
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$2,065.45 plus 3.592% of the amount in excess of \$80,000</u>	66637

<u>More than \$100,000 but not more than \$200,000</u>	<u>\$2,783.85 plus 4.170% of the amount in excess of \$100,000</u>	66638
<u>More than \$200,000</u>	<u>\$6,953.85 plus 4.533% of the amount in excess of \$200,000</u>	66639
<u>(10) For taxable years beginning in 2016 or thereafter:</u>		66640
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		66641
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		66642
<u>MODIFIED OHIO</u>		66643
<u>TAXABLE INCOME (TRUSTS)</u>		66644
<u>OR</u>		66645
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	66646
<u>\$5,000 or less</u>	<u>.407%</u>	66647
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$20.35 plus .814% of the amount in excess of \$5,000</u>	66648
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$61.05 plus 1.627% of the amount in excess of \$10,000</u>	66649
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$142.40 plus 2.034% of the amount in excess of \$15,000</u>	66650
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$244.10 plus 2.440% of the amount in excess of \$20,000</u>	66651
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$732.10 plus 2.847% of the amount in excess of \$40,000</u>	66652
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$1,870.90 plus 3.254% of the amount in excess of \$80,000</u>	66653
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$2,521.70 plus 3.778% of the amount in excess of \$100,000</u>	66654
<u>More than \$200,000</u>	<u>\$6,299.70 plus 4.106% of the amount in excess of \$200,000</u>	66655
Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator		66656 66657 66658 66659

computed that year under section 5747.025 of the Revised Code by 66660  
each of the income amounts resulting from the adjustment under 66661  
this division in the preceding year, adding the resulting product 66662  
to the corresponding income amount resulting from the adjustment 66663  
in the preceding year, and rounding the resulting sum to the 66664  
nearest multiple of fifty dollars. The tax commissioner also shall 66665  
recompute each of the tax dollar amounts to the extent necessary 66666  
to reflect the new adjustment of the income amounts. The rates of 66667  
taxation shall not be adjusted. 66668

The adjusted amounts apply to taxable years beginning in the 66669  
calendar year in which the adjustments are made and to taxable 66670  
years beginning in each ensuing calendar year until a calendar 66671  
year in which a new adjustment is made pursuant to this division. 66672  
The tax commissioner shall not make a new adjustment in any year 66673  
in which the amount resulting from the adjustment would be less 66674  
than the amount resulting from the adjustment in the preceding 66675  
year. The commissioner shall not make a new adjustment for taxable 66676  
years beginning in 2013, 2014, or 2015. 66677

(B) If the director of budget and management makes a 66678  
certification to the tax commissioner under division (B) of 66679  
section 131.44 of the Revised Code, the amount of tax as 66680  
determined under division (A) of this section shall be reduced by 66681  
the percentage prescribed in that certification for taxable years 66682  
beginning in the calendar year in which that certification is 66683  
made. 66684

(C) The levy of this tax on income does not prevent a 66685  
municipal corporation, a joint economic development zone created 66686  
under section 715.691, or a joint economic development district 66687  
created under section 715.70 or 715.71 or sections 715.72 to 66688  
715.81 of the Revised Code from levying a tax on income. 66689

(D) This division applies only to taxable years of a trust 66690  
beginning in 2002 or thereafter. 66691

(1) The tax imposed by this section on a trust shall be 66692  
computed by multiplying the Ohio modified taxable income of the 66693  
trust by the rates prescribed by division (A) of this section. 66694

(2) A resident trust may claim a credit against the tax 66695  
computed under division (D) of this section equal to the lesser of 66696  
(1) the tax paid to another state or the District of Columbia on 66697  
the resident trust's modified nonbusiness income, other than the 66698  
portion of the resident trust's nonbusiness income that is 66699  
qualifying investment income as defined in section 5747.012 of the 66700  
Revised Code, or (2) the effective tax rate, based on modified 66701  
Ohio taxable income, multiplied by the resident trust's modified 66702  
nonbusiness income other than the portion of the resident trust's 66703  
nonbusiness income that is qualifying investment income. The 66704  
credit applies before any other applicable credits. 66705

(3) The credits enumerated in divisions (A)(1) to (13) of 66706  
section 5747.98 of the Revised Code do not apply to a trust 66707  
subject to division (D) of this section. Any credits enumerated in 66708  
other divisions of section 5747.98 of the Revised Code apply to a 66709  
trust subject to division (D) of this section. To the extent that 66710  
the trust distributes income for the taxable year for which a 66711  
credit is available to the trust, the credit shall be shared by 66712  
the trust and its beneficiaries. The tax commissioner and the 66713  
trust shall be guided by applicable regulations of the United 66714  
States treasury regarding the sharing of credits. 66715

(E) For the purposes of this section, "trust" means any trust 66716  
described in Subchapter J of Chapter 1 of the Internal Revenue 66717  
Code, excluding trusts that are not irrevocable as defined in 66718  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 66719  
have no modified Ohio taxable income for the taxable year, 66720  
charitable remainder trusts, qualified funeral trusts and preneed 66721  
funeral contract trusts established pursuant to sections 4717.31 66722  
to 4717.38 of the Revised Code that are not qualified funeral 66723

trusts, endowment and perpetual care trusts, qualified settlement 66724  
trusts and funds, designated settlement trusts and funds, and 66725  
trusts exempted from taxation under section 501(a) of the Internal 66726  
Revenue Code. 66727

**Sec. 5747.025.** (A) For taxable years beginning in 2014 or 66728  
2015, the personal exemption for the taxpayer, the taxpayer's 66729  
spouse, and each dependent shall be one of the following amounts: 66730

(1) Two thousand two hundred dollars for taxable years 66731  
beginning in 2014 and four thousand dollars for taxable years 66732  
beginning in 2015 or thereafter, if the taxpayer's Ohio adjusted 66733  
gross income for the taxable year as shown on an individual or 66734  
joint annual return is less than or equal to forty thousand 66735  
dollars; 66736

(2) One thousand nine hundred fifty dollars for taxable years 66737  
beginning in 2014 and two thousand eight hundred fifty dollars for 66738  
taxable years beginning in 2015 or thereafter, if the taxpayer's 66739  
Ohio adjusted gross income for the taxable year as shown on an 66740  
individual or joint annual return is greater than forty thousand 66741  
dollars but less than or equal to eighty thousand dollars; 66742

(3) One thousand seven hundred dollars, if the taxpayer's 66743  
Ohio adjusted gross income for the taxable year as shown on an 66744  
individual or joint annual return is greater than eighty thousand 66745  
dollars. 66746

(B) For taxable years beginning in 2016 and thereafter, the 66747  
personal exemption amounts prescribed in division (A) of this 66748  
section shall be adjusted each year in the manner prescribed in 66749  
division (C) of this section. In the case of an individual with 66750  
respect to whom an exemption under section 5747.02 of the Revised 66751  
Code is allowable to another taxpayer for a taxable year beginning 66752  
in the calendar year in which the individual's taxable year 66753  
begins, the exemption amount applicable to such individual for 66754

such individual's taxable year shall be zero. 66755

(C) Except as otherwise provided in this division, in August 66756  
of each year, the tax commissioner shall determine the percentage 66757  
increase in the gross domestic product deflator determined by the 66758  
bureau of economic analysis of the United States department of 66759  
commerce from the first day of January of the preceding calendar 66760  
year to the last day of December of the preceding year, and make a 66761  
new adjustment to the personal exemption amount for taxable years 66762  
beginning in the current calendar year by multiplying that amount 66763  
by the percentage increase in the gross domestic product deflator 66764  
for that period; adding the resulting product to the personal 66765  
exemption amount for taxable years beginning in the preceding 66766  
calendar year; and rounding the resulting sum upward to the 66767  
nearest multiple of fifty dollars. The adjusted amount applies to 66768  
taxable years beginning in the calendar year in which the 66769  
adjustment is made and to taxable years beginning in each ensuing 66770  
calendar year until a calendar year in which a new adjustment is 66771  
made pursuant to this division. The commissioner shall not make a 66772  
new adjustment in any calendar year in which the amount resulting 66773  
from the adjustment would be less than the amount resulting from 66774  
the adjustment in the preceding calendar year. 66775

**Sec. 5747.05.** As used in this section, "income tax" includes 66776  
both a tax on net income and a tax measured by net income. 66777

The following credits shall be allowed against the income tax 66778  
imposed by section 5747.02 of the Revised Code on individuals and 66779  
estates: 66780

(A)(1) The amount of tax otherwise due under section 5747.02 66781  
of the Revised Code on such portion of the adjusted gross income 66782  
of any nonresident taxpayer that is not allocable or apportionable 66783  
to this state pursuant to sections 5747.20 to 5747.23 of the 66784  
Revised Code; 66785

(2) The credit provided under this division shall not exceed 66786  
the portion of the total tax due under section 5747.02 of the 66787  
Revised Code that the amount of the nonresident taxpayer's 66788  
adjusted gross income not allocated to this state pursuant to 66789  
sections 5747.20 to 5747.23 of the Revised Code bears to the total 66790  
adjusted gross income of the nonresident taxpayer derived from all 66791  
sources everywhere. 66792

(3) The tax commissioner may enter into an agreement with the 66793  
taxing authorities of any state or of the District of Columbia 66794  
that imposes an income tax to provide that compensation paid in 66795  
this state to a nonresident taxpayer shall not be subject to the 66796  
tax levied in section 5747.02 of the Revised Code so long as 66797  
compensation paid in such other state or in the District of 66798  
Columbia to a resident taxpayer shall likewise not be subject to 66799  
the income tax of such other state or of the District of Columbia. 66800

(B) The lesser of division (B)(1) or (2) of this section: 66801

(1) The amount of tax otherwise due under section 5747.02 of 66802  
the Revised Code on such portion of the adjusted gross income of a 66803  
resident taxpayer that in another state or in the District of 66804  
Columbia is subjected to an income tax. The credit provided under 66805  
division (B)(1) of this section shall not exceed the portion of 66806  
the total tax due under section 5747.02 of the Revised Code that 66807  
the amount of the resident taxpayer's adjusted gross income 66808  
subjected to an income tax in the other state or in the District 66809  
of Columbia bears to the total adjusted gross income of the 66810  
resident taxpayer derived from all sources everywhere. 66811

(2) The amount of income tax liability to another state or 66812  
the District of Columbia on the portion of the adjusted gross 66813  
income of a resident taxpayer that in another state or in the 66814  
District of Columbia is subjected to an income tax. The credit 66815  
provided under division (B)(2) of this section shall not exceed 66816  
the amount of tax otherwise due under section 5747.02 of the 66817

Revised Code. 66818

(3) If the credit provided under division (B) of this section 66819  
is affected by a change in either the portion of adjusted gross 66820  
income of a resident taxpayer subjected to an income tax in 66821  
another state or the District of Columbia or the amount of income 66822  
tax liability that has been paid to another state or the District 66823  
of Columbia, the taxpayer shall report the change to the tax 66824  
commissioner within sixty days of the change in such form as the 66825  
commissioner requires. 66826

(a) In the case of an underpayment, the report shall be 66827  
accompanied by payment of any additional tax due as a result of 66828  
the reduction in credit together with interest on the additional 66829  
tax and is a return subject to assessment under section 5747.13 of 66830  
the Revised Code solely for the purpose of assessing any 66831  
additional tax due under this division, together with any 66832  
applicable penalty and interest. It shall not reopen the 66833  
computation of the taxpayer's tax liability under this chapter 66834  
from a previously filed return no longer subject to assessment 66835  
except to the extent that such liability is affected by an 66836  
adjustment to the credit allowed by division (B) of this section. 66837

(b) In the case of an overpayment, an application for refund 66838  
may be filed under this division within the sixty-day period 66839  
prescribed for filing the report even if it is beyond the period 66840  
prescribed in section 5747.11 of the Revised Code if it otherwise 66841  
conforms to the requirements of such section. An application filed 66842  
under this division shall only claim refund of overpayments 66843  
resulting from an adjustment to the credit allowed by division (B) 66844  
of this section unless it is also filed within the time prescribed 66845  
in section 5747.11 of the Revised Code. It shall not reopen the 66846  
computation of the taxpayer's tax liability except to the extent 66847  
that such liability is affected by an adjustment to the credit 66848  
allowed by division (B) of this section. 66849

(4) No credit shall be allowed under division (B) of this section ~~for~~: 66850  
66851

(a) For income tax paid or accrued to another state or to the District of Columbia if the taxpayer, when computing federal adjusted gross income, has directly or indirectly deducted, or was required to directly or indirectly deduct, the amount of that income tax; 66852  
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(b) For compensation that is not subject to the income tax of another state or the District of Columbia as the result of an agreement entered into by the tax commissioner under division (A)(3) of this section; or 66857  
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(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid. 66861  
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~~(C) For a taxpayer sixty five years of age or older during the taxable year, a credit for such year equal to fifty dollars for each return required to be filed under section 5747.08 of the Revised Code.~~ 66865  
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~~(D) A taxpayer sixty five years of age or older during the taxable year who has received a lump sum distribution from a pension, retirement, or profit sharing plan in the taxable year may elect to receive a credit under this division in lieu of the credit to which the taxpayer is entitled under division (C) of this section. A taxpayer making such election shall receive a credit for the taxable year equal to fifty dollars times the taxpayer's expected remaining life as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year which includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to the credit authorized under division (C) of this~~ 66869  
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~~section in subsequent taxable years except that if such election was made prior to July 1, 1983, the taxpayer is entitled to one half the credit authorized under such division in subsequent taxable years but may not make another election under this division.~~ 66881  
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~~(E) A taxpayer who is not sixty five years of age or older during the taxable year who has received a lump sum distribution from a pension, retirement, or profit sharing plan in a taxable year ending on or before July 31, 1991, may elect to take a credit against the tax otherwise due under this chapter for such year equal to fifty dollars times the expected remaining life of a taxpayer sixty five years of age as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year which includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to a credit under division (C) or (D) of this section in any subsequent year except that if such election was made prior to July 1, 1983, the taxpayer is entitled to one half the credit authorized under division (C) of this section in subsequent years but may not make another election under this division. No taxpayer may make an election under this division for a taxable year ending on or after August 1, 1991.~~ 66886  
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~~(F) A taxpayer making an election under either division (D) or (E) of this section may make only one such election in the taxpayer's lifetime.~~ 66903  
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~~(G) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits.~~ 66906  
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~~(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section~~ 66911  
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5747.02 of the Revised Code after subtracting any other credits 66913  
that precede the credit under that division in the order required 66914  
under section 5747.98 of the Revised Code. The credit allowed 66915  
under division (B) of this section shall be calculated based upon 66916  
the amount of tax due under section 5747.02 of the Revised Code 66917  
after subtracting any other credits that precede the credit under 66918  
that division in the order required under section 5747.98 of the 66919  
Revised Code. 66920

(E)(1) On a joint return filed by a husband and wife, each of 66921  
whom had adjusted gross income of at least five hundred dollars, 66922  
exclusive of interest, dividends and distributions, royalties, 66923  
rent, and capital gains, a credit equal to the percentage shown in 66924  
the table contained in this division of the amount of tax due 66925  
after allowing for any other credit that precedes the credit under 66926  
this division in the order required under section 5747.98 of the 66927  
Revised Code. 66928

(2) The credit to which a taxpayer is entitled under this 66929  
division in any taxable year is the percentage shown in column B 66930  
that corresponds with the taxpayer's adjusted gross income, less 66931  
exemptions for the taxable year: 66932

A.	B.	
IF THE ADJUSTED GROSS INCOME,	THE CREDIT FOR THE TAXABLE	66934
LESS EXEMPTIONS, FOR THE TAX YEAR	YEAR IS:	
IS:		
\$25,000 or less	20%	66935
More than \$25,000 but not more	15%	66936
than \$50,000		
More than \$50,000 but not more	10%	66937
than \$75,000		
More than \$75,000	5%	66938

(3) The credit allowed under this division shall not exceed 66939  
six hundred fifty dollars in any taxable year. 66940

(4) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 66941  
66942

~~(H)(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules. Each credit under this section shall be claimed in the order required under section 5747.98 of the Revised Code.~~ 66943  
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~~(I) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits.~~ 66948  
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~~(J) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code.~~ 66953  
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~~(K) No credit shall be allowed under division (B) of this section unless the taxpayer furnishes such proof as the tax commissioner shall require that the income tax liability has been paid to another state or the District of Columbia.~~ 66963  
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~~(L) No credit shall be allowed under division (B) of this section for compensation that is not subject to the income tax of another state or the District of Columbia as the result of an agreement entered into by the tax commissioner under division (A)(3) of this section.~~ 66967  
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Sec. 5747.055. (A) As used in this section "retirement  
income" means retirement benefits, annuities, or distributions  
that are made from or pursuant to a pension, retirement, or  
profit-sharing plan and that:

(1) In the case of an individual, are received by the  
individual on account of retirement and are included in the  
individual's adjusted gross income;

(2) In the case of an estate, are payable to the estate for  
the benefit of the surviving spouse of the decedent and are  
included in the estate's taxable income.

(B) A credit shall be allowed against the tax imposed by  
section 5747.02 of the Revised Code for taxpayers who received  
retirement income during the taxable year and whose adjusted gross  
income for the taxable year, less applicable exemptions under  
section 5747.025 of the Revised Code, as shown on an individual or  
joint annual return is less than one hundred thousand dollars.  
Only one such credit shall be allowed for each return, and the  
amount of the credit shall be computed in accordance with the  
following schedule, subject to the limitation provided in division  
(F) of this section:

AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR
\$500 or less	\$ 0
Over \$500 but not more than \$1,500	\$ 25
Over \$1,500 but not more than \$3,000	\$ 50
Over \$3,000 but not more than \$5,000	\$ 80
Over \$5,000 but not more than \$8,000	\$130
Over \$8,000	\$200

(C) At the election of a taxpayer who receives a lump-sum  
distribution from a pension, retirement, or profit-sharing plan  
within one taxable year and whose adjusted gross income for the

taxable year, less applicable exemptions under section 5747.025 of 67003  
the Revised Code, as shown on an individual or joint annual return 67004  
is less than one hundred thousand dollars, the credit allowed by 67005  
this section for that year shall be computed as follows: 67006

(1) Divide the amount of retirement income received during 67007  
the taxable year by the taxpayer's expected remaining life on the 67008  
last day of the taxable year, as shown by annuity tables issued 67009  
under the provisions of the Internal Revenue Code and in effect 67010  
for the calendar year that includes the last day of the taxable 67011  
year; 67012

(2) Using the quotient thus obtained as the amount of 67013  
retirement income received during the taxable year, compute the 67014  
credit for the taxable year in accordance with division (B) of 67015  
this section; 67016

(3) Multiply the credit thus obtained by the taxpayer's 67017  
expected remaining life. The product thus obtained shall be the 67018  
credit under this division for the taxable year. A taxpayer who 67019  
elects to receive a credit under this division is not entitled to 67020  
receive a credit under this section for any subsequent year except 67021  
as provided in divisions (D) and (E) of this section. 67022

(D) If the credit under division (C) or (E) of this section 67023  
exceeds the tax due for the taxable year after allowing for any 67024  
other credit that precedes that credit in the order required under 67025  
section 5747.98 of the Revised Code, the taxpayer may elect to 67026  
receive a credit for each subsequent taxable year. The amount of 67027  
the credit for each such year shall be computed as follows: 67028

(1) Determine the amount by which the unused credit elected 67029  
under division (C) or (E) of this section exceeded the tax due for 67030  
the taxable year after allowing for any preceding credit in the 67031  
required order; 67032

(2) Divide the amount of such excess by one year less than 67033

the taxpayer's expected remaining life on the last day of the 67034  
taxable year of the distribution for which the credit was allowed 67035  
under division (C) or (E) of this section. The quotient thus 67036  
obtained shall be the credit for each subsequent year. 67037

(E) If subsequent to the receipt of a lump-sum distribution 67038  
and an election under division (C) of this section an individual 67039  
receives another lump-sum distribution within one taxable year, 67040  
and the taxpayer's adjusted gross income for the taxable year, 67041  
less applicable exemptions under section 5747.025 of the Revised 67042  
Code, as shown on an individual or joint annual return is less 67043  
than one hundred thousand dollars, the taxpayer may elect to 67044  
receive a credit for that taxable year. The credit shall equal the 67045  
lesser of: 67046

(1) A credit computed in the manner prescribed in division 67047  
(C) of this section; 67048

(2) The amount of credit, if any, to which the taxpayer would 67049  
otherwise be entitled for the taxable year under division (D) of 67050  
this section times the taxpayer's expected remaining life on the 67051  
last day of the taxable year. A taxpayer who elects to receive a 67052  
credit under this division is not entitled to a credit under this 67053  
section for any subsequent year except as provided in division (D) 67054  
of this section. 67055

~~(F) In the case of a taxpayer who elected to take an 67056  
exclusion under division (A)(1) or (3) of former section 5747.01 67057  
of the Revised Code based upon the taxpayer's expected remaining 67058  
life, and who was entitled immediately preceding the effective 67059  
date of this section under division (A)(2) or (3) of such section 67060  
to a further exclusion, any credit computed in accordance with the 67061  
schedule in division (B) of this section, including the credit 67062  
computed under division (C)(2) of this section, shall not exceed 67063  
the credit available upon an amount of retirement income received 67064  
during the taxable year equal to the sum of such former exclusion 67065~~

~~plus four thousand dollars~~ A credit equal to fifty dollars for 67066  
each return required to be filed under section 5747.08 of the 67067  
Revised Code shall be allowed against the tax imposed by section 67068  
5747.02 of the Revised Code for taxpayers sixty-five years of age 67069  
or older during the taxable year whose adjusted gross income, less 67070  
applicable exemptions under section 5747.025 of the Revised Code, 67071  
as shown on an individual or joint annual return is less than one 67072  
hundred thousand dollars for that taxable year. 67073

(G) A taxpayer sixty-five years of age or older during the 67074  
taxable year who has received a lump-sum distribution from a 67075  
pension, retirement, or profit-sharing plan in the taxable year, 67076  
and whose adjusted gross income, less applicable exemptions under 67077  
section 5747.025 of the Revised Code, as shown on an individual or 67078  
joint annual return is less than one hundred thousand dollars for 67079  
that taxable year may elect to receive a credit under this 67080  
division in lieu of the credit to which the taxpayer is entitled 67081  
under division (F) of this section. A taxpayer making such an 67082  
election shall receive a credit for the taxable year against the 67083  
tax imposed by section 5747.02 of the Revised Code equal to fifty 67084  
dollars times the taxpayer's expected remaining life as shown by 67085  
annuity tables issued under the Internal Revenue Code and in 67086  
effect for the calendar year that includes the last day of the 67087  
taxable year. A taxpayer making an election under this division is 67088  
not entitled to the credit authorized under division (F) of this 67089  
section in subsequent taxable years. 67090

(H) The credits allowed by this section shall be claimed in 67091  
the order required under section 5747.98 of the Revised Code. The 67092  
tax commissioner may require a taxpayer to furnish any information 67093  
necessary to support a claim for credit under this section, and no 67094  
credit shall be allowed unless such information is provided. 67095

**Sec. 5747.058.** (A) A refundable income tax credit granted by 67096

the tax credit authority under section 122.17 or former division 67097  
(B)(2) or (3) of section 122.171 of the Revised Code, as those 67098  
divisions existed before the effective date of the amendment of 67099  
this section by ...B... of the 131st general assembly, may be 67100  
claimed under this chapter, in the order required under section 67101  
5747.98 of the Revised Code. For purposes of making tax payments 67102  
under this chapter, taxes equal to the amount of the refundable 67103  
credit shall be considered to be paid to this state on the first 67104  
day of the taxable year. The refundable credit shall not be 67105  
claimed for any taxable years ending with or following the 67106  
calendar year in which a relocation of employment positions occurs 67107  
in violation of an agreement entered into under section 122.17 or 67108  
122.171 of the Revised Code. 67109

(B) A nonrefundable income tax credit granted by the tax 67110  
credit authority under division (B)~~(1)~~ of section 122.171 of the 67111  
Revised Code may be claimed under this chapter, in the order 67112  
required under section 5747.98 of the Revised Code. 67113

**Sec. 5747.08.** An annual return with respect to the tax 67114  
imposed by section 5747.02 of the Revised Code and each tax 67115  
imposed under Chapter 5748. of the Revised Code shall be made by 67116  
every taxpayer for any taxable year for which the taxpayer is 67117  
liable for the tax imposed by that section or under that chapter, 67118  
unless the total credits allowed under ~~divisions~~ division (E)~~,~~ 67119  
~~(F), and (G)~~ of section 5747.05 and divisions (F) and (G) of 67120  
section 5747.055 of the Revised Code for the year are equal to or 67121  
exceed the tax imposed by section 5747.02 of the Revised Code, in 67122  
which case no return shall be required unless the taxpayer is 67123  
liable for a tax imposed pursuant to Chapter 5748. of the Revised 67124  
Code. 67125

(A) If an individual is deceased, any return or notice 67126  
required of that individual under this chapter shall be made and 67127

filed by that decedent's executor, administrator, or other person 67128  
charged with the property of that decedent. 67129

(B) If an individual is unable to make a return or notice 67130  
required by this chapter, the return or notice required of that 67131  
individual shall be made and filed by the individual's duly 67132  
authorized agent, guardian, conservator, fiduciary, or other 67133  
person charged with the care of the person or property of that 67134  
individual. 67135

(C) Returns or notices required of an estate or a trust shall 67136  
be made and filed by the fiduciary of the estate or trust. 67137

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 67138  
of this section, any pass-through entity may file a single return 67139  
on behalf of one or more of the entity's investors other than an 67140  
investor that is a person subject to the tax imposed under section 67141  
5733.06 of the Revised Code. The single return shall set forth the 67142  
name, address, and social security number or other identifying 67143  
number of each of those pass-through entity investors and shall 67144  
indicate the distributive share of each of those pass-through 67145  
entity investor's income taxable in this state in accordance with 67146  
sections 5747.20 to 5747.231 of the Revised Code. Such 67147  
pass-through entity investors for whom the pass-through entity 67148  
elects to file a single return are not entitled to the exemption 67149  
or credit provided for by sections 5747.02 and 5747.022 of the 67150  
Revised Code; shall calculate the tax before business credits at 67151  
the highest rate of tax set forth in section 5747.02 of the 67152  
Revised Code for the taxable year for which the return is filed; 67153  
and are entitled to only their distributive share of the business 67154  
credits as defined in division (D)(2) of this section. A single 67155  
check drawn by the pass-through entity shall accompany the return 67156  
in full payment of the tax due, as shown on the single return, for 67157  
such investors, other than investors who are persons subject to 67158  
the tax imposed under section 5733.06 of the Revised Code. 67159

(b)(i) A pass-through entity shall not include in such a 67160  
single return any investor that is a trust to the extent that any 67161  
direct or indirect current, future, or contingent beneficiary of 67162  
the trust is a person subject to the tax imposed under section 67163  
5733.06 of the Revised Code. 67164

(ii) A pass-through entity shall not include in such a single 67165  
return any investor that is itself a pass-through entity to the 67166  
extent that any direct or indirect investor in the second 67167  
pass-through entity is a person subject to the tax imposed under 67168  
section 5733.06 of the Revised Code. 67169

(c) Nothing in division (D) of this section precludes the tax 67170  
commissioner from requiring such investors to file the return and 67171  
make the payment of taxes and related interest, penalty, and 67172  
interest penalty required by this section or section 5747.02, 67173  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 67174  
of this section precludes such an investor from filing the annual 67175  
return under this section, utilizing the refundable credit equal 67176  
to the investor's proportionate share of the tax paid by the 67177  
pass-through entity on behalf of the investor under division (I) 67178  
of this section, and making the payment of taxes imposed under 67179  
section 5747.02 of the Revised Code. Nothing in division (D) of 67180  
this section shall be construed to provide to such an investor or 67181  
pass-through entity any additional deduction or credit, other than 67182  
the credit provided by division (I) of this section, solely on 67183  
account of the entity's filing a return in accordance with this 67184  
section. Such a pass-through entity also shall make the filing and 67185  
payment of estimated taxes on behalf of the pass-through entity 67186  
investors other than an investor that is a person subject to the 67187  
tax imposed under section 5733.06 of the Revised Code. 67188

(2) For the purposes of this section, "business credits" 67189  
means the credits listed in section 5747.98 of the Revised Code 67190  
excluding the following credits: 67191

(a) The retirement <u>income</u> credit under division (B) of section 5747.055 of the Revised Code;	67192 67193
(b) The senior citizen credit under division <del>(C)</del> <u>(F)</u> of section <del>5747.05</del> <u>5747.055</u> of the Revised Code;	67194 67195
(c) The lump sum distribution credit under division <del>(D)</del> <u>(G)</u> of section <del>5747.05</del> <u>5747.055</u> of the Revised Code;	67196 67197
(d) The dependent care credit under section 5747.054 of the Revised Code;	67198 67199
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	67200 67201
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	67202 67203
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	67204 67205
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	67206 67207
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	67208 67209
(j) The joint filing credit under division <del>(C)</del> <u>(E)</u> of section 5747.05 of the Revised Code;	67210 67211
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	67212 67213
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	67214 67215
(m) The low-income credit under section 5747.056 of the Revised Code;	67216 67217
(n) The earned income tax credit under section 5747.71 of the Revised Code.	67218 67219
(3) The election provided for under division (D) of this	67220

section applies only to the taxable year for which the election is 67221  
made by the pass-through entity. Unless the tax commissioner 67222  
provides otherwise, this election, once made, is binding and 67223  
irrevocable for the taxable year for which the election is made. 67224  
Nothing in this division shall be construed to provide for any 67225  
deduction or credit that would not be allowable if a nonresident 67226  
pass-through entity investor were to file an annual return. 67227

(4) If a pass-through entity makes the election provided for 67228  
under division (D) of this section, the pass-through entity shall 67229  
be liable for any additional taxes, interest, interest penalty, or 67230  
penalties imposed by this chapter if the tax commissioner finds 67231  
that the single return does not reflect the correct tax due by the 67232  
pass-through entity investors covered by that return. Nothing in 67233  
this division shall be construed to limit or alter the liability, 67234  
if any, imposed on pass-through entity investors for unpaid or 67235  
underpaid taxes, interest, interest penalty, or penalties as a 67236  
result of the pass-through entity's making the election provided 67237  
for under division (D) of this section. For the purposes of 67238  
division (D) of this section, "correct tax due" means the tax that 67239  
would have been paid by the pass-through entity had the single 67240  
return been filed in a manner reflecting the commissioner's 67241  
findings. Nothing in division (D) of this section shall be 67242  
construed to make or hold a pass-through entity liable for tax 67243  
attributable to a pass-through entity investor's income from a 67244  
source other than the pass-through entity electing to file the 67245  
single return. 67246

(E) If a husband and wife file a joint federal income tax 67247  
return for a taxable year, they shall file a joint return under 67248  
this section for that taxable year, and their liabilities are 67249  
joint and several, but, if the federal income tax liability of 67250  
either spouse is determined on a separate federal income tax 67251  
return, they shall file separate returns under this section. 67252

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the extension results in an extension of time for the payment of any state or school district income tax liability with respect to which the return is filed, the taxpayer shall pay at the time the tax liability is paid an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that liability from the time that payment is due without extension

to the time of actual payment. Except as provided in section 67285  
5747.132 of the Revised Code, in addition to all other interest 67286  
charges and penalties, all taxes imposed under this chapter or 67287  
Chapter 5748. of the Revised Code and remaining unpaid after they 67288  
become due, except combined amounts due of one dollar or less, 67289  
bear interest at the rate per annum prescribed by section 5703.47 67290  
of the Revised Code until paid or until the day an assessment is 67291  
issued under section 5747.13 of the Revised Code, whichever occurs 67292  
first. 67293

If the commissioner considers it necessary in order to ensure 67294  
the payment of the tax imposed by section 5747.02 of the Revised 67295  
Code or any tax imposed under Chapter 5748. of the Revised Code, 67296  
the commissioner may require returns and payments to be made 67297  
otherwise than as provided in this section. 67298

To the extent that any provision in this division conflicts 67299  
with any provision in section 5747.026 of the Revised Code, the 67300  
provision in that section prevails. 67301

(H) The amounts withheld by an employer pursuant to section 67302  
5747.06 of the Revised Code, a casino operator pursuant to section 67303  
5747.063 of the Revised Code, or a lottery sales agent pursuant to 67304  
section 5747.064 of the Revised Code shall be allowed to the 67305  
recipient of the compensation casino winnings, or lottery prize 67306  
award as credits against payment of the appropriate taxes imposed 67307  
on the recipient by section 5747.02 and under Chapter 5748. of the 67308  
Revised Code. 67309

(I) If a pass-through entity elects to file a single return 67310  
under division (D) of this section and if any investor is required 67311  
to file the annual return and make the payment of taxes required 67312  
by this chapter on account of the investor's other income that is 67313  
not included in a single return filed by a pass-through entity or 67314  
any other investor elects to file the annual return, the investor 67315  
is entitled to a refundable credit equal to the investor's 67316

proportionate share of the tax paid by the pass-through entity on 67317  
behalf of the investor. The investor shall claim the credit for 67318  
the investor's taxable year in which or with which ends the 67319  
taxable year of the pass-through entity. Nothing in this chapter 67320  
shall be construed to allow any credit provided in this chapter to 67321  
be claimed more than once. For the purpose of computing any 67322  
interest, penalty, or interest penalty, the investor shall be 67323  
deemed to have paid the refundable credit provided by this 67324  
division on the day that the pass-through entity paid the 67325  
estimated tax or the tax giving rise to the credit. 67326

(J) The tax commissioner shall ensure that each return 67327  
required to be filed under this section includes a box that the 67328  
taxpayer may check to authorize a paid tax preparer who prepared 67329  
the return to communicate with the department of taxation about 67330  
matters pertaining to the return. The return or instructions 67331  
accompanying the return shall indicate that by checking the box 67332  
the taxpayer authorizes the department of taxation to contact the 67333  
preparer concerning questions that arise during the processing of 67334  
the return and authorizes the preparer only to provide the 67335  
department with information that is missing from the return, to 67336  
contact the department for information about the processing of the 67337  
return or the status of the taxpayer's refund or payments, and to 67338  
respond to notices about mathematical errors, offsets, or return 67339  
preparation that the taxpayer has received from the department and 67340  
has shown to the preparer. 67341

(K) The tax commissioner shall permit individual taxpayers to 67342  
instruct the department of taxation to cause any refund of 67343  
overpaid taxes to be deposited directly into a checking account, 67344  
savings account, or an individual retirement account or individual 67345  
retirement annuity, or preexisting college savings plan or program 67346  
account offered by the Ohio tuition trust authority under Chapter 67347  
3334. of the Revised Code, as designated by the taxpayer, when the 67348

taxpayer files the annual return required by this section 67349  
electronically. 67350

(L) The tax commissioner may adopt rules to administer this 67351  
section. 67352

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under 67353  
section 5747.11 of the Revised Code who wishes to contribute any 67354  
part of the taxpayer's refund to the natural areas and preserves 67355  
fund created in section 1517.11 of the Revised Code, the nongame 67356  
and endangered wildlife fund created in section 1531.26 of the 67357  
Revised Code, the military injury relief fund created in section 67358  
~~5101.98~~ 5902.05 of the Revised Code, the Ohio historical society 67359  
income tax contribution fund created in section 149.308 of the 67360  
Revised Code, the breast and cervical cancer project income tax 67361  
contribution fund created in section 3701.601 of the Revised Code, 67362  
or all of those funds may designate on the taxpayer's income tax 67363  
return the amount that the taxpayer wishes to contribute to the 67364  
fund or funds. A designated contribution is irrevocable upon the 67365  
filing of the return and shall be made in the full amount 67366  
designated if the refund found due the taxpayer upon the initial 67367  
processing of the taxpayer's return, after any deductions 67368  
including those required by section 5747.12 of the Revised Code, 67369  
is greater than or equal to the designated contribution. If the 67370  
refund due as initially determined is less than the designated 67371  
contribution, the contribution shall be made in the full amount of 67372  
the refund. The tax commissioner shall subtract the amount of the 67373  
contribution from the amount of the refund initially found due the 67374  
taxpayer and shall certify the difference to the director of 67375  
budget and management and treasurer of state for payment to the 67376  
taxpayer in accordance with section 5747.11 of the Revised Code. 67377  
For the purpose of any subsequent determination of the taxpayer's 67378  
net tax payment, the contribution shall be considered a part of 67379  
the refund paid to the taxpayer. 67380

(B) The tax commissioner shall provide a space on the income tax return form in which a taxpayer may indicate that the taxpayer wishes to make a donation in accordance with this section. The tax commissioner shall also print in the instructions accompanying the income tax return form a description of the purposes for which the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio historical society income tax contribution fund, and the breast and cervical cancer project income tax contribution fund were created and the use of moneys from the income tax refund contribution system established in this section. No person shall designate on the person's income tax return any part of a refund claimed under section 5747.11 of the Revised Code as a contribution to any fund other than the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio historical society income tax contribution fund, or the breast and cervical cancer project income tax contribution fund.

(C) The money collected under the income tax refund contribution system established in this section shall be deposited by the tax commissioner into the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio historical society income tax contribution fund, and the breast and cervical cancer project income tax contribution fund in the amounts designated on the tax returns.

(D) No later than the thirtieth day of September each year, the tax commissioner shall determine the total amount contributed to each fund under this section during the preceding eight months, any adjustments to prior months, and the cost to the department of taxation of administering the income tax refund contribution system during that eight-month period. The commissioner shall make an additional determination no later than the thirty-first day of

January of each year of the total amount contributed to each fund 67413  
under this section during the preceding four calendar months, any 67414  
adjustments to prior years made during that four-month period, and 67415  
the cost to the department of taxation of administering the income 67416  
tax contribution system during that period. The cost of 67417  
administering the income tax contribution system shall be 67418  
certified by the tax commissioner to the director of budget and 67419  
management, who shall transfer an amount equal to one-fifth of 67420  
such administrative costs from each of the five funds to the 67421  
income tax contribution fund, which is hereby created, provided 67422  
that the moneys that the department receives to pay the cost of 67423  
administering the income tax refund contribution system in any 67424  
year shall not exceed two and one-half per cent of the total 67425  
amount contributed under that system during that year. 67426

(E) If the total amount contributed to a fund under this 67427  
section in each of two consecutive calendar years is less than one 67428  
hundred fifty thousand dollars, no person may designate a 67429  
contribution to that fund for any taxable year ending after the 67430  
last day of that two-year period. In such a case, the tax 67431  
commissioner shall remove the space dedicated to the fund on the 67432  
income tax return and the description of the fund in the 67433  
instructions accompanying the income tax return. 67434

(F) The general assembly may authorize taxpayer refund 67435  
contributions to no more than six funds under the income tax 67436  
refund contribution system established in this section. If the 67437  
general assembly authorizes income tax refund contributions to a 67438  
fund other than the natural areas and preserves fund, the nongame 67439  
and endangered wildlife fund, the military injury relief fund, the 67440  
Ohio historical society income tax contribution fund, or the 67441  
breast and cervical cancer project income tax contribution fund, 67442  
such contributions may be authorized only for a period of two 67443  
calendar years. 67444

With the exception of the Ohio historical society income tax contribution fund, the general assembly may authorize income tax refund contributions to a fund only if all the money in the fund will be expended or distributed by a state agency as defined in section 1.60 of the Revised Code.

(G)(1) The director of natural resources, in January of every odd-numbered year, shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the natural areas and preserves fund and the nongame and endangered wildlife fund. The report shall include the amount of money contributed to each fund in each of the previous five years, the amount of money contributed directly to each fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

(2) The director of ~~job and family~~ veterans services, the director of the Ohio historical society, and the director of health, in January of every odd-numbered year, each shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the military injury relief fund, the Ohio historical society income tax contribution fund, and the breast and cervical cancer project income tax contribution fund, respectively. The report shall include the amount of money contributed to the fund in each of the previous five years, the amount of money contributed directly to the fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

**Sec. 5747.71.** There is hereby allowed a nonrefundable credit against the tax imposed by section 5747.02 of the Revised Code for a taxpayer who is an "eligible individual" as defined in section

32 of the Internal Revenue Code. The credit shall equal five per cent of the credit allowed on the taxpayer's federal income tax return pursuant to section 32 of the Internal Revenue Code for taxable years beginning in 2013, and ten per cent of the federal credit allowed for taxable years beginning in or after 2014. If the Ohio adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse if the taxpayer and the taxpayer's spouse file a joint return under section 5747.08 of the Revised Code, less applicable exemptions under section 5747.025 of the Revised Code, exceeds twenty thousand dollars, the credit authorized by this section shall not exceed fifty per cent of the amount of tax otherwise due under section 5747.02 of the Revised Code after deducting any other nonrefundable credits that precede the credit allowed under this section in the order prescribed by section 5747.98 of the Revised Code except for the joint filing credit authorized under division ~~(G)~~(E) of section 5747.05 of the Revised Code. In all other cases, the credit authorized by this section shall not exceed the amount of tax otherwise due under section 5747.02 of the Revised Code after deducting any other nonrefundable credits that precede the credit allowed under this section in the order prescribed by section 5747.98 of the Revised Code.

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code.

**Sec. 5747.98.** (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(2) The senior citizen credit under division <del>(C)</del> (F) of section 5747.05 <u>5747.055</u> of the Revised Code;	67506 67507
(3) The lump sum distribution credit under division <del>(D)</del> (G) of section 5747.05 <u>5747.055</u> of the Revised Code;	67508 67509
(4) The dependent care credit under section 5747.054 of the Revised Code;	67510 67511
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	67512 67513
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	67514 67515
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	67516 67517
(8) The low-income credit under section 5747.056 of the Revised Code;	67518 67519
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	67520 67521
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	67522 67523
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	67524 67525
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	67526 67527
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	67528 67529
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	67530 67531
(15) The earned income credit under section 5747.71 of the Revised Code;	67532 67533
(16) The credit for employers that reimburse employee child	67534

care expenses under section 5747.36 of the Revised Code;	67535
(17) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	67536 67537
(18) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	67538 67539
(19) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	67540 67541
(20) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	67542 67543 67544
(21) The job training credit under section 5747.39 of the Revised Code;	67545 67546
(22) The enterprise zone credit under section 5709.66 of the Revised Code;	67547 67548
(23) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	67549 67550
(24) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	67551 67552
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	67553 67554
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	67555 67556
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	67557 67558
(28) The small business investment credit under section 5747.81 of the Revised Code;	67559 67560
(29) The enterprise zone credits under section 5709.65 of the Revised Code;	67561 67562
(30) The research and development credit under section	67563

5747.331 of the Revised Code;	67564
(31) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	67565 67566
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	67567 67568
(33) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	67569 67570
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	67571 67572
(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	67573 67574 67575
(36) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	67576 67577 67578
(37) The refundable motion picture production credit under section 5747.66 of the Revised Code;	67579 67580
(38) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	67581 67582 67583
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	67584 67585 67586 67587 67588 67589 67590 67591 67592 67593

Sec. 5749.01. As used in this chapter:	67594
(A) "Ton" shall mean two thousand pounds as measured at the point and time of severance, after the removal of any impurities, under such rules and regulations as the tax commissioner may prescribe.	67595 67596 67597 67598
(B) "Taxpayer" means any person required to pay the tax levied by Chapter 5749. of the Revised Code.	67599 67600
(C) "Natural resource" means all forms of coal, salt, limestone, dolomite, sand, gravel, <del>natural gas, and oil,</del> <u>condensate, and natural gas liquids.</u>	67601 67602 67603
(D) "Owner," <del>has</del> <u>"exempt domestic well," "oil," "condensate," and "horizontal well" have the same meaning meanings</u> as in section 1509.01 of the Revised Code.	67604 67605 67606
(E) "Person" means any individual, firm, partnership, association, joint stock company, corporation, or estate, or combination thereof.	67607 67608 67609
(F) "Return" means any report or statement required to be filed pursuant to Chapter 5749. of the Revised Code used to determine the tax due.	67610 67611 67612
(G) "Severance" means the extraction or other removal of a natural resource from the soil or water of this state.	67613 67614
(H) "Severed" means the point at which the natural resource has been separated from the soil or water in this state.	67615 67616
(I) "Severer" means any person who actually removes the natural resources from the soil or water in this state.	67617 67618
(J) <u>"Gas" means all hydrocarbons that are in a gaseous state at standard temperature and pressure.</u>	67619 67620
(K) <u>"Natural gas liquids" means hydrocarbons separated from gas, including ethane, propane, butanes, pentanes, hexanes, and</u>	67621 67622

natural gasolines. 67623

(L) "Average quarterly spot price" means the following: 67624

(1) For oil, the average of each day's closing spot price 67625  
reported for one barrel of crude oil for the calendar quarter that 67626  
begins six months before the current calendar quarter, as reported 67627  
by a publicly available source determined by the commissioner; 67628

(2) For gas, the average of each day's closing spot price 67629  
reported for one thousand cubic feet of natural gas for the 67630  
calendar quarter that begins six months before the current 67631  
calendar quarter, as reported by a publicly available source 67632  
determined by the commissioner. 67633

(3) For condensate, the average of each day's closing spot 67634  
price reported for one barrel of Marcellus-Utica condensate for 67635  
the calendar quarter that begins six months before the current 67636  
calendar quarter, as reported by a source determined by the 67637  
commissioner; 67638

(4) For natural gas liquids, the average of each day's 67639  
closing spot price reported for one million British thermal units 67640  
of natural gas plant liquids composite for the calendar quarter 67641  
that begins six months before the current calendar quarter, as 67642  
reported by a publicly available source determined by the 67643  
commissioner. 67644

(M) "Former section 1509.50 of the Revised Code" means 67645  
section 1509.50 of the Revised Code as it existed before its 67646  
repeal by ...B... of the 131st general assembly. 67647

**Sec. 5749.02.** (A) For the purpose of providing revenue to 67648  
administer the state's coal mining and reclamation regulatory 67649  
program and the state's oil and gas regulatory program, to meet 67650  
the environmental and resource management needs of this state, to 67651  
provide revenue to the general revenue fund and to fund the needs 67652

of local governments in this state, and to reclaim land affected 67653  
by mining, an excise tax is hereby levied on the privilege of 67654  
engaging in the severance of natural resources from the soil or 67655  
water of this state. The tax shall be imposed upon the severer at 67656  
the rates prescribed by ~~divisions (A)(1) to (9)~~ of this section: 67657

(1) Ten cents per ton of coal; 67658

(2) Four cents per ton of salt; 67659

(3) Two cents per ton of limestone or dolomite; 67660

(4) Two cents per ton of sand and gravel; 67661

(5) ~~Ten~~ Twenty cents per barrel of oil severed from a well 67662  
that is not a horizontal well; 67663

(6) ~~Two and one-half~~ Three cents per thousand cubic feet of 67664  
natural gas severed from a well that is not a horizontal well; 67665

(7) One cent per ton of clay, sandstone or conglomerate, 67666  
shale, gypsum, or quartzite; 67667

(8) Except as otherwise provided in this division or in rules 67668  
adopted by the reclamation forfeiture fund advisory board under 67669  
section 1513.182 of the Revised Code, an additional fourteen cents 67670  
per ton of coal produced from an area under a coal mining and 67671  
reclamation permit issued under Chapter 1513. of the Revised Code 67672  
for which the performance security is provided under division 67673  
(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 67674  
2007, if at the end of a fiscal biennium the balance of the 67675  
reclamation forfeiture fund created in section 1513.18 of the 67676  
Revised Code is equal to or greater than ten million dollars, the 67677  
rate levied shall be twelve cents per ton. Beginning July 1, 2007, 67678  
if at the end of a fiscal biennium the balance of the fund is at 67679  
least five million dollars, but less than ten million dollars, the 67680  
rate levied shall be fourteen cents per ton. Beginning July 1, 67681  
2007, if at the end of a fiscal biennium the balance of the fund 67682

is less than five million dollars, the rate levied shall be 67683  
sixteen cents per ton. Beginning July 1, 2009, not later than 67684  
thirty days after the close of a fiscal biennium, the chief of the 67685  
division of mineral resources management shall certify to the tax 67686  
commissioner the amount of the balance of the reclamation 67687  
forfeiture fund as of the close of the fiscal biennium. Any 67688  
necessary adjustment of the rate levied shall take effect on the 67689  
first day of the following January and shall remain in effect 67690  
during the calendar biennium that begins on that date. 67691

(9) An additional one and two-tenths cents per ton of coal 67692  
mined by surface mining methods; 67693

(10) For oil severed from a horizontal well, six and one-half 67694  
per cent of the product of the total volume of oil severed during 67695  
the calendar quarter multiplied by the average quarterly spot 67696  
price for oil applicable to that quarter; 67697

(11) For gas severed from a horizontal well, one of the 67698  
following: 67699

(a) For gas that enters the natural gas distribution system 67700  
without further processing, six and one-half per cent of the 67701  
product of the total volume of gas severed during the calendar 67702  
quarter multiplied by the average quarterly spot price for gas 67703  
applicable to that quarter; 67704

(b) For all other gas, four and one-half per cent of the 67705  
product of the total volume of gas after the gas is processed 67706  
during the calendar quarter, regardless of where the processing 67707  
facility is located, multiplied by the average quarterly spot 67708  
price for gas applicable to that quarter. 67709

(12) For condensate collected during the calendar quarter at 67710  
a point other than the wellhead and separated from oil or gas 67711  
severed from a horizontal well, regardless of where title is 67712  
transferred, six and one-half per cent of the product of the 67713

volume of condensate so collected multiplied by the average 67714  
quarterly spot price for condensate applicable to that quarter; 67715

(13) For natural gas liquids collected during the calendar 67716  
quarter at a point other than the wellhead and separated from gas 67717  
severed from a horizontal well, regardless of where title is 67718  
transferred, four and one-half per cent of the product of the 67719  
volume of natural gas liquids so collected multiplied by the 67720  
average quarterly spot price for natural gas liquids applicable to 67721  
that quarter. 67722

(B) After the director of budget and management transfers 67723  
money from the severance tax receipts fund as required in division 67724  
(H) of section 5749.06 of the Revised Code, money remaining in the 67725  
severance tax receipts fund, ~~except for money in the fund from the~~ 67726  
~~amounts due under section 1509.50 of the Revised Code,~~ shall be 67727  
credited as follows: 67728

(1) Of the moneys in the fund from the tax levied in division 67729  
(A)(1) of this section, four and seventy-six-hundredths per cent 67730  
shall be credited to the geological mapping fund created in 67731  
section 1505.09 of the Revised Code, eighty and 67732  
ninety-five-hundredths per cent shall be credited to the coal 67733  
mining administration and reclamation reserve fund created in 67734  
section 1513.181 of the Revised Code, and fourteen and 67735  
twenty-nine-hundredths per cent shall be credited to the 67736  
unreclaimed lands fund created in section 1513.30 of the Revised 67737  
Code. 67738

(2) The money in the fund from the tax levied in division 67739  
(A)(2) of this section shall be credited to the geological mapping 67740  
fund. 67741

(3) Of the moneys in the fund from the tax levied in 67742  
divisions (A)(3) and (4) of this section, seven and five-tenths 67743  
per cent shall be credited to the geological mapping fund, 67744

forty-two and five-tenths per cent shall be credited to the 67745  
unreclaimed lands fund, and the remainder shall be credited to the 67746  
surface mining fund created in section 1514.06 of the Revised 67747  
Code. 67748

(4) Of the moneys in the fund from the tax levied in 67749  
divisions (A)(5) and (6) of this section, ninety per cent shall be 67750  
credited to the oil and gas well fund created in section 1509.02 67751  
of the Revised Code and ten per cent shall be credited to the 67752  
geological mapping fund. All of the moneys in the fund from the 67753  
tax levied in division (A)(7) of this section shall be credited to 67754  
the surface mining fund. 67755

(5) All of the moneys in the fund from the tax levied in 67756  
division (A)(8) of this section shall be credited to the 67757  
reclamation forfeiture fund. 67758

(6) All of the moneys in the fund from the tax levied in 67759  
division (A)(9) of this section shall be credited to the 67760  
unreclaimed lands fund. 67761

(7)(a)(i) On the first day of July of each year, or as soon 67762  
as practicable thereafter, the director of budget and management 67763  
shall certify to the commissioner a schedule listing amounts from 67764  
the severance tax receipts fund from the taxes levied under 67765  
divisions (A)(10) to (13) of this section that the director will 67766  
credit to the oil and gas well fund and geological mapping fund in 67767  
each month of the fiscal year. In determining the amount to be 67768  
transferred each month, the director shall account for amounts 67769  
appropriated for oil and gas regulation, geological mapping, and 67770  
plugging idle and orphaned wells compared to the available balance 67771  
of the oil and gas well fund and the geological mapping fund and 67772  
anticipated revenue to those funds in that fiscal year from 67773  
sources other than the taxes levied in divisions (A)(10) to (13) 67774  
of this section. 67775

(ii) Not later than the twenty-fifth day of each month, the director of budget and management shall transfer from the severance tax receipts fund to the oil and gas well fund and the geological mapping fund the amount the director certified to be transferred to those funds for that month according to the certified schedule in division (B)(7)(a)(i) of this section. 67776  
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(b) After making each of the June, September, December, and March transfers from the severance tax receipts fund to the oil and gas well fund and the geological mapping fund in accordance with division (B)(7)(a)(ii) of this section, but before the ensuing first day of July, October, January, and April, respectively, the director of budget and management shall credit, transfer, or distribute any money remaining in the severance tax receipts fund from the taxes levied under divisions (A)(10) to (13) of this section as follows: 67782  
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(i) Ten per cent to the county severance tax fund, which is hereby created in the state treasury. On or before the last day of March, June, September, and December of each year, the commissioner shall distribute money in the fund to the severance tax fund of each county in the most recent proportions certified to the commissioner by the chief of the division of oil and gas resources management under division (C)(1) of section 1509.11 of the Revised Code. Interest earned on money in the county severance tax fund shall be credited to the fund. 67791  
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(ii) Five per cent to the severance tax infrastructure fund created by section 190.03 of the Revised Code. 67800  
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(iii) Five per cent to the severance tax endowment fund created by section 190.04 of the Revised Code. 67802  
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(iv) Eighty per cent to the general revenue fund. 67804

(C) When, at the close of any fiscal year, the chief finds that the balance of the reclamation forfeiture fund, plus 67805  
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estimated transfers to it from the coal mining administration and 67807  
reclamation reserve fund under section 1513.181 of the Revised 67808  
Code, plus the estimated revenues from the tax levied by division 67809  
(A)(8) of this section for the remainder of the calendar year that 67810  
includes the close of the fiscal year, are sufficient to complete 67811  
the reclamation of all lands for which the performance security 67812  
has been provided under division (C)(2) of section 1513.08 of the 67813  
Revised Code, the purposes for which the tax under division (A)(8) 67814  
of this section is levied shall be deemed accomplished at the end 67815  
of that calendar year. The chief, within thirty days after the 67816  
close of the fiscal year, shall certify those findings to the tax 67817  
commissioner, and the tax levied under division (A)(8) of this 67818  
section shall cease to be imposed for the subsequent calendar year 67819  
after the last day of that calendar year on coal produced under a 67820  
coal mining and reclamation permit issued under Chapter 1513. of 67821  
the Revised Code if the permittee has made tax payments under 67822  
division (A)(8) of this section during each of the preceding five 67823  
full calendar years. Not later than thirty days after the close of 67824  
a fiscal year, the chief shall certify to the tax commissioner the 67825  
identity of any permittees who accordingly no longer are required 67826  
to pay the tax levied under division (A)(8) of this section for 67827  
the subsequent calendar year. 67828

(D) On or before the last day of the first month of each 67829  
calendar quarter, the tax commissioner shall certify and post to 67830  
the department of taxation's web site the average quarterly spot 67831  
price applicable to oil, gas, condensate, and natural gas liquids 67832  
for that quarter. 67833

**Sec. 5749.03.** The following shall be exempt from the tax 67834  
imposed by section 5749.02 of the Revised Code ~~and the amount due~~ 67835  
~~under section 1509.50 of the Revised Code:~~ 67836

(A) The severance of natural resources from land or water in 67837

~~this state owned legally or beneficially by the severer, which 67838  
natural resources will be used on the land from which they are 67839  
taken by the severer as part of the improvement of or use in the 67840  
severer's homestead and which have a yearly cumulative market 67841  
value of not greater than one thousand dollars. When severed 67842  
natural resources so used exceed a cumulative market value of one 67843  
thousand dollars during any year, the further severance of natural 67844  
resources shall be subject to the tax imposed by section 5749.02 67845  
of the Revised Code from an exempt domestic well. 67846~~

~~(B) The severance of gas from a well that is not a horizontal 67847  
well if the total amount of gas severed from the well does not 67848  
exceed one of the following: 67849~~

~~(1) Nine hundred ten thousand cubic feet in a quarter for a 67850  
severer filing quarterly returns under section 5749.06 of the 67851  
Revised Code. 67852~~

~~(2) Three million six hundred forty thousand cubic feet in a 67853  
year for a severer required by the commissioner to file returns 67854  
annually under section 5749.06 of the Revised Code. 67855~~

~~**Sec. 5749.04.** No severer shall sever or sell a natural 67856  
resource in this state without first having obtained a ~~license or 67857  
permit therefor~~ from or registering with the department of natural 67858  
resources. 67859~~

~~Unless the severer has obtained a license or permit from 67860  
another department of this state, the license or permit shall be 67861  
issued by the tax commissioner upon receipt of a completed 67862  
application on a form which he shall prescribe. The license or 67863  
permit shall become effective on the date the application is 67864  
accepted by the commissioner, who shall notify the applicant in 67865  
writing of the acceptance, and shall remain in effect until such 67866  
time as the commissioner revokes the license or permit. The 67867  
commissioner may revoke the license or permit if he finds that the 67868~~

~~applicant has failed to fully and truthfully complete the 67869  
application or has failed to pay the tax required by Chapter 5749- 67870  
of the Revised Code. 67871~~

~~The fee charged for the license or permit shall be fifty 67872  
dollars. The remittance for such fee shall accompany the 67873  
application and shall be made payable to the treasurer of state 67874  
for deposit in the general revenue fund. 67875~~

Before severing a natural resource, each severer shall file 67876  
an application with the commissioner on a form prescribed by the 67877  
commissioner to establish a severance tax account. The application 67878  
may require the severer to disclose any information the 67879  
commissioner considers necessary to establish that account. 67880

**Sec. 5749.06.** (A)(1) Each severer liable for the tax imposed 67881  
by section 5749.02 of the Revised Code ~~and each severer or owner 67882  
liable for the amounts due under section 1509.50 of the Revised 67883  
Code shall make and file returns with the tax commissioner in the 67884  
prescribed form and as of the prescribed times, computing and 67885  
reflecting therein the tax as required by this chapter ~~and amounts 67886  
due under section 1509.50 of the Revised Code. 67887~~~~

(2) The returns shall be filed for every ~~quarterly period, 67888  
which periods shall end on the thirty first day of March, the 67889  
thirtieth day of June, the thirtieth day of September, and the 67890  
thirty first day of December of each year calendar quarter, as 67891  
required by this section, unless a different return period is 67892  
prescribed for a taxpayer by the commissioner. 67893~~

(B)(1) A separate return shall be filed for each calendar 67894  
~~quarterly period~~ quarter, or other period, or any part thereof, 67895  
during which the severer holds a license permit or has registered 67896  
as provided by section 5749.04 of the Revised Code, or is required 67897  
to hold the license, or during which an owner is required to file 67898  
a return permit or be registered. The return shall be filed ~~within 67899~~

~~forty five days after the last~~ on or before the fifteenth day of 67900  
~~each such calendar month, or other period, or any part thereof,~~ 67901  
~~for which the return is required~~ the second month following the 67902  
end of each return period. The tax due is payable along with the 67903  
return. All such returns shall contain such information as the 67904  
commissioner may require to fairly administer the tax. 67905

(2) All returns shall be signed by the severer ~~or owner, as~~ 67906  
~~applicable,~~ shall contain the full and complete information 67907  
requested, and shall be made under penalty of perjury. 67908

(C) If the commissioner believes that quarterly payments of 67909  
tax would result in a delay that might jeopardize the collection 67910  
of such tax payments, the commissioner may order that such 67911  
payments be made weekly, or more frequently if necessary, such 67912  
payments to be made not later than seven days following the close 67913  
of the period for which the jeopardy payment is required. Such an 67914  
order shall be delivered to the taxpayer personally or by 67915  
certified mail and shall remain in effect until the commissioner 67916  
notifies the taxpayer to the contrary. 67917

(D) Upon good cause the commissioner may extend for thirty 67918  
days the period for filing any notice or return required to be 67919  
filed under this section, and may remit all or a part of penalties 67920  
that may become due under this chapter. 67921

(E) Any tax ~~and any amount due under section 1509.50 of the~~ 67922  
~~Revised Code~~ not paid by the day the tax ~~or amount~~ is due shall 67923  
bear interest computed at the rate per annum prescribed by section 67924  
5703.47 of the Revised Code ~~on that amount due~~ from the day that 67925  
the ~~amount~~ tax was originally required to be paid to the day of 67926  
actual payment or to the day an assessment was issued under 67927  
section 5749.07 or 5749.10 of the Revised Code, whichever occurs 67928  
first. 67929

(F) A severer ~~or owner, as applicable,~~ that fails to file a 67930

complete return or pay the full amount due under this chapter 67931  
within the time prescribed, including any extensions of time 67932  
granted by the commissioner, shall be subject to a penalty not to 67933  
exceed the greater of fifty dollars or ten per cent of the amount 67934  
due for the period. 67935

(G)(1) A severer ~~or owner, as applicable,~~ shall remit 67936  
payments electronically and, if required by the commissioner, file 67937  
each return electronically. The commissioner may require that the 67938  
severer ~~or owner~~ use the Ohio business gateway, as defined in 67939  
section 718.01 of the Revised Code, or another electronic means to 67940  
file returns and remit payments electronically. 67941

(2) A severer ~~or owner~~ that is required to remit payments 67942  
electronically under this section may apply to the commissioner, 67943  
in the manner prescribed by the commissioner, to be excused from 67944  
that requirement. The commissioner may excuse a severer ~~or owner~~ 67945  
from the requirements of division (G) of this section for good 67946  
cause. 67947

(3) If a severer ~~or owner~~ that is required to remit payments 67948  
or file returns electronically under this section fails to do so, 67949  
the commissioner may impose a penalty on the severer ~~or owner~~ not 67950  
to exceed the following: 67951

(a) For the first or second payment or return the severer ~~or~~ 67952  
~~owner~~ fails to remit or file electronically, the greater of five 67953  
per cent of the amount of the payment that was required to be 67954  
remitted or twenty-five dollars; 67955

(b) For every payment or return after the second that the 67956  
severer ~~or owner~~ fails to remit or file electronically, the 67957  
greater of ten per cent of the amount of the payment that was 67958  
required to be remitted or fifty dollars. 67959

(H)(1) All amounts that the commissioner receives under this 67960  
section shall be deemed to be revenue from taxes imposed under 67961

this chapter or from the amount due under former section 1509.50 67962  
of the Revised Code, as applicable, and shall be deposited in the 67963  
severance tax receipts fund, which is hereby created in the state 67964  
treasury. 67965

(2) The director of budget and management shall transfer from 67966  
the severance tax receipts fund, as necessary, to the tax refund 67967  
fund amounts equal to the refunds certified by the commissioner 67968  
under section 5749.08 of the Revised Code. Any amount transferred 67969  
under division (H)(2) of this section shall be derived from 67970  
receipts of the same tax or other amount from which the refund 67971  
arose. 67972

(3) After the director of budget and management makes any 67973  
transfer required by division (H)(2) of this section, but not 67974  
later than the fifteenth day of ~~the~~ each month ~~following the end~~ 67975  
~~of each calendar quarter~~, the commissioner shall certify to the 67976  
director the total amount remaining in the severance tax receipts 67977  
fund organized according to the amount attributable to each 67978  
natural resource and according to the amount attributable to a tax 67979  
imposed by this chapter ~~and the amounts due under section 1509.50~~ 67980  
~~of the Revised Code~~ and provide for payment to the funds specified 67981  
in division (B) of section 5749.02 of the Revised Code. 67982

(I) Penalties imposed under this section are in addition to 67983  
any other penalty imposed under this chapter and shall be 67984  
considered as revenue arising from the tax levied under this 67985  
chapter or the amount due under former section 1509.50 of the 67986  
Revised Code, as applicable. The commissioner may collect any 67987  
penalty or interest imposed under this section in the same manner 67988  
as provided for the making of an assessment in section 5749.07 of 67989  
the Revised Code. The commissioner may abate all or a portion of 67990  
such interest or penalties and may adopt rules governing such 67991  
abatements. 67992

(J) For the purposes of this section: 67993

(1) "Tax imposed by section 5749.02 of the Revised Code" and 67994  
"tax" includes amounts due under former section 1509.50 of the 67995  
Revised Code. 67996

(2) "Severer" includes an owner as defined in section 1509.01 67997  
of the Revised Code, with regard to amounts due from an owner 67998  
under former section 1509.50 of the Revised Code. 67999

**Sec. 5749.07.** (A) If any severer required by this chapter to 68000  
make and file returns and pay the tax ~~levied~~ imposed by section 68001  
5749.02 of the Revised Code, ~~or any severer or owner liable for~~ 68002  
~~the amounts due under section 1509.50 of the Revised Code,~~ fails 68003  
to make such return or pay such tax ~~or amounts,~~ the tax 68004  
commissioner may make an assessment against the severer ~~or owner~~ 68005  
based upon any information in the commissioner's possession. 68006

No assessment shall be made or issued against any severer for 68007  
any tax imposed by section 5749.02 of the Revised Code ~~or against~~ 68008  
~~any severer or owner for any amount due under section 1509.50 of~~ 68009  
~~the Revised Code~~ more than four years after the return was due or 68010  
was filed, whichever is later. This section does not bar an 68011  
assessment against a severer ~~or owner~~ who fails to file a return 68012  
as required by this chapter, or who files a fraudulent return. 68013

The commissioner shall give the party assessed written notice 68014  
of such assessment in the manner provided in section 5703.37 of 68015  
the Revised Code. With the notice, the commissioner shall provide 68016  
instructions on how to petition for reassessment and request a 68017  
hearing on the petition. 68018

(B) Unless the party assessed files with the commissioner 68019  
within sixty days after service of the notice of assessment, 68020  
either personally or by certified mail, a written petition for 68021  
reassessment signed by the party assessed or that party's 68022  
authorized agent having knowledge of the facts, the assessment 68023  
becomes final and the amount of the assessment is due and payable 68024

from the party assessed to the treasurer of state. The petition 68025  
shall indicate the objections of the party assessed, but 68026  
additional objections may be raised in writing if received by the 68027  
commissioner prior to the date shown on the final determination. 68028  
If the petition has been properly filed, the commissioner shall 68029  
proceed under section 5703.60 of the Revised Code. 68030

(C) After an assessment becomes final, if any portion of the 68031  
assessment remains unpaid, including accrued interest, a certified 68032  
copy of the commissioner's entry making the assessment final may 68033  
be filed in the office of the clerk of the court of common pleas 68034  
in the county in which the party assessed resides or in which the 68035  
party's business is conducted. If the party assessed maintains no 68036  
place of business in this state and is not a resident of this 68037  
state, the certified copy of the entry may be filed in the office 68038  
of the clerk of the court of common pleas of Franklin county. 68039

Immediately upon the filing of such entry, the clerk shall 68040  
enter a judgment for the state against the party assessed in the 68041  
amount shown on the entry. The judgment may be filed by the clerk 68042  
in a loose-leaf book entitled "special judgments for state 68043  
severance tax," and shall have the same effect as other judgments. 68044  
Execution shall issue upon the judgment upon the request of the 68045  
commissioner, and all laws applicable to sales on execution shall 68046  
apply to sales made under the judgment. 68047

If the assessment is not paid in its entirety within sixty 68048  
days after the day the assessment is issued, the portion of the 68049  
assessment consisting of tax due ~~or amounts due under section~~ 68050  
~~1509.50 of the Revised Code~~ shall bear interest at the rate per 68051  
annum prescribed by section 5703.47 of the Revised Code from the 68052  
day the commissioner issues the assessment until it is paid or 68053  
until it is certified to the attorney general for collection under 68054  
section 131.02 of the Revised Code, whichever comes first. If the 68055  
unpaid portion of the assessment is certified to the attorney 68056

general for collection, the entire unpaid portion of the 68057  
assessment shall bear interest at the rate per annum prescribed by 68058  
section 5703.47 of the Revised Code from the date of certification 68059  
until the date it is paid in its entirety. Interest shall be paid 68060  
in the same manner as the tax and may be collected by the issuance 68061  
of an assessment under this section. 68062

(D) All money collected by the commissioner under this 68063  
section shall be paid to the treasurer of state, and when paid 68064  
shall be considered as revenue arising from the tax imposed by 68065  
section 5749.02 of the Revised Code ~~and the amount due under~~ 68066  
~~section 1509.50 of the Revised Code, as applicable.~~ 68067

(E) For the purposes of this section: 68068

(1) "Tax imposed by section 5749.02 of the Revised Code" and 68069  
"tax" includes amounts due under former section 1509.50 of the 68070  
Revised Code. 68071

(2) "Severer" includes an owner as defined in section 1509.01 68072  
of the Revised Code, with regard to amounts due from an owner 68073  
under former section 1509.50 of the Revised Code. 68074

**Sec. 5749.08.** The tax commissioner shall refund ~~to taxpayers~~ 68075  
the amount of taxes levied by section 5749.02 of the Revised Code 68076  
and amounts due under former section 1509.50 of the Revised Code 68077  
that were paid illegally or erroneously or paid on an illegal or 68078  
erroneous assessment. Applications for refund shall be filed with 68079  
the commissioner, on the form prescribed by the commissioner, 68080  
within four years from the date of the illegal or erroneous 68081  
payment. On the filing of the application, the commissioner shall 68082  
determine the amount of refund to which the applicant is entitled, 68083  
plus interest computed in accordance with section 5703.47 of the 68084  
Revised Code from the date of the payment of an erroneous or 68085  
illegal assessment until the date the refund is paid. If the 68086  
amount is not less than that claimed, the commissioner shall 68087

certify the amount to the director of budget and management and 68088  
treasurer of state for payment from the tax refund fund created by 68089  
section 5703.052 of the Revised Code. If the amount is less than 68090  
that claimed, the commissioner shall proceed in accordance with 68091  
section 5703.70 of the Revised Code. 68092

**Sec. 5749.10.** If the tax commissioner finds that a ~~taxpayer,~~ 68093  
person liable for tax under this chapter or for any amount due 68094  
under former section 1509.50 of the Revised Code is about to 68095  
depart from the state, or remove the ~~taxpayer's~~ person's property 68096  
therefrom, or conceal ~~the taxpayer's person~~ themselves or their 68097  
property, or do any other act tending to prejudice or to render 68098  
wholly or partly ineffectual proceedings to collect such tax or 68099  
other amount due unless such proceedings are brought without 68100  
delay, or if the commissioner believes that the collection of the 68101  
tax or amount due from any ~~taxpayer~~ person will be jeopardized by 68102  
delay, the commissioner shall give notice of such findings to ~~such~~ 68103  
~~taxpayer~~ the person together with the demand for an immediate 68104  
return and immediate payment of such tax or other amount due, with 68105  
penalty as provided in section 5749.15 of the Revised Code, 68106  
whereupon such tax or other amount due shall become immediately 68107  
due and payable. In such cases the commissioner may immediately 68108  
file an entry with the clerk of the court of common pleas in the 68109  
same manner and with the same effect as provided in section 68110  
5749.07 of the Revised Code, provided that if ~~such taxpayer~~ the 68111  
person, within five days from notice of the assessment, furnishes 68112  
evidence satisfactory to the commissioner, under ~~the regulations~~ 68113  
~~prescribed~~ rules adopted by the commissioner, that the ~~taxpayer~~ 68114  
person is not in default in making returns or paying any tax 68115  
prescribed by this chapter or amount due under former section 68116  
1509.50 of the Revised Code, or that the ~~taxpayer~~ person will duly 68117  
return and pay, or post bond satisfactory to the commissioner 68118  
conditioned upon payment of the tax or other amount finally 68119

determined to be due, then such tax or other amount due shall not 68120  
be payable prior to the time and manner otherwise fixed for 68121  
payment under section 5749.07 of the Revised Code, and the person 68122  
assessed shall be restored the rights granted under such section. 68123  
Upon satisfaction of the assessment the commissioner shall order 68124  
the bond cancelled, securities released, and judgment vacated. 68125

Any assessment issued under this section shall bear interest 68126  
as prescribed under section 5749.07 of the Revised Code. 68127

**Sec. 5749.12.** Any nonresident of this state who accepts the 68128  
privilege extended by the laws of this state to nonresidents 68129  
severing natural resources in this state, and any resident of this 68130  
state who subsequently becomes a nonresident or conceals the 68131  
resident's whereabouts, makes the secretary of state of Ohio the 68132  
person's agent for the service of process or notice in any 68133  
assessment, action, or proceedings instituted in this state 68134  
against such person under this chapter or for purposes of amounts 68135  
due under former section 1509.50 of the Revised Code. 68136

Such process or notice shall be served as provided under 68137  
section 5703.37 of the Revised Code. 68138

**Sec. 5749.13.** The tax commissioner may prescribe requirements 68139  
as to the keeping of records and other pertinent documents and the 68140  
filing of copies of federal income tax returns and determinations. 68141  
The commissioner may require any person, by rule or by notice 68142  
served on that person, to keep such records as the commissioner 68143  
considers necessary to show whether that person is liable, and the 68144  
extent of liability, for the tax imposed under this chapter and 68145  
the amount due under former section 1509.50 of the Revised Code. 68146  
Such records and other documents shall be open during business 68147  
hours to the inspection of the commissioner, and shall be 68148  
preserved for a period of four years after the date the return was 68149

required to be filed or actually was filed, whichever is later, 68150  
unless the commissioner, in writing, consents to their destruction 68151  
within that period, or by order requires that they be kept longer. 68152  
68153

**Sec. 5749.14.** The tax commissioner shall enforce and 68154  
administer this chapter ~~and applicable provisions of section~~ 68155  
~~1509.50 of the Revised Code.~~ In addition to any other powers 68156  
conferred upon the commissioner by law, the commissioner may: 68157

(A) Prescribe all forms required to be filed pursuant to this 68158  
chapter; 68159

(B) ~~Promulgate~~ Adopt such rules as the commissioner finds 68160  
necessary to carry out this chapter ~~and applicable provisions of~~ 68161  
~~section 1509.50 of the Revised Code;~~ 68162

(C) Appoint and employ such personnel as may be necessary to 68163  
carry out the duties imposed upon the commissioner by this 68164  
chapter. 68165

**Sec. 5749.15.** Any person who fails to file a return or pay 68166  
the tax as required under this chapter or other amount due under 68167  
former section 1509.50 of the Revised Code who is assessed such 68168  
taxes or other amount due pursuant to section 5749.07 or 5749.10 68169  
of the Revised Code may be liable for a penalty of up to 68170  
twenty-five per cent of the amount assessed. The tax commissioner 68171  
may adopt rules relating to the imposition and remission of 68172  
penalties imposed under this section. 68173

**Sec. 5749.17.** ~~Except for purposes of enforcing Chapter 1509.~~ 68174  
~~of the Revised Code, any~~ Any information provided to the 68175  
department of natural resources by the department of taxation in 68176  
accordance with division (C)(12) of section 5703.21 of the Revised 68177  
Code shall not be disclosed publicly by the department of natural 68178

resources. However the department of natural resources may provide 68179  
such information to the attorney general for purposes of 68180  
enforcement of Chapter 1509. of the Revised Code. 68181

**Sec. 5751.01.** As used in this chapter: 68182

(A) "Person" means, but is not limited to, individuals, 68183  
combinations of individuals of any form, receivers, assignees, 68184  
trustees in bankruptcy, firms, companies, joint-stock companies, 68185  
business trusts, estates, partnerships, limited liability 68186  
partnerships, limited liability companies, associations, joint 68187  
ventures, clubs, societies, for-profit corporations, S 68188  
corporations, qualified subchapter S subsidiaries, qualified 68189  
subchapter S trusts, trusts, entities that are disregarded for 68190  
federal income tax purposes, and any other entities. 68191

(B) "Consolidated elected taxpayer" means a group of two or 68192  
more persons treated as a single taxpayer for purposes of this 68193  
chapter as the result of an election made under section 5751.011 68194  
of the Revised Code. 68195

(C) "Combined taxpayer" means a group of two or more persons 68196  
treated as a single taxpayer for purposes of this chapter under 68197  
section 5751.012 of the Revised Code. 68198

(D) "Taxpayer" means any person, or any group of persons in 68199  
the case of a consolidated elected taxpayer or combined taxpayer 68200  
treated as one taxpayer, required to register or pay tax under 68201  
this chapter. "Taxpayer" does not include excluded persons. 68202

(E) "Excluded person" means any of the following: 68203

(1) Any person with not more than one hundred fifty thousand 68204  
dollars of taxable gross receipts during the calendar year. 68205  
Division (E)(1) of this section does not apply to a person that is 68206  
a member of a consolidated elected taxpayer; 68207

(2) A public utility that paid the excise tax imposed by 68208  
section 5727.24 or 5727.30 of the Revised Code based on one or 68209  
more measurement periods that include the entire tax period under 68210  
this chapter, except that a public utility that is a combined 68211  
company is a taxpayer with regard to the following gross receipts: 68212

(a) Taxable gross receipts directly attributed to a public 68213  
utility activity, but not directly attributed to an activity that 68214  
is subject to the excise tax imposed by section 5727.24 or 5727.30 68215  
of the Revised Code; 68216

(b) Taxable gross receipts that cannot be directly attributed 68217  
to any activity, multiplied by a fraction whose numerator is the 68218  
taxable gross receipts described in division (E)(2)(a) of this 68219  
section and whose denominator is the total taxable gross receipts 68220  
that can be directly attributed to any activity; 68221

(c) Except for any differences resulting from the use of an 68222  
accrual basis method of accounting for purposes of determining 68223  
gross receipts under this chapter and the use of the cash basis 68224  
method of accounting for purposes of determining gross receipts 68225  
under section 5727.24 of the Revised Code, the gross receipts 68226  
directly attributed to the activity of a natural gas company shall 68227  
be determined in a manner consistent with division (D) of section 68228  
5727.03 of the Revised Code. 68229

As used in division (E)(2) of this section, "combined 68230  
company" and "public utility" have the same meanings as in section 68231  
5727.01 of the Revised Code. 68232

(3) A financial institution, as defined in section 5726.01 of 68233  
the Revised Code, that paid the tax imposed by section 5726.02 of 68234  
the Revised Code based on one or more taxable years that include 68235  
the entire tax period under this chapter; 68236

(4) A person directly or indirectly owned by one or more 68237  
financial institutions, as defined in section 5726.01 of the 68238

Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final

financing order as those terms are defined in section 4928.23 of 68270  
the Revised Code. For purposes of this division, "securitization" 68271  
means transferring one or more assets to one or more persons and 68272  
then issuing securities backed by the right to receive payment 68273  
from the asset or assets so transferred. 68274

(7) Except as otherwise provided in this division, a 68275  
pre-income tax trust as defined in division (FF)(4) of section 68276  
5747.01 of the Revised Code and any pass-through entity of which 68277  
such pre-income tax trust owns or controls, directly, indirectly, 68278  
or constructively through related interests, more than five per 68279  
cent of the ownership or equity interests. If the pre-income tax 68280  
trust has made a qualifying pre-income tax trust election under 68281  
division (FF)(3) of section 5747.01 of the Revised Code, then the 68282  
trust and the pass-through entities of which it owns or controls, 68283  
directly, indirectly, or constructively through related interests, 68284  
more than five per cent of the ownership or equity interests, 68285  
shall not be excluded persons for purposes of the tax imposed 68286  
under section 5751.02 of the Revised Code. 68287

(8) Nonprofit organizations or the state and its agencies, 68288  
instrumentalities, or political subdivisions. 68289

(F) Except as otherwise provided in divisions (F)(2), (3), 68290  
and (4) of this section, "gross receipts" means the total amount 68291  
realized by a person, without deduction for the cost of goods sold 68292  
or other expenses incurred, that contributes to the production of 68293  
gross income of the person, including the fair market value of any 68294  
property and any services received, and any debt transferred or 68295  
forgiven as consideration. 68296

(1) The following are examples of gross receipts: 68297

(a) Amounts realized from the sale, exchange, or other 68298  
disposition of the taxpayer's property to or with another; 68299

(b) Amounts realized from the taxpayer's performance of 68300

services for another; 68301

(c) Amounts realized from another's use or possession of the 68302  
taxpayer's property or capital; 68303

(d) Any combination of the foregoing amounts. 68304

(2) "Gross receipts" excludes the following amounts: 68305

(a) Interest income except interest on credit sales; 68306

(b) Dividends and distributions from corporations, and 68307  
distributive or proportionate shares of receipts and income from a 68308  
pass-through entity as defined under section 5733.04 of the 68309  
Revised Code; 68310

(c) Receipts from the sale, exchange, or other disposition of 68311  
an asset described in section 1221 or 1231 of the Internal Revenue 68312  
Code, without regard to the length of time the person held the 68313  
asset. Notwithstanding section 1221 of the Internal Revenue Code, 68314  
receipts from hedging transactions also are excluded to the extent 68315  
the transactions are entered into primarily to protect a financial 68316  
position, such as managing the risk of exposure to (i) foreign 68317  
currency fluctuations that affect assets, liabilities, profits, 68318  
losses, equity, or investments in foreign operations; (ii) 68319  
interest rate fluctuations; or (iii) commodity price fluctuations. 68320  
As used in division (F)(2)(c) of this section, "hedging 68321  
transaction" has the same meaning as used in section 1221 of the 68322  
Internal Revenue Code and also includes transactions accorded 68323  
hedge accounting treatment under statement of financial accounting 68324  
standards number 133 of the financial accounting standards board. 68325  
For the purposes of division (F)(2)(c) of this section, the actual 68326  
transfer of title of real or tangible personal property to another 68327  
entity is not a hedging transaction. 68328

(d) Proceeds received attributable to the repayment, 68329  
maturity, or redemption of the principal of a loan, bond, mutual 68330  
fund, certificate of deposit, or marketable instrument; 68331

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;	68332 68333 68334
(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;	68335 68336 68337 68338
(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;	68339 68340 68341 68342 68343 68344 68345 68346 68347
(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	68348 68349 68350
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	68351 68352 68353
(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;	68354 68355 68356 68357 68358 68359 68360
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross	68361 68362

receipts;	68363
(1) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	68364 68365 68366
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	68367 68368 68369 68370 68371 68372 68373 68374 68375 68376
(n) Pension reversions;	68377
(o) Contributions to capital;	68378
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;	68379 68380 68381 68382 68383
(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;	68384 68385 68386 68387 68388 68389 68390
(r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to	68391 68392 68393

the value of the motor fuel, including federal and state motor 68394  
fuel excise taxes and receipts from billing or invoicing the tax 68395  
imposed under section 5736.02 of the Revised Code to another 68396  
person; 68397

(s) In the case of receipts from the sale of beer or 68398  
intoxicating liquor, as defined in section 4301.01 of the Revised 68399  
Code, by a person holding a permit issued under Chapter 4301. or 68400  
4303. of the Revised Code, an amount equal to federal and state 68401  
excise taxes paid by any person on or for such beer or 68402  
intoxicating liquor under subtitle E of the Internal Revenue Code 68403  
or Chapter 4301. or 4305. of the Revised Code; 68404

(t) Receipts realized by a new motor vehicle dealer or used 68405  
motor vehicle dealer, as defined in section 4517.01 of the Revised 68406  
Code, from the sale or other transfer of a motor vehicle, as 68407  
defined in that section, to another motor vehicle dealer for the 68408  
purpose of resale by the transferee motor vehicle dealer, but only 68409  
if the sale or other transfer was based upon the transferee's need 68410  
to meet a specific customer's preference for a motor vehicle; 68411

(u) Receipts from a financial institution described in 68412  
division (E)(3) of this section for services provided to the 68413  
financial institution in connection with the issuance, processing, 68414  
servicing, and management of loans or credit accounts, if such 68415  
financial institution and the recipient of such receipts have at 68416  
least fifty per cent of their ownership interests owned or 68417  
controlled, directly or constructively through related interests, 68418  
by common owners; 68419

(v) Receipts realized from administering anti-neoplastic 68420  
drugs and other cancer chemotherapy, biologicals, therapeutic 68421  
agents, and supportive drugs in a physician's office to patients 68422  
with cancer; 68423

(w) Funds received or used by a mortgage broker that is not a 68424

dealer in intangibles, other than fees or other consideration, 68425  
pursuant to a table-funding mortgage loan or warehouse-lending 68426  
mortgage loan. Terms used in division (F)(2)(w) of this section 68427  
have the same meanings as in section 1322.01 of the Revised Code, 68428  
except "mortgage broker" means a person assisting a buyer in 68429  
obtaining a mortgage loan for a fee or other consideration paid by 68430  
the buyer or a lender, or a person engaged in table-funding or 68431  
warehouse-lending mortgage loans that are first lien mortgage 68432  
loans. 68433

(x) Property, money, and other amounts received by a 68434  
professional employer organization, as defined in section 4125.01 68435  
of the Revised Code, from a client employer, as defined in that 68436  
section, in excess of the administrative fee charged by the 68437  
professional employer organization to the client employer; 68438

(y) In the case of amounts retained as commissions by a 68439  
permit holder under Chapter 3769. of the Revised Code, an amount 68440  
equal to the amounts specified under that chapter that must be 68441  
paid to or collected by the tax commissioner as a tax and the 68442  
amounts specified under that chapter to be used as purse money; 68443

(z) Qualifying distribution center receipts. 68444

(i) For purposes of division (F)(2)(z) of this section: 68445

(I) "Qualifying distribution center receipts" means receipts 68446  
of a supplier from qualified property that is delivered to a 68447  
qualified distribution center, multiplied by a quantity that 68448  
equals one minus the Ohio delivery percentage. If the qualified 68449  
distribution center is a refining facility, "supplier" includes 68450  
all dealers, brokers, processors, sellers, vendors, cosigners, and 68451  
distributors of qualified property. 68452

(II) "Qualified property" means tangible personal property 68453  
delivered to a qualified distribution center that is shipped to 68454  
that qualified distribution center solely for further shipping by 68455

the qualified distribution center to another location in this 68456  
state or elsewhere or, in the case of gold, silver, platinum, or 68457  
palladium delivered to a refining facility solely for refining to 68458  
a grade and fineness acceptable for delivery to a registered 68459  
commodities exchange. "Further shipping" includes storing and 68460  
repackaging property into smaller or larger bundles, so long as 68461  
the property is not subject to further manufacturing or 68462  
processing. "Refining" is limited to extracting impurities from 68463  
gold, silver, platinum, or palladium through smelting or some 68464  
other process at a refining facility. 68465

(III) "Qualified distribution center" means a warehouse, a 68466  
facility similar to a warehouse, or a refining facility in this 68467  
state that, for the qualifying year, is operated by a person that 68468  
is not part of a combined taxpayer group and that has a qualifying 68469  
certificate. All warehouses or facilities similar to warehouses 68470  
that are operated by persons in the same taxpayer group and that 68471  
are located within one mile of each other shall be treated as one 68472  
qualified distribution center. All refining facilities that are 68473  
operated by persons in the same taxpayer group and that are 68474  
located in the same or adjacent counties may be treated as one 68475  
qualified distribution center. 68476

(IV) "Qualifying year" means the calendar year to which the 68477  
qualifying certificate applies. 68478

(V) "Qualifying period" means the period of the first day of 68479  
July of the second year preceding the qualifying year through the 68480  
thirtieth day of June of the year preceding the qualifying year. 68481

(VI) "Qualifying certificate" means the certificate issued by 68482  
the tax commissioner after the operator of a distribution center 68483  
files an annual application with the commissioner. The application 68484  
and annual fee shall be filed and paid for each qualified 68485  
distribution center on or before the first day of September before 68486  
the qualifying year or within forty-five days after the 68487

distribution center opens, whichever is later. 68488

The applicant must substantiate to the commissioner's 68489  
satisfaction that, for the qualifying period, all persons 68490  
operating the distribution center have more than fifty per cent of 68491  
the cost of the qualified property shipped to a location such that 68492  
it would be situated outside this state under the provisions of 68493  
division (E) of section 5751.033 of the Revised Code. The 68494  
applicant must also substantiate that the distribution center 68495  
cumulatively had costs from its suppliers equal to or exceeding 68496  
five hundred million dollars during the qualifying period. (For 68497  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 68498  
excludes any person that is part of the consolidated elected 68499  
taxpayer group, if applicable, of the operator of the qualified 68500  
distribution center.) The commissioner may require the applicant 68501  
to have an independent certified public accountant certify that 68502  
the calculation of the minimum thresholds required for a qualified 68503  
distribution center by the operator of a distribution center has 68504  
been made in accordance with generally accepted accounting 68505  
principles. The commissioner shall issue or deny the issuance of a 68506  
certificate within sixty days after the receipt of the 68507  
application. A denial is subject to appeal under section 5717.02 68508  
of the Revised Code. If the operator files a timely appeal under 68509  
section 5717.02 of the Revised Code, the operator shall be granted 68510  
a qualifying certificate effective for the remainder of the 68511  
qualifying year or until the appeal is finalized, whichever is 68512  
earlier. If the operator does not prevail in the appeal, the 68513  
operator shall pay the ineligible operator's supplier tax 68514  
liability. 68515

(VII) "Ohio delivery percentage" means the proportion of the 68516  
total property delivered to a destination inside Ohio from the 68517  
qualified distribution center during the qualifying period 68518  
compared with total deliveries from such distribution center 68519

everywhere during the qualifying period. 68520

(VIII) "Refining facility" means one or more buildings 68521  
located in a county in the Appalachian region of this state as 68522  
defined by section 107.21 of the Revised Code and utilized for 68523  
refining or smelting gold, silver, platinum, or palladium to a 68524  
grade and fineness acceptable for delivery to a registered 68525  
commodities exchange. 68526

(IX) "Registered commodities exchange" means a board of 68527  
trade, such as New York mercantile exchange, inc. or commodity 68528  
exchange, inc., designated as a contract market by the commodity 68529  
futures trading commission under the "Commodity Exchange Act," 7 68530  
U.S.C. 1 et seq., as amended. 68531

(X) "Ineligible operator's supplier tax liability" means an 68532  
amount equal to the tax liability of all suppliers of a 68533  
distribution center had the distribution center not been issued a 68534  
qualifying certificate for the qualifying year. Ineligible 68535  
operator's supplier tax liability shall not include interest or 68536  
penalties. The tax commissioner shall determine an ineligible 68537  
operator's supplier tax liability based on information that the 68538  
commissioner may request from the operator of the distribution 68539  
center. An operator shall provide a list of all suppliers of the 68540  
distribution center and the corresponding costs of qualified 68541  
property for the qualifying year at issue within sixty days of a 68542  
request by the commissioner under this division. 68543

(ii)(I) If the distribution center is new and was not open 68544  
for the entire qualifying period, the operator of the distribution 68545  
center may request that the commissioner grant a qualifying 68546  
certificate. If the certificate is granted and it is later 68547  
determined that more than fifty per cent of the qualified property 68548  
during that year was not shipped to a location such that it would 68549  
be situated outside of this state under the provisions of division 68550  
(E) of section 5751.033 of the Revised Code or if it is later 68551

determined that the person that operates the distribution center 68552  
had average monthly costs from its suppliers of less than forty 68553  
million dollars during that year, then the operator of the 68554  
distribution center shall pay the ineligible operator's supplier 68555  
tax liability. (For purposes of division (F)(2)(z)(ii) of this 68556  
section, "supplier" excludes any person that is part of the 68557  
consolidated elected taxpayer group, if applicable, of the 68558  
operator of the qualified distribution center.) 68559

(II) The commissioner may grant a qualifying certificate to a 68560  
distribution center that does not qualify as a qualified 68561  
distribution center for an entire qualifying period if the 68562  
operator of the distribution center demonstrates that the business 68563  
operations of the distribution center have changed or will change 68564  
such that the distribution center will qualify as a qualified 68565  
distribution center within thirty-six months after the date the 68566  
operator first applies for a certificate. If, at the end of that 68567  
thirty-six-month period, the business operations of the 68568  
distribution center have not changed such that the distribution 68569  
center qualifies as a qualified distribution center, the operator 68570  
of the distribution center shall pay the ineligible operator's 68571  
supplier tax liability for each year that the distribution center 68572  
received a certificate but did not qualify as a qualified 68573  
distribution center. For each year the distribution center 68574  
receives a certificate under division (F)(2)(z)(ii)(II) of this 68575  
section, the distribution center shall pay all applicable fees 68576  
required under division (F)(2)(z) of this section and shall submit 68577  
an updated business plan showing the progress the distribution 68578  
center made toward qualifying as a qualified distribution center 68579  
during the preceding year. 68580

(III) An operator may appeal a determination under division 68581  
(F)(2)(z)(ii)(I) or (II) of this section that the ineligible 68582  
operator is liable for the operator's supplier tax liability as a 68583

result of not qualifying as a qualified distribution center, as 68584  
provided in section 5717.02 of the Revised Code. 68585

(iii) When filing an application for a qualifying certificate 68586  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 68587  
qualified distribution center also shall provide documentation, as 68588  
the commissioner requires, for the commissioner to ascertain the 68589  
Ohio delivery percentage. The commissioner, upon issuing the 68590  
qualifying certificate, also shall certify the Ohio delivery 68591  
percentage. The operator of the qualified distribution center may 68592  
appeal the commissioner's certification of the Ohio delivery 68593  
percentage in the same manner as an appeal is taken from the 68594  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 68595  
of this section. 68596

(iv)(I) In the case where the distribution center is new and 68597  
not open for the entire qualifying period, the operator shall make 68598  
a good faith estimate of an Ohio delivery percentage for use by 68599  
suppliers in their reports of taxable gross receipts for the 68600  
remainder of the qualifying period. The operator of the facility 68601  
shall disclose to the suppliers that such Ohio delivery percentage 68602  
is an estimate and is subject to recalculation. By the due date of 68603  
the next application for a qualifying certificate, the operator 68604  
shall determine the actual Ohio delivery percentage for the 68605  
estimated qualifying period and proceed as provided in division 68606  
(F)(2)(z)(iii) of this section with respect to the calculation and 68607  
recalculation of the Ohio delivery percentage. The supplier is 68608  
required to file, within sixty days after receiving notice from 68609  
the operator of the qualified distribution center, amended reports 68610  
for the impacted calendar quarter or quarters or calendar year, 68611  
whichever the case may be. Any additional tax liability or tax 68612  
overpayment shall be subject to interest but shall not be subject 68613  
to the imposition of any penalty so long as the amended returns 68614  
are timely filed. 68615

(II) The operator of a distribution center that receives a 68616  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 68617  
section shall make a good faith estimate of the Ohio delivery 68618  
percentage that the operator estimates will apply to the 68619  
distribution center at the end of the thirty-six-month period 68620  
after the operator first applied for a qualifying certificate 68621  
under that division. The result of the estimate shall be 68622  
multiplied by a factor of one and seventy-five one-hundredths. The 68623  
product of that calculation shall be the Ohio delivery percentage 68624  
used by suppliers in their reports of taxable gross receipts for 68625  
each qualifying year that the distribution center receives a 68626  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 68627  
section, except that, if the product is less than five per cent, 68628  
the Ohio delivery percentage used shall be five per cent and that, 68629  
if the product exceeds forty-nine per cent, the Ohio delivery 68630  
percentage used shall be forty-nine per cent. 68631

(v) Qualifying certificates and Ohio delivery percentages 68632  
issued by the commissioner shall be open to public inspection and 68633  
shall be timely published by the commissioner. A supplier relying 68634  
in good faith on a certificate issued under this division shall 68635  
not be subject to tax on the qualifying distribution center 68636  
receipts under division (F)(2)(z) of this section. An operator 68637  
receiving a qualifying certificate is liable for the ineligible 68638  
operator's supplier tax liability for each year the operator 68639  
received a certificate but did not qualify as a qualified 68640  
distribution center. 68641

(vi) The annual fee for a qualifying certificate shall be one 68642  
hundred thousand dollars for each qualified distribution center. 68643  
If a qualifying certificate is not issued, the annual fee is 68644  
subject to refund after the exhaustion of all appeals provided for 68645  
in division (F)(2)(z)(i)(VI) of this section. The first one 68646  
hundred thousand dollars of the annual application fees collected 68647

each calendar year shall be credited to the revenue enhancement fund. The remainder of the annual application fees collected shall be distributed in the same manner required under section 5751.20 of the Revised Code.

(vii) The tax commissioner may require that adequate security be posted by the operator of the distribution center on appeal when the commissioner disagrees that the applicant has met the minimum thresholds for a qualified distribution center as set forth in division (F)(2)(z) of this section.

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in

the gross receipts of the taxpayer; 68679

(ff) Any receipts directly attributed to a transfer agreement 68680  
or to the enterprise transferred under that agreement under 68681  
section 4313.02 of the Revised Code. 68682

(gg)(i) As used in this division: 68683

(I) "Qualified uranium receipts" means receipts from the 68684  
sale, exchange, lease, loan, production, processing, or other 68685  
disposition of uranium within a uranium enrichment zone certified 68686  
by the tax commissioner under division (F)(2)(gg)(ii) of this 68687  
section. "Qualified uranium receipts" does not include any 68688  
receipts with a situs in this state outside a uranium enrichment 68689  
zone certified by the tax commissioner under division 68690  
(F)(2)(gg)(ii) of this section. 68691

(II) "Uranium enrichment zone" means all real property that 68692  
is part of a uranium enrichment facility licensed by the United 68693  
States nuclear regulatory commission and that was or is owned or 68694  
controlled by the United States department of energy or its 68695  
successor. 68696

(ii) Any person that owns, leases, or operates real or 68697  
tangible personal property constituting or located within a 68698  
uranium enrichment zone may apply to the tax commissioner to have 68699  
the uranium enrichment zone certified for the purpose of excluding 68700  
qualified uranium receipts under division (F)(2)(gg) of this 68701  
section. The application shall include such information that the 68702  
tax commissioner prescribes. Within sixty days after receiving the 68703  
application, the tax commissioner shall certify the zone for that 68704  
purpose if the commissioner determines that the property qualifies 68705  
as a uranium enrichment zone as defined in division (F)(2)(gg) of 68706  
this section, or, if the tax commissioner determines that the 68707  
property does not qualify, the commissioner shall deny the 68708  
application or request additional information from the applicant. 68709

If the tax commissioner denies an application, the commissioner shall state the reasons for the denial. The applicant may appeal the denial of an application to the board of tax appeals pursuant to section 5717.02 of the Revised Code. If the applicant files a timely appeal, the tax commissioner shall conditionally certify the applicant's property. The conditional certification shall expire when all of the applicant's appeals are exhausted. Until final resolution of the appeal, the applicant shall retain the applicant's records in accordance with section 5751.12 of the Revised Code, notwithstanding any time limit on the preservation of records under that section.

(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state.

(jj) In the case of receipts from the sale of vapor products by a wholesale dealer or retail dealer, as those terms are defined in section 5744.01 of the Revised Code, an amount equal to the state excise taxes paid by the wholesale dealer or retail dealer on or for such vapor products under chapter 5744. of the Revised Code.

(kk) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this

state with an aggregate value of at least fifty thousand dollars. 68771  
For the purpose of division (I)(1) of this section, owned property 68772  
is valued at original cost and rented property is valued at eight 68773  
times the net annual rental charge. 68774

(2) Has during the calendar year payroll in this state of at 68775  
least fifty thousand dollars. Payroll in this state includes all 68776  
of the following: 68777

(a) Any amount subject to withholding by the person under 68778  
section 5747.06 of the Revised Code; 68779

(b) Any other amount the person pays as compensation to an 68780  
individual under the supervision or control of the person for work 68781  
done in this state; and 68782

(c) Any amount the person pays for services performed in this 68783  
state on its behalf by another. 68784

(3) Has during the calendar year taxable gross receipts of at 68785  
least five hundred thousand dollars. 68786

(4) Has at any time during the calendar year within this 68787  
state at least twenty-five per cent of the person's total 68788  
property, total payroll, or total gross receipts. 68789

(5) Is domiciled in this state as an individual or for 68790  
corporate, commercial, or other business purposes. 68791

(J) "Tangible personal property" has the same meaning as in 68792  
section 5739.01 of the Revised Code. 68793

(K) "Internal Revenue Code" means the Internal Revenue Code 68794  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 68795  
this chapter that is not otherwise defined has the same meaning as 68796  
when used in a comparable context in the laws of the United States 68797  
relating to federal income taxes unless a different meaning is 68798  
clearly required. Any reference in this chapter to the Internal 68799  
Revenue Code includes other laws of the United States relating to 68800

federal income taxes. 68801

(L) "Calendar quarter" means a three-month period ending on 68802  
the thirty-first day of March, the thirtieth day of June, the 68803  
thirtieth day of September, or the thirty-first day of December. 68804

(M) "Tax period" means the calendar quarter or calendar year 68805  
on the basis of which a taxpayer is required to pay the tax 68806  
imposed under this chapter. 68807

(N) "Calendar year taxpayer" means a taxpayer for which the 68808  
tax period is a calendar year. 68809

(O) "Calendar quarter taxpayer" means a taxpayer for which 68810  
the tax period is a calendar quarter. 68811

(P) "Agent" means a person authorized by another person to 68812  
act on its behalf to undertake a transaction for the other, 68813  
including any of the following: 68814

(1) A person receiving a fee to sell financial instruments; 68815

(2) A person retaining only a commission from a transaction 68816  
with the other proceeds from the transaction being remitted to 68817  
another person; 68818

(3) A person issuing licenses and permits under section 68819  
1533.13 of the Revised Code; 68820

(4) A lottery sales agent holding a valid license issued 68821  
under section 3770.05 of the Revised Code; 68822

(5) A person acting as an agent of the division of liquor 68823  
control under section 4301.17 of the Revised Code. 68824

(Q) "Received" includes amounts accrued under the accrual 68825  
method of accounting. 68826

(R) "Reporting person" means a person in a consolidated 68827  
elected taxpayer or combined taxpayer group that is designated by 68828  
that group to legally bind the group for all filings and tax 68829

liabilities and to receive all legal notices with respect to 68830  
matters under this chapter, or, for the purposes of section 68831  
5751.04 of the Revised Code, a separate taxpayer that is not a 68832  
member of such a group. 68833

**Sec. 5751.02.** (A) For the purpose of funding the needs of 68834  
this state and its local governments, there is hereby levied a 68835  
commercial activity tax on each person with taxable gross receipts 68836  
for the privilege of doing business in this state. For the 68837  
purposes of this chapter, "doing business" means engaging in any 68838  
activity, whether legal or illegal, that is conducted for, or 68839  
results in, gain, profit, or income, at any time during a calendar 68840  
year. Persons on which the commercial activity tax is levied 68841  
include, but are not limited to, persons with substantial nexus 68842  
with this state. The tax imposed under this section is not a 68843  
transactional tax and is not subject to Public Law No. 86-272, 73 68844  
Stat. 555. The tax imposed under this section is in addition to 68845  
any other taxes or fees imposed under the Revised Code. The tax 68846  
levied under this section is imposed on the person receiving the 68847  
gross receipts and is not a tax imposed directly on a purchaser. 68848  
The tax imposed by this section is an annual privilege tax for the 68849  
calendar year that, in the case of calendar year taxpayers, is the 68850  
annual tax period and, in the case of calendar quarter taxpayers, 68851  
contains all quarterly tax periods in the calendar year. A 68852  
taxpayer is subject to the annual privilege tax for doing business 68853  
during any portion of such calendar year. 68854

(B) The tax imposed by this section is a tax on the taxpayer 68855  
and shall not be billed or invoiced to another person. Even if the 68856  
tax or any portion thereof is billed or invoiced and separately 68857  
stated, such amounts remain part of the price for purposes of the 68858  
sales and use taxes levied under Chapters 5739. and 5741. of the 68859  
Revised Code. Nothing in division (B) of this section prohibits: 68860

(1) A person from including in the price charged for a good 68861  
or service an amount sufficient to recover the tax imposed by this 68862  
section; or 68863

(2) A lessor from including an amount sufficient to recover 68864  
the tax imposed by this section in a lease payment charged, or 68865  
from including such an amount on a billing or invoice pursuant to 68866  
the terms of a written lease agreement providing for the recovery 68867  
of the lessor's tax costs. The recovery of such costs shall be 68868  
based on an estimate of the total tax cost of the lessor during 68869  
the tax period, as the tax liability of the lessor cannot be 68870  
calculated until the end of that period. 68871

(C)(1) The commercial activities tax receipts fund is hereby 68872  
created in the state treasury and shall consist of money arising 68873  
from the tax imposed under this chapter. Eighty-five 68874  
one-hundredths of one per cent of the money credited to that fund 68875  
shall be credited to the revenue enhancement fund and shall be 68876  
used to defray the costs incurred by the department of taxation in 68877  
administering the tax imposed by this chapter and in implementing 68878  
tax reform measures. The remainder of the money in the commercial 68879  
activities tax receipts fund shall first be credited to the 68880  
commercial activity tax motor fuel receipts fund, pursuant to 68881  
division (C)(2) of this section, and the remainder shall be 68882  
credited in the following percentages each fiscal year to the 68883  
general revenue fund, to the school district tangible property tax 68884  
replacement fund, which is hereby created in the state treasury 68885  
for the purpose of making the payments described in section 68886  
5709.92 of the Revised Code, and to the local government tangible 68887  
property tax replacement fund, which is hereby created in the 68888  
state treasury for the purpose of making the payments described in 68889  
section 5709.93 of the Revised Code, in the following percentages: 68890

<u>Fiscal year</u>	<u>General Revenue</u>	<u>School District</u>	<u>Local Government</u>	68891
	<u>Fund</u>	<u>Tangible</u>	<u>Tangible</u>	

		<u>Property Tax</u>	<u>Property Tax</u>	
		<u>Replacement Fund</u>	<u>Replacement Fund</u>	
<u>2014 and 2015</u>	<u>50.0%</u>	<u>35.0%</u>	<u>15.0%</u>	68892
<u>2016 and</u> <u>thereafter</u>	<u>75.0%</u>	<u>20.0%</u>	<u>5.0%</u>	68893

(2) Not later than the twentieth day of February, May, 68894  
August, and November of each year, the commissioner shall provide 68895  
for payment from the commercial activities tax receipts fund to 68896  
the commercial activity tax motor fuel receipts fund an amount 68897  
that bears the same ratio to the balance in the commercial 68898  
activities tax receipts fund that (a) the taxable gross receipts 68899  
attributed to motor fuel used for propelling vehicles on public 68900  
highways as indicated by returns filed by the tenth day of that 68901  
month for a liability that is due and payable on or after July 1, 68902  
2013, for a tax period ending before July 1, 2014, bears to (b) 68903  
all taxable gross receipts as indicated by those returns for such 68904  
liabilities. 68905

(D)(1) If the total amount in the school district tangible 68906  
property tax replacement fund is insufficient to make all payments 68907  
under section 5709.92 of the Revised Code at the times the 68908  
payments are to be made, the director of budget and management 68909  
shall transfer from the general revenue fund to the school 68910  
district tangible property tax replacement fund the difference 68911  
between the total amount to be paid and the amount in the school 68912  
district tangible property tax replacement fund. 68913

(2) If the total amount in the local government tangible 68914  
property tax replacement fund is insufficient to make all payments 68915  
under section 5709.93 of the Revised Code at the times the 68916  
payments are to be made, the director of budget and management 68917  
shall transfer from the general revenue fund to the local 68918  
government tangible property tax replacement fund the difference 68919  
between the total amount to be paid and the amount in the local 68920

government tangible property tax replacement fund. 68921

(E)(1) On or after the first day of June of each year, the 68922  
director of budget and management may transfer any balance in the 68923  
school district tangible property tax replacement fund to the 68924  
general revenue fund. 68925

(2) On or after the first day of June of each year, the 68926  
director of budget and management may transfer any balance in the 68927  
local government tangible property tax replacement fund to the 68928  
general revenue fund. 68929

(F)(1) There is hereby created in the state treasury the 68930  
commercial activity tax motor fuel receipts fund. 68931

(2) On or before the fifteenth day of June of each fiscal 68932  
year beginning with fiscal year 2015, the director of the Ohio 68933  
public works commission shall certify to the director of budget 68934  
and management the amount of debt service paid from the general 68935  
revenue fund in the current fiscal year on bonds issued to finance 68936  
or assist in the financing of the cost of local subdivision public 68937  
infrastructure capital improvement projects, as provided for in 68938  
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 68939  
are attributable to costs for construction, reconstruction, 68940  
maintenance, or repair of public highways and bridges and other 68941  
statutory highway purposes. That certification shall allocate the 68942  
total amount of debt service paid from the general revenue fund 68943  
and attributable to those costs in the current fiscal year 68944  
according to the applicable section of the Ohio Constitution under 68945  
which the bonds were originally issued. 68946

(3) On or before the thirtieth day of June of each fiscal 68947  
year beginning with fiscal year 2015, the director of budget and 68948  
management shall determine an amount up to but not exceeding the 68949  
amount certified under division (F)(2) of this section and shall 68950  
reserve that amount from the cash balance in the petroleum 68951

activity tax public highways fund or the commercial activity tax 68952  
motor fuel receipts fund for transfer to the general revenue fund 68953  
at times and in amounts to be determined by the director. The 68954  
director shall transfer the cash balance in the petroleum activity 68955  
tax public highways fund or the commercial activity tax motor fuel 68956  
receipts fund in excess of the amount so reserved to the highway 68957  
operating fund on or before the thirtieth day of June of the 68958  
current fiscal year. 68959

**Sec. 5751.03.** (A) Except as provided in division (B) of this 68960  
section, the tax levied under this section for each tax period 68961  
shall be the product of ~~two three~~ and ~~six tenths~~ two-tenths mills 68962  
per dollar times the remainder of the taxpayer's taxable gross 68963  
receipts for the tax period after subtracting the exclusion amount 68964  
provided for in division (C) of this section. 68965

(B) Notwithstanding division (C) of this section, the tax on 68966  
the first one million dollars in taxable gross receipts each 68967  
calendar year shall be calculated as follows: 68968

(1) For taxpayers with annual taxable gross receipts of ~~one~~ 68969  
two million dollars or less for the calendar year, one hundred 68970  
fifty dollars; 68971

(2) For taxpayers with annual taxable gross receipts greater 68972  
than ~~one million dollars, but less than or equal to two million~~ 68973  
~~dollars for the calendar year, eight hundred dollars;~~ 68974

~~(3) For taxpayers with annual taxable gross receipts greater~~ 68975  
~~than~~ two million dollars, but less than or equal to four million 68976  
dollars for the calendar year, two thousand one hundred dollars; 68977

~~(4)~~(3) For taxpayers with annual taxable gross receipts 68978  
greater than four million dollars for the calendar year, two 68979  
thousand six hundred dollars. 68980

The tax imposed under division (B)(1) of this section shall 68981

be paid not later than the tenth day of May of each year along 68982  
with the annual tax return. The tax imposed under divisions 68983  
(B)(2) ~~and~~ (3) ~~and~~ (4) of this section shall be paid not later 68984  
than the tenth day of May of each year along with the first 68985  
quarter tax return. 68986

(C)(1) Each taxpayer may exclude the first one million 68987  
dollars of taxable gross receipts for a calendar year. Calendar 68988  
quarter taxpayers shall apply the full exclusion amount to the 68989  
first calendar quarter return the taxpayer files that calendar 68990  
year and may carry forward and apply any unused exclusion amount 68991  
to subsequent calendar quarters within that same calendar year. 68992

(2) A taxpayer switching from a calendar year tax period to a 68993  
calendar quarter tax period may, for the first quarter of the 68994  
change, apply the full one-million-dollar exclusion amount to the 68995  
first calendar quarter return the taxpayer files that calendar 68996  
year. Such taxpayers may carry forward and apply any unused 68997  
exclusion amount to subsequent calendar quarters within that same 68998  
calendar year. The tax rate shall be based on the rate imposed 68999  
that calendar quarter when the taxpayer switches from a calendar 69000  
year to a calendar quarter tax period. 69001

(3) A taxpayer shall not exclude more than one million 69002  
dollars pursuant to division (C) of this section in a calendar 69003  
year. 69004

**Sec. 5751.20.** ~~(A) No determinations, computations,~~ 69005  
~~certifications, or payments shall be made under this section after~~ 69006  
~~June 30, 2015.~~ 69007

(A) As used in sections 5751.20 to 5751.22 of the Revised 69008  
Code: 69009

(1) "School district," "joint vocational school district," 69010  
"local taxing unit," "recognized valuation," "fixed-rate levy," 69011

and "fixed-sum levy" have the same meanings as used in section 69012  
5727.84 of the Revised Code. 69013

(2) "State education aid" for a school district means the 69014  
following: 69015

(a) For fiscal years prior to fiscal year 2010, the sum of 69016  
state aid amounts computed for the district under the following 69017  
provisions, as they existed for the applicable fiscal year: 69018  
division (A) of section 3317.022 of the Revised Code, including 69019  
the amounts calculated under former section 3317.029 and section 69020  
3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E), 69021  
and (F) of section 3317.022; divisions (B), (C), and (D) of 69022  
section 3317.023; divisions (L) and (N) of section 3317.024; 69023  
section 3317.0216; and any unit payments for gifted student 69024  
services paid under section 3317.05 and former sections 3317.052 69025  
and 3317.053 of the Revised Code; except that, for fiscal years 69026  
2008 and 2009, the amount computed for the district under Section 69027  
269.20.80 of H.B. 119 of the 127th general assembly and as that 69028  
section subsequently may be amended shall be substituted for the 69029  
amount computed under division (D) of section 3317.022 of the 69030  
Revised Code, and the amount computed under Section 269.30.80 of 69031  
H.B. 119 of the 127th general assembly and as that section 69032  
subsequently may be amended shall be included. 69033

(b) For fiscal years 2010 and 2011, the sum of the amounts 69034  
computed under former sections 3306.052, 3306.12, 3306.13, 69035  
3306.19, 3306.191, and 3306.192 of the Revised Code; 69036

(c) For fiscal years 2012 and 2013, the sum of the amounts 69037  
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 69038  
153 of the 129th general assembly; 69039

(d) For fiscal year 2014 and each fiscal year thereafter, the 69040  
sum of state amounts computed for the district under section 69041  
3317.022 of the Revised Code; except that, for fiscal years 2014 69042

and 2015, the amount computed for the district under the section 69043  
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 69044  
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 69045

(3) "State education aid" for a joint vocational school 69046  
district means the following: 69047

(a) For fiscal years prior to fiscal year 2010, the sum of 69048  
the state aid computed for the district under division (N) of 69049  
section 3317.024 and former section 3317.16 of the Revised Code, 69050  
except that, for fiscal years 2008 and 2009, the amount computed 69051  
under Section 269.30.80 of H.B. 119 of the 127th general assembly 69052  
and as that section subsequently may be amended shall be included. 69053

(b) For fiscal years 2010 and 2011, the amount paid in 69054  
accordance with Section 265.30.50 of H.B. 1 of the 128th general 69055  
assembly. 69056

(c) For fiscal years 2012 and 2013, the amount paid in 69057  
accordance with Section 267.30.60 of H.B. 153 of the 129th general 69058  
assembly. 69059

(d) For fiscal year 2014 and each fiscal year thereafter, the 69060  
amount computed for the district under section 3317.16 of the 69061  
Revised Code; except that, for fiscal years 2014 and 2015, the 69062  
amount computed for the district under the section of this act 69063  
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 69064  
shall be included. 69065

(4) "State education aid offset" means the amount determined 69066  
for each school district or joint vocational school district under 69067  
division (A)(1) of section 5751.21 of the Revised Code. 69068

(5) "Machinery and equipment property tax value loss" means 69069  
the amount determined under division (C)(1) of this section. 69070

(6) "Inventory property tax value loss" means the amount 69071  
determined under division (C)(2) of this section. 69072

- (7) "Furniture and fixtures property tax value loss" means 69073  
the amount determined under division (C)(3) of this section. 69074
- (8) "Machinery and equipment fixed-rate levy loss" means the 69075  
amount determined under division (D)(1) of this section. 69076
- (9) "Inventory fixed-rate levy loss" means the amount 69077  
determined under division (D)(2) of this section. 69078
- (10) "Furniture and fixtures fixed-rate levy loss" means the 69079  
amount determined under division (D)(3) of this section. 69080
- (11) "Total fixed-rate levy loss" means the sum of the 69081  
machinery and equipment fixed-rate levy loss, the inventory 69082  
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 69083  
loss, and the telephone company fixed-rate levy loss. 69084
- (12) "Fixed-sum levy loss" means the amount determined under 69085  
division (E) of this section. 69086
- (13) "Machinery and equipment" means personal property 69087  
subject to the assessment rate specified in division (F) of 69088  
section 5711.22 of the Revised Code. 69089
- (14) "Inventory" means personal property subject to the 69090  
assessment rate specified in division (E) of section 5711.22 of 69091  
the Revised Code. 69092
- (15) "Furniture and fixtures" means personal property subject 69093  
to the assessment rate specified in division (G) of section 69094  
5711.22 of the Revised Code. 69095
- (16) "Qualifying levies" are levies in effect for tax year 69096  
2004 or applicable to tax year 2005 or approved at an election 69097  
conducted before September 1, 2005. For the purpose of determining 69098  
the rate of a qualifying levy authorized by section 5705.212 or 69099  
5705.213 of the Revised Code, the rate shall be the rate that 69100  
would be in effect for tax year 2010. 69101
- (17) "Telephone property" means tangible personal property of 69102

a telephone, telegraph, or interexchange telecommunications 69103  
company subject to an assessment rate specified in section 69104  
5727.111 of the Revised Code in tax year 2004. 69105

(18) "Telephone property tax value loss" means the amount 69106  
determined under division (C)(4) of this section. 69107

(19) "Telephone property fixed-rate levy loss" means the 69108  
amount determined under division (D)(4) of this section. 69109

(20) "Taxes charged and payable" means taxes charged and 69110  
payable after the reduction required by section 319.301 of the 69111  
Revised Code but before the reductions required by sections 69112  
319.302 and 323.152 of the Revised Code. 69113

(21) "Median estate tax collections" means, in the case of a 69114  
municipal corporation to which revenue from the taxes levied in 69115  
Chapter 5731. of the Revised Code was distributed in each of 69116  
calendar years 2006, 2007, 2008, and 2009, the median of those 69117  
distributions. In the case of a municipal corporation to which no 69118  
distributions were made in one or more of those years, "median 69119  
estate tax collections" means zero. 69120

(22) "Total resources," in the case of a school district, 69121  
means the sum of the amounts in divisions (A)(22)(a) to (h) of 69122  
this section less any reduction required under division (A)(32) or 69123  
(33) of this section. 69124

(a) The state education aid for fiscal year 2010; 69125

(b) The sum of the payments received by the school district 69126  
in fiscal year 2010 for current expense levy losses pursuant to 69127  
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 69128  
section 5751.21 of the Revised Code, excluding the portion of such 69129  
payments attributable to levies for joint vocational school 69130  
district purposes; 69131

(c) The sum of fixed-sum levy loss payments received by the 69132

school district in fiscal year 2010 pursuant to division (E)(1) of 69133  
section 5727.85 and division (E)(1) of section 5751.21 of the 69134  
Revised Code for fixed-sum levies charged and payable for a 69135  
purpose other than paying debt charges; 69136

(d) Fifty per cent of the school district's taxes charged and 69137  
payable against all property on the tax list of real and public 69138  
utility property for current expense purposes for tax year 2008, 69139  
including taxes charged and payable from emergency levies charged 69140  
and payable under section 5709.194 of the Revised Code and 69141  
excluding taxes levied for joint vocational school district 69142  
purposes; 69143

(e) Fifty per cent of the school district's taxes charged and 69144  
payable against all property on the tax list of real and public 69145  
utility property for current expenses for tax year 2009, including 69146  
taxes charged and payable from emergency levies and excluding 69147  
taxes levied for joint vocational school district purposes; 69148

(f) The school district's taxes charged and payable against 69149  
all property on the general tax list of personal property for 69150  
current expenses for tax year 2009, including taxes charged and 69151  
payable from emergency levies; 69152

(g) The amount certified for fiscal year 2010 under division 69153  
(A)(2) of section 3317.08 of the Revised Code; 69154

(h) Distributions received during calendar year 2009 from 69155  
taxes levied under section 718.09 of the Revised Code. 69156

(23) "Total resources," in the case of a joint vocational 69157  
school district, means the sum of amounts in divisions (A)(23)(a) 69158  
to (g) of this section less any reduction required under division 69159  
(A)(32) of this section. 69160

(a) The state education aid for fiscal year 2010; 69161

(b) The sum of the payments received by the joint vocational 69162

school district in fiscal year 2010 for current expense levy	69163
losses pursuant to division (C)(2) of section 5727.85 and	69164
divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	69165
(c) Fifty per cent of the joint vocational school district's	69166
taxes charged and payable against all property on the tax list of	69167
real and public utility property for current expense purposes for	69168
tax year 2008;	69169
(d) Fifty per cent of the joint vocational school district's	69170
taxes charged and payable against all property on the tax list of	69171
real and public utility property for current expenses for tax year	69172
2009;	69173
(e) Fifty per cent of a city, local, or exempted village	69174
school district's taxes charged and payable against all property	69175
on the tax list of real and public utility property for current	69176
expenses of the joint vocational school district for tax year	69177
2008;	69178
(f) Fifty per cent of a city, local, or exempted village	69179
school district's taxes charged and payable against all property	69180
on the tax list of real and public utility property for current	69181
expenses of the joint vocational school district for tax year	69182
2009;	69183
(g) The joint vocational school district's taxes charged and	69184
payable against all property on the general tax list of personal	69185
property for current expenses for tax year 2009.	69186
(24) "Total resources," in the case of county mental health	69187
and disability related functions, means the sum of the amounts in	69188
divisions (A)(24)(a) and (b) of this section less any reduction	69189
required under division (A)(32) of this section.	69190
(a) The sum of the payments received by the county for mental	69191
health and developmental disability related functions in calendar	69192
year 2010 under division (A)(1) of section 5727.86 and divisions	69193

(A)(1) and (2) of section 5751.22 of the Revised Code as they 69194  
existed at that time; 69195

(b) With respect to taxes levied by the county for mental 69196  
health and developmental disability related purposes, the taxes 69197  
charged and payable for such purposes against all property on the 69198  
tax list of real and public utility property for tax year 2009. 69199

(25) "Total resources," in the case of county senior services 69200  
related functions, means the sum of the amounts in divisions 69201  
(A)(25)(a) and (b) of this section less any reduction required 69202  
under division (A)(32) of this section. 69203

(a) The sum of the payments received by the county for senior 69204  
services related functions in calendar year 2010 under division 69205  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 69206  
5751.22 of the Revised Code as they existed at that time; 69207

(b) With respect to taxes levied by the county for senior 69208  
services related purposes, the taxes charged and payable for such 69209  
purposes against all property on the tax list of real and public 69210  
utility property for tax year 2009. 69211

(26) "Total resources," in the case of county children's 69212  
services related functions, means the sum of the amounts in 69213  
divisions (A)(26)(a) and (b) of this section less any reduction 69214  
required under division (A)(32) of this section. 69215

(a) The sum of the payments received by the county for 69216  
children's services related functions in calendar year 2010 under 69217  
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 69218  
section 5751.22 of the Revised Code as they existed at that time; 69219

(b) With respect to taxes levied by the county for children's 69220  
services related purposes, the taxes charged and payable for such 69221  
purposes against all property on the tax list of real and public 69222  
utility property for tax year 2009. 69223

(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property

for tax year 2009, excluding taxes charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year 2010 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code.

(29) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(29)(a) to (g) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the municipal corporation in calendar year 2010 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) The sum of the amounts distributed to the municipal corporation in calendar year 2010 pursuant to section 5747.50 of the Revised Code;

(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for current expenses, defined in division (A)(35) of this section, for tax year 2009;

(e) The amount of admissions tax collected by the municipal corporation in calendar year 2008, or if such information has not

yet been reported to the tax commissioner, in the most recent year 69286  
before 2008 for which the municipal corporation has reported data 69287  
to the commissioner; 69288

(f) The amount of income taxes collected by the municipal 69289  
corporation in calendar year 2008, or if such information has not 69290  
yet been reported to the tax commissioner, in the most recent year 69291  
before 2008 for which the municipal corporation has reported data 69292  
to the commissioner; 69293

(g) The municipal corporation's median estate tax 69294  
collections. 69295

(30) "Total resources," in the case of a township, means the 69296  
sum of the amounts in divisions (A)(30)(a) to (c) of this section 69297  
less any reduction required under division (A)(32) or (33) of this 69298  
section. 69299

(a) The sum of the payments received by the township in 69300  
calendar year 2010 pursuant to division (A)(1) of section 5727.86 69301  
of the Revised Code and divisions (A)(1) and (2) of section 69302  
5751.22 of the Revised Code as they existed at that time, 69303  
excluding payments received for debt purposes; 69304

(b) The township's percentage share of county undivided local 69305  
government fund allocations as certified to the tax commissioner 69306  
for calendar year 2010 by the county auditor under division (J) of 69307  
section 5747.51 of the Revised Code or division (F) of section 69308  
5747.53 of the Revised Code multiplied by the total amount 69309  
actually distributed in calendar year 2010 from the county 69310  
undivided local government fund; 69311

(c) With respect to taxes levied by the township, the taxes 69312  
charged and payable against all property on the tax list of real 69313  
and public utility property for tax year 2009 excluding taxes 69314  
charged and payable for the purpose of paying debt charges. 69315

(31) "Total resources," in the case of a local taxing unit 69316

that is not a county, municipal corporation, or township, means 69317  
the sum of the amounts in divisions (A)(31)(a) to (e) of this 69318  
section less any reduction required under division (A)(32) of this 69319  
section. 69320

(a) The sum of the payments received by the local taxing unit 69321  
in calendar year 2010 pursuant to division (A)(1) of section 69322  
5727.86 of the Revised Code and divisions (A)(1) and (2) of 69323  
section 5751.22 of the Revised Code as they existed at that time; 69324

(b) The local taxing unit's percentage share of county 69325  
undivided local government fund allocations as certified to the 69326  
tax commissioner for calendar year 2010 by the county auditor 69327  
under division (J) of section 5747.51 of the Revised Code or 69328  
division (F) of section 5747.53 of the Revised Code multiplied by 69329  
the total amount actually distributed in calendar year 2010 from 69330  
the county undivided local government fund; 69331

(c) With respect to taxes levied by the local taxing unit, 69332  
the taxes charged and payable against all property on the tax list 69333  
of real and public utility property for tax year 2009 excluding 69334  
taxes charged and payable for the purpose of paying debt charges; 69335

(d) The amount received from the tax commissioner during 69336  
calendar year 2010 for sales or use taxes authorized under 69337  
sections 5739.023 and 5741.022 of the Revised Code; 69338

(e) For institutions of higher education receiving tax 69339  
revenue from a local levy, as identified in section 3358.02 of the 69340  
Revised Code, the final state share of instruction allocation for 69341  
fiscal year 2010 as calculated by the ~~board of regents~~ director of  
higher education and reported to the state controlling board. 69342  
69343

(32) If a fixed-rate levy that is a qualifying levy is not 69344  
charged and payable in any year after tax year 2010, "total 69345  
resources" used to compute payments to be made under division 69346  
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 69347

5751.22 of the Revised Code in the tax years following the last 69348  
year the levy is charged and payable shall be reduced to the 69349  
extent that the payments are attributable to the fixed-rate levy 69350  
loss of that levy as would be computed under division (C)(2) of 69351  
section 5727.85, division (A)(1) of section 5727.85, divisions 69352  
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 69353  
5751.22 of the Revised Code. 69354

(33) In the case of a county, municipal corporation, school 69355  
district, or township with fixed-rate levy losses attributable to 69356  
a tax levied under section 5705.23 of the Revised Code, "total 69357  
resources" used to compute payments to be made under division 69358  
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 69359  
division (C)(12) of section 5751.21, or division (A)(1)(c) of 69360  
section 5751.22 of the Revised Code shall be reduced by the 69361  
amounts described in divisions (A)(34)(a) to (c) of this section 69362  
to the extent that those amounts were included in calculating the 69363  
"total resources" of the school district or local taxing unit 69364  
under division (A)(22), (28), (29), or (30) of this section. 69365

(34) "Total library resources," in the case of a county, 69366  
municipal corporation, school district, or township public library 69367  
that receives the proceeds of a tax levied under section 5705.23 69368  
of the Revised Code, means the sum of the amounts in divisions 69369  
(A)(34)(a) to (c) of this section less any reduction required 69370  
under division (A)(32) of this section. 69371

(a) The sum of the payments received by the county, municipal 69372  
corporation, school district, or township public library in 69373  
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 69374  
Revised Code, as they existed at that time, for fixed-rate levy 69375  
losses attributable to a tax levied under section 5705.23 of the 69376  
Revised Code for the benefit of the public library; 69377

(b) The public library's percentage share of county undivided 69378  
local government fund allocations as certified to the tax 69379

commissioner for calendar year 2010 by the county auditor under 69380  
division (J) of section 5747.51 of the Revised Code or division 69381  
(F) of section 5747.53 of the Revised Code multiplied by the total 69382  
amount actually distributed in calendar year 2010 from the county 69383  
undivided local government fund; 69384

(c) With respect to a tax levied pursuant to section 5705.23 69385  
of the Revised Code for the benefit of the public library, the 69386  
amount of such tax that is charged and payable against all 69387  
property on the tax list of real and public utility property for 69388  
tax year 2009 excluding any tax that is charged and payable for 69389  
the purpose of paying debt charges. 69390

(35) "Municipal current expense property tax levies" means 69391  
all property tax levies of a municipality, except those with the 69392  
following levy names: airport resurfacing; bond or any levy name 69393  
including the word "bond"; capital improvement or any levy name 69394  
including the word "capital"; debt or any levy name including the 69395  
word "debt"; equipment or any levy name including the word 69396  
"equipment," unless the levy is for combined operating and 69397  
equipment; employee termination fund; fire pension or any levy 69398  
containing the word "pension," including police pensions; 69399  
fireman's fund or any practically similar name; sinking fund; road 69400  
improvements or any levy containing the word "road"; fire truck or 69401  
apparatus; flood or any levy containing the word "flood"; 69402  
conservancy district; county health; note retirement; sewage, or 69403  
any levy containing the words "sewage" or "sewer"; park 69404  
improvement; parkland acquisition; storm drain; street or any levy 69405  
name containing the word "street"; lighting, or any levy name 69406  
containing the word "lighting"; and water. 69407

(36) "Current expense TPP allocation" means, in the case of a 69408  
school district or joint vocational school district, the sum of 69409  
the payments received by the school district in fiscal year 2011 69410  
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 69411

Revised Code to the extent paid for current expense levies. In the 69412  
case of a municipal corporation, "current expense TPP allocation" 69413  
means the sum of the payments received by the municipal 69414  
corporation in calendar year 2010 pursuant to divisions (A)(1) and 69415  
(2) of section 5751.22 of the Revised Code to the extent paid for 69416  
municipal current expense property tax levies as defined in 69417  
division (A)(35) of this section, excluding any such payments 69418  
received for current expense levy losses attributable to a tax 69419  
levied under section 5705.23 of the Revised Code. If a fixed-rate 69420  
levy that is a qualifying levy is not charged and payable in any 69421  
year after tax year 2010, "current expense TPP allocation" used to 69422  
compute payments to be made under division (C)(12) of section 69423  
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 69424  
Revised Code in the tax years following the last year the levy is 69425  
charged and payable shall be reduced to the extent that the 69426  
payments are attributable to the fixed-rate levy loss of that levy 69427  
as would be computed under divisions (C)(10) and (11) of section 69428  
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 69429

(37) "TPP allocation" means the sum of payments received by a 69430  
local taxing unit in calendar year 2010 pursuant to divisions 69431  
(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 69432  
any such payments received for fixed-rate levy losses attributable 69433  
to a tax levied under section 5705.23 of the Revised Code. If a 69434  
fixed-rate levy that is a qualifying levy is not charged and 69435  
payable in any year after tax year 2010, "TPP allocation" used to 69436  
compute payments to be made under division (A)(1)(b) or (c) of 69437  
section 5751.22 of the Revised Code in the tax years following the 69438  
last year the levy is charged and payable shall be reduced to the 69439  
extent that the payments are attributable to the fixed-rate levy 69440  
loss of that levy as would be computed under division (A)(1) of 69441  
that section. 69442

(38) "Total TPP allocation" means, in the case of a school 69443

district or joint vocational school district, the sum of the 69444  
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 69445  
and (11) and (D) of section 5751.21 of the Revised Code. In the 69446  
case of a local taxing unit, "total TPP allocation" means the sum 69447  
of payments received by the unit in calendar year 2010 pursuant to 69448  
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 69449  
Code. If a fixed-rate levy that is a qualifying levy is not 69450  
charged and payable in any year after tax year 2010, "total TPP 69451  
allocation" used to compute payments to be made under division 69452  
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 69453  
5751.22 of the Revised Code in the tax years following the last 69454  
year the levy is charged and payable shall be reduced to the 69455  
extent that the payments are attributable to the fixed-rate levy 69456  
loss of that levy as would be computed under divisions (C)(10) and 69457  
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 69458  
the Revised Code. 69459

(39) "Non-current expense TPP allocation" means the 69460  
difference of total TPP allocation minus the sum of current 69461  
expense TPP allocation and the portion of total TPP allocation 69462  
constituting reimbursement for debt levies, pursuant to division 69463  
(D) of section 5751.21 of the Revised Code in the case of a school 69464  
district or joint vocational school district and pursuant to 69465  
division (A)(3) of section 5751.22 of the Revised Code in the case 69466  
of a municipal corporation. 69467

(40) "TPP allocation for library purposes" means the sum of 69468  
payments received by a county, municipal corporation, school 69469  
district, or township public library in calendar year 2010 69470  
pursuant to section 5751.22 of the Revised Code for fixed-rate 69471  
levy losses attributable to a tax levied under section 5705.23 of 69472  
the Revised Code. If a fixed-rate levy authorized under section 69473  
5705.23 of the Revised Code that is a qualifying levy is not 69474  
charged and payable in any year after tax year 2010, "TPP 69475

allocation for library purposes" used to compute payments to be 69476  
made under division (A)(1)(d) of section 5751.22 of the Revised 69477  
Code in the tax years following the last year the levy is charged 69478  
and payable shall be reduced to the extent that the payments are 69479  
attributable to the fixed-rate levy loss of that levy as would be 69480  
computed under division (A)(1) of section 5751.22 of the Revised 69481  
Code. 69482

(41) "Threshold per cent" means, in the case of a school 69483  
district or joint vocational school district, two per cent for 69484  
fiscal year 2012 and four per cent for fiscal years 2013 and 69485  
thereafter. In the case of a local taxing unit or public library 69486  
that receives the proceeds of a tax levied under section 5705.23 69487  
of the Revised Code, "threshold per cent" means two per cent for 69488  
tax year 2011, four per cent for tax year 2012, and six per cent 69489  
for tax years 2013 and thereafter. 69490

(B)(1) The commercial activities tax receipts fund is hereby 69491  
created in the state treasury and shall consist of money arising 69492  
from the tax imposed under this chapter. Eighty-five 69493  
one-hundredths of one per cent of the money credited to that fund 69494  
shall be credited to the revenue enhancement fund and shall be 69495  
used to defray the costs incurred by the department of taxation in 69496  
administering the tax imposed by this chapter and in implementing 69497  
tax reform measures. The remainder of the money in the commercial 69498  
activities tax receipts fund shall first be credited to the 69499  
commercial activity tax motor fuel receipts fund, pursuant to 69500  
division (B)(2) of this section, and the remainder shall be 69501  
credited in the following percentages each fiscal year to the 69502  
general revenue fund, to the school district tangible property tax 69503  
replacement fund, which is hereby created in the state treasury 69504  
for the purpose of making the payments described in section 69505  
5751.21 of the Revised Code, and to the local government tangible 69506  
property tax replacement fund, which is hereby created in the 69507

state treasury for the purpose of making the payments described in 69508  
section 5751.22 of the Revised Code, in the following percentages: 69509

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	69511
2007	0%	70.0%	30.0%	69512
2008	0%	70.0%	30.0%	69513
2009	0%	70.0%	30.0%	69514
2010	0%	70.0%	30.0%	69515
2011	0%	70.0%	30.0%	69516
2012	25.0%	52.5%	22.5%	69517
2013 and thereafter	50.0%	35.0%	15.0%	69518

(2) Not later than the twentieth day of February, May, 69519  
August, and November of each year, the commissioner shall provide 69520  
for payment from the commercial activities tax receipts fund to 69521  
the commercial activity tax motor fuel receipts fund an amount 69522  
that bears the same ratio to the balance in the commercial 69523  
activities tax receipts fund that (a) the taxable gross receipts 69524  
attributed to motor fuel used for propelling vehicles on public 69525  
highways as indicated by returns filed by the tenth day of that 69526  
month for a liability that is due and payable on or after July 1, 69527  
2013, for a tax period ending before July 1, 2014, bears to (b) 69528  
all taxable gross receipts as indicated by those returns for such 69529  
liabilities. 69530

(C) Not later than September 15, 2005, the tax commissioner 69531  
shall determine for each school district, joint vocational school 69532  
district, and local taxing unit its machinery and equipment, 69533  
inventory property, furniture and fixtures property, and telephone 69534  
property tax value losses, which are the applicable amounts 69535

described in divisions (C)(1), (2), (3), and (4) of this section, 69536  
except as provided in division (C)(5) of this section: 69537

(1) Machinery and equipment property tax value loss is the 69538  
taxable value of machinery and equipment property as reported by 69539  
taxpayers for tax year 2004 multiplied by: 69540

(a) For tax year 2006, thirty-three and eight-tenths per 69541  
cent; 69542

(b) For tax year 2007, sixty-one and three-tenths per cent; 69543

(c) For tax year 2008, eighty-three per cent; 69544

(d) For tax year 2009 and thereafter, one hundred per cent. 69545

(2) Inventory property tax value loss is the taxable value of 69546  
inventory property as reported by taxpayers for tax year 2004 69547  
multiplied by: 69548

(a) For tax year 2006, a fraction, the numerator of which is 69549  
five and three-fourths and the denominator of which is 69550  
twenty-three; 69551

(b) For tax year 2007, a fraction, the numerator of which is 69552  
nine and one-half and the denominator of which is twenty-three; 69553

(c) For tax year 2008, a fraction, the numerator of which is 69554  
thirteen and one-fourth and the denominator of which is 69555  
twenty-three; 69556

(d) For tax year 2009 and thereafter a fraction, the 69557  
numerator of which is seventeen and the denominator of which is 69558  
twenty-three. 69559

(3) Furniture and fixtures property tax value loss is the 69560  
taxable value of furniture and fixture property as reported by 69561  
taxpayers for tax year 2004 multiplied by: 69562

(a) For tax year 2006, twenty-five per cent; 69563

(b) For tax year 2007, fifty per cent; 69564

(c) For tax year 2008, seventy-five per cent; 69565

(d) For tax year 2009 and thereafter, one hundred per cent. 69566

The taxable value of property reported by taxpayers used in 69567  
divisions (C)(1), (2), and (3) of this section shall be such 69568  
values as determined to be final by the tax commissioner as of 69569  
August 31, 2005. Such determinations shall be final except for any 69570  
correction of a clerical error that was made prior to August 31, 69571  
2005, by the tax commissioner. 69572

(4) Telephone property tax value loss is the taxable value of 69573  
telephone property as taxpayers would have reported that property 69574  
for tax year 2004 if the assessment rate for all telephone 69575  
property for that year were twenty-five per cent, multiplied by: 69576

(a) For tax year 2006, zero per cent; 69577

(b) For tax year 2007, zero per cent; 69578

(c) For tax year 2008, zero per cent; 69579

(d) For tax year 2009, sixty per cent; 69580

(e) For tax year 2010, eighty per cent; 69581

(f) For tax year 2011 and thereafter, one hundred per cent. 69582

(5) Division (C)(5) of this section applies to any school 69583  
district, joint vocational school district, or local taxing unit 69584  
in a county in which is located a facility currently or formerly 69585  
devoted to the enrichment or commercialization of uranium or 69586  
uranium products, and for which the total taxable value of 69587  
property listed on the general tax list of personal property for 69588  
any tax year from tax year 2001 to tax year 2004 was fifty per 69589  
cent or less of the taxable value of such property listed on the 69590  
general tax list of personal property for the next preceding tax 69591  
year. 69592

In computing the fixed-rate levy losses under divisions 69593  
(D)(1), (2), and (3) of this section for any school district, 69594

joint vocational school district, or local taxing unit to which 69595  
division (C)(5) of this section applies, the taxable value of such 69596  
property as listed on the general tax list of personal property 69597  
for tax year 2000 shall be substituted for the taxable value of 69598  
such property as reported by taxpayers for tax year 2004, in the 69599  
taxing district containing the uranium facility, if the taxable 69600  
value listed for tax year 2000 is greater than the taxable value 69601  
reported by taxpayers for tax year 2004. For the purpose of making 69602  
the computations under divisions (D)(1), (2), and (3) of this 69603  
section, the tax year 2000 valuation is to be allocated to 69604  
machinery and equipment, inventory, and furniture and fixtures 69605  
property in the same proportions as the tax year 2004 values. For 69606  
the purpose of the calculations in division (A) of section 5751.21 69607  
of the Revised Code, the tax year 2004 taxable values shall be 69608  
used. 69609

To facilitate the calculations required under division (C) of 69610  
this section, the county auditor, upon request from the tax 69611  
commissioner, shall provide by August 1, 2005, the values of 69612  
machinery and equipment, inventory, and furniture and fixtures for 69613  
all single-county personal property taxpayers for tax year 2004. 69614

(D) Not later than September 15, 2005, the tax commissioner 69615  
shall determine for each tax year from 2006 through 2009 for each 69616  
school district, joint vocational school district, and local 69617  
taxing unit its machinery and equipment, inventory, and furniture 69618  
and fixtures fixed-rate levy losses, and for each tax year from 69619  
2006 through 2011 its telephone property fixed-rate levy loss. 69620  
Except as provided in division (F) of this section, such losses 69621  
are the applicable amounts described in divisions (D)(1), (2), 69622  
(3), and (4) of this section: 69623

(1) The machinery and equipment fixed-rate levy loss is the 69624  
machinery and equipment property tax value loss multiplied by the 69625  
sum of the tax rates of fixed-rate qualifying levies. 69626

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2010, the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying levies. For 2006 through 2010, this computation shall include all qualifying levies remaining in effect for the current tax year and any school district levies charged and payable under section 5705.194 or 5705.213 of the Revised Code that are qualifying levies not remaining in effect for the current year. For 2011 through 2017 in the case of school district levies charged and payable under section 5705.194 or 5705.213 of the Revised Code and for all years after 2010 in the case of other fixed-sum levies, this computation shall include only qualifying levies remaining in effect for the current year. For purposes of this computation, a qualifying school district levy charged and payable under section 5705.194 or 5705.213 of the Revised Code remains in effect in a

year after 2010 only if, for that year, the board of education 69659  
levies a school district levy charged and payable under section 69660  
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 69661  
an annual sum at least equal to the annual sum levied by the board 69662  
in tax year 2004 less the amount of the payment certified under 69663  
this division for 2006. 69664

(2) The total taxable value in tax year 2004 less the sum of 69665  
the machinery and equipment, inventory, furniture and fixtures, 69666  
and telephone property tax value losses in each school district, 69667  
joint vocational school district, and local taxing unit multiplied 69668  
by one-half of one mill per dollar. 69669

(3) For the calculations in divisions (E)(1) and (2) of this 69670  
section, the tax value losses are those that would be calculated 69671  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 69672  
section and for tax year 2011 under division (C)(4) of this 69673  
section. 69674

(4) To facilitate the calculation under divisions (D) and (E) 69675  
of this section, not later than September 1, 2005, any school 69676  
district, joint vocational school district, or local taxing unit 69677  
that has a qualifying levy that was approved at an election 69678  
conducted during 2005 before September 1, 2005, shall certify to 69679  
the tax commissioner a copy of the county auditor's certificate of 69680  
estimated property tax millage for such levy as required under 69681  
division (B) of section 5705.03 of the Revised Code, which is the 69682  
rate that shall be used in the calculations under such divisions. 69683

If the amount determined under division (E) of this section 69684  
for any school district, joint vocational school district, or 69685  
local taxing unit is greater than zero, that amount shall equal 69686  
the reimbursement to be paid pursuant to division (E) of section 69687  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 69688  
and the one-half of one mill that is subtracted under division 69689  
(E)(2) of this section shall be apportioned among all contributing 69690

fixed-sum levies in the proportion that each levy bears to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(F) If a school district levies a tax under section 5705.219 of the Revised Code, the fixed-rate levy loss for qualifying levies, to the extent repealed under that section, shall equal the sum of the following amounts in lieu of the amounts computed for such levies under division (D) of this section:

(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as determined under that division;

(2) The sum of the rates of qualifying levies to the extent so repealed multiplied by the telephone property tax value loss for 2011 as determined under that division.

The fixed-rate levy losses for qualifying levies to the extent not repealed under section 5705.219 of the Revised Code shall be as determined under division (D) of this section. The revised fixed-rate levy losses determined under this division and division (D) of this section first apply in the year following the first year the district levies the tax under section 5705.219 of the Revised Code.

(G) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations

under divisions (D) and (E) of this section shall separately 69722  
display the levy loss for each levy eligible for reimbursement. 69723

(H) Not later than October 1, 2005, the tax commissioner 69724  
shall certify the amount of the fixed-sum levy losses to the 69725  
county auditor of each county in which a school district, joint 69726  
vocational school district, or local taxing unit with a fixed-sum 69727  
levy loss reimbursement has territory. 69728

(I) Not later than the twenty-eighth day of February each 69729  
year beginning in 2011 and ending in 2014, the tax commissioner 69730  
shall certify to the department of education for each school 69731  
district first levying a tax under section 5705.219 of the Revised 69732  
Code in the preceding year the revised fixed-rate levy losses 69733  
determined under divisions (D) and (F) of this section. 69734

(J)(1) There is hereby created in the state treasury the 69735  
commercial activity tax motor fuel receipts fund. 69736

(2)(a) On or before June 15, 2014, the director of the Ohio 69737  
public works commission shall certify to the director of budget 69738  
and management the amount of debt service paid from the general 69739  
revenue fund in fiscal years 2013 and 2014 on bonds issued to 69740  
finance or assist in the financing of the cost of local 69741  
subdivision public infrastructure capital improvement projects, as 69742  
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 69743  
Constitution, that are attributable to costs for construction, 69744  
reconstruction, maintenance, or repair of public highways and 69745  
bridges and other statutory highway purposes. That certification 69746  
shall allocate the total amount of debt service paid from the 69747  
general revenue fund and attributable to those costs in each of 69748  
fiscal years 2013 and 2014 according to the applicable section of 69749  
the Ohio Constitution under which the bonds were originally 69750  
issued. 69751

(b) On or before June 30, 2014, the director of budget and 69752

management shall determine an amount up to but not exceeding the 69753  
amount certified under division (J)(2)(a) of this section and 69754  
shall reserve that amount from the cash balance in the commercial 69755  
activity tax motor fuel receipts fund for transfer to the general 69756  
revenue fund at times and in amounts to be determined by the 69757  
director. The director shall transfer the cash balance in the 69758  
commercial activity tax motor fuel receipts fund in excess of the 69759  
amount so reserved to the highway operating fund on or before June 69760  
30, 2014. 69761

(3)(a) On or before the fifteenth day of June of each fiscal 69762  
year beginning with fiscal year 2015, the director of the Ohio 69763  
public works commission shall certify to the director of budget 69764  
and management the amount of debt service paid from the general 69765  
revenue fund in the current fiscal year on bonds issued to finance 69766  
or assist in the financing of the cost of local subdivision public 69767  
infrastructure capital improvement projects, as provided for in 69768  
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 69769  
are attributable to costs for construction, reconstruction, 69770  
maintenance, or repair of public highways and bridges and other 69771  
statutory highway purposes. That certification shall allocate the 69772  
total amount of debt service paid from the general revenue fund 69773  
and attributable to those costs in the current fiscal year 69774  
according to the applicable section of the Ohio Constitution under 69775  
which the bonds were originally issued. 69776

(b) On or before the thirtieth day of June of each fiscal 69777  
year beginning with fiscal year 2015, the director of budget and 69778  
management shall determine an amount up to but not exceeding the 69779  
amount certified under division (J)(3)(a) of this section and 69780  
shall reserve that amount from the cash balance in the petroleum 69781  
activity tax public highways fund or the commercial activity tax 69782  
motor fuel receipts fund for transfer to the general revenue fund 69783  
at times and in amounts to be determined by the director. The 69784

director shall transfer the cash balance in the petroleum activity 69785  
tax public highways fund or the commercial activity tax motor fuel 69786  
receipts fund in excess of the amount so reserved to the highway 69787  
operating fund on or before the thirtieth day of June of the 69788  
current fiscal year. 69789

**Sec. 5751.21.** ~~(A) No determinations, computations,~~ 69790  
~~certifications, or payments shall be made under this section after~~ 69791  
~~June 30, 2015.~~ 69792

(A) Not later than the thirtieth day of July of 2007 through 69793  
2010, the department of education shall consult with the director 69794  
of budget and management and determine the following for each 69795  
school district and each joint vocational school district eligible 69796  
for payment under division (B) of this section: 69797

(1) The state education aid offset, which, except as provided 69798  
in division (A)(1)(c) of this section, is the difference obtained 69799  
by subtracting the amount described in division (A)(1)(b) of this 69800  
section from the amount described in division (A)(1)(a) of this 69801  
section: 69802

(a) The state education aid computed for the school district 69803  
or joint vocational school district for the current fiscal year as 69804  
of the thirtieth day of July; 69805

(b) The state education aid that would be computed for the 69806  
school district or joint vocational school district for the 69807  
current fiscal year as of the thirtieth day of July if the 69808  
valuation used in the calculation in division (B)(1) of section 69809  
3306.13 of the Revised Code as that division existed for fiscal 69810  
years 2010 and 2011 included the machinery and equipment, 69811  
inventory, furniture and fixtures, and telephone property tax 69812  
value losses for the school district or joint vocational school 69813  
district for the second preceding tax year, and if taxes charged 69814  
and payable associated with the tax value losses are accounted for 69815

in any state education aid computation dependent on taxes charged 69816  
and payable. 69817

(c) The state education aid offset for fiscal year 2010 and 69818  
fiscal year 2011 equals the greater of the state education aid 69819  
offset calculated for that fiscal year under divisions (A)(1)(a) 69820  
and (b) of this section and the state education aid offset 69821  
calculated for fiscal year 2009. For fiscal ~~year~~ years 2012 and 69822  
2013, the state education aid offset equals the state education 69823  
aid offset for fiscal year 2011. 69824

(2) For fiscal years 2008 through 2011, the greater of zero 69825  
or the difference obtained by subtracting the state education aid 69826  
offset determined under division (A)(1) of this section from the 69827  
sum of the machinery and equipment fixed-rate levy loss, the 69828  
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 69829  
levy loss, and telephone property fixed-rate levy loss certified 69830  
under divisions (G) and (I) of section 5751.20 of the Revised Code 69831  
for all taxing districts in each school district and joint 69832  
vocational school district for the second preceding tax year. 69833

By the thirtieth day of July of each such year, the 69834  
department of education and the director of budget and management 69835  
shall agree upon the amount to be determined under division (A)(1) 69836  
of this section. 69837

(B) On or before the thirty-first day of August of 2008, 69838  
2009, and 2010, the department of education shall recalculate the 69839  
offset described under division (A) of this section for the 69840  
previous fiscal year and recalculate the payments made under 69841  
division (C) of this section in the preceding fiscal year using 69842  
the offset calculated under this division. If the payments 69843  
calculated under this division differ from the payments made under 69844  
division (C) of this section in the preceding fiscal year, the 69845  
difference shall either be paid to a school district or recaptured 69846  
from a school district through an adjustment at the same times 69847

during the current fiscal year that the payments under division (C) of this section are made. In August and October of the current fiscal year, the amount of each adjustment shall be three-sevenths of the amount calculated under this division. In May of the current fiscal year, the adjustment shall be one-seventh of the amount calculated under this division.

(C) The department of education shall pay from the school district tangible property tax replacement fund to each school district and joint vocational school district all of the following for fixed-rate levy losses certified under divisions (G) and (I) of section 5751.20 of the Revised Code:

(1) On or before May 31, 2006, one-seventh of the total fixed-rate levy loss for tax year 2006;

(2) On or before August 31, 2006, and October 31, 2006, one-half of six-sevenths of the total fixed-rate levy loss for tax year 2006;

(3) On or before May 31, 2007, one-seventh of the total fixed-rate levy loss for tax year 2007;

(4) On or before August 31, 2007, and October 31, 2007, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss for tax year 2007 and the total fixed-rate levy loss for tax year 2006.

(5) On or before May 31, 2008, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-seventh of the difference between the total fixed-rate levy loss for tax year 2008 and the total fixed-rate levy loss for tax year 2006.

(6) On or before August 31, 2008, and October 31, 2008, forty-three per cent of the amount determined under division

(A)(2) of this section for fiscal year 2009, but not less than 69879  
zero, plus one-half of six-sevenths of the difference between the 69880  
total fixed-rate levy loss in tax year 2008 and the total 69881  
fixed-rate levy loss in tax year 2007. 69882

(7) On or before May 31, 2009, fourteen per cent of the 69883  
amount determined under division (A)(2) of this section for fiscal 69884  
year 2009, but not less than zero, plus one-seventh of the 69885  
difference between the total fixed-rate levy loss for tax year 69886  
2009 and the total fixed-rate levy loss for tax year 2007. 69887

(8) On or before August 31, 2009, and October 31, 2009, 69888  
forty-three per cent of the amount determined under division 69889  
(A)(2) of this section for fiscal year 2010, but not less than 69890  
zero, plus one-half of six-sevenths of the difference between the 69891  
total fixed-rate levy loss in tax year 2009 and the total 69892  
fixed-rate levy loss in tax year 2008. 69893

(9) On or before May 31, 2010, fourteen per cent of the 69894  
amount determined under division (A)(2) of this section for fiscal 69895  
year 2010, but not less than zero, plus one-seventh of the 69896  
difference between the total fixed-rate levy loss in tax year 2010 69897  
and the total fixed-rate levy loss in tax year 2008. 69898

(10) On or before August 31, 2010, and October 31, 2010, 69899  
forty-three per cent of the amount determined under division 69900  
(A)(2) of this section for fiscal year 2011, but not less than 69901  
zero, plus one-half of six-sevenths of the difference between the 69902  
telephone property fixed-rate levy loss for tax year 2010 and the 69903  
telephone property fixed-rate levy loss for tax year 2009. 69904

(11) On or before May 31, 2011, fourteen per cent of the 69905  
amount determined under division (A)(2) of this section for fiscal 69906  
year 2011, but not less than zero, plus one-seventh of the 69907  
difference between the telephone property fixed-rate levy loss for 69908  
tax year 2011 and the telephone property fixed-rate levy loss for 69909

tax year 2009. 69910

(12) For fiscal years 2012 and thereafter, the sum of the 69911  
amounts in divisions (C)(12)(a) or (b) and (c) of this section 69912  
shall be paid on or before the last day of November and the last 69913  
day of May: 69914

(a) If the ratio of current expense TPP allocation to total 69915  
resources is equal to or less than the threshold per cent, zero; 69916

(b) If the ratio of current expense TPP allocation to total 69917  
resources is greater than the threshold per cent, fifty per cent 69918  
of the difference of current expense TPP allocation minus the 69919  
product of total resources multiplied by the threshold per cent; 69920

(c) Fifty per cent of the product of non-current expense TPP 69921  
allocation multiplied by seventy-five per cent for fiscal year 69922  
2012 and fifty per cent for fiscal years 2013 and thereafter. 69923

The department of education shall report to each school 69924  
district and joint vocational school district the apportionment of 69925  
the payments among the school district's or joint vocational 69926  
school district's funds based on the certifications under 69927  
divisions (G) and (I) of section 5751.20 of the Revised Code. 69928

(D) For taxes levied within the ten-mill limitation for debt 69929  
purposes in tax year 2005, payments shall be made equal to one 69930  
hundred per cent of the loss computed as if the tax were a 69931  
fixed-rate levy, but those payments shall extend from fiscal year 69932  
2006 through fiscal year 2018, as long as the qualifying levy 69933  
continues to be used for debt purposes. If the purpose of such a 69934  
qualifying levy is changed, that levy becomes subject to the 69935  
payments determined in division (C) of this section. 69936

(E)(1) Not later than January 1, 2006, for each fixed-sum 69937  
levy of each school district or joint vocational school district 69938  
and for each year for which a determination is made under division 69939  
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 69940

loss is to be reimbursed, the tax commissioner shall certify to 69941  
the department of education the fixed-sum levy loss determined 69942  
under that division. The certification shall cover a time period 69943  
sufficient to include all fixed-sum levies for which the 69944  
commissioner made such a determination. On or before the last day 69945  
of May of the current year, the department shall pay from the 69946  
school district property tax replacement fund to the school 69947  
district or joint vocational school district one-third of the 69948  
fixed-sum levy loss so certified, plus one-third of the amount 69949  
certified under division (I) of section 5751.20 of the Revised 69950  
Code, and on or before the last day of November, two-thirds of the 69951  
fixed-sum levy loss so certified, plus two-thirds of the amount 69952  
certified under division (I) of section 5751.20 of the Revised 69953  
Code. Payments under this division of the amounts certified under 69954  
division (I) of section 5751.20 of the Revised Code shall continue 69955  
until the levy adopted under section 5705.219 of the Revised Code 69956  
expires. 69957

(2) Beginning in 2006, by the first day of January of each 69958  
year, the tax commissioner shall review the certification 69959  
originally made under division (E)(1) of this section. If the 69960  
commissioner determines that a debt levy that had been scheduled 69961  
to be reimbursed in the current year has expired, a revised 69962  
certification for that and all subsequent years shall be made to 69963  
the department of education. 69964

(F) Beginning in September 2007 and through June 2013, the 69965  
director of budget and management shall transfer from the school 69966  
district tangible property tax replacement fund to the general 69967  
revenue fund each of the following: 69968

(1) On the first day of September, one-fourth of the amount 69969  
determined for that fiscal year under division (A)(1) of this 69970  
section; 69971

(2) On the first day of December, one-fourth of the amount 69972

determined for that fiscal year under division (A)(1) of this section; 69973  
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(3) On the first day of March, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section; 69975  
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(4) On the first day of June, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section. 69978  
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If, when a transfer is required under division (F)(1), (2), (3), or (4) of this section, there is not sufficient money in the school district tangible property tax replacement fund to make the transfer in the required amount, the director shall transfer the balance in the fund to the general revenue fund and may make additional transfers on later dates as determined by the director in a total amount that does not exceed one-fourth of the amount determined for the fiscal year. 69981  
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(G) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under divisions (C), (D), and (E) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund. 69989  
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(H) On the fifteenth day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund. 69997  
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(I) If all of the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational 70001  
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school district is transferred to an existing or newly created 70004  
district, the department of education, in consultation with the 70005  
tax commissioner, shall adjust the payments made under this 70006  
section as follows: 70007

(1) For a merger of two or more districts, the fixed-sum levy 70008  
losses, total resources, current expense TPP allocation, total TPP 70009  
allocation, and non-current expense TPP allocation of the 70010  
successor district shall be the sum of such items for each of the 70011  
districts involved in the merger. 70012

(2) If property is transferred from one district to a 70013  
previously existing district, the amount of total resources, 70014  
current expense TPP allocation, total TPP allocation, and 70015  
non-current expense TPP allocation that shall be transferred to 70016  
the recipient district shall be an amount equal to total 70017  
resources, current expense TPP allocation, total TPP allocation, 70018  
and non-current expense TPP allocation of the transferor district 70019  
times a fraction, the numerator of which is the number of pupils 70020  
being transferred to the recipient district, measured, in the case 70021  
of a school district, by formula ADM as that term is defined in 70022  
section 3317.02 of the Revised Code or, in the case of a joint 70023  
vocational school district, by formula ADM as defined for a joint 70024  
vocational school district in that section, and the denominator of 70025  
which is the formula ADM of the transferor district. 70026

(3) After December 31, 2010, if property is transferred from 70027  
one or more districts to a district that is newly created out of 70028  
the transferred property, the newly created district shall be 70029  
deemed not to have any total resources, current expense TPP 70030  
allocation, total TPP allocation, or non-current expense TPP 70031  
allocation. 70032

(4) If the recipient district under division (I)(2) of this 70033  
section or the newly created district under division (I)(3) of 70034  
this section is assuming debt from one or more of the districts 70035

from which the property was transferred and any of the districts 70036  
losing the property had fixed-sum levy losses, the department of 70037  
education, in consultation with the tax commissioner, shall make 70038  
an equitable division of the fixed-sum levy loss reimbursements. 70039

**Sec. 5751.22.** ~~(A) No determinations, computations,~~ 70040  
~~certifications, or payments shall be made under this section after~~ 70041  
~~June 30, 2015.~~ 70042

(A) Not later than January 1, 2006, the tax commissioner 70043  
shall compute the payments to be made to each local taxing unit, 70044  
and to each public library that receives the proceeds of a tax 70045  
levied under section 5705.23 of the Revised Code, for each year 70046  
according to divisions (A)(1), (2), (3), and (4) of this section 70047  
as this section existed on that date, and shall distribute the 70048  
payments in the manner prescribed by division (C) of this section. 70049  
The calculation of the fixed-sum levy loss shall cover a time 70050  
period sufficient to include all fixed-sum levies for which the 70051  
commissioner determined, pursuant to division (E) of section 70052  
5751.20 of the Revised Code, that a fixed-sum levy loss is to be 70053  
reimbursed. 70054

(1) Except as provided in division (A)(3) of this section, 70055  
for fixed-rate levy losses determined under division (D) of 70056  
section 5751.20 of the Revised Code, payments shall be made in an 70057  
amount equal to the following: 70058

(a) For tax years 2006 through 2010, one hundred per cent of 70059  
such losses; 70060

(b) For the payment in tax year 2011 to be made on or before 70061  
the twentieth day of November, the sum of the amount in division 70062  
(A)(1)(b)(i) or (ii) and division (A)(1)(b)(iii) of this section: 70063

(i) If the ratio of six-sevenths of the TPP allocation to 70064  
total resources is equal to or less than the threshold per cent, 70065

zero; 70066

(ii) If the ratio of six-sevenths of the TPP allocation to 70067  
total resources is greater than the threshold per cent, the 70068  
difference of six-sevenths of the TPP allocation minus the product 70069  
of total resources multiplied by the threshold per cent; 70070

(iii) In the case of a municipal corporation, six-sevenths of 70071  
the product of the non-current expense TPP allocation multiplied 70072  
by seventy-five per cent. 70073

(c) For tax years 2012 and thereafter, the sum of the amount 70074  
in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of 70075  
this section: 70076

(i) If the ratio of TPP allocation to total resources is 70077  
equal to or less than the threshold per cent, zero; 70078

(ii) If the ratio of TPP allocation to total resources is 70079  
greater than the threshold per cent, the TPP allocation minus the 70080  
product of total resources multiplied by the threshold per cent; 70081

(iii) In the case of a municipal corporation, non-current 70082  
expense TPP allocation multiplied by fifty per cent for tax year 70083  
2012 and twenty-five per cent for tax years 2013 and thereafter; 70084

(d) For tax years 2012 and thereafter, in the case of a 70085  
county, school district, municipal corporation, or township public 70086  
library, the amount in division (A)(1)(d)(i) or (ii) of this 70087  
section: 70088

(i) If the ratio of TPP allocation for library purposes to 70089  
total library resources is equal to or less than the threshold per 70090  
cent, zero; 70091

(ii) If the ratio of TPP allocation for library purposes to 70092  
total library resources is greater than the threshold per cent, 70093  
the TPP allocation for library purposes minus the product of total 70094  
library resources multiplied by the threshold per cent. 70095

(2) For fixed-sum levy losses determined under division (E) 70096  
of section 5751.20 of the Revised Code, payments shall be made in 70097  
the amount of one hundred per cent of the fixed-sum levy loss for 70098  
payments required to be made in 2006 through 2011, except that no 70099  
payments shall be made for qualifying levies that have expired. 70100  
For payments required to be made in 2012 and thereafter, payments 70101  
shall be made in the amount of fifty per cent of the fixed-sum 70102  
levy loss until the qualifying levy has expired. 70103

(3) For taxes levied within the ten-mill limitation or 70104  
pursuant to a municipal charter for debt purposes in tax year 70105  
2005, payments shall be made based on the schedule in division 70106  
(A)(1) of this section for each of the calendar years 2006 through 70107  
2010. For each of the calendar years 2011 through 2017, the 70108  
percentages for calendar year 2010 shall be used for taxes levied 70109  
within the ten-mill limitation or pursuant to a municipal charter 70110  
for debt purposes in tax year 2010, as long as such levies 70111  
continue to be used for debt purposes. If the purpose of such a 70112  
qualifying levy is changed, that levy becomes subject to the 70113  
payment schedules in divisions (A)(1)(a) to (h) of this section. 70114  
No payments shall be made for such levies after calendar year 70115  
2017. For the purposes of this division, taxes levied pursuant to 70116  
a municipal charter refer to taxes levied pursuant to a provision 70117  
of a municipal charter that permits the tax to be levied without 70118  
prior voter approval. 70119

(B) Beginning in 2007, by the thirty-first day of January of 70120  
each year, the tax commissioner shall review the calculation 70121  
originally made under division (A) of this section of the 70122  
fixed-sum levy losses determined under division (E) of section 70123  
5751.20 of the Revised Code. If the commissioner determines that a 70124  
fixed-sum levy that had been scheduled to be reimbursed in the 70125  
current year has expired, a revised calculation for that and all 70126  
subsequent years shall be made. 70127

(C) Payments to local taxing units and public libraries 70128  
required to be made under division (A) of this section shall be 70129  
paid from the local government tangible property tax replacement 70130  
fund to the county undivided income tax fund in the proper county 70131  
treasury. From May 2006 through November 2010, one-seventh of the 70132  
amount determined under that division shall be paid by the last 70133  
day of May each year, and three-sevenths shall be paid by the last 70134  
day of August and October each year. From May 2011 through 70135  
November 2013, one-seventh of the amount determined under that 70136  
division shall be paid on or before the last day of May each year, 70137  
and six-sevenths shall be paid on or before the thirtieth day of 70138  
November each year, except that in November 2011, the payment 70139  
shall equal one hundred per cent of the amount calculated for that 70140  
payment. Beginning in May 2014, one-half of the amount determined 70141  
under that division shall be paid on or before the last day of May 70142  
each year, and one-half shall be paid on or before the thirtieth 70143  
day of November each year. Within thirty days after receipt of 70144  
such payments, the county treasurer shall distribute amounts 70145  
determined under division (A) of this section to the proper local 70146  
taxing unit or public library as if they had been levied and 70147  
collected as taxes, and the local taxing unit or public library 70148  
shall apportion the amounts so received among its funds in the 70149  
same proportions as if those amounts had been levied and collected 70150  
as taxes. 70151

(D) For each of the fiscal years 2006 through 2018, if the 70152  
total amount in the local government tangible property tax 70153  
replacement fund is insufficient to make all payments under 70154  
division (C) of this section at the times the payments are to be 70155  
made, the director of budget and management shall transfer from 70156  
the general revenue fund to the local government tangible property 70157  
tax replacement fund the difference between the total amount to be 70158  
paid and the amount in the local government tangible property tax 70159  
replacement fund. For each fiscal year after 2018, at the time 70160

payments under division (A)(2) of this section are to be made, the 70161  
director of budget and management shall transfer from the general 70162  
revenue fund to the local government property tax replacement fund 70163  
the amount necessary to make such payments. 70164

(E) On the fifteenth day of June of each year from 2006 70165  
through 2018, the director of budget and management may transfer 70166  
any balance in the local government tangible property tax 70167  
replacement fund to the general revenue fund. 70168

(F) If all or a part of the territories of two or more local 70169  
taxing units are merged, or unincorporated territory of a township 70170  
is annexed by a municipal corporation, the tax commissioner shall 70171  
adjust the payments made under this section to each of the local 70172  
taxing units in proportion to the square mileage of the merged or 70173  
annexed territory as a percentage of the total square mileage of 70174  
the jurisdiction from which the territory originated, or as 70175  
otherwise provided by a written agreement between the legislative 70176  
authorities of the local taxing units certified to the 70177  
commissioner not later than the first day of June of the calendar 70178  
year in which the payment is to be made. 70179

**Sec. 5751.50.** (A) For tax periods beginning on or after 70180  
January 1, 2008, a refundable credit granted by the tax credit 70181  
authority under section 122.17 or former division (B)(2) or (3) of 70182  
section 122.171 of the Revised Code, as those divisions existed 70183  
before the effective date of the amendment of this section by 70184  
...B... of the 131st general assembly, may be claimed under this 70185  
chapter in the order required under section 5751.98 of the Revised 70186  
Code. For purposes of making tax payments under this chapter, 70187  
taxes equal to the amount of the refundable credit shall be 70188  
considered to be paid to this state on the first day of the tax 70189  
period. A credit claimed in calendar year 2008 may not be applied 70190  
against the tax otherwise due for a tax period beginning before 70191

July 1, 2008. The refundable credit shall not be claimed against 70192  
the tax otherwise due for any tax period beginning after the date 70193  
on which a relocation of employment positions occurs in violation 70194  
of an agreement entered into under section 122.17 or 122.171 of 70195  
the Revised Code. 70196

(B) For tax periods beginning on or after January 1, 2008, a 70197  
nonrefundable credit granted by the tax credit authority under 70198  
division (B)~~(1)~~ of section 122.171 of the Revised Code may be 70199  
claimed under this chapter in the order required under section 70200  
5751.98 of the Revised Code. A credit claimed in calendar year 70201  
2008 may not be applied against the tax otherwise due under this 70202  
chapter for a tax period beginning before July 1, 2008. The credit 70203  
shall not be claimed against the tax otherwise due for any tax 70204  
period beginning after the date on which a relocation of 70205  
employment positions occurs in violation of an agreement entered 70206  
into under section 122.17 or 122.171 of the Revised Code. No 70207  
credit shall be allowed under this chapter if the credit was 70208  
available against the tax imposed by section 5733.06 or 5747.02 of 70209  
the Revised Code, except to the extent the credit was not applied 70210  
against such tax. 70211

**Sec. 5902.02.** The duties of the director of veterans services 70212  
shall include the following: 70213

(A) Furnishing the veterans service commissions of all 70214  
counties of the state copies of the state laws, rules, and 70215  
legislation relating to the operation of the commissions and their 70216  
offices; 70217

(B) Upon application, assisting the general public in 70218  
obtaining records of vital statistics pertaining to veterans or 70219  
their dependents; 70220

(C) Adopting rules pursuant to Chapter 119. of the Revised 70221

Code pertaining to minimum qualifications for hiring, certifying, 70222  
and accrediting county veterans service officers, pertaining to 70223  
their required duties, and pertaining to revocation of the 70224  
certification of county veterans service officers; 70225

(D) Adopting rules pursuant to Chapter 119. of the Revised 70226  
Code for the education, training, certification, and duties of 70227  
veterans service commissioners and for the revocation of the 70228  
certification of a veterans service commissioner; 70229

(E) Developing and monitoring programs and agreements 70230  
enhancing employment and training for veterans in single or 70231  
multiple county areas; 70232

(F) Developing and monitoring programs and agreements to 70233  
enable county veterans service commissions to address 70234  
homelessness, indigency, and other veteran-related issues 70235  
individually or jointly; 70236

(G) Developing and monitoring programs and agreements to 70237  
enable state agencies, individually or jointly, that provide 70238  
services to veterans, including the veterans' homes operated under 70239  
Chapter 5907. of the Revised Code and the director of job and 70240  
family services, to address homelessness, indigency, employment, 70241  
and other veteran-related issues; 70242

(H) Establishing and providing statistical reporting formats 70243  
and procedures for county veterans service commissions; 70244

(I) Publishing electronically a listing of county veterans 70245  
service offices and county veterans service commissioners. The 70246  
listing shall include the expiration dates of commission members' 70247  
terms of office and the organizations they represent; the names, 70248  
addresses, and telephone numbers of county veterans service 70249  
offices; and the addresses and telephone numbers of the Ohio 70250  
offices and headquarters of state and national veterans service 70251  
organizations. 70252

(J) Establishing a veterans advisory committee to advise and 70253  
assist the department of veterans services in its duties. Members 70254  
shall include a member of the national guard association of the 70255  
United States who is a resident of this state, a member of the 70256  
military officers association of America who is a resident of this 70257  
state, a state representative of congressionally chartered 70258  
veterans organizations referred to in section 5901.02 of the 70259  
Revised Code, a representative of any other congressionally 70260  
chartered state veterans organization that has at least one 70261  
veterans service commissioner in the state, three representatives 70262  
of the Ohio state association of county veterans service 70263  
commissioners, who shall have a combined vote of one, three 70264  
representatives of the state association of county veterans 70265  
service officers, who shall have a combined vote of one, one 70266  
representative of the county commissioners association of Ohio, 70267  
who shall be a county commissioner not from the same county as any 70268  
of the other county representatives, a representative of the 70269  
advisory committee on women veterans, a representative of a labor 70270  
organization, and a representative of the office of the attorney 70271  
general. The department of veterans services shall submit to the 70272  
advisory committee proposed rules for the committee's operation. 70273  
The committee may review and revise these proposed rules prior to 70274  
submitting them to the joint committee on agency rule review. 70275

(K) Adopting, with the advice and assistance of the veterans 70276  
advisory committee, policy and procedural guidelines that the 70277  
veterans service commissions shall adhere to in the development 70278  
and implementation of rules, policies, procedures, and guidelines 70279  
for the administration of Chapter 5901. of the Revised Code. The 70280  
department of veterans services shall adopt no guidelines or rules 70281  
regulating the purposes, scope, duration, or amounts of financial 70282  
assistance provided to applicants pursuant to sections 5901.01 to 70283  
5901.15 of the Revised Code. The director of veterans services may 70284  
obtain opinions from the office of the attorney general regarding 70285

rules, policies, procedures, and guidelines of the veterans 70286  
service commissions and may enforce compliance with Chapter 5901. 70287  
of the Revised Code. 70288

(L) Receiving copies of form DD214 filed in accordance with 70289  
the director's guidelines adopted under division (L) of this 70290  
section from members of veterans service commissions appointed 70291  
under section 5901.02 and from county veterans service officers 70292  
employed under section 5901.07 of the Revised Code; 70293

(M) Developing and maintaining and improving a resource, such 70294  
as a telephone answering point or a web site, by means of which 70295  
veterans and their dependents, through a single portal, can access 70296  
multiple sources of information and interaction with regard to the 70297  
rights of, and the benefits available to, veterans and their 70298  
dependents. The director of veterans services may enter into 70299  
agreements with state and federal agencies, with agencies of 70300  
political subdivisions, with state and local instrumentalities, 70301  
and with private entities as necessary to make the resource as 70302  
complete as is possible. 70303

(N) Planning, organizing, advertising, and conducting 70304  
outreach efforts, such as conferences and fairs, at which veterans 70305  
and their dependents may meet, learn about the organization and 70306  
operation of the department of veterans services and of veterans 70307  
service commissions, and obtain information about the rights of, 70308  
and the benefits and services available to, veterans and their 70309  
dependents; 70310

(O) Advertising, in print, on radio and television, and 70311  
otherwise, the rights of, and the benefits and services available 70312  
to, veterans and their dependents; 70313

(P) Developing and advocating improved benefits and services 70314  
for, and improved delivery of benefits and services to, veterans 70315  
and their dependents; 70316

(Q) Searching for, identifying, and reviewing statutory and administrative policies that relate to veterans and their dependents and reporting to the general assembly statutory and administrative policies that should be consolidated in whole or in part within the organization of the department of veterans services to unify funding, delivery, and accounting of statutory and administrative policy expressions that relate particularly to veterans and their dependents;

(R) Encouraging veterans service commissions to innovate and otherwise to improve efficiency in delivering benefits and services to veterans and their dependents and to report successful innovations and efficiencies to the director of veterans services;

(S) Publishing and encouraging adoption of successful innovations and efficiencies veterans service commissions have achieved in delivering benefits and services to veterans and their dependents;

(T) Establishing advisory committees, in addition to the veterans advisory committee established under division (K) of this section, on veterans issues;

(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled;

(V) Developing and maintaining relationships with the several veterans organizations, encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations;

(W) Requiring the several veterans organizations that receive funding from the state annually, not later than the thirtieth day

of July, to report to the director of veterans services and 70348  
prescribing the form and content of the report; 70349

(X) Reviewing the reports submitted to the director under 70350  
division (W) of this section within thirty days of receipt and 70351  
informing the veterans organization of any deficiencies that exist 70352  
in the organization's report and that funding will not be released 70353  
until the deficiencies have been corrected and a satisfactory 70354  
report submitted; 70355

(Y) Advising the director of budget and management when a 70356  
report submitted to the director under division (W) of this 70357  
section has been reviewed and determined to be satisfactory; 70358

(Z) Furnishing copies of all reports that the director of 70359  
veterans services has determined have been submitted 70360  
satisfactorily under division (W) of this section to the 70361  
chairperson of the finance committees of the general assembly; 70362

(AA) Investigating complaints against county veterans 70363  
services commissioners and county veterans service officers if the 70364  
director reasonably believes the investigation to be appropriate 70365  
and necessary; 70366

(BB) Developing and maintaining a web site that is accessible 70367  
by veterans and their dependents and provides a link to the web 70368  
site of each state agency that issues a license, certificate, or 70369  
other authorization permitting an individual to engage in an 70370  
occupation or occupational activity; 70371

(CC) Encouraging state agencies to conduct outreach efforts 70372  
through which veterans and their dependents can learn about 70373  
available job and education benefits; 70374

(DD) Informing state agencies about changes in statutes and 70375  
rules that affect veterans and their dependents; 70376

(EE) Assisting licensing agencies in adopting rules under 70377

section 5903.03 of the Revised Code; 70378

(FF) Administering the provision of grants from the military injury relief fund under section 5902.05 of the Revised Code; 70379  
70380

(GG) Taking any other actions required by this chapter. 70381

**Sec. ~~5101.98~~ 5902.05.** (A) There is hereby created in the 70382  
state treasury the military injury relief fund, which shall 70383  
consist of money contributed to it under sections 4503.535 and 70384  
5747.113 of the Revised Code, of incentive grants authorized by 70385  
the "Jobs for Veterans Act," 116 Stat. 2033 (2002), and of 70386  
contributions made directly to it. Any person or entity may 70387  
contribute directly to the fund in addition to or independently of 70388  
the income tax refund contribution system established in section 70389  
5747.113 of the Revised Code. 70390

(B) Upon application, the director of ~~job and family~~ veterans 70391  
services shall grant money in the fund to individuals injured 70392  
while in active service as a member of the armed forces of the 70393  
United States while serving ~~under operation Iraqi freedom,~~ 70394  
~~operation new dawn, or operation enduring freedom~~ after October 7, 70395  
2001, and to individuals diagnosed with post-traumatic stress 70396  
disorder while serving, or after having served, ~~in operation Iraqi~~ 70397  
~~freedom, operation new dawn, or operation enduring freedom~~ after 70398  
October 7, 2001. 70399

(C) An individual who receives a grant under this section is 70400  
precluded from receiving additional grants under this section 70401  
during the same state fiscal year but is not precluded from being 70402  
considered for or receiving other assistance offered by the 70403  
department of ~~job and family~~ veterans services. 70404

(D) The director shall adopt rules under Chapter 119. of the 70405  
Revised Code establishing: 70406

(1) Forms and procedures by which individuals may apply for a 70407

grant under this section;	70408
(2) Criteria for reviewing, evaluating, and approving or denying grant applications;	70409 70410
(3) Criteria for determining the amount of grants awarded under this section;	70411 70412
(4) Definitions and standards applicable to determining whether an individual meets the requirements established in division (B) of this section;	70413 70414 70415
(5) The process for appealing eligibility determinations; and	70416
(6) Any other rules necessary to administer the grant program established in this section.	70417 70418
(E) An eligibility determination, a grant approval, or a grant denial made under this section may not be appealed under Chapter 119., <del>section 5101.35</del> , or any other provision of the Revised Code.	70419 70420 70421 70422
<b>Sec. 5903.12.</b> (A) As used in this section:	70423
"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, <del>4731.281</del> <u>4731.282</u> , 4734.25, 4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code.	70424 70425 70426 70427 70428 70429 70430
"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.	70431 70432 70433
(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active	70434 70435 70436

duty during the current or a prior reporting period. The licensee 70437  
shall submit proper documentation certifying the active duty 70438  
service and the length of that active duty service. Upon receiving 70439  
the application and proper documentation, the licensing agency 70440  
shall extend the current reporting period by an amount of time 70441  
equal to the total number of months that the licensee spent on 70442  
active duty during the current reporting period. For purposes of 70443  
this division, any portion of a month served on active duty shall 70444  
be considered one full month. 70445

**Sec. 5910.08.** There is hereby created in the state treasury 70446  
the war orphans scholarship reserve fund. ~~Not later than the first~~ 70447  
~~day of July~~ As soon as possible following the end of each fiscal 70448  
year, the ~~chancellor of the Ohio board of regents~~ director of 70449  
higher education shall certify to the director of budget and 70450  
management the unencumbered balance of the general revenue fund 70451  
appropriations made in the immediately preceding fiscal year for 70452  
purposes of the war orphans scholarship program created in Chapter 70453  
5910. of the Revised Code. Upon receipt of the certification, the 70454  
director may transfer an amount not exceeding the certified amount 70455  
from the general revenue fund to the war orphans scholarship 70456  
reserve fund. Moneys in the war orphans scholarship reserve fund 70457  
shall be used to pay scholarship obligations in excess of the 70458  
general revenue fund appropriations made for that purpose. 70459

The director may transfer any unencumbered balance from the 70460  
war orphans scholarship reserve fund to the general revenue fund. 70461

If it is determined that general revenue fund appropriations 70462  
are insufficient to meet the obligations of the war orphans 70463  
scholarship in a fiscal year, the director may transfer funds from 70464  
the war orphans scholarship reserve fund to the general revenue 70465  
fund in order to meet those obligations. The amount transferred is 70466  
hereby appropriated. If the funds transferred from the war orphans 70467

scholarship reserve fund are not needed, the director may transfer 70468  
the unexpended balance from the general revenue fund back to the 70469  
war orphans scholarship reserve fund. 70470

**Sec. 5919.341.** There is hereby created in the state treasury 70471  
the national guard scholarship reserve fund. ~~Not later than the~~ 70472  
~~first day of July~~ As soon as possible following the end of each 70473  
fiscal year, the ~~chancellor of the Ohio board of regents~~ director 70474  
of higher education shall certify to the director of budget and 70475  
management the unencumbered balance of the general revenue fund 70476  
appropriations made in the immediately preceding fiscal year for 70477  
purposes of the Ohio national guard scholarship program created 70478  
under division (B) of section 5919.34 of the Revised Code. Upon 70479  
receipt of the certification, the director may transfer an amount 70480  
not exceeding the certified amount from the general revenue fund 70481  
to the national guard scholarship reserve fund. Moneys in the 70482  
national guard scholarship reserve fund shall be used to pay 70483  
scholarship obligations in excess of the general revenue fund 70484  
appropriations made for that purpose. ~~Upon request of the~~ 70485  
~~chancellor, the director may seek controlling board approval to~~ 70486  
~~establish appropriations as necessary.~~ 70487

The director may transfer any unencumbered balance from the 70488  
national guard scholarship reserve fund to the general revenue 70489  
fund. 70490

If it is determined that general revenue fund appropriations 70491  
are insufficient to meet the obligations of the national guard 70492  
scholarship in a fiscal year, the director may transfer funds from 70493  
the national guard scholarship reserve fund to the general revenue 70494  
fund in order to meet those obligations. The amount transferred is 70495  
hereby appropriated. If the funds transferred from the national 70496  
guard scholarship reserve fund are not needed, the director may 70497  
transfer the unexpended balance from the general revenue fund back 70498

to the national guard scholarship reserve fund. 70499

**Sec. 6109.08.** (A) The director of environmental protection 70500  
shall not approve plans for construction, installation, or 70501  
substantial modification of a community water system ~~which~~ that 70502  
serves fewer than five hundred service connections, or any part of 70503  
such a system, except a system owned and operated by a public 70504  
entity, ~~a system which supplies water only to premises owned by~~ 70505  
~~the water supplier,~~ or a system regulated by the public utilities 70506  
commission, unless the owner or operator of ~~such~~ the system or 70507  
part thereof has deposited in escrow an amount equal to fifteen 70508  
per cent of the cost of the system or part thereof owned by ~~him~~ 70509  
the owner or operator, but not to exceed two hundred fifty 70510  
thousand dollars. In lieu of escrow, the director may allow the 70511  
community water system to provide financial assurance in a form 70512  
and amount determined by the director. 70513

(B) If a system for which ~~an~~ escrow is required under 70514  
division (A) of this section is not properly constructed, 70515  
maintained, repaired, or operated, the director may order the 70516  
owner or operator of ~~such~~ the system or part thereof to correct 70517  
the deficiencies, and shall authorize use of the funds in the 70518  
escrow account as necessary to enable compliance with ~~his~~ the 70519  
order. When funds are withdrawn from an escrow account, they shall 70520  
be replaced by the owner or the operator of ~~such~~ the system or 70521  
part thereof within six months of withdrawal. 70522

(C) The director may issue a notice of a failure to correct a 70523  
significant deficiency in accordance with a schedule accepted by 70524  
the director. Within five days of receiving a notice, or if funds 70525  
in an escrow account are not adequate to correct the significant 70526  
deficiency, the owner or operator of a community water system to 70527  
which division (A) of this section applies shall deposit all rents 70528  
and fees in escrow until the director determines that the 70529

significant deficiency has been corrected. The director may 70530  
authorize the use of the funds in the escrow for a contractor or 70531  
receiver to correct the significant deficiency or connect to 70532  
another public water system approved by the director. 70533

(D) For purposes of this section, "community water system" 70534  
means a public water system that serves at least fifteen service 70535  
connections used by year-round residents or ~~which~~ that regularly 70536  
serves at least twenty-five year-round residents. 70537

For purposes of this section, "public entity" means the 70538  
federal government, the state, any political subdivision, and any 70539  
agency, institution, or instrumentality thereof. 70540

**Sec. 6109.10.** (A)(1) As used in this section, "lead free" 70541  
means: 70542

~~(1) When used with respect to solders or flux, solders or~~ 70543  
~~flux containing~~ (a) Containing not more than two-tenths of one per 70544  
cent lead when used with respect to solders or flux; 70545

~~(2) When used with respect to pipes or pipe fittings, pipes~~ 70546  
~~or pipe fittings containing~~ (b) Containing not more than ~~eight~~ a 70547  
weighted average of twenty-five-hundredths per cent lead when used 70548  
with respect to wetted surfaces of pipes, pipe fittings, or 70549  
plumbing fittings or fixtures. 70550

~~(B) Any pipe, pipe fitting, solder, or flux that is used in~~ 70551  
~~the installation or repair of a public water system or of any~~ 70552  
~~plumbing in a residential or nonresidential facility providing~~ 70553  
~~water for human consumption which is connected to a public water~~ 70554  
~~system shall be lead free. This division does not apply to leaded~~ 70555  
~~joints necessary for the repair of cast iron pipes. (2) For~~ 70556  
purposes of this section, the weighted average lead content of a 70557  
pipe, pipe fitting, or plumbing fitting or fixture shall be 70558  
calculated by using the following formula: for each wetted 70559

component, the percentage of lead in the component shall be 70560  
multiplied by the ratio of the wetted surface area of that 70561  
component to the total wetted surface area of the entire product 70562  
to determine the weighted percentage of lead of the component. The 70563  
weighted percentage of lead of each wetted component shall be 70564  
added together, and the sum of the weighted percentages shall 70565  
constitute the weighted average lead content of the product. The 70566  
lead content of the material used to produce wetted components 70567  
shall be used to determine whether the wetted surfaces are lead 70568  
free pursuant to division (A)(1)(b) of this section. For purposes 70569  
of the lead contents of materials that are provided as a range, 70570  
the maximum content of the range shall be used. 70571

(B) Except as provided in division (D) of this section, no 70572  
person shall do any of the following: 70573

(1) Use any pipe, pipe fitting, plumbing fitting or fixture, 70574  
solder, or flux that is not lead free in the installation or 70575  
repair of a public water system or of any plumbing in a 70576  
residential or nonresidential facility providing water for human 70577  
consumption; 70578

(2) Introduce into commerce any pipe, pipe fitting, or 70579  
plumbing fitting or fixture that is not lead free; 70580

(3) Sell solder or flux that is not lead free while engaged 70581  
in the business of selling plumbing supplies; 70582

(4) Introduce into commerce any solder or flux that is not 70583  
lead free unless the solder or flux has a prominent label stating 70584  
that it is illegal to use the solder or flux in the installation 70585  
or repair of any plumbing providing water for human consumption. 70586

(C) ~~Each~~ The owner or operator of a public water system shall 70587  
identify and provide notice to persons that may be affected by 70588  
lead contamination of their drinking water if the contamination 70589  
results from the lead content in the construction materials of the 70590

public water distribution system, the corrosivity of the water supply is sufficient to cause the leaching of lead, or both. The notice shall be in such form and manner as may be reasonably required by the director of environmental protection, but shall provide a clear and readily understandable explanation of all of the following:

(1) Potential sources of lead in the drinking water;

(2) Potential adverse health effects;

(3) Reasonably available methods of mitigating known or potential lead content in drinking water;

(4) Any steps the public water system is taking to mitigate lead content in drinking water;

(5) The necessity, if any, of seeking alternative water supplies.

The notice shall be provided notwithstanding the absence of a violation of any drinking water standard.

(D)(1) Division (B)(1) of this section does not apply to the use of leaded joints that are necessary for the repair of cast iron pipes.

(2) Division (B)(2) of this section does not apply to a pipe that is used in manufacturing or industrial processing.

(3) Division (B)(3) of this section does not apply to the selling of plumbing supplies by manufacturers of those supplies.

(4) Division (B) of this section does not apply to either of the following:

(a) Pipes, pipe fittings, or plumbing fittings or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption;

(b) Toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are two inches in diameter or larger. 70621  
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**Sec. 6109.24.** ~~(A) A public water system that is a community water system, or that is not a community water system and serves a nontransient population, and that proposes to commence providing water to the public after October 1, 1999, shall include with the submission of plans required under section 6109.07 of the Revised Code documentation that demonstrates~~ shall demonstrate the technical, managerial, and financial capability of the system to comply with this chapter and rules adopted under it. The director of environmental protection shall adopt, and may amend and rescind, rules pursuant to section 6109.04 of the Revised Code establishing requirements governing the demonstration of technical, managerial, and financial capability for the purposes of this section. 70625  
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~~The director may deny approval of plans submitted under section 6109.07 of the Revised Code if the public water system that submitted the plans~~ 70638  
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(B)(1) Prior to October 1, 2018, a public water system shall submit an asset management plan that is acceptable to the director and complies with division (B)(2) of this section in accordance with a schedule for submission established by the director. After that date, a public water system shall submit an asset management plan that is acceptable to the director and complies with division (B)(2) of this section within thirty days after receiving a request to do so from the director. 70641  
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(2) A public water system shall demonstrate the technical, managerial, and financial capability required under division (A) of this section by implementing a written asset management plan 70649  
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not later than October 1, 2018, unless required earlier by the 70652  
director or not later than a date specified by the director if the 70653  
director requests a system to submit a plan under division (B)(1) 70654  
of this section. A public water system shall include in the plan 70655  
all of the following: 70656

(a) An inventory and evaluation of all assets; 70657

(b) Operation and maintenance programs; 70658

(c) An emergency preparedness and contingency planning 70659  
program; 70660

(d) Criteria and timelines for infrastructure rehabilitation 70661  
and replacement; 70662

(e) Approved capacity projections and capital improvement 70663  
planning; 70664

(f) A long-term funding strategy to support asset management 70665  
plan implementation. 70666

(C) If a public water system fails to demonstrate technical, 70667  
managerial, and financial capability in accordance with this 70668  
section and rules adopted under it, the director may take 70669  
regulatory actions to improve and ensure the capability of the 70670  
public water system, including denying a plan submitted under 70671  
section 6109.07 of the Revised Code. 70672

**Sec. 6109.30.** (A) There is hereby created in the state 70673  
treasury the drinking water protection fund, which shall be 70674  
administered by the director of environmental protection. The fund 70675  
shall consist of moneys distributed to it and shall be used for 70676  
all of the following purposes: 70677

(1) Administration of this chapter and rules adopted under 70678  
it; 70679

(2) Administration in this state of the "Safe Drinking Water 70680

Act#; 70681

(3) Provision of technical assistance to public water systems 70682  
in this state for the purposes of this chapter and rules adopted 70683  
under it; 70684

(4) Special studies conducted by the director for the 70685  
monitoring and testing of drinking water quality in this state; 70686

(5) Support of programs for the prevention of contamination 70687  
of surface and ground water supplies in this state that are 70688  
sources of drinking water. 70689

~~Moneys in the fund shall not be used to meet any state 70690  
matching requirements that are necessary to obtain federal grants. 70691~~

(B) The director may expend not more than two hundred 70692  
thousand dollars from the fund in each fiscal year for the purpose 70693  
of making loans to owners and operators of public water systems 70694  
for emergency remediation of threats of contamination to public 70695  
water supplies. The director shall not loan more than twenty-five 70696  
thousand dollars to the owner or operator of any single public 70697  
water system. The director shall adopt, and may amend and rescind, 70698  
rules in accordance with Chapter 119. of the Revised Code 70699  
establishing application procedures and requirements for those 70700  
loans. The rules shall require that an owner or operator receiving 70701  
a loan under this division repay the loan to the fund not later 70702  
than twelve months after receiving it. 70703

**Sec. 6109.34.** The director of environmental protection or ~~his~~ 70704  
the director's duly authorized representative may enter at 70705  
reasonable times upon any private or public property to inspect 70706  
and investigate conditions relating to the construction, 70707  
maintenance, and operation of a public water system, and may take 70708  
samples for analysis. If entry or inspection authorized by this 70709  
section is refused, hindered, or thwarted, the director or ~~his~~ the 70710

director's authorized representative may by affidavit apply for, 70711  
and any judge of a court of record may issue, an appropriate 70712  
inspection warrant necessary to achieve the purposes of this 70713  
chapter within the court's territorial jurisdiction. 70714

During an emergency that requires the director or the 70715  
director's authorized representative to respond to protect public 70716  
health or safety or the environment or during an investigation of 70717  
such an emergency, the director or the director's authorized 70718  
representative may share any complete records, reports, or 70719  
information or any part of a record, report, or information that 70720  
has been designated as containing trade secret information in 70721  
accordance with section 6111.05 of the Revised Code. A person that 70722  
receives such records, reports, or information or any such part 70723  
shall maintain the confidentiality of the records, reports, or 70724  
information or any such part and use them only for the purposes 70725  
established in division (D) of that section. 70726

The sharing of complete records, reports, or information or 70727  
any part of a record, report, or information that has been 70728  
designated as containing trade secret information in accordance 70729  
with division (D) of section 6111.05 of the Revised Code does not 70730  
change the status of the records, reports, or information or any 70731  
such part as being designated a trade secret pursuant to that 70732  
section. In addition, the sharing does not subject the records, 70733  
reports, or information or any such part to public disclosure. 70734

**Sec. 6111.03.** The director of environmental protection may do 70735  
any of the following: 70736

(A) Develop plans and programs for the prevention, control, 70737  
and abatement of new or existing pollution of the waters of the 70738  
state; 70739

(B) Advise, consult, and cooperate with other agencies of the 70740  
state, the federal government, other states, and interstate 70741

agencies and with affected groups, political subdivisions, and 70742  
industries in furtherance of the purposes of this chapter. Before 70743  
adopting, amending, or rescinding a standard or rule pursuant to 70744  
division (G) of this section or section 6111.041 or 6111.042 of 70745  
the Revised Code, the director shall do all of the following: 70746

(1) Mail notice to each statewide organization that the 70747  
director determines represents persons who would be affected by 70748  
the proposed standard or rule, amendment thereto, or rescission 70749  
thereof at least thirty-five days before any public hearing 70750  
thereon; 70751

(2) Mail a copy of each proposed standard or rule, amendment 70752  
thereto, or rescission thereof to any person who requests a copy, 70753  
within five days after receipt of the request therefor; 70754

(3) Consult with appropriate state and local government 70755  
agencies or their representatives, including statewide 70756  
organizations of local government officials, industrial 70757  
representatives, and other interested persons. 70758

Although the director is expected to discharge these duties 70759  
diligently, failure to mail any such notice or copy or to so 70760  
consult with any person shall not invalidate any proceeding or 70761  
action of the director. 70762

(C) Administer grants from the federal government and from 70763  
other sources, public or private, for carrying out any of its 70764  
functions, all such moneys to be deposited in the state treasury 70765  
and kept by the treasurer of state in a separate fund subject to 70766  
the lawful orders of the director; 70767

(D) Administer state grants for the construction of sewage 70768  
and waste collection and treatment works; 70769

(E) Encourage, participate in, or conduct studies, 70770  
investigations, research, and demonstrations relating to water 70771  
pollution, and the causes, prevention, control, and abatement 70772

thereof, that are advisable and necessary for the discharge of the 70773  
director's duties under this chapter; 70774

(F) Collect and disseminate information relating to water 70775  
pollution and prevention, control, and abatement thereof; 70776

(G) Adopt, amend, and rescind rules in accordance with 70777  
Chapter 119. of the Revised Code governing the procedure for 70778  
hearings, the filing of reports, the issuance of permits, the 70779  
issuance of industrial water pollution control certificates, and 70780  
all other matters relating to procedure; 70781

(H) Issue, modify, or revoke orders to prevent, control, or 70782  
abate water pollution by such means as the following: 70783

(1) Prohibiting or abating discharges of sewage, industrial 70784  
waste, or other wastes into the waters of the state; 70785

(2) Requiring the construction of new disposal systems or any 70786  
parts thereof, or the modification, extension, or alteration of 70787  
existing disposal systems or any parts thereof; 70788

(3) Prohibiting additional connections to or extensions of a 70789  
sewerage system when the connections or extensions would result in 70790  
an increase in the polluting properties of the effluent from the 70791  
system when discharged into any waters of the state; 70792

(4) Requiring compliance with any standard or rule adopted 70793  
under sections 6111.01 to 6111.05 of the Revised Code or term or 70794  
condition of a permit. 70795

In the making of those orders, wherever compliance with a 70796  
rule adopted under section 6111.042 of the Revised Code is not 70797  
involved, consistent with the Federal Water Pollution Control Act, 70798  
the director shall give consideration to, and base the 70799  
determination on, evidence relating to the technical feasibility 70800  
and economic reasonableness of complying with those orders and to 70801  
evidence relating to conditions calculated to result from 70802

compliance with those orders, and their relation to benefits to 70803  
the people of the state to be derived from such compliance in 70804  
accomplishing the purposes of this chapter. 70805

(I) Review plans, specifications, or other data relative to 70806  
disposal systems or any part thereof in connection with the 70807  
issuance of orders, permits, and industrial water pollution 70808  
control certificates under this chapter; 70809

(J)(1) Issue, revoke, modify, or deny sludge management 70810  
permits and permits for the discharge of sewage, industrial waste, 70811  
or other wastes into the waters of the state, and for the 70812  
installation or modification of disposal systems or any parts 70813  
thereof in compliance with all requirements of the Federal Water 70814  
Pollution Control Act and mandatory regulations adopted 70815  
thereunder, including regulations adopted under section 405 of the 70816  
Federal Water Pollution Control Act, and set terms and conditions 70817  
of permits, including schedules of compliance, where necessary. 70818  
Any person who discharges, transports, or handles storm water from 70819  
an animal feeding facility, as defined in section 903.01 of the 70820  
Revised Code, or pollutants from a concentrated animal feeding 70821  
operation, as both terms are defined in that section, is not 70822  
required to obtain a permit under division (J)(1) of this section 70823  
for the installation or modification of a disposal system 70824  
involving pollutants or storm water or any parts of such a system 70825  
on and after the date on which the director of agriculture has 70826  
finalized the program required under division (A)(1) of section 70827  
903.02 of the Revised Code. In addition, any person who 70828  
discharges, transports, or handles storm water from an animal 70829  
feeding facility, as defined in section 903.01 of the Revised 70830  
Code, or pollutants from a concentrated animal feeding operation, 70831  
as both terms are defined in that section, is not required to 70832  
obtain a permit under division (J)(1) of this section for the 70833  
discharge of storm water from an animal feeding facility or 70834

pollutants from a concentrated animal feeding operation on and 70835  
after the date on which the United States environmental protection 70836  
agency approves the NPDES program submitted by the director of 70837  
agriculture under section 903.08 of the Revised Code. 70838

Any permit terms and conditions set by the director shall be 70839  
designed to achieve and maintain full compliance with the national 70840  
effluent limitations, national standards of performance for new 70841  
sources, and national toxic and pretreatment effluent standards 70842  
set under that act, and any other mandatory requirements of that 70843  
act that are imposed by regulation of the administrator of the 70844  
United States environmental protection agency. If an applicant for 70845  
a sludge management permit also applies for a related permit for 70846  
the discharge of sewage, industrial waste, or other wastes into 70847  
the waters of the state, the director may combine the two permits 70848  
and issue one permit to the applicant. 70849

A sludge management permit is not required for an entity that 70850  
treats or transports sewage sludge or for a sanitary landfill when 70851  
all of the following apply: 70852

(a) The entity or sanitary landfill does not generate the 70853  
sewage sludge. 70854

(b) Prior to receipt at the sanitary landfill, the entity has 70855  
ensured that the sewage sludge meets the requirements established 70856  
in rules adopted by the director under section 3734.02 of the 70857  
Revised Code concerning disposal of municipal solid waste in a 70858  
sanitary landfill. 70859

(c) Disposal of the sewage sludge occurs at a sanitary 70860  
landfill that complies with rules adopted by the director under 70861  
section 3734.02 of the Revised Code. 70862

As used in division (J)(1) of this section, "sanitary 70863  
landfill" means a sanitary landfill facility, as defined in rules 70864  
adopted under section 3734.02 of the Revised Code, that is 70865

licensed as a solid waste facility under section 3734.05 of the Revised Code. 70866  
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(2) An application for a permit or renewal thereof shall be denied if any of the following applies: 70868  
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(a) The secretary of the army determines in writing that anchorage or navigation would be substantially impaired thereby; 70870  
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(b) The director determines that the proposed discharge or source would conflict with an areawide waste treatment management plan adopted in accordance with section 208 of the Federal Water Pollution Control Act; 70872  
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(c) The administrator of the United States environmental protection agency objects in writing to the issuance or renewal of the permit in accordance with section 402 (d) of the Federal Water Pollution Control Act; 70876  
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(d) The application is for the discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the United States. 70880  
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(3) To achieve and maintain applicable standards of quality for the waters of the state adopted pursuant to section 6111.041 of the Revised Code, the director shall impose, where necessary and appropriate, as conditions of each permit, water quality related effluent limitations in accordance with sections 301, 302, 306, 307, and 405 of the Federal Water Pollution Control Act and, to the extent consistent with that act, shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of removing the polluting properties from those wastes and to evidence relating to conditions calculated to result from that action and their relation to benefits to the people of the state and to accomplishment of the purposes of this chapter. 70883  
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(4) Where a discharge having a thermal component from a 70896

source that is constructed or modified on or after October 18, 70897  
1972, meets national or state effluent limitations or more 70898  
stringent permit conditions designed to achieve and maintain 70899  
compliance with applicable standards of quality for the waters of 70900  
the state, which limitations or conditions will ensure protection 70901  
and propagation of a balanced, indigenous population of shellfish, 70902  
fish, and wildlife in or on the body of water into which the 70903  
discharge is made, taking into account the interaction of the 70904  
thermal component with sewage, industrial waste, or other wastes, 70905  
the director shall not impose any more stringent limitation on the 70906  
thermal component of the discharge, as a condition of a permit or 70907  
renewal thereof for the discharge, during a ten-year period 70908  
beginning on the date of completion of the construction or 70909  
modification of the source, or during the period of depreciation 70910  
or amortization of the source for the purpose of section 167 or 70911  
169 of the Internal Revenue Code of 1954, whichever period ends 70912  
first. 70913

(5) The director shall specify in permits for the discharge 70914  
of sewage, industrial waste, and other wastes, the net volume, net 70915  
weight, duration, frequency, and, where necessary, concentration 70916  
of the sewage, industrial waste, and other wastes that may be 70917  
discharged into the waters of the state. The director shall 70918  
specify in those permits and in sludge management permits that the 70919  
permit is conditioned upon payment of applicable fees as required 70920  
by section 3745.11 of the Revised Code and upon the right of the 70921  
director's authorized representatives to enter upon the premises 70922  
of the person to whom the permit has been issued for the purpose 70923  
of determining compliance with this chapter, rules adopted 70924  
thereunder, or the terms and conditions of a permit, order, or 70925  
other determination. The director shall issue or deny an 70926  
application for a sludge management permit or a permit for a new 70927  
discharge, for the installation or modification of a disposal 70928  
system, or for the renewal of a permit, within one hundred eighty 70929

days of the date on which a complete application with all plans, 70930  
specifications, construction schedules, and other pertinent 70931  
information required by the director is received. 70932

(6) The director may condition permits upon the installation 70933  
of discharge or water quality monitoring equipment or devices and 70934  
the filing of periodic reports on the amounts and contents of 70935  
discharges and the quality of receiving waters that the director 70936  
prescribes. The director shall condition each permit for a 70937  
government-owned disposal system or any other "treatment works" as 70938  
defined in the Federal Water Pollution Control Act upon the 70939  
reporting of new introductions of industrial waste or other wastes 70940  
and substantial changes in volume or character thereof being 70941  
introduced into those systems or works from "industrial users" as 70942  
defined in section 502 of that act, as necessary to comply with 70943  
section 402(b)(8) of that act; upon the identification of the 70944  
character and volume of pollutants subject to pretreatment 70945  
standards being introduced into the system or works; and upon the 70946  
existence of a program to ensure compliance with pretreatment 70947  
standards by "industrial users" of the system or works. In 70948  
requiring monitoring devices and reports, the director, to the 70949  
extent consistent with the Federal Water Pollution Control Act, 70950  
shall give consideration to technical feasibility and economic 70951  
reasonableness and shall allow reasonable time for compliance. 70952

(7) A permit may be issued for a period not to exceed five 70953  
years and may be renewed upon application for renewal. In renewing 70954  
a permit, the director shall consider the compliance history of 70955  
the permit holder and may deny the renewal if the director 70956  
determines that the permit holder has not complied with the terms 70957  
and conditions of the existing permit. A permit may be modified, 70958  
suspended, or revoked for cause, including, but not limited to, 70959  
violation of any condition of the permit, obtaining a permit by 70960  
misrepresentation or failure to disclose fully all relevant facts 70961

of the permitted discharge or of the sludge use, storage, 70962  
treatment, or disposal practice, or changes in any condition that 70963  
requires either a temporary or permanent reduction or elimination 70964  
of the permitted activity. No application shall be denied or 70965  
permit revoked or modified without a written order stating the 70966  
findings upon which the denial, revocation, or modification is 70967  
based. A copy of the order shall be sent to the applicant or 70968  
permit holder by certified mail. 70969

(K) Institute or cause to be instituted in any court of 70970  
competent jurisdiction proceedings to compel compliance with this 70971  
chapter or with the orders of the director issued under this 70972  
chapter, or to ensure compliance with sections 204(b), 307, 308, 70973  
and 405 of the Federal Water Pollution Control Act; 70974

(L) Issue, deny, revoke, or modify industrial water pollution 70975  
control certificates; 70976

(M) Certify to the government of the United States or any 70977  
agency thereof that an industrial water pollution control facility 70978  
is in conformity with the state program or requirements for the 70979  
control of water pollution whenever the certification may be 70980  
required for a taxpayer under the Internal Revenue Code of the 70981  
United States, as amended; 70982

(N) Issue, modify, and revoke orders requiring any 70983  
"industrial user" of any publicly owned "treatment works" as 70984  
defined in sections 212(2) and 502(18) of the Federal Water 70985  
Pollution Control Act to comply with pretreatment standards; 70986  
establish and maintain records; make reports; install, use, and 70987  
maintain monitoring equipment or methods, including, where 70988  
appropriate, biological monitoring methods; sample discharges in 70989  
accordance with methods, at locations, at intervals, and in a 70990  
manner that the director determines; and provide other information 70991  
that is necessary to ascertain whether or not there is compliance 70992  
with toxic and pretreatment effluent standards. In issuing, 70993

modifying, and revoking those orders, the director, to the extent 70994  
consistent with the Federal Water Pollution Control Act, shall 70995  
give consideration to technical feasibility and economic 70996  
reasonableness and shall allow reasonable time for compliance. 70997

(O) Exercise all incidental powers necessary to carry out the 70998  
purposes of this chapter; 70999

(P) Certify or deny certification to any applicant for a 71000  
federal license or permit to conduct any activity that may result 71001  
in any discharge into the waters of the state that the discharge 71002  
will comply with the Federal Water Pollution Control Act; 71003

(Q) Administer and enforce the publicly owned treatment works 71004  
pretreatment program in accordance with the Federal Water 71005  
Pollution Control Act. In the administration of that program, the 71006  
director may do any of the following: 71007

(1) Apply and enforce pretreatment standards; 71008

(2) Approve and deny requests for approval of publicly owned 71009  
treatment works pretreatment programs, oversee those programs, and 71010  
implement, in whole or in part, those programs under any of the 71011  
following conditions: 71012

(a) The director has denied a request for approval of the 71013  
publicly owned treatment works pretreatment program; 71014

(b) The director has revoked the publicly owned treatment 71015  
works pretreatment program; 71016

(c) There is no pretreatment program currently being 71017  
implemented by the publicly owned treatment works; 71018

(d) The publicly owned treatment works has requested the 71019  
director to implement, in whole or in part, the pretreatment 71020  
program. 71021

(3) Require that a publicly owned treatment works 71022  
pretreatment program be incorporated in a permit issued to a 71023

publicly owned treatment works as required by the Federal Water  
Pollution Control Act, require compliance by publicly owned  
treatment works with those programs, and require compliance by  
industrial users with pretreatment standards;

(4) Approve and deny requests for authority to modify  
categorical pretreatment standards to reflect removal of  
pollutants achieved by publicly owned treatment works;

(5) Deny and recommend approval of requests for fundamentally  
different factors variances submitted by industrial users;

(6) Make determinations on categorization of industrial  
users;

(7) Adopt, amend, or rescind rules and issue, modify, or  
revoke orders necessary for the administration and enforcement of  
the publicly owned treatment works pretreatment program.

Any approval of a publicly owned treatment works pretreatment  
program may contain any terms and conditions, including schedules  
of compliance, that are necessary to achieve compliance with this  
chapter.

(R) Except as otherwise provided in this division, adopt  
rules in accordance with Chapter 119. of the Revised Code  
establishing procedures, methods, and equipment and other  
requirements for equipment to prevent and contain discharges of  
oil and hazardous substances into the waters of the state. The  
rules shall be consistent with and equivalent in scope, content,  
and coverage to section 311(j)(1)(c) of the Federal Water  
Pollution Control Act and regulations adopted under it. The  
director shall not adopt rules under this division relating to  
discharges of oil from oil production facilities and oil drilling  
and workover facilities as those terms are defined in that act and  
regulations adopted under it.

(S)(1) Administer and enforce a program for the regulation of

sludge management in this state. In administering the program, the 71055  
director, in addition to exercising the authority provided in any 71056  
other applicable sections of this chapter, may do any of the 71057  
following: 71058

(a) Develop plans and programs for the disposal and 71059  
utilization of sludge and sludge materials; 71060

(b) Encourage, participate in, or conduct studies, 71061  
investigations, research, and demonstrations relating to the 71062  
disposal and use of sludge and sludge materials and the impact of 71063  
sludge and sludge materials on land located in the state and on 71064  
the air and waters of the state; 71065

(c) Collect and disseminate information relating to the 71066  
disposal and use of sludge and sludge materials and the impact of 71067  
sludge and sludge materials on land located in the state and on 71068  
the air and waters of the state; 71069

(d) Issue, modify, or revoke orders to prevent, control, or 71070  
abate the use and disposal of sludge and sludge materials or the 71071  
effects of the use of sludge and sludge materials on land located 71072  
in the state and on the air and waters of the state; 71073

(e) Adopt and enforce, modify, or rescind rules necessary for 71074  
the implementation of division (S) of this section. The rules 71075  
reasonably shall protect public health and the environment, 71076  
encourage the beneficial reuse of sludge and sludge materials, and 71077  
minimize the creation of nuisance odors. 71078

The director may specify in sludge management permits the net 71079  
volume, net weight, quality, and pollutant concentration of the 71080  
sludge or sludge materials that may be used, stored, treated, or 71081  
disposed of, and the manner and frequency of the use, storage, 71082  
treatment, or disposal, to protect public health and the 71083  
environment from adverse effects relating to those activities. The 71084  
director shall impose other terms and conditions to protect public 71085

health and the environment, minimize the creation of nuisance 71086  
odors, and achieve compliance with this chapter and rules adopted 71087  
under it and, in doing so, shall consider whether the terms and 71088  
conditions are consistent with the goal of encouraging the 71089  
beneficial reuse of sludge and sludge materials. 71090

The director may condition permits on the implementation of 71091  
treatment, storage, disposal, distribution, or application 71092  
management methods and the filing of periodic reports on the 71093  
amounts, composition, and quality of sludge and sludge materials 71094  
that are disposed of, used, treated, or stored. 71095

An approval of a treatment works sludge disposal program may 71096  
contain any terms and conditions, including schedules of 71097  
compliance, necessary to achieve compliance with this chapter and 71098  
rules adopted under it. 71099

(2) As a part of the program established under division 71100  
(S)(1) of this section, the director has exclusive authority to 71101  
regulate sewage sludge management in this state. For purposes of 71102  
division (S)(2) of this section, that program shall be consistent 71103  
with section 405 of the Federal Water Pollution Control Act and 71104  
regulations adopted under it and with this section, except that 71105  
the director may adopt rules under division (S) of this section 71106  
that establish requirements that are more stringent than section 71107  
405 of the Federal Water Pollution Control Act and regulations 71108  
adopted under it with regard to monitoring sewage sludge and 71109  
sewage sludge materials and establishing acceptable sewage sludge 71110  
management practices and pollutant levels in sewage sludge and 71111  
sewage sludge materials. 71112

This chapter authorizes the state to participate in any 71113  
national sludge management program and the national pollutant 71114  
discharge elimination system, to administer and enforce the 71115  
publicly owned treatment works pretreatment program, and to issue 71116  
permits for the discharge of dredged or fill materials, in 71117

accordance with the Federal Water Pollution Control Act. This 71118  
chapter shall be administered, consistent with the laws of this 71119  
state and federal law, in the same manner that the Federal Water 71120  
Pollution Control Act is required to be administered. 71121

This section does not apply to residual farm products and 71122  
manure disposal systems and related management and conservation 71123  
practices subject to rules adopted pursuant to division (E)(1) of 71124  
section 1511.02 of the Revised Code. For purposes of this 71125  
exclusion, "residual farm products" and "manure" have the same 71126  
meanings as in section 1511.01 of the Revised Code. However, until 71127  
the date on which the United States environmental protection 71128  
agency approves the NPDES program submitted by the director of 71129  
agriculture under section 903.08 of the Revised Code, this 71130  
exclusion does not apply to animal waste treatment works having a 71131  
controlled direct discharge to the waters of the state or any 71132  
concentrated animal feeding operation, as defined in 40 C.F.R. 71133  
122.23(b)(2). On and after the date on which the United States 71134  
environmental protection agency approves the NPDES program 71135  
submitted by the director of agriculture under section 903.08 of 71136  
the Revised Code, this section does not apply to storm water from 71137  
an animal feeding facility, as defined in section 903.01 of the 71138  
Revised Code, or to pollutants discharged from a concentrated 71139  
animal feeding operation, as both terms are defined in that 71140  
section. Neither of these exclusions applies to the discharge of 71141  
animal waste into a publicly owned treatment works. 71142

A publicly owned treatment works with a design flow of one 71143  
million gallons per day or more, or designated as a major 71144  
discharger by the director, shall begin monthly monitoring of 71145  
total and dissolved phosphorous not later than December 1, 2016. 71146  
In addition, not later than December 1, 2017, a publicly owned 71147  
treatment works that, on the effective date of this amendment, is 71148  
not subject to a phosphorous effluent limit of one milligram per 71149

liter as a thirty-day average shall complete and submit an 71150  
optimization study that evaluates the publicly owned treatment 71151  
works' ability to reduce phosphorous to one milligram per liter as 71152  
a thirty-day average. The director shall modify NPDES permits to 71153  
include those requirements. 71154

**Sec. 6111.036.** (A) There is hereby created the water 71155  
pollution control loan fund to provide financial, technical, and 71156  
administrative assistance ~~for the following purposes~~ as follows: 71157

(1) ~~Construction~~ For the construction of publicly owned 71158  
wastewater treatment works, as "construction" and "treatment 71159  
works" are defined in section 212 of the "Federal Water Pollution 71160  
Control Act," by municipal corporations, other political 71161  
subdivisions, state agencies, and interstate agencies having 71162  
territory in this state; 71163

(2) ~~Implementation~~ For the implementation of a nonpoint 71164  
source pollution management ~~programs~~ program under section 319 of 71165  
that act; 71166

(3) ~~Development~~ For the development and implementation of 71167  
estuary conservation and management programs under section 320 of 71168  
that act; 71169

(4) For the construction, repair, or replacement of 71170  
decentralized wastewater treatment systems that treat municipal 71171  
wastewater or domestic sewage; 71172

(5) For measures to manage, reduce, treat, or recapture 71173  
stormwater or subsurface drainage water; 71174

(6) For measures to reduce the demand for publicly owned 71175  
wastewater treatment works capacity through water conservation, 71176  
efficiency, or reuse by any municipal corporation, other political 71177  
subdivision, state agency, or interstate agency having territory 71178  
in this state; 71179

<u>(7) For the development and implementation of watershed projects meeting the criteria established in section 122 of that act;</u>	71180 71181 71182
<u>(8) For measures to reduce the energy consumption needs of publicly owned wastewater treatment works by any municipal corporation, other political subdivision, state agency, or interstate agency having territory in this state;</u>	71183 71184 71185 71186
<u>(9) For reusing or recycling wastewater, stormwater, or subsurface drainage water;</u>	71187 71188
<u>(10) For measures to increase the security of publicly owned wastewater treatment works;</u>	71189 71190
<u>(11) To any qualified nonprofit entity, as determined by the director of environmental protection, to provide assistance to owners and operators of small and medium publicly owned wastewater treatment works for either of the following:</u>	71191 71192 71193 71194
<u>(a) To plan, develop, and obtain financing for eligible projects under this division, including planning, design, and associated preconstruction activities;</u>	71195 71196 71197
<u>(b) To assist such treatment works in achieving compliance with the Federal Water Pollution Control Act.</u>	71198 71199
To the extent they are otherwise allowable as determined by the director <del>of environmental protection</del> , the purposes identified under division (A) of this section are intended to include activities benefiting the waters of the state that are authorized under Chapter 3746. of the Revised Code.	71200 71201 71202 71203 71204
The fund shall be administered by the director consistent with the "Federal Water Pollution Control Act"; regulations adopted under it, including, without limitation, regulations establishing public participation requirements applicable to the providing of financial assistance; this section; and rules adopted	71205 71206 71207 71208 71209

under division (O) of this section. 71210

Moneys in the water pollution control loan fund shall be 71211  
separate and apart from and not a part of the state treasury or of 71212  
the other funds of the Ohio water development authority. Subject 71213  
to the terms of the agreements provided for in divisions (B), (C), 71214  
(D), and (F) of this section, moneys in the fund shall be held in 71215  
trust by the Ohio water development authority for the purposes of 71216  
this section, shall be kept in the same manner that funds of the 71217  
authority are kept under section 6121.11 of the Revised Code, and 71218  
may be invested in the same manner that funds of the authority are 71219  
invested under section 6121.12 of the Revised Code. No withdrawals 71220  
or disbursements shall be made from the water pollution control 71221  
loan fund without the written authorization of the director or the 71222  
director's designated representative. The manner of authorization 71223  
for any withdrawals or disbursements from the fund to be made by 71224  
the authority shall be established in the agreements authorized 71225  
under division (C) of this section. 71226

(B) The director may enter into agreements to receive and 71227  
assign moneys credited or to be credited to the water pollution 71228  
control loan fund. The director may reserve capitalization grant 71229  
moneys allotted to the state under sections 601 and 604(c)(2) of 71230  
the "Federal Water Pollution Control Act" for the other purposes 71231  
authorized for the use of capitalization grant moneys under 71232  
sections 603(d)(7) and 604(b) of that act. 71233

(C) The director shall ensure that fiscal controls are 71234  
established for prudent administration of the water pollution 71235  
control loan fund. For that purpose, the director and the Ohio 71236  
water development authority shall enter into any necessary and 71237  
appropriate agreements under which the authority may perform or 71238  
provide any of the following: 71239

(1) Fiscal controls and accounting procedures governing fund 71240  
balances, receipts, and disbursements; 71241

(2) Administration of loan accounts; 71242

(3) Maintaining, managing, and investing moneys in the fund. 71243

Any agreement entered into under this division shall provide 71244  
for the payment of reasonable fees to the Ohio water development 71245  
authority for any services it performs under the agreement and may 71246  
provide for reasonable fees for the assistance of financial or 71247  
accounting advisors. Payments of any such fees to the authority 71248  
may be made from the water pollution control loan fund to the 71249  
extent authorized by division (H)(7) of this section or from the 71250  
water pollution control loan administrative fund created in 71251  
division (E) of this section. The authority may enter into loan 71252  
agreements with the director and recipients of financial 71253  
assistance from the fund as provided in this section. 71254

(D) The water pollution control loan fund shall consist of 71255  
the moneys credited to it from all capitalization grants received 71256  
under sections 601 and 604(c)(2) of the "Federal Water Pollution 71257  
Control Act," all moneys received as capitalization grants under 71258  
section 205(m) of that act, all matching moneys credited to the 71259  
fund arising from nonfederal sources, all payments of principal 71260  
and interest for loans made from the fund, and all investment 71261  
earnings on moneys held in the fund. On or before the date on 71262  
which a quarterly capitalization grant payment will be received 71263  
under that act, matching moneys equal to at least twenty per cent 71264  
of the quarterly capitalization grant payment shall be credited to 71265  
the fund. The Ohio water development authority may make moneys 71266  
available to the director for the purpose of providing the 71267  
matching moneys required by this division, subject to such terms 71268  
as the director and the authority consider appropriate, and may 71269  
pledge moneys that are held by the authority to secure the payment 71270  
of bonds or notes issued by the authority to provide those 71271  
matching moneys. The authority may make moneys available to the 71272  
director for that purpose from any funds now or hereafter 71273

available to the authority from any source, including, without 71274  
limitation, the proceeds of bonds or notes heretofore or hereafter 71275  
issued by the authority under Chapter 6121. of the Revised Code. 71276  
Matching moneys made available to the director by the authority 71277  
from the proceeds of any such bonds or notes shall be made 71278  
available subject to the terms of the trust agreements relating to 71279  
the bonds or notes. Any such matching moneys shall be made 71280  
available to the director pursuant to a written agreement between 71281  
the director and the authority that contains such terms as the 71282  
director and the authority consider appropriate, including, 71283  
without limitation, a provision providing for repayment to the 71284  
authority of those matching moneys from moneys deposited in the 71285  
water pollution control loan fund, including, without limitation, 71286  
the proceeds of bonds or notes issued by the authority for the 71287  
benefit of the fund and payments of principal and interest on 71288  
loans made from the fund, or from any other sources now or 71289  
hereafter available to the director for the repayment of those 71290  
matching moneys. 71291

(E) All moneys credited to the water pollution control loan 71292  
fund, all interest earned on moneys in the fund, and all payments 71293  
of principal and interest for loans made from the fund shall be 71294  
dedicated in perpetuity and used and reused solely for the 71295  
purposes set forth in division (A) of this section, except as 71296  
otherwise provided in division (D) or (F) of this section. The 71297  
director may establish and collect fees to be paid by recipients 71298  
of financial assistance under this section, and all moneys arising 71299  
from the fees shall be credited to the water pollution control 71300  
loan administrative fund, which is hereby created in the state 71301  
treasury, and shall be used to defray the costs of administering 71302  
this section. 71303

(F) The director and the Ohio water development authority 71304  
shall enter into trust agreements to enable the authority to issue 71305

and refund bonds or notes for the sole benefit of the water 71306  
pollution control loan fund, including, without limitation, the 71307  
raising of the matching moneys required by division (D) of this 71308  
section. These agreements may authorize the pledge of moneys 71309  
accruing to the fund from payments of principal and interest on 71310  
loans made from the fund adequate to secure bonds or notes, the 71311  
proceeds of which bonds or notes shall be for the sole benefit of 71312  
the water pollution control loan fund. The agreements may contain 71313  
such terms as the director and the authority consider reasonable 71314  
and proper for the security of the bondholders or noteholders. 71315

(G) The director shall enter into binding commitments to 71316  
provide financial assistance from the water pollution control loan 71317  
fund in an amount equal to one hundred twenty per cent of the 71318  
amount of each capitalization grant payment received, within one 71319  
year after receiving each such grant payment. The director shall 71320  
provide the financial assistance in compliance with this section 71321  
and rules adopted under division (O) of this section. The director 71322  
shall ensure that all moneys credited to the fund are disbursed in 71323  
an expeditious and timely manner. During the second year of 71324  
operation of the water pollution control loan program, the 71325  
director also shall ensure that not less than twenty-five per cent 71326  
of the financial assistance provided under this section during 71327  
that year is provided for the purpose of division (H)(2) of this 71328  
section for the purchase or refinancing of debt obligations 71329  
incurred after March 7, 1985, but not later than July 1, 1988, 71330  
except that if the amount of money reserved during the second year 71331  
of operation of the program for the purchase or refinancing of 71332  
those debt obligations exceeds the amount required for the 71333  
projects that are eligible to receive financial assistance for 71334  
that purpose, the director shall distribute the excess moneys in 71335  
accordance with the current priority system and list prepared 71336  
under division (I) of this section to provide financial assistance 71337  
for projects that otherwise would not receive assistance in that 71338

year. 71339

(H) Moneys credited to the water pollution control loan fund 71340  
shall be used only for the following purposes: 71341

(1) To make loans, subject to all of the following 71342  
conditions: 71343

(a) The loans are made at or below market rates of interest, 71344  
including, without limitation, interest free loans~~+~~. 71345

(b) Periodic payments of principal and interest, if and to 71346  
the extent required, shall commence not later than one year after 71347  
completion of the project, and all loans shall be fully amortized 71348  
not later than ~~twenty~~ thirty years after project completion~~+~~. 71349

(c) Each recipient of a loan shall establish a dedicated 71350  
source of revenue for repayment of the loan~~+~~. 71351

(d) All payments of principal and interest on the loans shall 71352  
be credited to the fund, except as otherwise provided in division 71353  
(D) or (F) of this section. 71354

(2) To purchase or refinance at or below market rates of 71355  
interest debt obligations incurred after March 7, 1985, by 71356  
municipal corporations, other political subdivisions, and 71357  
interstate agencies having territory in the state; 71358

(3) To guarantee or purchase insurance for debt obligations 71359  
of municipal corporations, other political subdivisions, and 71360  
interstate agencies having territory within the state when the 71361  
guarantee or insurance would improve the borrower's access to 71362  
credit markets or would reduce the interest rate paid on those 71363  
obligations; 71364

(4) As a source of revenue or security for the payment of 71365  
principal and interest on general obligation or revenue bonds or 71366  
notes issued by this state if the proceeds of the sale of the 71367  
bonds or notes will be deposited in the fund; 71368

(5) To provide loan guarantees for revolving loan funds 71369  
established by municipal corporations and other political 71370  
subdivisions that are similar to the water pollution control loan 71371  
fund; 71372

(6) To earn interest on moneys credited to the fund; 71373

(7) ~~To pay~~ For the payment of the reasonable costs of 71374  
administering the fund and conducting activities under this 71375  
section, except that ~~cumulative expenditures from the fund for~~ 71376  
~~administrative costs~~ those amounts shall not at any time exceed 71377  
four per cent of the total amount of the capitalization grants 71378  
received, four hundred thousand dollars per year, or one-fifth of 71379  
one per cent per year of the current valuation of the fund, 71380  
whichever amount is greater, plus the amount of any fees collected 71381  
by the state for that purpose regardless of the source; 71382

(8) To provide assistance in any manner or for any purpose 71383  
that is consistent with Title VI of the Federal Water Pollution 71384  
Control Act or with any other federal law related to the use of 71385  
federal funds administered under Title VI of the Federal Water 71386  
Pollution Control Act, including, without limitation, the awarding 71387  
of principal forgiveness assistance under that act. 71388

(I) The director periodically shall prepare in accordance 71389  
with rules adopted under division (O) of this section a state 71390  
priority system and list ranking assistance proposals principally 71391  
on the basis of their relative water quality and public health 71392  
benefits and the financial need of the applicants for assistance. 71393  
Assistance for proposed activities from the water pollution 71394  
control loan fund shall be limited to those activities appearing 71395  
on that priority list and shall be awarded based upon their 71396  
priority sequence on the list and the applicants' readiness to 71397  
proceed with their proposed activities. The director annually 71398  
shall prepare and circulate for public review and comment a plan 71399  
that defines the goals and intended uses of the fund, as required 71400

by section 606(c) of the "Federal Water Pollution Control Act." 71401

(J) Financial assistance from the water pollution control 71402  
loan fund first shall be used to ensure maintenance of progress, 71403  
as determined by the governor, toward compliance with enforceable 71404  
deadlines, goals, and requirements under the "Federal Water 71405  
Pollution Control Act" that are pertinent to the purposes of the 71406  
fund set forth in divisions (A)(1) to (3) of this section, 71407  
including, without limitation, the municipal compliance deadline 71408  
under that act. 71409

(K) The director may provide financial assistance from the 71410  
water pollution control loan fund for a publicly owned treatment 71411  
works project only after determining that: 71412

~~(1) Sewerage systems tributary to the treatment works are not 71413  
subject to excessive infiltration and inflow; 71414~~

~~(2) The applicant for financial assistance has the legal, 71415  
institutional, managerial, and financial capability to construct, 71416  
operate, and maintain its publicly owned treatment works; 71417~~

~~(3)(2) The applicant will implement a financial management 71418  
plan that includes, without limitation, provisions for 71419  
satisfactory repayment of the financial assistance, a proportional 71420  
user charge system to pay the operation, maintenance, and 71421  
replacement expenses of the project, and, if appropriate in the 71422  
director's judgment, an adequate capital improvements fund; 71423~~

~~(4)(3) The proposed disposal system of which the project is a 71424  
part is economically and nonmonetarily cost-effective, based upon 71425  
an evaluation of feasible alternatives that meet the waste water 71426  
treatment needs of the planning area in which the proposed project 71427  
is located; 71428~~

~~(5)(4) Based upon the environmental review conducted by the 71429  
director under division (L) of this section, there are no 71430  
significant adverse environmental effects resulting from the 71431~~

proposed disposal system and the system has been selected from 71432  
among environmentally sound alternatives~~+~~. 71433

~~(6)~~(5) Public participation has occurred during the process 71434  
of planning the project in compliance with applicable requirements 71435  
under the "Federal Water Pollution Control Act"~~+~~. 71436

~~(7)~~(6) The applicant has submitted a facilities plan for the 71437  
project that meets the applicable program requirements and that 71438  
has been approved by the director~~+~~. 71439

~~(8)~~(7) The application meets the requirements of this section 71440  
and rules adopted under division (O) of this section and is 71441  
consistent with the intent of Title VI of the "Federal Water 71442  
Pollution Control Act" and regulations adopted under it~~+~~. 71443

~~(9)~~(8) The application meets such other requirements as the 71444  
director considers necessary or appropriate to protect the 71445  
environment or ensure the financial integrity of the fund while 71446  
implementing this section. 71447

(L) The director shall perform and document for public review 71448  
an independent, comprehensive environmental review of the 71449  
assistance proposal for each activity receiving financial 71450  
assistance under this section. The review shall serve as the basis 71451  
for the determinations to be made under division (K)~~(5)~~(4) or 71452  
(Q)(4) of this section, as applicable, and may include, without 71453  
limitation, an environmental assessment, any necessary 71454  
supplemental studies, and an enforceable mitigation plan. The 71455  
director may establish environmental impact mitigation terms or 71456  
conditions for the implementation of an assistance proposal, 71457  
including, without limitation, the installation or modification of 71458  
a disposal system, in the director's approval of the plans for the 71459  
installation or modification as authorized by section 6111.44 of 71460  
the Revised Code or through other legally enforceable means. The 71461  
review shall be conducted in accordance with applicable rules 71462

adopted under division (O) of this section. 71463

(M) The director, consistent with this section and applicable 71464  
rules adopted under division (O) of this section, may enter into 71465  
any agreement with an applicant that is necessary or appropriate 71466  
to provide assistance from the water pollution control loan fund. 71467  
Based upon the director's review of an assistance proposal, 71468  
including, without limitation, approval for the project under 71469  
section 6111.44 of the Revised Code, the environmental review 71470  
conducted under division (L) of this section, and the other 71471  
requirements of this section and rules adopted under it, the 71472  
director may establish in the agreement terms and conditions of 71473  
the assistance to be offered to an applicant. In addition to any 71474  
other available remedies, the director may terminate, suspend, or 71475  
require immediate repayment of financial assistance provided under 71476  
this section to, or take any other enforcement action available 71477  
under this chapter against, a recipient of financial assistance 71478  
under this section who defaults on any payment required in the 71479  
agreement for financial assistance or otherwise violates a term or 71480  
condition of the agreement or of the plan approval for the project 71481  
under section 6111.44 of the Revised Code. 71482

(N) Based upon the director's judgment as to the financial 71483  
need of the applicant and as to what constitutes the most 71484  
effective allocation of funds to achieve statewide water pollution 71485  
control objectives, the director may establish the terms, 71486  
conditions, and amount of financial assistance to be offered to an 71487  
applicant from the water pollution control loan fund. The 71488  
director, to the extent consistent with the water quality 71489  
improvement priorities reflected in the current priority system 71490  
and list prepared under division (I) of this section and with the 71491  
long-term financial integrity of the fund, shall ensure each year 71492  
that financial assistance in an amount equal to the cost of the 71493  
assistance proposals of applicants having a high level of economic 71494

need that are on the current priority list and for which funding 71495  
is available in that year is made available from the fund to those 71496  
applicants at an interest rate that is lower than that offered to 71497  
other applicants for financial assistance from the fund for 71498  
assistance proposals that are on the current priority list and for 71499  
which funding is available in that year. 71500

The director shall determine the economic need of applicants 71501  
for financial assistance in accordance with uniform criteria 71502  
established in rules adopted under division (O) of this section. 71503

(O) The director may adopt rules in accordance with Chapter 71504  
119. of the Revised Code for the implementation and administration 71505  
of this section and section 6111.037 of the Revised Code. Any such 71506  
rules governing the planning, design, and construction of water 71507  
pollution control projects, establishing an environmental review 71508  
process, establishing requirements for the preparation of 71509  
environmental impact reports and mitigation plans, governing the 71510  
establishment of priority systems for providing financial 71511  
assistance under this section and section 6111.037 of the Revised 71512  
Code, and governing the terms and conditions of assistance, shall 71513  
be consistent with the intent of Titles II and VI and sections 319 71514  
and 320 of the "Federal Water Pollution Control Act." The rules 71515  
governing the establishment of priority systems for financial 71516  
assistance and governing terms and conditions of assistance shall 71517  
provide for the most effective allocation of moneys from the water 71518  
pollution control loan fund to achieve water quality and public 71519  
health objectives throughout the state as determined by the 71520  
director. 71521

(P)(1) For the purpose of this section, appealable actions of 71522  
the director pursuant to section 3745.04 of the Revised Code are 71523  
limited to the following: 71524

(a) Approval of draft priority systems, draft priority lists, 71525  
and draft written program administration policies; 71526

(b) Approval or disapproval of project facility plans under 71527  
division (K)~~(7)~~(6) of this section; 71528

(c) Approval or disapproval of plans and specifications for a 71529  
project under section 6111.44 of the Revised Code and issuance of 71530  
a permit to install in connection with a project pursuant to rules 71531  
adopted under section 6111.03 of the Revised Code; 71532

(d) Approval or disapproval of an application for assistance. 71533

(2) Notwithstanding section 119.06 of the Revised Code, the 71534  
director may take final action described in division (P)(1)(a), 71535  
(b), (c), or (d) of this section without holding an adjudication 71536  
hearing in connection with the action and without first issuing a 71537  
proposed action under section 3745.07 of the Revised Code. 71538

(3) Each action described in divisions (P)(1)(a), (b), (c), 71539  
and (d) of this section is a separate and discrete action of the 71540  
director. Appeals of any such action are limited to the issues 71541  
concerning the specific action appealed, and the appeal shall not 71542  
include issues determined under the scope of any prior action. 71543

(Q) The director may provide financial assistance for the 71544  
implementation of a nonpoint source management program activity 71545  
only after determining all of the following: 71546

(1) The activity is consistent with the state's nonpoint 71547  
source management program~~+~~. 71548

(2) The applicant has the legal, institutional, managerial, 71549  
and financial capability to implement, operate, and maintain the 71550  
activity~~+~~. 71551

(3) The cost of the activity is reasonable considering 71552  
monetary and nonmonetary factors~~+~~. 71553

(4) Based on the environmental review conducted by the 71554  
director under division (L) of this section, the activity will not 71555  
result in significant adverse environmental impacts~~+~~. 71556

(5) The application meets the requirements of this section 71557  
and rules adopted under division (O) of this section and is 71558  
consistent with the intent of Title VI of the "Federal Water 71559  
Pollution Control Act" and regulations adopted under it. 71560

(6) The applicant will implement a financial management plan, 71561  
including, without limitation, provisions for satisfactory 71562  
repayment of the financial assistance. 71563

(7) The application meets such other requirements as the 71564  
director considers necessary or appropriate to protect the 71565  
environment and ensure the financial integrity of the fund while 71566  
implementing this section. 71567

(R) As used in this section, "Federal Water Pollution Control 71568  
Act" means the "Federal Water Pollution Control Act Amendments of 71569  
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean 71570  
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of 71571  
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal 71572  
Wastewater Treatment Construction Grant Amendments of 1981," 95 71573  
Stat. 1623, 33 U.S.C.A. 1281, ~~and~~ the "Water Quality Act of 1987," 71574  
101 Stat. 7, 33 U.S.C.A. 1251, and applicable portions of the 71575  
"American Recovery and Reinvestment Act of 2009," Pub. L. 111-5, 71576  
123 Stat. 115, and the "Water Resources Reform and Development Act 71577  
of 2014," 128 Stat. 1227, 33 U.S.C. 2223. 71578

**Sec. 6111.05. (A)** The director of environmental protection, 71579  
on the director's own initiative, may investigate or make 71580  
inquiries into any alleged act of pollution or failure to comply 71581  
with this chapter or any order, any rule, the terms and conditions 71582  
of a permit, or any other determination pursuant thereto. However, 71583  
upon written complaint by any person, the director shall conduct 71584  
any investigations and make any inquiries that are required. 71585

The director or the director's duly authorized representative 71586  
may enter at reasonable times upon any private or public property 71587

to inspect and investigate conditions relating to pollution of any 71588  
air of the state or land located in the state related to the use, 71589  
storage, treatment, or disposal of sludge or sludge materials or 71590  
pollution of any waters of the state, inspect any monitoring 71591  
equipment, inspect the drilling, conversion, or operation of any 71592  
injection well, and sample any discharges, including discharges by 71593  
"industrial users" into a publicly owned "treatment works" as 71594  
those terms are defined in sections 212 and 502 of the Federal 71595  
Water Pollution Control Act, and may apply to the court of common 71596  
pleas having jurisdiction for a warrant permitting the entrance 71597  
and inspection. 71598

(B) Any authorized representative of the director at 71599  
reasonable times may examine any records or memoranda pertaining 71600  
to sludge management, the operation of disposal systems, the 71601  
drilling, conversion, or operation of injection wells, or 71602  
discharges by "industrial users" into publicly owned "treatment 71603  
works" as defined in sections 212 and 501 of the Federal Water 71604  
Pollution Control Act. The director may require the maintenance of 71605  
records relating to sludge management, discharges, or the 71606  
operation of disposal systems or injection wells. The director may 71607  
make copies of the records. Any authorized representative of a 71608  
publicly owned "treatment works" may enter at reasonable times 71609  
upon the premises of any "industrial user" that discharges into 71610  
the works to inspect any monitoring equipment or method of the 71611  
user, to sample any discharges of the user into the works, or to 71612  
inspect any records or memoranda pertaining to discharges by the 71613  
user into the works, in order to ascertain compliance by the user 71614  
with applicable pretreatment standards. The representative may 71615  
make copies of the records. ~~Any~~ 71616

(C) If an emergency requires the director or the director's 71617  
authorized representative to respond to protect public health or 71618  
safety or the environment, the director or the director's 71619

authorized representative may request any person that is 71620  
responsible for causing or allowing a spill, release, or discharge 71621  
of a pollutant or contaminant into or on the environment or any 71622  
person having knowledge of the components or chemical identity of 71623  
the pollutant or contaminant spilled, released, or discharged to 71624  
disclose records, reports, or information necessary to respond to 71625  
or investigate the spill, release, or discharge. Upon receiving 71626  
the request, the person shall submit the records, reports, or 71627  
information without undue delay. If the person disclosing the 71628  
records, reports, or information claims that any portion of the 71629  
records, reports, or information contains trade secret 71630  
information, the person shall submit both a complete and a 71631  
redacted version of the records, reports, or information. The 71632  
person shall mark the redacted version "public version" and redact 71633  
any trade secret information. 71634

(D) Any records, reports, or information obtained under this 71635  
chapter shall be available for public inspection, except that: 71636

~~(A) Upon a showing satisfactory to the director by any person~~ 71637  
~~that the~~ (1) Any records, reports, or information, or any 71638  
particular part thereof designated as a trade secret by the person 71639  
submitting the records, reports, or information, other than data 71640  
concerning the amounts or contents of discharges or the quality of 71641  
the receiving waters, to which the director has access under this 71642  
chapter, ~~if made public would divulge information entitled to~~ 71643  
~~protection as trade secrets of the person, the director shall~~ 71644  
~~consider the record, report, or information or particular portion~~ 71645  
~~thereof confidential. Prior to divulging any alleged trade secret~~ 71646  
~~information pursuant to this division, the director shall give ten~~ 71647  
~~days' written notice to the person claiming trade secrecy~~ shall be 71648  
considered by the director to be a trade secret and managed by the 71649  
director as confidential. The director or the director's 71650  
authorized representative shall not disclose any complete records, 71651

reports, or information or any part of a record, report, or 71652  
information that has been designated as containing trade secret 71653  
information in accordance with this section. However, during an 71654  
emergency that requires the director or the director's authorized 71655  
representative to respond to protect public health or safety or 71656  
the environment or during an investigation of such an emergency, 71657  
the director or the director's authorized representative may share 71658  
any of the complete records, reports, or information or any such 71659  
part with the owner or operator of a public or private water 71660  
system that needs the records, reports, or information or any such 71661  
part for any of the following purposes: 71662

(a) Assessing exposure or potential exposure of persons or 71663  
aquatic organisms to any component of or chemical in a pollutant 71664  
or contaminant spilled, released, or discharged; 71665

(b) Conducting or assessing sampling to determine exposure 71666  
levels of various population groups or aquatic organisms to any 71667  
component of or chemical in a pollutant or contaminant spilled, 71668  
released, or discharged; 71669

(c) Testing for any component of or chemical in a pollutant 71670  
or contaminant spilled, released, or discharged. 71671

~~(B)~~ Prior to sharing any complete records, reports, or 71672  
information or any part of a record, report, or information that 71673  
has been designated as containing trade secret information in 71674  
accordance with this section, the director or the director's 71675  
authorized representative shall label and identify, to the extent 71676  
practicable, any of those records, reports, or information or any 71677  
such part designated as a trade secret. If the director or the 71678  
director's authorized representative shares any such records, 71679  
reports, or information or any such part, the director shall 71680  
notify the person that designated the trade secret information in 71681  
accordance with division (C) of this section of that sharing as 71682  
soon as practicable. Nothing in this section precludes a person 71683

that designated trade secret information in accordance with 71684  
division (C) of this section from requesting a confidentiality 71685  
agreement with a recipient of the records, reports, or information 71686  
or any such part. 71687

During an emergency action taken to protect public health or 71688  
safety or the environment, the owner or operator of a public or 71689  
private water system may share complete records, reports, or 71690  
information or any part of a record, report, or information 71691  
received under this division that has been designated as 71692  
containing trade secret information in accordance with this 71693  
section with an agent, consultant, or representative of the owner 71694  
or operator. The owner or operator of a public or private water 71695  
system, including an agent, consultant, or representative of the 71696  
owner or operator, that receives the records, reports, or 71697  
information or any such part shall maintain the confidentiality of 71698  
the records, reports, or information or any such part and may use 71699  
the information only for the purposes specified in this division. 71700

The sharing of complete records, reports, or information or 71701  
any part of a record, report, or information that has been 71702  
designated as containing trade secret information in accordance 71703  
with this section does not change the status of the records, 71704  
reports, or information or any such part as being designated a 71705  
trade secret pursuant to this section. In addition, the sharing 71706  
does not subject the records, reports, or information or any such 71707  
part to public disclosure. 71708

The director or the director's authorized representative may 71709  
disclose to a person that seeks to obtain records, reports, or 71710  
information or any part of a record, report, or information that 71711  
has been designated as containing trade secret information in 71712  
accordance with this section the identity of the person that has 71713  
designated those records, reports, or information or any such part 71714  
as containing trade secret information. The person to whom the 71715

director or the director's authorized representative discloses 71716  
that identity may contact the person that designated the trade 71717  
secret information. 71718

(2) The record, report, or information may be disclosed to 71719  
other officers, employees, or authorized representatives of the 71720  
state, another state, or the United States when necessary to 71721  
sustain an action brought pursuant to this chapter or during an 71722  
adjudication hearing or when otherwise necessary to fulfill any 71723  
requirement of the Federal Water Pollution Control Act. 71724

(E) No person to whom a permit has been issued shall refuse 71725  
entry to any authorized representative of the director or 71726  
willfully hinder or thwart the representative in the exercise of 71727  
any authority granted by this section. 71728

(F) The director or the director's authorized representative, 71729  
or, where necessary to monitor compliance with pretreatment 71730  
standards, the authorized representative of a publicly owned 71731  
"treatment works," may apply for, and any judge of a court of 71732  
common pleas may issue, a warrant necessary to achieve the 71733  
purposes of this chapter. 71734

(G) As used in this section: 71735

(1) "Private water system" has the same meaning as in section 71736  
3701.344 of the Revised Code. 71737

(2) "Public water system" has the same meaning as in section 71738  
6109.01 of the Revised Code. 71739

(3) "Trade secret" has the same meaning as in section 1333.61 71740  
of the Revised Code. 71741

**Sec. 6111.30.** (A) Applications for a section 401 water 71742  
quality certification required under division (P) of section 71743  
6111.03 of the Revised Code shall be submitted on forms provided 71744  
by the director of environmental protection and shall include all 71745

information required on those forms as well as all of the 71746  
following: 71747

(1) A copy of a letter from the United States army corps of 71748  
engineers documenting its jurisdiction over the wetlands, streams, 71749  
or other waters of the state that are the subject of the section 71750  
401 water quality certification application; 71751

(2) If the project involves impacts to a wetland, a wetland 71752  
characterization analysis consistent with the Ohio rapid 71753  
assessment method; 71754

(3) If the project involves a stream for which a specific 71755  
aquatic life use designation has not been made, ~~a use~~ 71756  
attainability analysis data sufficient to determine the existing 71757  
aquatic life use; 71758

(4) A specific and detailed mitigation proposal, including 71759  
the location and proposed legal mechanism for protecting the 71760  
property in perpetuity; 71761

(5) Applicable fees; 71762

(6) Site photographs; 71763

(7) Adequate documentation confirming that the applicant has 71764  
requested comments from the department of natural resources and 71765  
the United States fish and wildlife service regarding threatened 71766  
and endangered species, including the presence or absence of 71767  
critical habitat; 71768

(8) Descriptions, schematics, and appropriate economic 71769  
information concerning the applicant's preferred alternative, 71770  
nondegradation alternatives, and minimum degradation alternatives 71771  
for the design and operation of the project; 71772

(9) The applicant's investigation report of the waters of the 71773  
United States in support of a section 404 permit application 71774  
concerning the project; 71775

(10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project.

(B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification, the director shall review the application to determine if it is complete and shall notify the applicant in writing as to whether the application is complete. If the director fails to notify the applicant within fifteen business days regarding the completeness of the application, the application is considered complete. If the director determines that the application is not complete, the director shall include with the written notification an itemized list of the information or materials that are necessary to complete the application. If the applicant fails to provide the information or materials within sixty days after the director's receipt of the application, the director may return the incomplete application to the applicant and take no further action on the application. If the application is returned to the applicant because it is incomplete, the director shall return the review fee levied under division (A)(1), (2), or (3) of section 3745.114 of the Revised Code to the applicant, but shall retain the application fee levied under that section.

(C) Not later than twenty-one days after a determination that an application is complete under division (B) of this section, the applicant shall publish public notice of the director's receipt of the complete application in a newspaper of general circulation in the county in which the project that is the subject of the application is located. The public notice shall be in a form acceptable to the director. The applicant shall promptly provide the director with proof of publication. The applicant may choose, subject to review by and approval of the director, to include in the public notice an advertisement for an antidegradation public

hearing on the application pursuant to section 6111.12 of the Revised Code. There shall be a public comment period of thirty days following the publication of the public notice.

(D) If the director determines that there is significant public interest in a public hearing as evidenced by the public comments received concerning the application and by other requests for a public hearing on the application, the director or the director's representative shall conduct a public hearing concerning the application. Notice of the public hearing shall be published by the applicant, subject to review and approval by the director, at least thirty days prior to the date of the hearing in a newspaper of general circulation in the county in which the project that is the subject of the application is to take place. If a public hearing is requested concerning an application, the director shall accept comments concerning the application until five business days after the public hearing. A public hearing conducted under this division shall take place not later than one hundred days after the application is determined to be complete.

(E) The director shall forward all public comments concerning an application submitted under this section that are received through the public involvement process required by rules adopted under this chapter to the applicant not later than five business days after receipt of the comments by the director.

(F) The applicant shall respond in writing to written comments or to deficiencies identified by the director during the course of reviewing the application not later than fifteen days after receiving or being notified of them.

(G) The director shall issue or deny a section 401 water quality certification not later than one hundred eighty days after the complete application for the certification is received. The director shall provide an applicant for a section 401 water quality certification with an opportunity to review the

certification prior to its issuance. 71840

(H) The director shall maintain an accessible database that 71841  
includes environmentally beneficial water restoration and 71842  
protection projects that may serve as potential mitigation 71843  
projects for projects in the state for which a section 401 water 71844  
quality certification is required. A project's inclusion in the 71845  
database does not constitute an approval of the project. 71846

(I) Mitigation required by a section 401 water quality 71847  
certification may be accomplished by any of the following: 71848

(1) Purchasing credits at a mitigation bank approved in 71849  
accordance with 33 C.F.R. 332.8; 71850

(2) Participating in an in-lieu fee mitigation program 71851  
approved in accordance with 33 C.F.R. 332.8; 71852

(3) Constructing individual mitigation projects. 71853

Notwithstanding the mitigation hierarchy specified in section 71854  
3745-1-54 of the Administrative Code, mitigation projects shall be 71855  
approved in accordance with the hierarchy specified in 33 C.F.R. 71856  
332.3 unless the director determines that the size or quality of 71857  
the impacted resource necessitates reasonably identifiable, 71858  
available, and practicable mitigation conducted by the applicant. 71859  
The director shall adopt rules in accordance with Chapter 119. of 71860  
the Revised Code consistent with the mitigation hierarchy 71861  
specified in 33 C.F.R. 332.3. 71862

(J) The director may establish a program and adopt rules in 71863  
accordance with Chapter 119. of the Revised Code for the purpose 71864  
of certifying water quality professionals to assess streams to 71865  
determine existing aquatic life use and to categorize wetlands in 71866  
support of applications for section 401 water quality 71867  
certification under divisions (A)(2) and (3) of this section and 71868  
isolated wetland permits under sections 6111.022 to 6111.024 of 71869  
the Revised Code. The director shall use information submitted by 71870

certified water quality professionals in the review of those applications. 71871  
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Rules adopted under this division shall do all of the following: 71873  
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(1) Provide for the certification of water quality professionals to conduct activities in support of applications for section 401 water quality certification and isolated wetland permits, including work necessary to determine existing aquatic life use of streams and categorize wetlands. Rules adopted under division (J)(1) of this section shall do at least all of the following: 71875  
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(a) Authorize the director to require an applicant for water quality professional certification to submit information considered necessary by the director to assess a water quality professional's experience in conducting stream assessments and wetlands categorizations; 71882  
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(b) Authorize the director to establish experience requirements and to use tests to determine the competency of applicants for water quality professional certification; 71887  
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(c) Authorize the director to approve applicants for water quality professional certification who comply with the requirements established in rules and deny applicants that do not comply with those requirements; 71890  
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(d) Require the director to revoke the certification of a water quality professional if the director finds that the professional falsified any information on the professional's application for certification regarding the professional's credentials; 71894  
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(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal. 71899  
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(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications; 71902  
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(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section; 71908  
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(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J)(7) of this section; 71914  
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(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland permit upon the request of the director; 71918  
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(6) Authorize random audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted under division (J)(7) of this section; 71922  
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(7) Establish technical standards to be used by certified water quality professionals in conducting stream assessments and wetlands categorizations. 71926  
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(K) As used in this section and section 6111.31 of the Revised Code, "section 401 water quality certification" means certification pursuant to section 401 of the Federal Water Pollution Control Act and this chapter and rules adopted under it 71929  
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that any discharge, as set forth in section 401, will comply with 71933  
sections 301, 302, 303, 306, and 307 of the Federal Water 71934  
Pollution Control Act. 71935

Sec. 6111.32. (A) In order to ensure the regular and orderly 71936  
maintenance of federal navigation channels and ports in this 71937  
state, the director of environmental protection shall endeavor to 71938  
work with the United States army corps of engineers on a dredging 71939  
plan that focuses on long-term planning for the disposition of 71940  
dredged material consistent with the requirements established in 71941  
this section. 71942

(B) On and after July 1, 2020, no person shall deposit 71943  
dredged material in the portion of Lake Erie that is within the 71944  
jurisdictional boundaries of this state or in the direct 71945  
tributaries of Lake Erie within this state that resulted from 71946  
harbor or navigation maintenance activities unless the director 71947  
has determined that the dredged material is suitable for one of 71948  
the locations, purposes, or activities specified in division (C) 71949  
of this section and has issued a section 401 water quality 71950  
certification authorizing the deposit. 71951

(C) The director may authorize the deposit of dredged 71952  
material in the portion of Lake Erie that is within the 71953  
jurisdictional boundaries of this state or in the direct 71954  
tributaries of Lake Erie within this state that resulted from 71955  
harbor or navigation maintenance activities for any of the 71956  
following: 71957

(1) Confined disposal facilities; 71958

(2) Beneficial use projects; 71959

(3) Beach nourishment projects if at least eighty per cent of 71960  
the dredged material is sand; 71961

(4) Placement in the littoral drift if at least sixty per 71962

cent of the dredged material is sand; 71963

(5) Habitat restoration projects; 71964

(6) Projects involving amounts of dredged material that do 71965  
not exceed ten thousand cubic yards, including material associated 71966  
with dewatering operations related to dredging operations. 71967

(D) The director may consult with the director of natural 71968  
resources for the purposes of this section. The director of 71969  
environmental protection has exclusive authority to approve the 71970  
location in which dredged material is proposed to be deposited in 71971  
the portion of Lake Erie that is within the jurisdictional 71972  
boundaries of this state or in the direct tributaries of Lake Erie 71973  
within this state. 71974

(E) The director, in consultation with the director of 71975  
natural resources, may determine that financial, environmental, 71976  
regulatory, or other factors exist that result in the inability to 71977  
comply with this section. After making that determination, the 71978  
director, through the issuance of a section 401 water quality 71979  
certification, may allow for open lake placement of dredged 71980  
material from the Maumee river, Maumee bay federal navigation 71981  
channel, and Toledo harbor. 71982

(F) The director may adopt rules in accordance with Chapter 71983  
119. of the Revised Code that are necessary for the implementation 71984  
of this section. 71985

**Sec. 6111.99.** (A) Whoever purposely violates section 6111.04, 71986  
6111.042, 6111.05, or division (A) or (C) of section 6111.07 of 71987  
the Revised Code is guilty of a felony and shall be fined not more 71988  
than twenty-five thousand dollars or imprisoned not more than ~~one~~ 71989  
~~year~~ four years, or both. Each day of violation is a separate 71990  
offense. 71991

(B) Whoever knowingly violates section 6111.04, 6111.042, 71992

6111.045 ~~or~~, 6111.047, 6111.05, 6111.45, or division (A) or (C) of 71993  
section 6111.07 of the Revised Code is guilty of a misdemeanor and 71994  
shall be fined not more than ten thousand dollars ~~or imprisoned~~ 71995  
not more than one year, or both. Each day of violation is a 71996  
separate offense. 71997

(C) Whoever violates section ~~6111.45~~ or 6111.46 of the 71998  
Revised Code shall be fined not more than five hundred dollars. 71999

~~(D) Whoever violates division (C) of section 6111.07 of the~~ 72000  
~~Revised Code shall be fined not more than twenty five thousand~~ 72001  
~~dollars.~~ 72002

~~(E)~~ Whoever violates section 6111.42 of the Revised Code 72003  
shall be fined not more than one hundred dollars for a first 72004  
offense; for each subsequent offense, the person shall be fined 72005  
not more than one hundred fifty dollars. 72006

~~(F)~~(E) Whoever violates section 6111.44 of the Revised Code 72007  
shall be fined not more than ~~one hundred~~ ten thousand dollars. 72008  
Each day of violation is a separate offense. 72009

(F) If a person is convicted of or pleads guilty to a 72010  
violation of any section of this chapter, in addition to the 72011  
financial sanctions authorized by this chapter or section 2929.18 72012  
or 2929.28 or any other section of the Revised Code, the court 72013  
imposing the sentence on the person may order the person to 72014  
reimburse the state agency or a political subdivision for any 72015  
actual costs that it incurred in responding to the violation, 72016  
including the cost of restoring affected aquatic resources or 72017  
otherwise compensating for adverse impact to aquatic resources 72018  
directly caused by the violation, but not including the costs of 72019  
prosecution. 72020

Sec. 6301.16. (A) Beginning January 1, 2016, each participant 72021  
in an adult training or education program funded under the 72022

"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101, shall 72023  
create an account with OhioMeansJobs at the time of enrollment in 72024  
the program. 72025

(B) Division (A) of this section does not apply to any 72026  
individual who is legally prohibited from using a computer, has a 72027  
physical or visual impairment that makes the individual unable to 72028  
use a computer, or has a limited ability to read, write, speak, or 72029  
understand a language in which OhioMeansJobs is available. 72030

**Section 101.02.** That existing sections 9.312, 9.333, 9.83, 72031  
9.833, 9.90, 9.901, 109.57, 109.572, 113.07, 118.04, 119.12, 72032  
121.03, 121.08, 121.22, 121.372, 122.17, 122.171, 122.174, 72033  
122.175, 122.177, 122.64, 122.85, 122.87, 122.95, 122.951, 123.10, 72034  
123.28, 123.281, 124.14, 124.15, 124.181, 124.392, 125.02, 125.04, 72035  
125.041, 125.05, 125.07, 125.08, 125.081, 125.082, 125.10, 125.11, 72036  
125.112, 125.13, 125.27, 125.28, 125.31, 125.36, 125.38, 125.39, 72037  
125.42, 125.43, 125.45, 125.49, 125.51, 125.58, 125.601, 125.607, 72038  
125.609, 125.76, 125.901, 128.40, 128.54, 128.55, 128.57, 131.34, 72039  
140.01, 141.04, 149.43, 153.08, 153.70, 156.01, 156.02, 156.04, 72040  
173.391, 173.47, 173.48, 173.522, 173.523, 173.543, 173.544, 72041  
173.545, 174.02, 191.04, 191.06, 319.63, 321.44, 340.01, 340.03, 72042  
340.033, 340.034, 340.04, 340.05, 340.07, 340.08, 340.09, 340.12, 72043  
340.15, 715.013, 737.41, 902.01, 903.01, 903.03, 903.07, 903.09, 72044  
903.10, 903.11, 903.12, 903.13, 903.16, 903.17, 903.25, 918.41, 72045  
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1501.011, 1505.10, 1509.01, 1509.02, 1509.06, 1509.10, 1509.11, 72047  
1509.222, 1509.223, 1509.23, 1509.27, 1509.33, 1509.34, 1509.99, 72048  
1511.99, 1513.16, 1531.35, 1533.10, 1533.11, 1533.12, 1561.04, 72049  
1707.01, 1707.14, 1713.02, 1713.03, 1713.031, 1713.04, 1713.05, 72050  
1713.06, 1713.09, 1713.25, 2151.3514, 2151.421, 2925.03, 2929.13, 72051  
2929.15, 2929.18, 2929.20, 2935.33, 2951.041, 2967.14, 2969.14, 72052  
2981.12, 2981.13, 3119.27, 3121.03, 3301.079, 3301.0711, 72053

3301.0714, 3301.0715, 3301.52, 3301.53, 3301.541, 3301.55, 72054  
3301.56, 3301.57, 3301.58, 3302.02, 3302.03, 3302.034, 3302.15, 72055  
3310.03, 3310.09, 3313.46, 3313.603, 3313.608, 3313.6010, 72056  
3313.614, 3313.68, 3313.72, 3313.751, 3313.843, 3313.902, 72057  
3313.981, 3314.011, 3314.015, 3314.016, 3314.02, 3314.021, 72058  
3314.027, 3314.029, 3314.03, 3314.06, 3314.07, 3314.074, 3314.08, 72059  
3314.091, 3314.35, 3317.01, 3317.013, 3317.014, 3317.016, 72060  
3317.017, 3317.02, 3317.022, 3317.0212, 3317.0213, 3317.0214, 72061  
3317.0217, 3317.051, 3317.15, 3317.16, 3317.20, 3318.01, 3318.02, 72062  
3318.024, 3318.054, 3318.30, 3318.40, 3319.111, 3319.112, 72063  
3319.114, 3319.22, 3319.223, 3319.301, 3319.303, 3319.57, 3319.61, 72064  
3323.13, 3326.11, 3326.33, 3327.01, 3327.02, 3328.24, 3332.10, 72065  
3333.01, 3333.011, 3333.021, 3333.03, 3333.031, 3333.032, 3333.04, 72066  
3333.041, 3333.042, 3333.043, 3333.044, 3333.045, 3333.047, 72067  
3333.048, 3333.049, 3333.0410, 3333.0411, 3333.0412, 3333.0413, 72068  
3333.05, 3333.06, 3333.07, 3333.071, 3333.08, 3333.09, 3333.10, 72069  
3333.11, 3333.12, 3333.121, 3333.122, 3333.123, 3333.124, 3333.13, 72070  
3333.14, 3333.15, 3333.16, 3333.161, 3333.162, 3333.163, 3333.164, 72071  
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3333.373, 3333.374, 3333.375, 3333.39, 3333.391, 3333.392, 72075  
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3333.82, 3333.83, 3333.84, 3333.86, 3333.87, 3333.90, 3333.91, 72080  
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3345.421, 3345.45, 3345.48, 3345.50, 3345.51, 3345.54, 3345.692, 72082  
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3365.02, 3365.07, 3365.15, 3701.045, 3701.65, 3702.74, 3702.91, 72085

3704.05, 3704.14, 3705.08, 3714.051, 3714.07, 3714.08, 3714.09, 72086  
3717.49, 3721.011, 3734.02, 3734.021, 3734.07, 3734.50, 3734.551, 72087  
3734.57, 3734.822, 3734.901, 3736.03, 3736.05, 3736.06, 3737.17, 72088  
3745.015, 3745.11, 3750.081, 3750.13, 3769.03, 3769.08, 3769.083, 72089  
3769.087, 3769.101, 3770.01, 3770.02, 3770.03, 3770.05, 3770.06, 72090  
3770.07, 3772.02, 3772.03, 3772.99, 3794.06, 3794.07, 4121.03, 72091  
4121.121, 4123.322, 4301.12, 4301.42, 4301.43, 4303.33, 4503.535, 72092  
4511.191, 4723.08, 4723.88, 4730.14, 4731.15, 4731.22, 4731.222, 72093  
4731.225, 4731.24, 4731.281, 4731.282, 4731.293, 4731.295, 72094  
4731.296, 4731.297, 4731.299, 4735.06, 4735.13, 4735.141, 4736.12, 72095  
4741.03, 4741.11, 4741.12, 4741.17, 4741.19, 4763.01, 4763.07, 72096  
4778.06, 4905.71, 4905.81, 4905.95, 4923.04, 4927.01, 4927.02, 72097  
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5108.07, 5108.09, 5108.11, 5115.04, 5119.01, 5119.10, 5119.11, 72103  
5119.161, 5119.186, 5119.21, 5119.22, 5119.23, 5119.25, 5119.28, 72104  
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5119.365, 5119.41, 5119.44, 5119.60, 5119.61, 5119.94, 5119.99, 72106  
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5168.45, 5168.47, 5168.48, 5168.49, 5168.53, 5168.60, 5168.63, 72118  
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5903.12, 5910.08, 5919.341, 6109.08, 6109.10, 6109.24, 6109.30, 72129  
6109.34, 6111.03, 6111.036, 6111.05, 6111.30, and 6111.99 of the 72130  
Revised Code are hereby repealed. 72131

**Section 105.01.** That sections 111.181, 121.36, 122.26, 72132  
122.952, 125.021, 125.022, 125.023, 125.03, 125.051, 125.06, 72133  
125.17, 125.32, 125.37, 125.47, 125.48, 125.50, 125.52, 125.53, 72134  
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3302.05, 3313.473, 3314.026, 3314.38, 3317.036, 3317.23, 3317.231, 72139  
3317.24, 3318.19, 3318.33, 3326.29, 3337.11, 3345.86, 3702.80, 72140  
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5165.101, 5165.102, 5165.103, 5165.104, 5165.105, 5165.107, 72143  
5165.108, 5165.15, 5165.151, 5165.152, 5165.153, 5165.154, 72144  
5165.156, 5165.157, 5165.16, 5165.17, 5165.19, 5165.192, 5165.21, 72145  
5165.23, 5165.25, 5165.26, 5165.28, 5165.29, 5165.30, 5165.32, 72146  
5165.33, 5165.37, 5165.516, and 5168.12 of the Revised Code are 72147  
hereby repealed. 72148

**Section 110.10.** That the versions of sections 340.01, 340.03, 72149  
340.08, 340.09, 340.15, 5119.21, and 5119.22 of the Revised Code 72150  
that are scheduled to take effect September 15, 2016, be amended 72151  
to read as follows: 72152

**Sec. 340.01.** (A) As used in this chapter: 72153

(1) "Addiction," "addiction services," "alcohol and drug 72154  
addiction services," "alcoholism," "community addiction services 72155  
provider," "community mental health services provider," "drug 72156  
addiction," "gambling addiction services," "mental health 72157  
services," ~~and~~ "mental illness," and "recovery support" have the 72158  
same meanings as in section 5119.01 of the Revised Code. 72159

(2) "Medication-assisted treatment" means alcohol and drug 72160  
addiction services that are accompanied by medication approved by 72161  
the United States food and drug administration for the treatment 72162  
of drug addiction, prevention of relapse of drug addiction, or 72163  
both. 72164

(3) "Recovery housing" means housing for individuals 72165  
recovering from alcoholism or drug addiction that provides an 72166  
alcohol and drug-free living environment, peer support, assistance 72167  
with obtaining alcohol and drug addiction services, and other 72168  
alcoholism and drug addiction recovery assistance. 72169

(B) An alcohol, drug addiction, and mental health service 72170  
district shall be established in any county or combination of 72171  
counties having a population of at least fifty thousand to provide 72172  
addiction services and mental health services. With the approval 72173  
of the director of mental health and addiction services, any 72174  
county or combination of counties having a population of less than 72175  
fifty thousand may establish such a district. Districts comprising 72176  
more than one county shall be known as joint-county districts. 72177

The board of county commissioners of any county participating 72178

in a joint-county district may submit a resolution requesting 72179  
withdrawal from the district together with a comprehensive plan or 72180  
plans that are in compliance with rules adopted by the director of 72181  
mental health and addiction services under section 5119.22 of the 72182  
Revised Code, and that provide for the equitable adjustment and 72183  
division of all services, assets, property, debts, and 72184  
obligations, if any, of the joint-county district to the board of 72185  
alcohol, drug addiction, and mental health services, to the boards 72186  
of county commissioners of each county in the district, and to the 72187  
director. No county participating in a joint-county service 72188  
district may withdraw from the district without the consent of the 72189  
director of mental health and addiction services nor earlier than 72190  
one year after the submission of such resolution unless all of the 72191  
participating counties agree to an earlier withdrawal. Any county 72192  
withdrawing from a joint-county district shall continue to have 72193  
levied against its tax list and duplicate any tax levied by the 72194  
district during the period in which the county was a member of the 72195  
district until such time as the levy expires or is renewed or 72196  
replaced. 72197

**Sec. 340.03.** (A) Subject to rules issued by the director of 72198  
mental health and addiction services after consultation with 72199  
relevant constituencies as required by division (A)(10) of section 72200  
5119.21 of the Revised Code, the board of alcohol, drug addiction, 72201  
and mental health services shall: 72202

(1) Serve as the community addiction and mental health 72203  
~~services~~ planning agency for the county or counties under its 72204  
jurisdiction, and in so doing it shall: 72205

(a) Evaluate the need for facilities and community addiction 72206  
and mental health services and recovery supports; 72207

(b) In cooperation with other local and regional planning and 72208  
funding bodies and with relevant ethnic organizations, assess the 72209

community addiction and mental health needs, evaluate strengths 72210  
and challenges, and set priorities for community addiction and 72211  
mental health services, (including treatment and prevention 72212  
services) and recovery supports. When the board sets priorities 72213  
for the operation of addiction services, the board shall consult 72214  
with the county commissioners of the counties in the board's 72215  
service district regarding the services described in section 72216  
340.15 of the Revised Code and shall give priority to those 72217  
services, except that those services shall not have a priority 72218  
over services provided to pregnant women under programs developed 72219  
in relation to the mandate established in section 5119.17 of the 72220  
Revised Code; 72221

(c) In accordance with guidelines issued by the director of 72222  
mental health and addiction services after consultation with board 72223  
representatives, annually develop and submit to the department of 72224  
mental health and addiction services a community addiction and 72225  
mental health ~~services~~ plan ~~listing community addiction and mental~~ 72226  
~~health services needs, including the~~ addressing both of the 72227  
following: 72228

(i) The needs of all residents of the district currently 72229  
receiving inpatient services in state-operated hospitals, the 72230  
needs of other populations as required by state or federal law or 72231  
programs, and the needs of all children subject to a determination 72232  
made pursuant to section 121.38 of the Revised Code, ~~and;~~ 72233

(ii) Department priorities that have been communicated to the 72234  
board for facilities ~~and community,~~ addiction and mental health 72235  
services, and recovery supports during the period for which the 72236  
plan will be in effect. 72237

In alcohol, drug addiction, and mental health service 72238  
districts that have separate alcohol and drug addiction services 72239  
and community mental health boards, the alcohol and drug addiction 72240  
services board shall submit a community addiction ~~services~~ plan 72241

and the community mental health board shall submit a community 72242  
mental health ~~services~~ plan. Each board shall consult with its 72243  
counterpart in developing its plan and address the interaction 72244  
between the local addiction ~~services~~ and mental health ~~services~~ 72245  
systems and populations with regard to needs and priorities in 72246  
developing its plan. 72247

The department shall approve or disapprove the plan, in whole 72248  
or in part, according to the criteria developed pursuant to 72249  
section 5119.22 of the Revised Code. Eligibility for state and 72250  
federal funding shall be contingent upon an approved plan or 72251  
relevant part of a plan. 72252

If a board determines that it is necessary to amend a plan 72253  
that has been approved under this division, the board shall submit 72254  
a proposed amendment to the director. The director may approve or 72255  
disapprove all or part of the amendment. The director shall inform 72256  
the board of the reasons for disapproval of all or part of an 72257  
amendment and of the criteria that must be met before the 72258  
amendment may be approved. The director shall provide the board an 72259  
opportunity to present its case on behalf of the amendment. The 72260  
director shall give the board a reasonable time in which to meet 72261  
the criteria, and shall offer the board technical assistance to 72262  
help it meet the criteria. 72263

The board shall operate in accordance with the plan approved 72264  
by the department. 72265

(d) Promote, arrange, and implement working agreements with 72266  
social agencies, both public and private, and with judicial 72267  
agencies. 72268

(2) Investigate, or request another agency to investigate, 72269  
any complaint alleging abuse or neglect of any person receiving 72270  
addiction or mental health services or recovery supports from a 72271  
community addiction or mental health services provider ~~certified~~ 72272

~~under section 5119.36 of the Revised Code~~ or alleging abuse or 72273  
neglect of a resident receiving addiction services or with mental 72274  
illness or severe mental disability residing in a residential 72275  
facility licensed under section 5119.34 of the Revised Code. If 72276  
the investigation substantiates the charge of abuse or neglect, 72277  
the board shall take whatever action it determines is necessary to 72278  
correct the situation, including notification of the appropriate 72279  
authorities. Upon request, the board shall provide information 72280  
about such investigations to the department. 72281

(3) For the purpose of section 5119.36 of the Revised Code, 72282  
cooperate with the director of mental health and addiction 72283  
services in visiting and evaluating whether the addiction or 72284  
mental health services of a community addiction or mental health 72285  
services provider satisfy the certification standards established 72286  
by rules adopted under that section; 72287

(4) In accordance with criteria established under division 72288  
(E) of section 5119.22 of the Revised Code, conduct program audits 72289  
that review and evaluate the quality, effectiveness, and 72290  
efficiency of addiction and mental health services and recovery 72291  
supports provided through its community addiction and mental 72292  
health ~~contracted~~ services providers and submit its findings and 72293  
recommendations to the department of mental health and addiction 72294  
services; 72295

(5) In accordance with section 5119.34 of the Revised Code, 72296  
review an application for a residential facility license and 72297  
provide to the department of mental health and addiction services 72298  
any information about the applicant or facility that the board 72299  
would like the department to consider in reviewing the 72300  
application; 72301

(6) Audit, in accordance with rules adopted by the auditor of 72302  
state pursuant to section 117.20 of the Revised Code, at least 72303  
annually all programs ~~and~~, addiction and mental health services, 72304

and recovery supports provided under contract with the board. In 72305  
so doing, the board may contract for or employ the services of 72306  
private auditors. A copy of the fiscal audit report shall be 72307  
provided to the director of mental health and addiction services, 72308  
the auditor of state, and the county auditor of each county in the 72309  
board's district. 72310

(7) Recruit and promote local financial support for addiction 72311  
and mental health services and recovery supports from private and 72312  
public sources; 72313

(8)(a) Enter into contracts with public and private 72314  
facilities for the operation of facility services and enter into 72315  
contracts with public and private community addiction and mental 72316  
health ~~service~~ services providers for the provision of community 72317  
addiction and mental health services and recovery supports. The 72318  
board may not contract with a residential facility subject to 72319  
section 5119.34 of the Revised Code unless the facility is 72320  
licensed by the director of mental health and addiction services 72321  
~~and~~. The board may not contract with a community addiction or 72322  
mental health services provider to provide ~~community~~ addiction or 72323  
mental health services unless the services are certified by the 72324  
director of mental health and addiction services under section 72325  
5119.36 of the Revised Code. The board may not contract with a 72326  
community addiction or mental health services provider to provide 72327  
recovery supports unless the supports meet quality criteria or 72328  
core competencies established by the department. Section 307.86 of 72329  
the Revised Code does not apply to contracts entered into under 72330  
this division. In contracting with a community addiction or mental 72331  
health services provider, a board shall consider the cost 72332  
effectiveness of addiction or mental health services or recovery 72333  
supports provided by that provider and the quality and continuity 72334  
of care, and may review cost elements, including salary costs, of 72335  
the services or supports to be provided. A utilization review 72336

process may be established as part of the contract ~~for services~~ 72337  
entered into between a board and a community addiction or mental 72338  
health services provider. The board may establish this process in 72339  
a way that is most effective and efficient in meeting local needs. 72340

If either the board or a facility or community addiction or 72341  
mental health services provider with which the board contracts 72342  
under this division proposes not to renew the contract or proposes 72343  
substantial changes in contract terms, the other party shall be 72344  
given written notice at least one hundred twenty days before the 72345  
expiration date of the contract. During the first sixty days of 72346  
this one hundred twenty-day period, both parties shall attempt to 72347  
resolve any dispute through good faith collaboration and 72348  
negotiation in order to continue to provide services to persons in 72349  
need. If the dispute has not been resolved sixty days before the 72350  
expiration date of the contract, either party may notify the 72351  
department of mental health and addiction services of the 72352  
unresolved dispute. The director may require both parties to 72353  
submit the dispute to a third party with the cost to be shared by 72354  
the board and the facility or provider. The third party shall 72355  
issue to the board, the facility or provider, and the department 72356  
recommendations on how the dispute may be resolved twenty days 72357  
prior to the expiration date of the contract, unless both parties 72358  
agree to a time extension. The director shall adopt rules 72359  
establishing the procedures of this dispute resolution process. 72360

(b) With the prior approval of the director of mental health 72361  
and addiction services, a board may operate a facility or provide 72362  
~~a community~~ an addiction or mental health service as follows, if 72363  
there is no other qualified private or public facility or 72364  
community addiction or mental health services provider that is 72365  
immediately available and willing to operate such a facility or 72366  
provide the service: 72367

(i) In an emergency situation, any board may operate a 72368

facility or provide a ~~community~~ an addiction or mental health 72369  
service in order to provide essential services for the duration of 72370  
the emergency; 72371

(ii) In a service district with a population of at least one 72372  
hundred thousand but less than five hundred thousand, a board may 72373  
operate a facility or provide a ~~community~~ an addiction or mental 72374  
health service for no longer than one year; 72375

(iii) In a service district with a population of less than 72376  
one hundred thousand, a board may operate a facility or provide a 72377  
~~community~~ an addiction or mental health service for no longer than 72378  
one year, except that such a board may operate a facility or 72379  
provide a ~~community~~ an addiction or mental health service for more 72380  
than one year with the prior approval of the director and the 72381  
prior approval of the board of county commissioners, or of a 72382  
majority of the boards of county commissioners if the district is 72383  
a joint-county district. 72384

The director shall not give a board approval to operate a 72385  
facility or provide a ~~community~~ an addiction or mental health 72386  
service under division (A)(8)(b)(ii) or (iii) of this section 72387  
unless the director determines that it is not feasible to have the 72388  
department operate the facility or provide the service. 72389

The director shall not give a board approval to operate a 72390  
facility or provide a ~~community~~ an addiction or mental health 72391  
service under division (A)(8)(b)(iii) of this section unless the 72392  
director determines that the board will provide greater 72393  
administrative efficiency and more or better services than would 72394  
be available if the board contracted with a private or public 72395  
facility or community addiction or mental health services 72396  
provider. 72397

The director shall not give a board approval to operate a 72398  
facility previously operated by a person or other government 72399

entity unless the board has established to the director's 72400  
satisfaction that the person or other government entity cannot 72401  
effectively operate the facility or that the person or other 72402  
government entity has requested the board to take over operation 72403  
of the facility. The director shall not give a board approval to 72404  
provide ~~a community~~ an addiction or mental health service 72405  
previously provided by a community addiction or mental health 72406  
services provider unless the board has established to the 72407  
director's satisfaction that the provider cannot effectively 72408  
provide the service or that the provider has requested the board 72409  
take over providing the service. 72410

The director shall review and evaluate a board's operation of 72411  
a facility and provision of ~~community~~ addiction or mental health 72412  
~~service~~ services under division (A)(8)(b) of this section. 72413

Nothing in division (A)(8)(b) of this section authorizes a 72414  
board to administer or direct the daily operation of any facility 72415  
or community addiction or mental health services provider, but a 72416  
facility or provider may contract with a board to receive 72417  
administrative services or staff direction from the board under 72418  
the direction of the governing body of the facility or provider. 72419

(9) Approve fee schedules and related charges or adopt a unit 72420  
cost schedule or other methods of payment for contract services 72421  
provided by community addiction or mental health services 72422  
providers in accordance with guidelines issued by the department 72423  
as necessary to comply with state and federal laws pertaining to 72424  
financial assistance; 72425

(10) Submit to the director and the county commissioners of 72426  
the county or counties served by the board, and make available to 72427  
the public, an annual report of the addiction and mental health 72428  
services and recovery supports under the jurisdiction of the 72429  
board, including a fiscal accounting; 72430

(11) Establish, to the extent resources are available, a continuum of care that provides for prevention, treatment, and support, and rehabilitation services and opportunities. The essential elements of the continuum of care shall include the following components:

(a) To locate persons in need of addiction or mental health services or recovery supports to inform them of available services and benefits;

(b) Assistance for persons receiving addiction or mental health services or recovery supports to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Addiction and mental health treatment services, including ~~all of the following:~~

~~(i) Outpatient;~~

~~(ii) Residential;~~

~~(iii) Partial hospitalization;~~

~~(iv) Where appropriate, inpatient care;~~

~~(v) Sub-acute detoxification;~~

~~(vi) Intensive and other supports;~~

~~(vii) Recovery support;~~

~~(viii) Prevention and wellness management;~~

~~(ix) In accordance with section 340.033 of the Revised Code, an array of treatment and support services for all levels of opioid and co-occurring drug addiction. outpatient, residential, partial hospitalization, sub-acute detoxification, and, where appropriate, inpatient care;~~

(d) Recovery supports, including all of the following:

(i) Assistance to obtain education, employment, or job

<u>training;</u>	72460
(ii) <u>Assistance to develop social, community, or personal</u>	72461
<u>living skills;</u>	72462
(iii) <u>Access to a wide range of housing and the provision of</u>	72463
<u>housing assistance;</u>	72464
(iv) <u>Assistance for persons with addiction or mental health</u>	72465
<u>needs, as well as their families, friends, and others, to find</u>	72466
<u>support, consultation, and education regarding mental health and</u>	72467
<u>addiction;</u>	72468
(v) <u>The recognition and encouragement of families, friends,</u>	72469
<u>neighborhood networks (especially networks that include racial and</u>	72470
<u>ethnic minorities), faith-based organizations, community</u>	72471
<u>organizations, and community employment as natural supports for</u>	72472
<u>persons with addiction or mental health needs.</u>	72473
(e) <u>Emergency services and crisis intervention;</u>	72474
<del>(e) Assistance for persons receiving services to obtain</del>	72475
<del>vocational services and opportunities for jobs;</del>	72476
<del>(f) The provision of services designed to develop social,</del>	72477
<del>community, and personal living skills;</del>	72478
<del>(g) Access to a wide range of housing and the provision of</del>	72479
<del>residential treatment and support;</del>	72480
<del>(h) Support, assistance, consultation, and education for</del>	72481
<del>families, friends, persons receiving addiction or mental health</del>	72482
<del>services, and others;</del>	72483
<del>(i) Recognition and encouragement of families, friends,</del>	72484
<del>neighborhood networks, especially networks that include racial and</del>	72485
<del>ethnic minorities, churches, community organizations, and</del>	72486
<del>community employment as natural supports for persons receiving</del>	72487
<del>addiction or mental health services;</del>	72488
<del>(j)(f) Care coordination;</del>	72489

(g) Prevention and wellness management; 72490

(h) In accordance with section 340.033 of the Revised Code, 72491  
an array of treatment services and recovery supports for all 72492  
levels of opioid and co-occurring drug addiction; 72493

(i) Grievance procedures and protection of the rights of 72494  
persons receiving addiction or mental health services or recovery 72495  
supports; 72496

~~(k) Community psychiatric supportive treatment services,~~ 72497  
~~which includes continual individualized assistance and advocacy to~~ 72498  
~~ensure that needed services are offered and procured;~~ 72499

~~(l)~~(j) Any additional component the department, pursuant to 72500  
section 5119.21 of the Revised Code, determines is necessary to 72501  
establish the continuum of care. 72502

(12) Establish a method for evaluating referrals for 72503  
~~involuntary commitment~~ court-ordered treatment and affidavits 72504  
filed pursuant to section 5122.11 of the Revised Code in order to 72505  
assist the probate division of the court of common pleas in 72506  
determining whether there is probable cause that a respondent is 72507  
subject to ~~involuntary hospitalization~~ court-ordered treatment and 72508  
~~what alternative treatment is~~ whether alternatives to 72509  
hospitalization are available and appropriate, ~~if any;~~ 72510

(13) Designate the treatment services, provider, facility, or 72511  
other placement for each person involuntarily committed to the 72512  
board pursuant to Chapter 5122. of the Revised Code. The board 72513  
shall provide the least restrictive and most appropriate 72514  
alternative that is available for any person involuntarily 72515  
committed to it and shall assure that the listed addiction and 72516  
mental health services and recovery supports submitted and 72517  
approved in accordance with division (B) of section 340.08 of the 72518  
Revised Code are available to severely mentally disabled persons 72519  
residing within its service district. The board shall establish 72520

the procedure for authorizing payment for services and supports, 72521  
which may include prior authorization in appropriate 72522  
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 72523  
section, the board may provide for services directly to a severely 72524  
mentally disabled person when life or safety is endangered and 72525  
when no community mental health services provider is available to 72526  
provide the service. 72527

(14) Ensure that ~~apartments or rooms~~ housing built, 72528  
subsidized, renovated, rented, owned, or leased by the board or a 72529  
community addiction or mental health services provider ~~have~~ has 72530  
been approved as meeting minimum fire safety standards and that 72531  
persons residing in the ~~rooms or apartments are receiving~~ housing 72532  
have access to appropriate and necessary services, including 72533  
culturally relevant services, from a community addiction or mental 72534  
health services provider. This division does not apply to 72535  
residential facilities licensed pursuant to section 5119.34 of the 72536  
Revised Code. 72537

(15) Establish a mechanism for obtaining advice and 72538  
involvement of persons receiving ~~publicly funded~~ addiction or 72539  
mental health services or recovery supports on matters pertaining 72540  
to addiction and mental health services and recovery supports in 72541  
the alcohol, drug addiction, and mental health service district; 72542

(16) Perform the duties required by rules adopted under 72543  
section 5119.22 of the Revised Code regarding referrals by the 72544  
board or mental health services providers under contract with the 72545  
board of individuals with mental illness or severe mental 72546  
disability to residential facilities as defined in division 72547  
~~(A)(9)(b)(iii)~~ (B)(2)(c) of section 5119.34 of the Revised Code and 72548  
effective arrangements for ongoing mental health services for the 72549  
individuals. The board is accountable in the manner specified in 72550  
the rules for ensuring that the ongoing mental health services are 72551  
effectively arranged for the individuals. 72552

(B) The board shall establish such rules, operating 72553  
procedures, standards, and bylaws, and perform such other duties 72554  
as may be necessary or proper to carry out the purposes of this 72555  
chapter. 72556

(C) A board of alcohol, drug addiction, and mental health 72557  
services may receive by gift, grant, devise, or bequest any 72558  
moneys, lands, or property for the benefit of the purposes for 72559  
which the board is established, and may hold and apply it 72560  
according to the terms of the gift, grant, or bequest. All money 72561  
received, including accrued interest, by gift, grant, or bequest 72562  
shall be deposited in the treasury of the county, the treasurer of 72563  
which is custodian of the alcohol, drug addiction, and mental 72564  
health services funds to the credit of the board and shall be 72565  
available for use by the board for purposes stated by the donor or 72566  
grantor. 72567

(D) No board member or employee of a board of alcohol, drug 72568  
addiction, and mental health services shall be liable for injury 72569  
or damages caused by any action or inaction taken within the scope 72570  
of the board member's official duties or the employee's 72571  
employment, whether or not such action or inaction is expressly 72572  
authorized by this section or any other section of the Revised 72573  
Code, unless such action or inaction constitutes willful or wanton 72574  
misconduct. Chapter 2744. of the Revised Code applies to any 72575  
action or inaction by a board member or employee of a board taken 72576  
within the scope of the board member's official duties or 72577  
employee's employment. For the purposes of this division, the 72578  
conduct of a board member or employee shall not be considered 72579  
willful or wanton misconduct if the board member or employee acted 72580  
in good faith and in a manner that the board member or employee 72581  
reasonably believed was in or was not opposed to the best 72582  
interests of the board and, with respect to any criminal action or 72583  
proceeding, had no reasonable cause to believe the conduct was 72584

unlawful. 72585

(E) The meetings held by any committee established by a board 72586  
of alcohol, drug addiction, and mental health services shall be 72587  
considered to be meetings of a public body subject to section 72588  
121.22 of the Revised Code. 72589

**Sec. 340.08.** In accordance with rules or guidelines issued by 72590  
the director of mental health and addiction services, each board 72591  
of alcohol, drug addiction, and mental health services shall do 72592  
all of the following: 72593

(A) Submit to the department of mental health and addiction 72594  
services a report of receipts and expenditures for all federal, 72595  
state, and local moneys the board expects to receive. 72596

(1) The report shall identify funds the board has available 72597  
for the array of treatment ~~and support~~ services and recovery 72598  
supports for all levels of opioid and co-occurring drug addiction 72599  
required by division (A)(11)~~(c)(ix)~~ of section 340.03 of the 72600  
Revised Code to be included in the continuum of care established 72601  
under that section. 72602

(2) The report shall identify funds the board and public 72603  
children services agencies in the board's service district have 72604  
available to fund jointly the services described in section 340.15 72605  
of the Revised Code. 72606

(3) The board's proposed budget for expenditures of state and 72607  
federal funds distributed to the board by the department shall be 72608  
deemed an application for funds, and the department shall approve 72609  
or disapprove the budget for these expenditures. The department 72610  
shall disapprove the board's proposed budget if the proposed 72611  
budget would not make available in the board's service district 72612  
the essential elements of the continuum of care required by 72613  
division (A)(11) of section 340.03 of the Revised Code. The 72614

department shall inform the board of the reasons for disapproval 72615  
of the budget for the expenditure of state and federal funds and 72616  
of the criteria that must be met before the budget may be 72617  
approved. The director shall provide the board an opportunity to 72618  
present its case on behalf of the submitted budget. The director 72619  
shall give the board a reasonable time in which to meet the 72620  
criteria and shall offer the board technical assistance to help it 72621  
meet the criteria. 72622

If a board determines that it is necessary to amend a budget 72623  
that has been approved under this section, the board shall submit 72624  
a proposed amendment to the director. The director may approve or 72625  
disapprove all or part of the amendment. The director shall inform 72626  
the board of the reasons for disapproval of all or part of the 72627  
amendment and of the criteria that must be met before the 72628  
amendment may be approved. The director shall provide the board an 72629  
opportunity to present its case on behalf of the amendment. The 72630  
director shall give the board a reasonable time in which to meet 72631  
the criteria and shall offer the board technical assistance to 72632  
help it meet the criteria. 72633

(4) The director of mental health and addiction services 72634  
shall withhold funds otherwise to be allocated to a board of 72635  
alcohol, drug addiction, and mental health services under Chapter 72636  
5119. of the Revised Code if the board's use of state and federal 72637  
funds fails to comply with the approved budget, as it may be 72638  
amended with the approval of the department. 72639

(B) Submit to the department a statement identifying the 72640  
addiction and mental health services and recovery supports the 72641  
board intends to make available. The board shall include the 72642  
services and supports required by division (A)(11) of section 72643  
340.03 of the Revised Code to be included in the continuum of care 72644  
and the services required by section 340.15 of the Revised Code. 72645  
The board shall explain the manner in which the board intends to 72646

make such services and supports available. The list of services 72647  
and supports shall be compatible with the budget submitted 72648  
pursuant to division (A) of this section. The department shall 72649  
approve or disapprove the proposed listing of services and 72650  
supports to be made available. The department shall inform the 72651  
board of the reasons for disapproval of the listing of proposed 72652  
services and supports and of the criteria that must be met before 72653  
listing of proposed services may be approved. The director shall 72654  
provide the board an opportunity to present its case on behalf of 72655  
the submitted listing of proposed services and supports. The 72656  
director shall give the board a reasonable time in which to meet 72657  
the criteria and shall offer the board technical assistance to 72658  
help it meet the criteria. 72659

(C) Enter into a continuity of care agreement with the state 72660  
institution operated by the department of mental health and 72661  
addiction services and designated as the institution serving the 72662  
district encompassing the board's service district. The continuity 72663  
of care agreement shall outline the department's and the board's 72664  
responsibilities to plan for and coordinate with each other to 72665  
address the needs of board residents who are patients in the 72666  
institution, with an emphasis on managing appropriate hospital bed 72667  
day use and discharge planning. The continuity of care agreement 72668  
shall not require the board to provide addiction and mental health 72669  
services or recovery supports other than those on the list of 72670  
services and supports submitted by the board and approved by the 72671  
department pursuant to division (B) of this section. 72672

(D) In conjunction with the department of mental health and 72673  
addiction services, operate a coordinated system for tracking and 72674  
monitoring persons found not guilty by reason of insanity and 72675  
committed pursuant to section 2945.40 of the Revised Code who have 72676  
been granted a conditional release and persons found incompetent 72677  
to stand trial and committed pursuant to section 2945.39 of the 72678

Revised Code who have been granted a conditional release. The 72679  
system shall do all of the following: 72680

(1) Centralize responsibility for the tracking of those 72681  
persons; 72682

(2) Provide for uniformity in monitoring those persons; 72683

(3) Provide a mechanism to allow prompt rehospitalization, 72684  
reinstitutionalization, or detention when a violation of the 72685  
conditional release or decompensation occurs. 72686

(E) Submit to the department a report summarizing complaints 72687  
and grievances received by the board concerning the rights of 72688  
persons seeking or receiving addiction or mental health services 72689  
or recovery supports, investigations of complaints and grievances, 72690  
and outcomes of the investigations. 72691

(F) Provide to the department information to be submitted to 72692  
the community ~~addiction and mental~~ behavioral health information 72693  
system or systems established by the department under Chapter 72694  
5119. of the Revised Code. 72695

(G) Annually, and upon any change in membership, submit to 72696  
the department a list of all current members of the board of 72697  
alcohol, drug addiction, and mental health services, including the 72698  
appointing authority for each member, and the member's specific 72699  
qualification for appointment pursuant to section 340.02 or 72700  
340.021 of the Revised Code, if applicable. 72701

(H) Submit to the department other information as is 72702  
reasonably required for purposes of the department's operations, 72703  
service evaluation, reporting activities, research, system 72704  
administration, and oversight. 72705

**Sec. 340.09.** (A) Using funds the general assembly 72706  
appropriates for these purposes, and that are allocated or 72707  
otherwise distributed to a board of alcohol, drug addiction, and 72708

mental health services by the department of mental health and 72709  
addiction services, the board shall provide ~~assistance to each~~ 72710  
~~county~~ for all of the following: 72711

(1) The board's operation ~~of the board of alcohol, drug~~ 72712  
~~addiction, and mental health services serving the county;~~ 72713

(2) The provision of addiction and mental health services and 72714  
recovery supports specified in the board's statement of services 72715  
and supports approved by the department ~~within the continuum of~~ 72716  
~~care established pursuant to division (A)(11) of section 340.03 of~~ 72717  
~~the Revised Code~~ under division (G) of section 5119.22 of the 72718  
Revised Code; 72719

(3) The provision of approved support functions; 72720

(4) The partnership in, or support for, approved continuum of 72721  
care-related activities. 72722

(B) Support functions may include the following: 72723

(1) Consultation; 72724

(2) Research; 72725

(3) Administrative; 72726

(4) Referral and information; 72727

(5) Training; 72728

(6) Service and program evaluation. 72729

**Sec. 340.15.** (A) A public children services agency that 72730  
identifies a child by a risk assessment conducted pursuant to 72731  
section 5153.16 of the Revised Code as being at imminent risk of 72732  
being abused or neglected because of an addiction of a parent, 72733  
guardian, or custodian of the child to a drug of abuse or alcohol 72734  
shall refer the child's addicted parent, guardian, or custodian 72735  
and, if the agency determines that the child needs alcohol or 72736  
other drug addiction services, the child to a community addiction 72737

services provider ~~certified by the department of mental health and~~ 72738  
~~addiction services under section 5119.36 of the Revised Code.~~ A 72739  
public children services agency that is sent a court order issued 72740  
pursuant to division (B) of section 2151.3514 of the Revised Code 72741  
shall refer the addicted parent or other caregiver of the child 72742  
identified in the court order to a community addiction services 72743  
provider ~~certified by the department of mental health and~~ 72744  
~~addiction services under section 5119.36 of the Revised Code.~~ On 72745  
receipt of a referral under this division and to the extent 72746  
funding identified under division (A)(2) of section 340.08 of the 72747  
Revised Code is available, the provider shall provide the 72748  
following services to the addicted parent, guardian, custodian, or 72749  
caregiver and child in need of addiction services: 72750

(1) If it is determined pursuant to an initial screening to 72751  
be needed, assessment and appropriate treatment; 72752

(2) Documentation of progress in accordance with a treatment 72753  
plan developed for the addicted parent, guardian, custodian, 72754  
caregiver, or child; 72755

(3) If the referral is based on a court order issued pursuant 72756  
to division (B) of section 2151.3514 of the Revised Code and the 72757  
order requires the specified parent or other caregiver of the 72758  
child to submit to alcohol or other drug testing during, after, or 72759  
both during and after, treatment, testing in accordance with the 72760  
court order. 72761

(B) The services described in division (A) of this section 72762  
shall have a priority as provided in the addiction and mental 72763  
health ~~services~~ plan and budget established pursuant to sections 72764  
340.03 and 340.08 of the Revised Code. Once a referral has been 72765  
received pursuant to this section, the public children services 72766  
agency and the addiction services provider shall, in accordance 72767  
with 42 C.F.R. Part 2, share with each other any information 72768  
concerning the persons and services described in that division 72769

that the agency and provider determine are necessary to share. If 72770  
the referral is based on a court order issued pursuant to division 72771  
(B) of section 2151.3514 of the Revised Code, the results and 72772  
recommendations of the addiction services provider also shall be 72773  
provided and used as described in division (D) of that section. 72774  
Information obtained or maintained by the agency or provider 72775  
pursuant to this section that could enable the identification of 72776  
any person described in division (A) of this section is not a 72777  
public record subject to inspection or copying under section 72778  
149.43 of the Revised Code. 72779

**Sec. 5119.21.** (A) The department of mental health and 72780  
addiction services shall: 72781

(1) To the extent the department has available resources and 72782  
in consultation with boards of alcohol, drug addiction, and mental 72783  
health services, support the continuum of care that the boards are 72784  
required by division (A)(11) of section 340.03 of the Revised Code 72785  
to establish. The department shall provide the support on a 72786  
district or multi-district basis. The department shall assist in 72787  
identifying resources, and may prioritize support, for one or more 72788  
of the elements of the continuum of care. For the purpose of 72789  
division (A)(11)~~(1)~~ of section 340.03 of the Revised Code and to 72790  
the extent the department determines is necessary, the department 72791  
shall define additional components to be included in the essential 72792  
elements of the continuum of care. 72793

(2) Provide training, consultation, and technical assistance 72794  
regarding ~~mental health and addiction~~ and mental health services, 72795  
recovery supports, and appropriate prevention, recovery, and 72796  
mental health promotion activities, including those that are 72797  
culturally competent, to employees of the department, community 72798  
mental health and addiction services providers, boards of alcohol, 72799  
drug addiction, and mental health services, and other agencies 72800

providing ~~mental health and~~ addiction and mental health services 72801  
or recovery supports; 72802

(3) To the extent the department has available resources, 72803  
promote and support a full range of ~~mental health and~~ addiction 72804  
and mental health services and recovery supports that are 72805  
available and accessible to all residents of this state, 72806  
especially for severely mentally disabled children, adolescents, 72807  
adults, pregnant women, parents, guardians or custodians of 72808  
children at risk of abuse or neglect, and other special target 72809  
populations, including racial and ethnic minorities, as determined 72810  
by the department; 72811

(4) Develop standards and measures for evaluating the 72812  
effectiveness of ~~mental health and~~ addiction and mental health 72813  
services, ~~(including services that use methadone treatment)~~ and 72814  
recovery supports, ~~of gambling addiction services,~~ and for 72815  
increasing the accountability of community mental health and 72816  
~~alcohol and~~ addiction services providers ~~and of gambling addiction~~ 72817  
~~services providers;~~ 72818

(5) Design and set criteria for the determination of priority 72819  
populations; 72820

(6) Promote, direct, conduct, and coordinate scientific 72821  
research, taking ethnic and racial differences into consideration, 72822  
concerning the causes and prevention of mental illness and 72823  
addiction, methods of providing effective addiction and mental 72824  
health services and treatment, and means of enhancing the mental 72825  
health of and recovery from addiction of all residents of this 72826  
state; 72827

(7) Foster the establishment and availability of vocational 72828  
rehabilitation services and the creation of employment 72829  
opportunities for consumers of ~~mental health and~~ addiction and 72830  
mental health services and recovery supports, including members of 72831

racial and ethnic minorities; 72832

(8) Establish a program to protect and promote the rights of 72833  
persons receiving ~~mental health and~~ addiction and mental health 72834  
services and recovery supports, including the issuance of 72835  
guidelines on informed consent and other rights; 72836

(9) Promote the involvement of persons who are receiving or 72837  
have received ~~mental health and~~ addiction and mental health 72838  
services or recovery supports, including families and other 72839  
persons having a close relationship to a person receiving those 72840  
services or supports, in the planning, evaluation, delivery, and 72841  
operation of ~~mental health and~~ addiction and mental health 72842  
services or recovery supports; 72843

(10) Notify and consult with the relevant constituencies that 72844  
may be affected by rules, standards, and guidelines issued by the 72845  
department of ~~mental health and~~ addiction services. These 72846  
constituencies shall include consumers of ~~mental health and~~ 72847  
addiction and mental health services and recovery supports and 72848  
their families, and may include public and private providers, 72849  
employee organizations, and others when appropriate. Whenever the 72850  
department proposes the adoption, amendment, or rescission of 72851  
rules under Chapter 119. of the Revised Code, the notification and 72852  
consultation required by this division shall occur prior to the 72853  
commencement of proceedings under Chapter 119. The department 72854  
shall adopt rules under Chapter 119. of the Revised Code that 72855  
establish procedures for the notification and consultation 72856  
required by this division. 72857

(11) Provide consultation to the department of rehabilitation 72858  
and correction concerning the delivery of ~~mental health and~~ 72859  
addiction and mental health services in state correctional 72860  
institutions-;i 72861

(12) Promote and coordinate efforts in the provision of 72862

alcohol and drug addiction services and of gambling addiction 72863  
services by other state agencies, as defined in section 1.60 of 72864  
the Revised Code; courts; hospitals; clinics; physicians in 72865  
private practice; public health authorities; boards of alcohol, 72866  
drug addiction, and mental health services; ~~alcohol and drug~~ 72867  
community addiction services providers; law enforcement agencies; 72868  
~~gambling addiction services providers;~~ and related groups; 72869

(13) Provide to each court of record, and biennially update, 72870  
a list of the treatment and education programs within that court's 72871  
jurisdiction that the court may require an offender, sentenced 72872  
pursuant to section 4511.19 of the Revised Code, to attend; 72873

(14) Make the warning sign described in sections 3313.752, 72874  
3345.41, and 3707.50 of the Revised Code available on the 72875  
department's internet web site; 72876

(15) Provide a program of gambling addiction services on 72877  
behalf of the state lottery commission, pursuant to an agreement 72878  
entered into with the director of the commission under division 72879  
(K) of section 3770.02 of the Revised Code, and provide a program 72880  
of gambling addiction services on behalf of the Ohio casino 72881  
control commission, under an agreement entered into with the 72882  
executive director of the commission under section 3772.062 of the 72883  
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 72884  
Constitution, the department may enter into agreements with boards 72885  
of alcohol, drug addiction, and mental health services, including 72886  
boards with districts in which a casino facility is not located, 72887  
and nonprofit organizations to provide gambling addiction services 72888  
and ~~substance abuse~~ alcohol and drug addiction services, and with 72889  
state institutions of higher education or private nonprofit 72890  
institutions that possess a certificate of authorization issued 72891  
under Chapter 1713. of the Revised Code to perform related 72892  
research. 72893

(B) The department may accept and administer grants from 72894

public or private sources for carrying out any of the duties 72895  
enumerated in this section. 72896

~~(C) Pursuant to Chapter 119. of the Revised Code, the 72897  
department shall adopt a rule defining the term "intervention" as 72898  
it is used in this chapter in connection with alcohol and drug 72899  
addiction services and in connection with gambling addiction 72900  
services.~~ The department may adopt ~~other~~ rules in accordance with 72901  
Chapter 119. of the Revised Code as necessary to implement the 72902  
requirements of this chapter. 72903

**Sec. 5119.22.** The director of mental health and addiction 72904  
services, with respect to all mental health and addiction 72905  
facilities ~~and~~, addiction and mental health services, and recovery 72906  
supports established and operated or provided under Chapter 340. 72907  
of the Revised Code, shall do all of the following: 72908

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 72909  
that may be necessary to carry out the purposes of this chapter 72910  
and Chapters 340. and 5122. of the Revised Code; 72911

(B) Review and evaluate the continuum of care required by 72912  
division (A)(11) of section 340.03 of the Revised Code to be 72913  
established in each service district, taking into account the 72914  
findings and recommendations of the board of alcohol, drug 72915  
addiction, and mental health services of the district submitted 72916  
under division (A)(4) of section 340.03 of the Revised Code and 72917  
the priorities and plans of the department of mental health and 72918  
addiction services, including the needs of residents of the 72919  
district currently receiving services in state-operated hospitals, 72920  
and make recommendations for needed improvements to boards of 72921  
alcohol, drug addiction, and mental health services; 72922

(C) At the director's discretion, provide to boards of 72923  
alcohol, drug addiction, and mental health services state or 72924  
federal funds, in addition to those allocated under section 72925

5119.23 of the Revised Code, for special programs or projects the 72926  
director considers necessary but for which local funds are not 72927  
available; 72928

(D) Establish, in consultation with ~~board~~ representatives of 72929  
boards of alcohol, drug addiction, and mental health ~~service~~ 72930  
~~representatives~~ services and after consideration of the 72931  
recommendations of the medical director, guidelines for the 72932  
development of community mental health and addiction ~~services~~ 72933  
plans and the review and approval or disapproval of such plans 72934  
submitted pursuant to section 340.03 of the Revised Code. 72935

(E) Establish criteria by which a board of alcohol, drug 72936  
addiction, and mental health services reviews and evaluates the 72937  
quality, effectiveness, and efficiency of its contracted addiction 72938  
and mental health services and recovery supports. The criteria 72939  
shall include requirements ensuring appropriate service 72940  
utilization. The department shall assess a board's evaluation of 72941  
services and supports and the compliance of each board with this 72942  
section, Chapter 340. of the Revised Code, and other state or 72943  
federal law and regulations. The department, in cooperation with 72944  
the board, periodically shall review and evaluate the quality, 72945  
effectiveness, and efficiency of services and supports provided 72946  
through each board. The department shall collect information that 72947  
is necessary to perform these functions. 72948

(F) To the extent the director determines necessary and after 72949  
consulting with boards of alcohol, drug addiction, and mental 72950  
health services and community addiction and mental health services 72951  
providers, develop and operate, or contract for the operation of, 72952  
a community behavioral health information system or systems. The 72953  
department shall specify the information that must be provided by 72954  
boards of alcohol, drug addiction, and mental health services and 72955  
by community addiction and mental health services providers for 72956  
inclusion in the system or systems. 72957

Boards of alcohol, drug addiction, and mental health services 72958  
and community addiction and mental health services providers shall 72959  
submit information requested by the department in the form and 72960  
manner and in accordance with time frames prescribed by the 72961  
department. Information collected by the department may include 72962  
all of the following: 72963

(1) Information on addiction and mental health services and 72964  
recovery supports provided; 72965

(2) Financial information regarding expenditures of federal, 72966  
state, or local funds; 72967

(3) Information about persons served. 72968

The department shall not collect any personal information 72969  
from the boards or providers except as required or permitted by 72970  
state or federal law for purposes related to payment, health care 72971  
operations, program and service evaluation, reporting activities, 72972  
research, system administration, and oversight. 72973

(G)(1) Review each board's community mental health and 72974  
addiction ~~services~~ plan, budget, and statement of addiction and 72975  
mental health services and recovery supports submitted pursuant to 72976  
sections 340.03 and 340.08 of the Revised Code and approve or 72977  
disapprove the plan, the budget, and the statement of services and 72978  
supports in whole or in part. 72979

The department shall withhold all or part of the funds 72980  
allocated to a board if it disapproves all or part of a plan, 72981  
budget, or statement of services and supports. Prior to a final 72982  
decision to disapprove a plan, budget, or statement of services 72983  
and supports, or to withhold funds from a board, a representative 72984  
of the director of mental health and addiction services shall meet 72985  
with the board and discuss the reason for the action the 72986  
department proposes to take and any corrective action that should 72987  
be taken to make the plan, budget, or statement of services and 72988

supports acceptable to the department. In addition, the department 72989  
shall offer technical assistance to the board to assist it to make 72990  
the plan, budget, or statement of services and supports 72991  
acceptable. The department shall give the board a reasonable time 72992  
in which to revise the plan, budget, or statement of services and 72993  
supports. The board thereafter shall submit a revised plan, 72994  
budget, or statement of services and supports, or a new plan, 72995  
budget, or statement of services and supports. 72996

(2) If a board determines that it is necessary to amend the 72997  
plan, budget, or statement of services and supports that has been 72998  
approved under this section, the board shall submit the proposed 72999  
amendment to the department. The department may approve or 73000  
disapprove all or part of the amendment. 73001

(3) If the director disapproves of all or part of any 73002  
proposed amendment, the director shall provide the board an 73003  
opportunity to present its position. The director shall inform the 73004  
board of the reasons for the disapproval and of the criteria that 73005  
must be met before the proposed amendment may be approved. The 73006  
director shall give the board a reasonable time within which to 73007  
meet the criteria and shall offer technical assistance to the 73008  
board to help it meet the criteria. 73009

(4) The department shall establish procedures for the review 73010  
of plans, budgets, and statements of services and supports, and a 73011  
timetable for submission and review of plans, budgets, and 73012  
statements of services and supports and for corrective action and 73013  
submission of new or revised plans, budgets, and statements of 73014  
services and supports. 73015

**Section 110.11.** That the existing versions of sections 73016  
340.01, 340.03, 340.08, 340.09, 340.15, 5119.21, and 5119.22 of 73017  
the Revised Code that are scheduled to take effect September 15, 73018  
2016, are hereby repealed. 73019

**Section 110.12.** Sections 110.10 and 110.11 of this act shall 73020  
take effect September 15, 2016. 73021

**Section 201.10.** Except as otherwise provided in this act, all 73022  
appropriation items in this act are appropriated out of any moneys 73023  
in the state treasury to the credit of the designated fund that 73024  
are not otherwise appropriated. For all appropriations made in 73025  
this act, the amounts in the first column are for fiscal year 2016 73026  
and the amounts in the second column are for fiscal year 2017. 73027  
73028

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 73029

Dedicated Purpose Fund Group 73030

4J80	889601	CPA Education	\$	325,000	\$	325,000	73031
		Assistance					
4K90	889609	Operating Expenses	\$	1,052,714	\$	1,074,173	73032
TOTAL DPF Dedicated Purpose Fund							73033
Group							
			\$	1,377,714	\$	1,399,173	73034
TOTAL ALL BUDGET FUND GROUPS							73035

**Section 205.10.** ADJ ADJUTANT GENERAL 73037

General Revenue Fund 73038

GRF	745401	Ohio Military Reserve	\$	12,308	\$	12,308	73039
GRF	745404	Air National Guard	\$	3,095,606	\$	3,095,606	73040
GRF	745407	National Guard	\$	400,000	\$	400,000	73041
		Benefits					
GRF	745409	Central	\$	2,682,098	\$	2,682,098	73042
		Administration					
GRF	745499	Army National Guard	\$	3,689,871	\$	3,689,871	73043
TOTAL GRF General Revenue Fund							73044
Dedicated Purpose Fund Group							73045

5340	745612	Property Operations Management	\$	534,304	\$	534,304	73046
5360	745605	Marksmanship Activities	\$	128,600	\$	128,600	73047
5360	745620	Camp Perry and Buckeye Inn Operations	\$	978,846	\$	978,846	73048
5370	745604	Ohio National Guard Facilities Maintenance	\$	62,000	\$	62,000	73049
5LY0	745626	Military Medal of Distinction	\$	5,000	\$	5,000	73050
5QP0	745629	Patriot Inn Lodging Operations	\$	200,000	\$	200,000	73051
5U80	745613	Community Match Armories	\$	350,000	\$	350,000	73052
TOTAL DPF Dedicated Purpose Fund Group			\$	2,258,750	\$	2,258,750	73053
Federal Fund Group							73054
3420	745616	Army National Guard Service Agreement	\$	26,000,000	\$	26,000,000	73055
3E80	745628	Air National Guard Operations and Maintenance	\$	15,642,000	\$	15,642,000	73056
3R80	745603	Counter Drug Operations	\$	15,000	\$	15,000	73057
TOTAL FED Federal Fund Group			\$	41,657,000	\$	41,657,000	73058
TOTAL ALL BUDGET FUND GROUPS			\$	53,795,633		53,795,633	73059
NATIONAL GUARD BENEFITS							73060
The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the							73061 73062 73063

associated programs. 73064

If necessary, in order to pay benefits in a timely manner 73065  
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 73066  
Adjutant General may request the Director of Budget and Management 73067  
transfer appropriation from any appropriation item used by the 73068  
Adjutant General to appropriation item 745407, National Guard 73069  
Benefits. The Adjutant General may subsequently seek Controlling 73070  
Board approval to restore the appropriation in the appropriation 73071  
item from which such a transfer was made. 73072

For active duty members of the Ohio National Guard who died 73073  
after October 7, 2001, while performing active duty, the death 73074  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 73075  
paid to the beneficiary or beneficiaries designated on the 73076  
member's Servicemembers' Group Life Insurance Policy. 73077

STATE ACTIVE DUTY COSTS 73078

Of the foregoing appropriation item 745409, Central 73079  
Administration, \$50,000 in each fiscal year shall be used for the 73080  
purpose of paying expenses related to state active duty of members 73081  
of the Ohio organized militia, in accordance with a proclamation 73082  
of the Governor. Expenses include, but are not limited to, the 73083  
cost of equipment, supplies, and services, as determined by the 73084  
Adjutant General's Department. 73085

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 73086

General Revenue Fund 73087

GRF 100413 Enterprise Data Center \$ 4,252,900 \$ 4,256,500 73088  
Solutions Lease Rental  
Payments

GRF 100414 MARCS Lease Rental \$ 6,769,700 \$ 6,764,600 73089  
Payments

GRF 100415 OAKS Lease Rental \$ 22,244,800 \$ 22,223,800 73090

		Payments					
GRF	100416	STARS Lease Rental	\$	5,393,700	\$	7,437,400	73091
		Payments					
GRF	100447	Administrative	\$	99,641,900	\$	96,716,600	73092
		Buildings Lease Rental					
		Bond Payments					
GRF	100452	Lean Ohio	\$	1,522,741	\$	1,412,631	73093
GRF	100456	State IT Services	\$	1,772,416	\$	1,772,416	73094
GRF	100457	Equal Opportunity	\$	2,174,661	\$	2,174,661	73095
		Services					
GRF	100459	Ohio Business Gateway	\$	4,049,094	\$	4,049,094	73096
GRF	130321	State Agency Support	\$	18,768,016	\$	18,878,171	73097
		Services					
TOTAL GRF		General Revenue Fund	\$	166,589,928	\$	165,685,873	73098
		Dedicated Purpose Fund Group					73099
5L70	100610	Professional	\$	2,100,000	\$	2,100,000	73100
		Development					
5MV0	100662	Theater Equipment	\$	80,891	\$	80,891	73101
		Maintenance					
5NM0	100663	911 Program	\$	290,000		290,000	73102
5V60	100619	Employee Educational	\$	800,000	\$	800,000	73103
		Development					
TOTAL DPF		Dedicated Purpose Fund	\$	3,270,891	\$	3,270,891	73104
		Group					
		Internal Service Activity Fund Group					73105
1120	100616	DAS Administration	\$	7,388,356	\$	7,071,978	73106
1150	100632	Central Service Agency	\$	1,096,906	\$	1,111,099	73107
1170	100644	General Services	\$	12,493,870	\$	12,493,870	73108
		Division - Operating					
1220	100637	Fleet Management	\$	5,182,000	\$	5,182,000	73109
1250	100622	Human Resources	\$	17,249,839	\$	17,249,839	73110
		Division - Operating					

1250	100657	Benefits Communication	\$	612,316	\$	612,316	73111
1280	100620	Office of Collective Bargaining	\$	3,479,507	\$	3,379,507	73112
1300	100606	Risk Management Reserve	\$	6,635,784	\$	12,741,616	73113
1320	100631	DAS Building Management	\$	51,157,818	\$	51,157,818	73114
1330	100607	IT Services Delivery	\$	121,336,868	\$	121,336,868	73115
1880	100649	Equal Opportunity Division - Operating	\$	991,613	\$	953,613	73116
2100	100612	State Printing	\$	21,568,075	\$	21,688,106	73117
2290	100630	IT Governance	\$	28,212,195	\$	29,134,695	73118
2290	100640	Consolidated IT Purchases	\$	6,565,639	\$	6,565,639	73119
4270	100602	Investment Recovery	\$	1,638,515	\$	1,638,515	73120
4N60	100617	Major IT Purchases	\$	56,888,635	\$	56,888,635	73121
5C20	100605	MARCS Administration	\$	14,940,712	\$	14,953,307	73122
5C30	100608	Minor Construction Project Management	\$	4,004,375	\$	4,004,375	73123
5EB0	100635	OAKS Support Organization	\$	19,813,077	\$	19,813,077	73124
5EB0	100656	OAKS Updates and Developments	\$	10,400,000	\$	6,300,000	73125
5JQ0	100658	Professionals Licensing System	\$	990,000	\$	990,000	73126
5KZ0	100659	Building Improvement	\$	6,148,000	\$	1,289,000	73127
5LJ0	100661	IT Development	\$	13,200,000	\$	13,200,000	73128
5PC0	100665	Ohio Benefits Operations	\$	80,475,949	\$	80,475,949	73129
TOTAL ISA Internal Service Activity							73130
Fund Group			\$	492,470,049	\$	490,231,822	73131
Federal Fund Group							73132
3AJ0	100623	Information Technology	\$	1,237,909	\$	1,237,909	73133

Grants

TOTAL FED Federal Fund Group	\$	1,237,909	\$	1,237,909	73134
TOTAL ALL BUDGET FUND GROUPS	\$	663,568,777	\$	660,426,495	73135

**Section 207.20.** OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE 73137  
RENTAL PAYMENTS 73138

The foregoing appropriation item 100415, OAKS Lease Rental 73139  
Payments, shall be used for payments during the period from July 73140  
1, 2015, through June 30, 2017, pursuant to leases and agreements 73141  
entered into under Chapter 125. of the Revised Code, as 73142  
supplemented by Section 281.10 of Am. Sub. H.B. 562 of the 127th 73143  
General Assembly and other prior acts of the General Assembly, 73144  
with respect to financing the costs associated with the 73145  
acquisition, development, installation, and implementation of the 73146  
Ohio Administrative Knowledge System. If it is determined that 73147  
additional appropriations are necessary for this purpose, the 73148  
amounts are hereby appropriated. 73149

**Section 207.30.** STATE TAXATION ACCOUNTING AND REVENUE SYSTEM 73150  
LEASE RENTAL PAYMENTS 73151

The foregoing appropriation item 100416, STARS Lease Rental 73152  
Payments, shall be used for payments during the period from July 73153  
1, 2015, through June 30, 2017, pursuant to leases and agreements 73154  
entered into under Chapter 125. of the Revised Code, as 73155  
supplemented by Section 701.40 of Am. Sub. H.B. 497 of the 130th 73156  
General Assembly and other prior acts of the General Assembly, 73157  
with respect to financing the cost for the acquisition, 73158  
development, installation, and implementation of the State 73159  
Taxation Accounting and Revenue System (STARS). If it is 73160  
determined that additional appropriations are necessary for this 73161  
purpose, the amounts are hereby appropriated. 73162

**Section 207.40.** MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE 73163

RENTAL PAYMENTS 73164

The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used for payments during the period from July 1, 2015, through June 30, 2017, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly, with respect to financing the cost for the acquisition, development, installation, and implementation of the Multi-Agency Radio Communications System (MARCS) upgrade. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.

**Section 207.50.** ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL PAYMENTS 73175  
73176

The foregoing appropriation item 100413, EDCS Lease Rental Payments, shall be used for payments during the period from July 1, 2015, through June 30, 2017, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.30 of Am. Sub. H.B. 497 of the 130th General Assembly, with respect to financing the costs associated with the acquisition, development, installation, and implementation of the Enterprise Data Center Solutions initiative. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.

**Section 207.60.** ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 73187  
73188

The foregoing appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2015, through June 30, 2017, by the Department of Administrative Services pursuant to leases and agreements under Chapters 152. and 154. of the Revised

Code. These appropriations are the source of funds pledged for 73194  
bond service charges on related obligations issued under Chapters 73195  
152. and 154. of the Revised Code. 73196

**Section 207.70.** DAS - BUILDING OPERATING PAYMENTS AND 73197  
BUILDING MANAGEMENT FUND 73198

Following the Director of Budget and Management's approval of 73199  
FY 2016 rental rates for buildings managed by the Department of 73200  
Administrative Services, the Director of Budget and Management may 73201  
adjust FY 2016 and FY 2017 General Revenue Fund appropriations of 73202  
the Department of Administrative Services and other state agencies 73203  
to reflect accurately the rental amounts agencies will pay for 73204  
occupied, vacant, or other space that is supported by the General 73205  
Revenue Fund. Total General Revenue Fund appropriations may 73206  
decrease but may not increase as a result of the appropriation 73207  
adjustments made under this section. The foregoing appropriation 73208  
item 130321, State Agency Support Services, shall be used to pay 73209  
the rent expenses of veterans organizations pursuant to section 73210  
123.024 of the Revised Code in fiscal years 2016 and 2017. 73211

The foregoing appropriation item, 130321, State Agency 73212  
Support Services, also may be used to provide funding for the cost 73213  
of property appraisals or building studies that the Department of 73214  
Administrative Services may be required to obtain for property 73215  
that is being sold by the state or property under consideration to 73216  
be renovated or purchased by the state. 73217

Notwithstanding section 125.28 of the Revised Code, the 73218  
foregoing appropriation item 130321, State Agency Support 73219  
Services, also may be used to pay the operating expenses of state 73220  
facilities maintained by the Department of Administrative Services 73221  
that are not billed to building tenants, or other costs associated 73222  
with the Voinovich Center in Youngstown, Ohio. These expenses may 73223  
include, but are not limited to, the costs for vacant space and 73224

space undergoing renovation, and the rent expenses of tenants that 73225  
are relocated because of building renovations. These payments may 73226  
be processed by the Department of Administrative Services through 73227  
intrastate transfer vouchers and placed into the Building 73228  
Management Fund (Fund 1320). 73229

At least once per year, the portion of appropriation item 73230  
130321, State Agency Support Services, that is not used for the 73231  
regular expenses of the appropriation item shall be processed by 73232  
the Department of Administrative Services through intrastate 73233  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 73234

**Section 207.80. PROFESSIONAL DEVELOPMENT FUND** 73235

The foregoing appropriation item 100610, Professional 73236  
Development, shall be used to make payments from the Professional 73237  
Development Fund (Fund 5L70) under section 124.182 of the Revised 73238  
Code. If it is determined by the Director of Administrative 73239  
Services that additional amounts are necessary, the Director of 73240  
Administrative Services may request that the Director of Budget 73241  
and Management approve additional amounts. Such approved 73242  
additional amounts are hereby appropriated. 73243

**Section 207.90. 911 PROGRAM** 73244

The foregoing appropriation item 100663, 911 Program, shall 73245  
be used by the Department of Administrative Services to pay the 73246  
administrative costs of the Statewide Emergency Services Internet 73247  
Protocol Network Steering Committee. 73248

**Section 207.100. EMPLOYEE EDUCATIONAL DEVELOPMENT** 73249

The foregoing appropriation item 100619, Employee Educational 73250  
Development, shall be used to make payments from the Employee 73251  
Educational Development Fund (Fund 5V60) under section 124.86 of 73252  
the Revised Code. The fund shall be used to pay the costs of 73253

administering educational programs under existing collective 73254  
bargaining agreements with District 1199, the Health Care and 73255  
Social Service Union; State Council of Professional Educators; 73256  
Ohio Education Association and National Education Association; the 73257  
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 73258  
State Troopers Association, Units 1 and 15. 73259

If it is determined by the Director of Administrative 73260  
Services that additional amounts are necessary, the Director of 73261  
Administrative Services may request that the Director of Budget 73262  
and Management approve additional amounts. Such approved 73263  
additional amounts are hereby appropriated. 73264

**Section 207.110.** CENTRAL SERVICE AGENCY FUND 73265

Appropriation item 100632, Central Service Agency, shall be 73266  
used to purchase the equipment, products, and services that are 73267  
needed to maintain existing automated applications for the 73268  
professional licensing boards and the Casino Control Commission to 73269  
support board licensing functions in fiscal years 2016 and 2017 73270  
until these functions are replaced by the Ohio Professionals 73271  
Licensing System. The Department of Administrative Services shall 73272  
establish charges for recovering the costs of carrying out these 73273  
functions. The charges shall be billed to the professional 73274  
licensing boards and the Casino Control Commission, and deposited 73275  
via intrastate transfer vouchers to the credit of the Central 73276  
Service Agency Fund (Fund 1150). 73277

Upon implementation of the replacement Ohio Professionals 73278  
Licensing System and the decommissioning of the existing automated 73279  
applications, the Director of Budget and Management may transfer 73280  
any cash balances that remain in the Central Service Agency Fund 73281  
(Fund 1150) and that are attributable to the operation of the 73282  
existing automated applications to the Professions Licensing 73283  
System Fund (Fund 5JQ0). 73284

**Section 207.120.** GENERAL SERVICE CHARGES 73285

The Department of Administrative Services, with the approval 73286  
of the Director of Budget and Management, shall establish charges 73287  
for recovering the costs of administering the programs funded by 73288  
the General Services Fund (Fund 1170) and the State Printing Fund 73289  
(Fund 2100). The charges may be used to recover the cost of paying 73290  
a vendor to establish reduced pricing for contracted supplies or 73291  
services. 73292

If the Director of Administrative Services determines that 73293  
additional amounts are necessary to pay for consulting and 73294  
administrative costs related to securing lower pricing, the 73295  
Director of Administrative Services may request that the Director 73296  
of Budget and Management approve additional expenditures. Such 73297  
approved additional amounts are appropriated to appropriation item 73298  
100644, General Services Division-Operating. 73299

**Section 207.130.** COLLECTIVE BARGAINING ARBITRATION EXPENSES 73300

With approval of the Director of Budget and Management, the 73301  
Department of Administrative Services may seek reimbursement from 73302  
state agencies for the actual costs and expenses the Department 73303  
incurs in the collective bargaining arbitration process. The 73304  
reimbursements shall be processed through intrastate transfer 73305  
vouchers and credited to the Collective Bargaining Fund (Fund 73306  
1280). 73307

**Section 207.140.** EQUAL OPPORTUNITY PROGRAM 73308

The Department of Administrative Services, with the approval 73309  
of the Director of Budget and Management, shall establish charges 73310  
for recovering the costs of administering the activities supported 73311  
by the State EEO Fund (Fund 1880). These charges shall be 73312  
deposited to the credit of Fund 1880 upon payment made by state 73313

agencies, state-supported or state-assisted institutions of higher 73314  
education, and tax-supported agencies, municipal corporations, and 73315  
other political subdivisions of the state, for services rendered. 73316

**Section 207.150. CONSOLIDATED IT PURCHASES** 73317

The foregoing appropriation item 100640, Consolidated IT 73318  
Purchases, shall be used by the Department of Administrative 73319  
Services acting as the purchasing agent for one or more government 73320  
entities under the authority of division (G) of section 125.18 of 73321  
the Revised Code to make information technology purchases at a 73322  
lower aggregate cost than each individual government entity could 73323  
have obtained independently for that information technology 73324  
purchase. If the Director of Administrative Services determines 73325  
that additional amounts are necessary to pay for pass-through 73326  
information technology purchases that will be billed to one or 73327  
more state agencies, the Director shall seek Controlling Board 73328  
approval for an increase in appropriation sufficient to pay for 73329  
the requested purchase. 73330

**Section 207.160. INVESTMENT RECOVERY FUND** 73331

Notwithstanding division (B) of section 125.14 of the Revised 73332  
Code, cash balances in the Investment Recovery Fund (Fund 4270) 73333  
may be used to support the operating expenses of the Federal 73334  
Surplus Operating Program created in sections 125.84 to 125.90 of 73335  
the Revised Code. 73336

The Director of Administrative Services shall use the 73337  
foregoing appropriation item 100602, Investment Recovery, to pay 73338  
the operating expenses of the State Surplus Property Program and 73339  
the Surplus Federal Property Program, under Chapter 125. of the 73340  
Revised Code and this section. If additional appropriations are 73341  
necessary for the operations of these programs, the Director of 73342  
Administrative Services shall seek increased appropriations from 73343

the Controlling Board under section 131.35 of the Revised Code. 73344

The Director of Administrative Services shall transfer 73345  
proceeds from the sale of surplus property from the Investment 73346  
Recovery Fund to non-General Revenue Funds under division (A)(2) 73347  
of section 125.14 of the Revised Code. 73348

**Section 207.170. MAJOR IT PURCHASES CHARGES** 73349

The Department of Administrative Services may bill agencies 73350  
for actual expenditures made for major IT purchases if those 73351  
expenditures are not recovered as part of the information 73352  
technology services rates the Department charges and deposits into 73353  
the Information Technology Fund (Fund 1330) created in section 73354  
125.15 of the Revised Code. These charges shall be deposited to 73355  
the credit of the Major IT Purchases Fund (Fund 4N60). 73356

**Section 207.180. CASH TRANSFER FROM THE MARCS ADMINISTRATION** 73357  
**FUND TO GRF** 73358

Upon the request of the Director of Administrative Services, 73359  
the Director of Budget and Management may transfer unobligated 73360  
cash in the MARCS Administration Fund (Fund 5C20) to the General 73361  
Revenue Fund to reimburse the General Revenue Fund for lease 73362  
rental payments made on behalf of the MARCS upgrade. 73363

**Section 207.190. PROFESSIONS LICENSING SYSTEM** 73364

The foregoing appropriation item, 100658, Ohio Professionals 73365  
Licensing System, shall be used to purchase the equipment, 73366  
products, and services necessary to develop and maintain a 73367  
replacement automated licensing system for the professional 73368  
licensing boards. 73369

Effective with the implementation of the replacement 73370  
licensing system, the Department of Administrative Services shall 73371  
establish charges for recovering the costs of ongoing maintenance 73372

of the system. The charges shall be billed to the professional 73373  
licensing boards and the Casino Control Commission, and deposited 73374  
via intrastate transfer vouchers to the credit of the Professions 73375  
Licensing System Fund (Fund 5JQ0), which is hereby created in the 73376  
state treasury. 73377

**Section 207.200. BUILDING IMPROVEMENT FUND** 73378

The foregoing appropriation item 100659, Building 73379  
Improvement, shall be used to make payments from the Building 73380  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 73381  
required in facilities maintained by the Department of 73382  
Administrative Services. The Department of Administrative Services 73383  
shall conduct or contract for regular assessments of these 73384  
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 73385  
the cost of the repairs and improvements that are recommended to 73386  
occur within the next five years, with the following exception 73387  
described below. 73388

Upon request of the Director of Administrative Services, the 73389  
Director of Budget and Management may permit a cash transfer from 73390  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 73391  
of operating and maintaining facilities managed by the Department 73392  
of Administrative Services that are not charged to tenants during 73393  
the same fiscal year. 73394

Should the cash balance in Fund 1320 be determined to be 73395  
sufficient, the Director of Administrative Services may request 73396  
that the Director of Budget and Management transfer cash from Fund 73397  
1320 to 5KZ0 in an amount equal to the initial cash transfer made 73398  
under this section plus applicable interest. 73399

**Section 207.210. INFORMATION TECHNOLOGY DEVELOPMENT** 73400

The foregoing appropriation item 100661, IT Development, 73401  
shall be used by the Department of Administrative Services to pay 73402

the costs of modernizing the state's information technology 73403  
management and investment practices away from a limited, 73404  
agency-specific focus in favor of a statewide methodology 73405  
supporting development of enterprise solutions. 73406

The Department of Administrative Services, with the approval 73407  
of the Director of Budget and Management, may charge state 73408  
agencies an information technology development assessment based on 73409  
state agencies' information technology expenditures or other 73410  
methodology. The revenue from this assessment shall be deposited 73411  
in the Information Technology Development Fund (Fund 5LJ0), which 73412  
is hereby created. 73413

**Section 207.220.** MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 73414  
SERVICE PAYMENTS 73415

The Director of Administrative Services, in consultation with 73416  
the Multi-Agency Radio Communication System (MARCS) Steering 73417  
Committee and the Director of Budget and Management, shall 73418  
determine the share of debt service payments attributable to 73419  
spending for MARCS components that are not specific to any one 73420  
agency and that shall be charged to agencies supported by the 73421  
motor fuel tax. Such share of debt service payments shall be 73422  
calculated for MARCS capital disbursements made beginning July 1, 73423  
1997. Within thirty days of any payment made from appropriation 73424  
item 100447, Administrative Buildings Lease Rental Bond Payments, 73425  
the Director of Administrative Services shall certify to the 73426  
Director of Budget and Management the amount of this share. The 73427  
Director of Budget and Management shall transfer such amounts to 73428  
the General Revenue Fund from the State Highway Safety Fund (Fund 73429  
7036) established in section 4501.06 of the Revised Code. 73430

The Director of Administrative Services shall consider 73431  
renting or leasing existing tower sites at reasonable or current 73432  
market rates, so long as these existing sites are equipped with 73433

the technical capabilities to support the MARCS project. 73434

**Section 207.230. ENTERPRISE IT STRATEGY IMPLEMENTATION** 73435

The Director of Administrative Services shall determine and 73436  
implement strategies that benefit the enterprise by improving 73437  
efficiency, reducing costs or enhancing capacity of information 73438  
technology (IT) services. Such improvements and efficiencies may 73439  
result in the consolidation and transfer of such services. As 73440  
determined to be necessary for successful implementation of this 73441  
section and notwithstanding any provision of law to the contrary, 73442  
the Director of Administrative Services may request the Director 73443  
of Budget and Management to consolidate or transfer IT-specific 73444  
budget authority between agencies or within an agency as necessary 73445  
to implement enterprise IT cost containment strategies and related 73446  
efficiencies. Once the Director of Budget and Management is 73447  
satisfied that the proposed initiative is cost advantageous to the 73448  
enterprise, the Director of Budget and Management may transfer 73449  
appropriations, funds and cash as needed to implement the proposed 73450  
initiative. The establishment of any new fund or additional 73451  
appropriation as a result of this section will be subject to 73452  
Controlling Board approval. 73453

The Director of Budget and Management and the Director of 73454  
Administrative Services may transfer any employees, assets, and 73455  
liabilities, including, but not limited to, records, contracts, 73456  
and agreements in order to facilitate the improvements determined 73457  
in accordance with this section. 73458

**Section 209.10. AGE DEPARTMENT OF AGING** 73459

General Revenue Fund 73460

GRF 490321 Operating Expenses \$ 1,487,418 \$ 1,487,418 73461

GRF 490410 Long-Term Care \$ 477,448 \$ 477,448 73462

Ombudsman

GRF	490411	Senior Community Services	\$	7,060,844	\$	7,060,844	73463
GRF	490414	Alzheimer's Respite	\$	1,995,245	\$	1,995,245	73464
GRF	490506	National Senior Service Corps	\$	241,413	\$	241,413	73465
GRF	656423	Long-Term Care Program Support - State	\$	3,385,057	\$	3,385,057	73466
TOTAL GRF	General Revenue Fund		\$	14,647,425	\$	14,647,425	73467
Dedicated Purpose Fund Group							73468
4800	490606	Senior Community Outreach and Education	\$	372,523	\$	372,523	73469
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	73470
5BA0	490620	Ombudsman Support	\$	1,250,000	\$	1,250,000	73471
5K90	490613	Long-Term Care Consumers Guide	\$	1,059,400	\$	1,059,400	73472
5MT0	490627	Board of Executives of LTSS	\$	800,000	\$	800,000	73473
5W10	490616	Resident Services Coordinator Program	\$	344,700	\$	344,700	73474
TOTAL DPF	Dedicated Purpose Fund Group		\$	4,761,623	\$	4,761,623	73475 73476
Federal Fund Group							73477
3220	490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000	73478
3C40	656623	Long-Term Care Program Support - Federal	\$	3,385,057	\$	3,385,057	73479
3M40	490612	Federal Independence Services	\$	58,655,080	\$	58,655,080	73480

TOTAL FED Federal Fund Group	\$	70,740,137	\$	70,740,137	73481
TOTAL ALL BUDGET FUND GROUPS	\$	90,149,185	\$	90,149,185	73482

**Section 209.20. LONG-TERM CARE** 73484

Pursuant to an interagency agreement, the Department of 73485  
Medicaid may designate the Department of Aging to perform 73486  
assessments under section 5165.04 of the Revised Code. The 73487  
Department of Aging shall provide long-term care consultations 73488  
under section 173.42 of the Revised Code to assist individuals in 73489  
planning for their long-term health care needs. 73490

The Department of Aging shall administer the Medicaid 73491  
waiver-funded PASSPORT Home Care Program, the Assisted Living 73492  
Program, and PACE as delegated by the Department of Medicaid in an 73493  
interagency agreement. The foregoing appropriation items 656423, 73494  
Long-Term Care Program Support - State, and 656623, Long-Term Care 73495  
Program Support - Federal, may be used to support the Department 73496  
of Aging's administrative costs associated with operating the 73497  
PASSPORT, Assisted Living, and PACE programs. 73498

**PERFORMANCE-BASED REIMBURSEMENT** 73499

The Department of Aging may design and utilize a payment 73500  
method for PASSPORT administrative agency operations that includes 73501  
a pay-for-performance incentive component that is earned by a 73502  
PASSPORT administrative agency when defined consumer and policy 73503  
outcomes are achieved. 73504

**Section 209.30. LONG-TERM CARE OMBUDSMAN** 73505

The State Ombudsman may explore the design of a payment 73506  
method for the Ombudsman Program that includes a 73507  
pay-for-performance incentive component that is earned by 73508  
designated regional long-term care ombudsman programs. 73509

**MYCARE OHIO** 73510

The foregoing appropriation items 490410, Long-Term Care Ombudsman, 490618, Federal Aging Grants, 490612, Federal Independence Services, 490609, Regional Long-Term Care Ombudsman Program, and 490620, Ombudsman Support, may be used by the Office of the State Long-Term Care Ombudsman to provide ombudsman program activities as described in sections 173.14 to 173.27 and section 173.99 of the Revised Code to consumers participating in MyCare Ohio.

SENIOR COMMUNITY SERVICES

The foregoing appropriation item 490411, Senior Community Services, shall be used for services designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, prevention and disease self-management, and decision support systems. Service priority shall be given to low income, frail, and cognitively impaired persons 60 years of age and over. The department shall promote cost sharing by service recipients for those services funded with senior community services funds, including, when possible, sliding-fee scale payment systems based on the income of service recipients

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, shall be used by the Department of Aging to fund grants for three Corporation for National and Community Service/Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. The expenditure of these funds by any grant recipient shall be in accordance with Senior Corps policies and procedures,

as stated in the Domestic Volunteer Service Act of 1973, as 73543  
amended. Neither the Department nor any area agencies on aging 73544  
that are involved in the distribution of these funds to 73545  
lower-tiered grant recipients may use any portion of these funds 73546  
to cover administrative costs. 73547

TRANSFER OF RESIDENT PROTECTION FUNDS 73548

In each fiscal year, the Director of Budget and Management 73549  
may transfer up to \$1,250,000 cash from the Resident Protection 73550  
Fund (Fund 4E30), which is used by the Department of Medicaid, to 73551  
the Ombudsman Support Fund (Fund 5BA0), which is used by the 73552  
Department of Aging. 73553

The Director of Aging and the Office of the State Long-Term 73554  
Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 73555  
5BA0) to implement a nursing home quality initiative as specified 73556  
in section 173.60 of the Revised Code. 73557

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 73558  
AND FEDERAL AGING GRANTS 73559

At the request of the Director of Aging, the Director of 73560  
Budget and Management may transfer appropriation between 73561  
appropriation items 490612, Federal Independence Services, and 73562  
490618, Federal Aging Grants. The amounts transferred shall not 73563  
exceed 30 per cent of the appropriation from which the transfer is 73564  
made. Any transfers shall be reported by the Department of Aging 73565  
to the Controlling Board at the next scheduled meeting of the 73566  
board. 73567

**Section 209.40.** UPDATING AUTHORIZING STATUTE CITATIONS 73568

As used in this section, "authorizing statute" means a 73569  
Revised Code section or provision of a Revised Code section that 73570  
is cited in the Ohio Administrative Code as the statute that 73571  
authorizes the adoption of a rule. 73572

The Director of Aging is not required to amend any rule for 73573  
the sole purpose of updating the citation in the Ohio 73574  
Administrative Code to the rule's authorizing statute to reflect 73575  
that this act renumbers the authorizing statute or relocates it to 73576  
another Revised Code section. Such citations shall be updated as 73577  
the Director amends the rules for other purposes. 73578

**Section 209.50.** BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND 73579  
SUPPORTS 73580

The Board of Executives of Long-Term Services and Supports 73581  
may develop and conduct, or contract with a government or private 73582  
entity to develop and conduct, opportunities for education, 73583  
training, and credentialing of nursing home administrators, 73584  
including persons interested in becoming licensed as nursing home 73585  
administrators, and others in leadership positions who practice in 73586  
long-term services and supports settings or who direct the 73587  
practices of others in those settings. 73588

All fees paid to the Board of Executives of Long-Term 73589  
Services and Support by an applicant for education or training 73590  
shall be used solely for the administration of the training 73591  
program in division (A)(10) of section 4751.04 of the Revised 73592  
Code. The fees may be used to support the education and training 73593  
programs by paying for items including, but not limited to, 73594  
instructor fees, venues where the education or training is 73595  
conducted, books, materials and printing. 73596

Training or education programs may be conducted in person or 73597  
through electronic media. If the Board contracts with a government 73598  
or private entity to administer the education or training 73599  
programs, the contract may authorize the entity to pay any or all 73600  
costs associated with the education or training programs and to 73601  
collect and keep, as all or part of the entity's compensation 73602  
under the contract, any fee an applicant for education or training 73603

pays to take the education or training program. 73604

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE 73605

General Revenue Fund 73606

GRF 700401 Animal Health Programs \$ 3,686,687 \$ 3,686,687 73607

GRF 700403 Dairy Division \$ 1,163,115 \$ 1,088,115 73608

GRF 700404 Ohio Proud \$ 50,000 \$ 50,000 73609

GRF 700406 Consumer Protection \$ 1,287,556 \$ 1,287,556 73610

Lab

GRF 700407 Food Safety \$ 1,359,069 \$ 1,359,069 73611

GRF 700409 Farmland Preservation \$ 72,750 \$ 72,750 73612

GRF 700410 Plant Industry \$ 250,000 \$ 250,000 73613

GRF 700412 Weights and Measures \$ 600,000 \$ 600,000 73614

GRF 700415 Poultry Inspection \$ 592,978 \$ 592,978 73615

GRF 700418 Livestock Regulation \$ 1,108,071 \$ 1,108,071 73616

Program

GRF 700424 Livestock Testing and \$ 92,493 \$ 92,493 73617

Inspections

GRF 700426 Dangerous and \$ 800,000 \$ 800,000 73618

Restricted Animals

GRF 700427 High Volume Breeder \$ 450,000 \$ 450,000 73619

Kennel Control

GRF 700499 Meat Inspection \$ 4,425,097 \$ 4,425,097 73620

Program - State Share

GRF 700501 County Agricultural \$ 391,415 \$ 391,415 73621

Societies

TOTAL GRF General Revenue Fund \$ 16,329,231 \$ 16,254,231 73622

Dedicated Purpose Fund Group 73623

4900 700651 License Plates - \$ 7,000 \$ 7,000 73624

Sustainable

Agriculture

4940 700612 Agricultural \$ 213,000 \$ 213,000 73625

		Commodity Marketing Program				
4960	700626	Ohio Grape Industries	\$	970,000	\$	970,000 73626
4970	700627	Grain Warehouse	\$	332,672	\$	332,672 73627
		Program				
4C90	700605	Commercial Feed and Seed	\$	1,760,000	\$	1,760,000 73628
4D20	700609	Auction Education	\$	35,000	\$	35,000 73629
4E40	700606	Utility Radiological Safety	\$	125,000	\$	125,000 73630
4P70	700610	Food Safety Inspection	\$	957,328	\$	957,328 73631
4R00	700636	Ohio Proud Marketing	\$	35,500	\$	35,500 73632
4R20	700637	Dairy Industry Inspection	\$	1,658,247	\$	1,658,247 73633
4T60	700611	Poultry and Meat Inspection	\$	120,000	\$	120,000 73634
5780	700620	Ride Inspection	\$	1,215,142	\$	1,215,142 73635
5880	700633	Brand Registration	\$	5,000	\$	5,000 73636
5B80	700629	Auctioneers	\$	340,000	\$	340,000 73637
5CP0	700652	License Plate Scholarships	\$	10,000	\$	10,000 73638
5FC0	700648	Plant Pest Program	\$	1,190,000	\$	1,190,000 73639
5H20	700608	Metrology Lab and Scale Certification	\$	552,000	\$	552,000 73640
5L80	700604	Livestock Management Program	\$	135,000	\$	135,000 73641
5MA0	700657	Dangerous and Restricted Animals	\$	50,000	\$	50,000 73642
5MR0	700658	High Volume Breeders and Kennels	\$	174,000	\$	174,000 73643
6520	700634	Animal, Consumer, and ATL Labs	\$	4,966,383	\$	4,966,383 73644

6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,418,041	\$	4,418,041	73645
TOTAL DPF Dedicated Purpose							73646
Fund Group			\$	19,269,313	\$	19,269,313	73647
Internal Service Activity Fund Group							73648
5DA0	700644	Laboratory Administration Support	\$	1,164,000	\$	1,164,000	73649
5GH0	700655	Administrative Support	\$	4,404,073	\$	4,404,073	73650
TOTAL ISA Internal Service Activity							73651
Fund Group			\$	5,568,073		5,568,073	73652
Capital Projects Fund Group							73653
7057	700632	Clean Ohio Agricultural Easement Operating	\$	310,000	\$	310,000	73654
TOTAL CPF Capital Projects Fund Group			\$	310,000	\$	310,000	73655
Federal Fund Group							73656
3260	700618	Meat Inspection Program - Federal Share	\$	4,450,000	\$	4,450,000	73657
3360	700617	Ohio Farm Loan - Revolving	\$	101,000	\$	101,000	73658
3820	700601	Federal Cooperative Contracts	\$	4,500,000	\$	4,500,000	73659
3AB0	700641	Agricultural Easement	\$	150,000	\$	150,000	73660
3J40	700607	Federal Administrative Programs	\$	1,100,000	\$	1,100,000	73661
3R20	700614	Federal Plant	\$	6,000,000	\$	6,000,000	73662

Industry						
TOTAL FED Federal Fund Group	\$	16,301,000	\$	16,301,000	73663	
TOTAL ALL BUDGET FUND GROUPS	\$	57,777,617	\$	57,702,617	73664	
DANGEROUS AND RESTRICTED WILD ANIMALS					73665	
The foregoing GRF appropriation item 700426, Dangerous and					73666	
Restricted Animals, shall be used to administer the Dangerous and					73667	
Restricted Wild Animal Permitting Program.					73668	
COUNTY AGRICULTURAL SOCIETIES					73669	
The foregoing appropriation item 700501, County Agricultural					73670	
Societies, shall be used to reimburse county and independent					73671	
agricultural societies for expenses related to Junior Fair					73672	
activities.					73673	
CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES					73674	
The foregoing appropriation item 700632, Clean Ohio					73675	
Agricultural Easement Operating, shall be used by the Department					73676	
of Agriculture in administering Ohio Agricultural Easement Fund					73677	
(Fund 7057) projects pursuant to sections 901.21, 901.22, and					73678	
5301.67 to 5301.70 of the Revised Code.					73679	
<b>Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>					73680	
Dedicated Purpose Fund Group					73681	
4Z90 898602	Small Business	\$	288,232	\$	288,232	73682
Ombudsman						
5700 898601	Operating Expenses	\$	186,568	\$	189,590	73683
5A00 898603	Small Business	\$	450,000	\$	450,000	73684
Assistance						
5EG0 898608	Energy Strategy	\$	193,184	\$	176,394	73685
Development						
TOTAL DPF Dedicated Purpose Fund	\$	1,117,984	\$	1,104,216	73686	
Group						
TOTAL ALL BUDGET FUND GROUPS	\$	1,117,984	\$	1,104,216	73687	

**Section 213.20.** ENERGY STRATEGY DEVELOPMENT 73689

(A) There is hereby created in the state treasury the Energy Strategy Development Fund (Fund 5EG0). The fund shall consist of money credited to it and money obtained for advanced energy projects from federal or private grants, loans, or other sources. Money in the fund shall be used to carry out the purposes of the Energy Strategy Development Program. Interest earned on the money in the fund shall be credited to the General Revenue Fund. 73690  
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(B) The Energy Strategy Development Program shall develop energy initiatives, projects, and policy that align with the energy policy for the state. Issues addressed by such initiatives, projects, and policy shall not be limited to those governed by Chapter 3706. of the Revised Code. The program also pays for costs associated with the administration of the outstanding loans and working with the outside parties associated with the loans. The Ohio Air Quality Development Authority shall be responsible for the monitoring of the program. 73697  
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(C) On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Energy Strategy Development Fund. Fund 5EG0 may accept contributions and transfers made to the fund. On July 1, 2017, or as soon as possible thereafter, the Director shall transfer to the General Revenue Fund all cash credited to Fund 5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 73706  
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<u>Fund</u>	<u>Fund Name</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
1310	State Agency	Ohio Facilities	\$27,405	\$27,439	73714 73715
	Construction	Construction			
	Project Service	Commission			
5GH0	Central Support	Department of	\$27,405	\$27,439	73716
	Indirect Cost	Agriculture			

1350	Supportive Services	Development Services Agency	\$27,405	\$27,439	73717
2190	Central Support Indirect Cost	Environmental Protection Agency	\$27,405	\$27,439	73718
1570	Central Support Indirect Chargeback	Department of Natural Resources	\$27,405	\$27,439	73719
7002	Highway Operating	Department of Transportation	\$39,150	\$39,199	73720

**Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT** 73721  
**AUTHORITY TRUST ACCOUNT** 73722

Notwithstanding any other provision of law to the contrary, 73723  
the Air Quality Development Authority may reimburse the Air 73724  
Quality Development Authority trust account established under 73725  
section 3706.10 of the Revised Code from all operating funds of 73726  
the agency for expenses pertaining to the administration and 73727  
shared costs incurred by the Air Quality Development Authority in 73728  
the execution of responsibilities as prescribed in Chapter 3706. 73729  
of the Revised Code. The reimbursement shall be made by voucher 73730  
and completed in accordance with the administrative indirect costs 73731  
allocation plan approved by the Office of Budget and Management. 73732

**Section 215.10. ARC ARCHITECTS BOARDS** 73733  
Dedicated Purpose Fund Group 73734  
4K90 891609 Operating \$ 507,614 \$ 517,912 73735  
TOTAL DPF Dedicated Purpose Fund 73736  
Group \$ 507,614 \$ 517,912 73737  
TOTAL ALL BUDGET FUND GROUPS \$ 507,614 \$ 517,912 73738

**Section 217.10. ART OHIO ARTS COUNCIL** 73740  
General Revenue Fund 73741

GRF 370321	Operating Expenses	\$	1,772,050	\$	1,772,050	73742
GRF 370502	State Program	\$	10,200,000	\$	10,700,000	73743
	Subsidies					
TOTAL GRF	General Revenue Fund	\$	11,972,050	\$	12,472,050	73744
	Dedicated Purpose Fund Group					73745
4600 370602	Management Expenses	\$	300,000	\$	300,000	73746
	and Donations					
4B70 370603	Percent for Art	\$	225,000	\$	225,000	73747
	Acquisitions					
TOTAL DPF	Dedicated Purpose Fund	\$	525,000	\$	525,000	73748
	Group					
	Federal Fund Group					73749
3140 370601	Federal Support	\$	1,000,000	\$	1,000,000	73750
TOTAL FED	Federal Fund Group	\$	1,000,000	\$	1,000,000	73751
TOTAL ALL BUDGET FUND GROUPS		\$	13,497,050	\$	13,997,050	73752
	FEDERAL SUPPORT					73753
	Notwithstanding any provision of law to the contrary, the					73754
	foregoing appropriation item 370601, Federal Support, shall be					73755
	used by the Ohio Arts Council for subsidies only, and not for its					73756
	administrative costs, unless the Council is required to use a					73757
	portion of the funds for administrative costs under conditions of					73758
	the federal grant.					73759
	<b>Section 219.10. ATH ATHLETIC COMMISSION</b>					73760
	Dedicated Purpose Fund Group					73761
4K90 175609	Operating Expenses	\$	320,000	\$	320,000	73762
TOTAL DPF	Dedicated Purpose Fund	\$	320,000	\$	320,000	73763
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	320,000	\$	320,000	73764
	<b>Section 221.10. AGO ATTORNEY GENERAL</b>					73766
	General Revenue Fund					73767

GRF	055321	Operating Expenses	\$	43,114,169	\$	43,114,169	73768
GRF	055405	Law-Related Education	\$	100,000	\$	100,000	73769
GRF	055411	County Sheriffs' Pay Supplement	\$	757,921	\$	757,921	73770
GRF	055415	County Prosecutors' Pay Supplement	\$	831,499	\$	831,499	73771
GRF	055501	Rape Crisis Centers	\$	1,000,000	\$	1,000,000	73772
TOTAL GRF		General Revenue Fund	\$	45,803,589	\$	45,803,589	73773
		Dedicated Purpose Fund Group					73774
1060	055612	Attorney General Operating	\$	64,008,182	\$	64,818,182	73775
4020	055616	Victims of Crime	\$	20,301,769	\$	20,301,769	73776
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	73777
4190	055623	Claims Section	\$	58,437,133	\$	59,439,892	73778
4200	055603	Attorney General Antitrust	\$	2,392,074	\$	2,392,074	73779
4210	055617	Police Officers' Training Academy Fee	\$	1,701,545	\$	1,701,545	73780
4L60	055606	DARE Programs	\$	3,811,209	\$	3,811,209	73781
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	73782
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000	73783
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	73784
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	73785
5L50	055619	Law Enforcement Assistance Program	\$	2,800,000	\$	2,800,000	73786
5LR0	055655	Peace Officer Training - Casino	\$	4,629,409	\$	4,629,409	73787
5MP0	055657	Peace Officer	\$	250,000	\$	325,000	73788

		Training Commission					
6310	055637	Consumer Protection	\$	8,834,000	\$	8,976,000	73789
		Enforcement					
6590	055641	Solid and Hazardous	\$	310,730	\$	310,730	73790
		Waste Background					
		Investigations					
U087	055402	Tobacco Settlement	\$	2,550,000	\$	2,650,000	73791
		Oversight,					
		Administration, and					
		Enforcement					
TOTAL DPF Dedicated Purpose Fund							73792
Group			\$	180,017,376	\$	182,147,135	73793
Internal Service Activity Fund Group							73794
1950	055660	Workers' Compensation	\$	8,415,504	\$	8,415,504	73795
		Section					
TOTAL ISA Internal Service Activity							73796
Fund Group			\$	8,415,504	\$	8,415,504	
Holding Account Fund Group							73797
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	73798
		Account					
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	73799
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	73800
R042	055601	Organized Crime	\$	25,025	\$	25,025	73801
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	73802
		Redistribution					
TOTAL HLD Holding Account							73803
Fund Group			\$	6,276,025	\$	6,276,025	73804
Federal Fund Group							73805
3060	055620	Medicaid Fraud	\$	8,461,419	\$	8,961,419	73806
		Control					

3830	055634	Crime Victims Assistance	\$	16,500,000	\$	16,500,000	73807
3E50	055638	Attorney General Pass-Through Funds	\$	2,320,999	\$	2,320,999	73808
3FV0	055656	Crime Victim Compensation	\$	3,155,000	\$	3,155,000	73809
3R60	055613	Attorney General Federal Funds	\$	2,799,999	\$	2,799,999	73810
TOTAL FED	Federal Fund Group		\$	33,237,417	\$	33,737,417	73811
TOTAL ALL BUDGET FUND GROUPS			\$	273,749,911		276,379,670	73812

OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 73813

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 73814  
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COUNTY SHERIFFS' PAY SUPPLEMENT 73821

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 73822  
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At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 73826  
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COUNTY PROSECUTORS' PAY SUPPLEMENT 73832

The foregoing appropriation item 055415, County Prosecutors' 73833

Pay Supplement, shall be used for the purpose of supplementing the 73834  
annual compensation of certain county prosecutors as required by 73835  
section 325.111 of the Revised Code. 73836

At the request of the Attorney General, the Director of 73837  
Budget and Management may transfer appropriation from 73838  
appropriation item 055321, Operating Expenses, to appropriation 73839  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 73840  
so transferred shall be used to supplement the annual compensation 73841  
of county prosecutors as required by section 325.111 of the 73842  
Revised Code. 73843

WORKERS' COMPENSATION SECTION 73844

The Workers' Compensation Fund (Fund 1950) is entitled to 73845  
receive payments from the Bureau of Workers' Compensation and the 73846  
Ohio Industrial Commission at the beginning of each quarter of 73847  
each fiscal year to fund legal services to be provided to the 73848  
Bureau of Workers' Compensation and the Ohio Industrial Commission 73849  
during the ensuing quarter. The advance payment shall be subject 73850  
to adjustment. 73851

In addition, the Bureau of Workers' Compensation shall 73852  
transfer payments at the beginning of each quarter for the support 73853  
of the Workers' Compensation Fraud Unit. 73854

All amounts shall be mutually agreed upon by the Attorney 73855  
General, the Bureau of Workers' Compensation, and the Ohio 73856  
Industrial Commission. 73857

GENERAL HOLDING ACCOUNT 73858

The foregoing appropriation item 055631, General Holding 73859  
Account, shall be used to distribute moneys under the terms of 73860  
relevant court orders or other settlements received in a variety 73861  
of cases involving the Office of the Attorney General. If it is 73862  
determined that additional amounts are necessary for this purpose, 73863  
the amounts are hereby appropriated. 73864

ANTITRUST SETTLEMENTS 73865

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated. 73866  
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CONSUMER FRAUDS 73872

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated. 73873  
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ORGANIZED CRIME COMMISSION DISTRIBUTIONS 73882

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated. 73883  
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COLLECTION PAYMENT REDISTRIBUTION 73891

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it 73892  
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is determined that additional amounts are necessary for this 73896  
purpose, the amounts are hereby appropriated. 73897

ATTORNEY GENERAL PASS-THROUGH FUNDS 73898

The foregoing appropriation item 055638, Attorney General 73899  
Pass-Through Funds, shall be used to receive federal grant funds 73900  
provided to the Attorney General by other state agencies, 73901  
including, but not limited to, the Department of Youth Services 73902  
and the Department of Public Safety. 73903

**Section 223.10.** AUD AUDITOR OF STATE 73904

General Revenue Fund 73905

GRF	070321	Operating Expenses	\$	27,679,072	\$	27,679,072	73906
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GRF	070403	Fiscal	\$	800,000	\$	800,000	73907
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Watch/Emergency

Technical Assistance

TOTAL GRF	General Revenue Fund	\$	28,479,072	\$	28,479,072	73908
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Dedicated Purpose Fund Group 73909

1090	070601	Public Audit Expense	\$	9,396,081	\$	9,396,081	73910
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- Intra-State

4220	070602	Public Audit Expense	\$	32,937,044	\$	33,143,044	73911
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- Local Government

5840	070603	Training Program	\$	403,750	\$	403,750	73912
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5JZ0	070606	LEAP Revolving Loans	\$	400,000	\$	400,000	73913
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6750	070605	Uniform Accounting	\$	3,160,637	\$	3,160,637	73914
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Network

TOTAL DPF	Dedicated Purpose Fund					73915
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Group	\$	46,297,512	\$	46,503,512	73916
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TOTAL ALL BUDGET FUND GROUPS	\$	74,776,584	\$	74,982,584	73917
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**Section 225.10.** BRB BOARD OF BARBER EXAMINERS 73919

Dedicated Purpose Fund Group 73920

4K90 877609	Operating Expenses	\$	674,272	\$	688,272	73921
TOTAL DPF Dedicated Purpose Fund						73922
Group		\$	674,272	\$	688,272	73923
TOTAL ALL BUDGET FUND GROUPS						73924
 <b>Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT</b>						73926
General Revenue Fund						73927
GRF 042321	Budget Development	\$	2,981,898	\$	2,933,175	73928
	and Implementation					
GRF 042416	Office of Health	\$	430,000	\$	438,723	73929
	Transformation					
GRF 042425	Shared Services	\$	1,385,000	\$	1,425,000	73930
	Development					
TOTAL GRF General Revenue Fund						73931
Internal Service Activity Fund Group						73932
1050 042603	Financial Management	\$	14,676,746	\$	14,593,851	73933
1050 042620	Shared Services	\$	8,699,170	\$	8,782,065	73934
	Operating					
TOTAL ISA Internal Service Activity						73935
Fund Group		\$	23,375,916	\$	23,375,916	73936
Fiduciary Fund Group						73937
5EH0 042604	Forgery Recovery	\$	40,000	\$	40,000	73938
TOTAL FID Fiduciary Fund Group						73939
Federal Fund Group						73940
3CM0 042606	Office of Health	\$	430,000	\$	438,723	73941
	Transformation -					
	Federal					
TOTAL FED Federal Fund Group						73942
TOTAL ALL BUDGET FUND GROUPS						73943
AUDIT COSTS AND DUES						73944
All centralized audit costs associated with either Single						73945

Audit Schedules or financial statements prepared in conformance 73946  
with generally accepted accounting principles for the state shall 73947  
be paid from the foregoing appropriation item 042603, Financial 73948  
Management. 73949

Costs associated with the audit of the Auditor of State and 73950  
national association dues shall be paid from the foregoing 73951  
appropriation item 042321, Budget Development and Implementation. 73952

SHARED SERVICES CENTER 73953

The foregoing appropriation items 042425, Shared Services 73954  
Development, and 042620, Shared Services Operating, shall be used 73955  
by the Director of Budget and Management to support a Shared 73956  
Services Center within the Office of Budget and Management for the 73957  
purpose of consolidating statewide business functions and common 73958  
transactional processes. 73959

The Director of Budget and Management shall include the 73960  
recovery of costs to operate the Shared Services Center in the 73961  
accounting and budgeting services payroll rate and through direct 73962  
charges using intrastate transfer vouchers to agencies for 73963  
services rendered. The Director of Budget and Management shall 73964  
determine the cost recovery methodology. Such cost recovery 73965  
revenues shall be deposited to the credit of the Accounting and 73966  
Budgeting Fund (Fund 1050). 73967

INTERNAL AUDIT 73968

The Director of Budget and Management shall include the 73969  
recovery of costs to operate the Internal Audit Program in the 73970  
accounting and budgeting services payroll rate and through direct 73971  
charges using intrastate transfer vouchers to agencies reviewed by 73972  
the program. The Director of Budget and Management, with advice 73973  
from the Internal Audit Advisory Council, shall determine the cost 73974  
recovery methodology. Such cost recovery revenues shall be 73975  
deposited to the credit of Fund 1050. 73976

FORGERY RECOVERY 73977

The foregoing appropriation item 042604, Forgery Recovery, 73978  
 shall be used to reissue warrants that have been certified as 73979  
 forgeries by the rightful recipient as determined by the Bureau of 73980  
 Criminal Identification and Investigation and the Treasurer of 73981  
 State. Upon receipt of funds to cover the reissuance of the 73982  
 warrant, the Director of Budget and Management shall reissue a 73983  
 state warrant of the same amount. Any additional amounts needed to 73984  
 reissue warrants backed by the receipt of funds are hereby 73985  
 appropriated. 73986

**Section 229.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 73987

General Revenue Fund 73988

GRF 874100 Personal Services \$ 2,417,467 \$ 2,417,467 73989

GRF 874320 Maintenance and \$ 1,161,098 \$ 1,161,098 73990  
 Equipment

TOTAL GRF General Revenue Fund \$ 3,578,565 \$ 3,578,565 73991

Dedicated Purpose Fund Group 73992

2080 874601 Underground Parking \$ 3,496,740 \$ 3,496,740 73993  
 Garage Operations

4G50 874603 Capitol Square \$ 6,000 \$ 6,000 73994  
 Education Center and  
 Arts

TOTAL DPF Dedicated Purpose 73995

Fund Group \$ 3,502,740 \$ 3,502,740 73996

Internal Service Activity Fund Group 73997

4S70 874602 Statehouse Gift \$ 700,000 \$ 700,000 73998  
 Shop/Events

TOTAL ISA Internal Service Activity 73999

Fund Group \$ 700,000 \$ 700,000 74000

TOTAL ALL BUDGET FUND GROUPS \$ 7,781,305 \$ 7,781,305 74001

WAREHOUSE PAYMENTS				74002	
Of the foregoing appropriation item 874601, Underground				74003	
Parking Garage Operations, \$48,000 in each fiscal year shall be				74004	
used to meet all payments at the times they are required to be				74005	
made during the period from July 1, 2015, through June 30, 2017,				74006	
to the Department of Administrative Services for bond service				74007	
charges relating to the purchase and improvement of a warehouse				74008	
acquired pursuant to section 105.41 of the Revised Code, in which				74009	
to store items of the Capitol Collection Trust and, whenever				74010	
necessary, equipment or other property of the Board.				74011	
UNDERGROUND PARKING GARAGE FUND				74012	
Notwithstanding division (G) of section 105.41 of the Revised				74013	
Code and any other provision to the contrary, moneys in the				74014	
Underground Parking Garage Fund (Fund 2080) may be used for				74015	
personnel and operating costs related to the operations of the				74016	
Statehouse and the Statehouse Underground Parking Garage.				74017	
HOUSE AND SENATE PARKING REIMBURSEMENT				74018	
On July 1 of each fiscal year, or as soon as possible				74019	
thereafter, the Director of Budget and Management shall transfer				74020	
\$500,000 cash from the General Revenue Fund to the Underground				74021	
Parking Garage Fund (Fund 2080). The amounts transferred under				74022	
this section shall be used to reimburse the Capitol Square Review				74023	
and Advisory Board for legislative parking costs.				74024	
<b>Section 231.10.</b> SCR STATE BOARD OF CAREER COLLEGES AND				74025	
SCHOOLS				74026	
Dedicated Purpose Fund Group				74027	
4K90 233601 Operating Expenses	\$	579,328	\$	579,328	74028
TOTAL DPF Dedicated Purpose Fund	\$	579,328	\$	579,328	74029
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	579,328	\$	579,328	74030

<b>Section 233.10. CAC CASINO CONTROL COMMISSION</b>				74032
Dedicated Purpose Fund Group				74033
5HS0 955321	Operating Expenses	\$ 12,415,000	\$ 12,415,000	74034
5NU0 955601	Casino Commission	\$ 50,000	\$ 50,000	74035
Enforcement				
TOTAL DPF Dedicated Purpose Fund		\$ 12,465,000	\$ 12,465,000	74036
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 12,465,000	\$ 12,465,000	74037
 <b>Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD</b>				74039
Dedicated Purpose Fund Group				74040
4K90 930609	Operating Expenses	\$ 490,644	\$ 489,666	74041
TOTAL DPF Dedicated Purpose Fund		\$ 490,644	\$ 489,666	74042
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 490,644	\$ 489,666	74043
 <b>Section 237.10. CHR STATE CHIROPRACTIC BOARD</b>				74045
Dedicated Purpose Fund Group				74046
4K90 878609	Operating Expenses	\$ 648,734	\$ 663,521	74047
TOTAL DPF Dedicated Purpose Fund		\$ 648,734	\$ 663,521	74048
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 648,734	\$ 663,521	74049
 <b>Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION</b>				74051
General Revenue Fund				74052
GRF 876321	Operating Expenses	\$ 5,406,444	\$ 5,406,444	74053
TOTAL GRF General Revenue Fund		\$ 5,406,444	\$ 5,406,444	74054
Internal Service Activity Fund Group				74055
2170 876604	Operations Support	\$ 4,000	\$ 4,000	74056
TOTAL ISA Internal Service Activity				74057
Fund Group		\$ 4,000	\$ 4,000	74058

Federal Fund Group				74059
3340 876601 Federal Programs	\$	2,802,760	\$ 2,947,982	74060
TOTAL FED Federal Special Revenue				74061
Fund Group	\$	2,802,760	\$ 2,947,982	74062
TOTAL ALL BUDGET FUND GROUPS	\$	8,213,204	\$ 8,358,426	74063

**Section 241.10.** COM DEPARTMENT OF COMMERCE 74065

Dedicated Purpose Fund Group				74066
4B20 800631 Real Estate Appraisal	\$	35,000	\$ 35,000	74067
Recovery				
4H90 800608 Cemeteries	\$	274,080	\$ 278,352	74068
4X20 800619 Financial Institutions	\$	1,854,298	\$ 1,854,298	74069
5430 800602 Unclaimed	\$	7,764,160	\$ 7,779,076	74070
Funds-Operating				
5430 800625 Unclaimed Funds-Claims	\$	64,000,000	\$ 64,000,000	74071
5440 800612 Banks	\$	6,867,039	\$ 6,885,074	74072
5450 800613 Savings Institutions	\$	2,464,495	\$ 2,533,005	74073
5460 800610 Fire Marshal	\$	17,153,766	\$ 16,746,648	74074
5460 800639 Fire Department Grants	\$	5,200,000	\$ 5,200,000	74075
5470 800603 Real Estate	\$	69,655	\$ 69,655	74076
Education/Research				
5480 800611 Real Estate Recovery	\$	50,000	\$ 50,000	74077
5490 800614 Real Estate	\$	3,374,714	\$ 3,409,090	74078
5500 800617 Securities	\$	4,421,403	\$ 4,577,915	74079
5520 800604 Credit Union	\$	3,343,696	\$ 3,374,104	74080
5530 800607 Consumer Finance	\$	3,946,050	\$ 4,138,634	74081
5560 800615 Industrial Compliance	\$	27,882,765	\$ 28,318,049	74082
5F10 800635 Small Government Fire	\$	300,000	\$ 300,000	74083
Departments				
5FW0 800616 Financial Literacy	\$	190,000	\$ 190,000	74084
Education				
5GK0 800609 Securities Investor	\$	432,150	\$ 432,150	74085

		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	70,000	\$	70,000	74086
5LC0	800644	Liquor JobsOhio	\$	288,818	\$	276,817	74087
		Extraordinary Allowance					
5LNO	800645	Liquor Operating	\$	7,220,460	\$	6,920,435	74088
		Services					
5LP0	800646	Liquor Regulatory	\$	9,565,654	\$	8,664,644	74089
		Operating Expenses					
5PA0	800647	BUSTR Revolving Loan	\$	1,500,000	\$	1,500,000	74090
		Program					
5X60	800623	Video Service	\$	383,792	\$	389,110	74091
6530	800629	UST Registration/Permit	\$	2,201,943	\$	2,245,208	74092
		Fee					
6A40	800630	Real Estate	\$	684,978	\$	692,170	74093
		Appraiser-Operating					
TOTAL DPF		Dedicated Purpose					74094
Fund Group			\$	171,538,916	\$	170,929,434	74095
		Internal Service Activity Fund Group					74096
1630	800620	Division of	\$	7,700,000	\$	7,700,000	74097
		Administration					
1630	800637	Information Technology	\$	7,453,822	\$	9,493,259	74098
TOTAL ISA		Internal Service Activity					74099
Fund Group			\$	15,153,822	\$	17,193,259	74100
		Federal Fund Group					74101
3480	800622	Underground Storage	\$	1,129,518	\$	1,129,518	74102
		Tanks					
3480	800624	Leaking Underground	\$	1,795,481	\$	1,795,481	74103
		Storage Tanks					
TOTAL FED		Federal Fund Group	\$	2,924,999	\$	2,924,999	74104
TOTAL ALL BUDGET FUND GROUPS			\$	189,617,737	\$	191,047,692	74105
		UNCLAIMED FUNDS PAYMENTS					74106
		The foregoing appropriation item 800625, Unclaimed					74107

Funds-Claims, shall be used to pay claims under section 169.08 of 74108  
the Revised Code. If it is determined by the Director of Commerce 74109  
that additional appropriation amounts are necessary to make such 74110  
payments, the Director of Commerce may request that the Director 74111  
of Budget and Management increase such amounts. Such amounts are 74112  
hereby appropriated. 74113

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 74114

The foregoing appropriation item 800631, Real Estate 74115  
Appraiser Recovery, shall be used to pay settlements, judgments, 74116  
and court orders under section 4763.16 of the Revised Code. If it 74117  
is determined by the Director of Commerce that additional 74118  
appropriation amounts are necessary to make such payments, the 74119  
Director of Commerce may request that the Director of Budget and 74120  
Management increase such amounts. Such amounts are hereby 74121  
appropriated. 74122

The foregoing appropriation item 800611, Real Estate 74123  
Recovery, shall be used to pay settlements, judgments, and court 74124  
orders under section 4735.12 of the Revised Code. If it is 74125  
determined by the Director of Commerce that additional 74126  
appropriation amounts are necessary to make such payments, the 74127  
Director of Commerce may request that the Director of Budget and 74128  
Management increase such amounts. Such amounts are hereby 74129  
appropriated. 74130

FIRE DEPARTMENT GRANTS 74131

Of the foregoing appropriation item 800639, Fire Department 74132  
Grants, up to \$5,200,000 in fiscal year 2016 and \$5,200,000 in 74133  
fiscal year 2017 shall be used to make annual grants to the 74134  
following eligible recipients: volunteer fire departments, fire 74135  
departments that serve one or more small municipalities or small 74136  
townships, joint fire districts comprised of fire departments that 74137  
primarily serve small municipalities or small townships, local 74138

units of government responsible for such fire departments, and 74139  
local units of government responsible for the provision of fire 74140  
protection services for small municipalities or small townships. 74141  
For the purposes of these grants, a private fire company, as that 74142  
phrase is defined in section 9.60 of the Revised Code, that is 74143  
providing fire protection services under a contract to a political 74144  
subdivision of the state, is an additional eligible recipient for 74145  
a training grant. 74146

Eligible recipients that consist of small municipalities or 74147  
small townships that all intend to contract with the same fire 74148  
department or private fire company for fire protection services 74149  
may jointly apply and be considered for a grant. If a joint 74150  
applicant is awarded a grant, the State Fire Marshal shall, if 74151  
feasible, proportionately award the grant and any equipment 74152  
purchased with grant funds to each of the joint applicants based 74153  
upon each applicant's contribution to and demonstrated need for 74154  
fire protection services. 74155

If the grant awarded to joint applicants is an equipment 74156  
grant and the equipment to be purchased cannot be readily 74157  
distributed or possessed by multiple recipients, each of the joint 74158  
applicants shall be awarded by the State Fire Marshal an ownership 74159  
interest in the equipment so purchased in proportion to each 74160  
applicant's contribution to and demonstrated need for fire 74161  
protection services. The joint applicants shall then mutually 74162  
agree on how the equipment is to be maintained, operated, stored, 74163  
or disposed of. If, for any reason, the joint applicants cannot 74164  
agree as to how jointly owned equipment is to be maintained, 74165  
operated, stored, or disposed of or any of the joint applicants no 74166  
longer maintain a contract with the same fire protection service 74167  
provider as the other applicants, then the joint applicants shall, 74168  
with the assistance of the State Fire Marshal, mutually agree as 74169  
to how the jointly owned equipment is to be maintained, operated, 74170

stored, disposed of, or owned. If the joint applicants cannot 74171  
agree how the grant equipment is to be maintained, operated, 74172  
stored, disposed of, or owned, the State Fire Marshal may, in its 74173  
discretion, require all of the equipment acquired by the joint 74174  
applicants with grant funds to be returned to the State Fire 74175  
Marshal. The State Fire Marshal may then award the returned 74176  
equipment to any eligible recipients. For this paragraph only, an 74177  
"equipment grant" also includes a MARCS Grant. 74178

Except as otherwise provided in this section, the grants 74179  
shall be used by recipients to purchase firefighting or rescue 74180  
equipment or gear or similar items, to provide full or partial 74181  
reimbursement for the documented costs of firefighter training, 74182  
or, at the discretion of the State Fire Marshal, to cover fire 74183  
department costs for providing fire protection services in that 74184  
grant recipient's jurisdiction. 74185

Of the foregoing appropriation item 800639, Fire Department 74186  
Grants, up to \$500,000 per fiscal year may be used to pay for the 74187  
State Fire Marshal's costs of providing firefighter I 74188  
certification classes or other firefighter classes approved by the 74189  
Department of Public Safety in accordance with section 4765.55 of 74190  
the Revised Code at no cost to selected students attending the 74191  
Ohio Fire Academy or other class providers approved by the State 74192  
Fire Marshal. The State Fire Marshal may establish the 74193  
qualifications and selection processes for students to attend such 74194  
classes by written policy, and such students shall be considered 74195  
eligible recipients of fire department grants for the purposes of 74196  
this portion of the grant program. 74197

For purposes of this section, a MARCS Grant is a grant for 74198  
systems, equipment, or services that are a part of, integrated 74199  
into, or otherwise interoperable with the Multi-Agency Radio 74200  
Communication System (MARCS) operated by the state. 74201

Of the foregoing appropriation item 800639, Fire Department 74202

Grants, up to \$3,000,000 in each fiscal year may be used for MARCS 74203  
Grants. MARCS Grants may be used for the payment of user access 74204  
fees by the eligible recipient to access MARCS. 74205

MARCS Grant awards may be up to \$50,000 in each fiscal year 74206  
per eligible recipient. Each eligible recipient may only apply, as 74207  
a separate entity or as a part of a joint application, for one 74208  
MARCS Grant per fiscal year. The State Fire Marshal may give a 74209  
preference in the awarding of MARCS Grants to grants that will 74210  
enhance the overall interoperability and effectiveness of 74211  
emergency communication networks in the geographic region that 74212  
includes and that is adjacent to the applicant. Eligible 74213  
recipients that are or were awarded fire department grants that 74214  
are not MARCS Grants may also apply for and receive MARCS Grants 74215  
in accordance with criteria for the awarding of grant funds 74216  
established by the State Fire Marshal. 74217

Grant awards for firefighting or rescue equipment or gear or 74218  
for fire department costs of providing fire protection services 74219  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 74220  
fiscal year if an eligible entity serves a jurisdiction in which 74221  
the Governor declared a natural disaster during the preceding or 74222  
current fiscal year in which the grant was awarded. In addition to 74223  
any grant funds awarded for rescue equipment or gear, or for fire 74224  
department costs associated with the provision of fire protection 74225  
services, an eligible entity may receive a grant for up to \$15,000 74226  
per fiscal year for full or partial reimbursement of the 74227  
documented costs of firefighter training. For each fiscal year, 74228  
the State Fire Marshal shall determine the total amounts to be 74229  
allocated for each eligible purpose. 74230

The grant program shall be administered by the State Fire 74231  
Marshal in accordance with rules the State Fire Marshal adopts as 74232  
part of the state fire code adopted pursuant to section 3737.82 of 74233  
the Revised Code that are necessary for the administration and 74234

operation of the grant program. The rules may further define the 74235  
entities eligible to receive grants and establish criteria for the 74236  
awarding and expenditure of grant funds, including methods the 74237  
State Fire Marshal may use to verify the proper use of grant funds 74238  
or to obtain reimbursement for or the return of equipment for 74239  
improperly used grant funds. To the extent consistent with this 74240  
section and until such time as the rules are updated, the existing 74241  
rules in the state fire code adopted pursuant to section 3737.82 74242  
of the Revised Code for fire department grants under this section 74243  
apply to MARCS Grants. Any amounts in appropriation item 800639, 74244  
Fire Department Grants, in excess of the amount allocated for 74245  
these grants may be used for the administration of the grant 74246  
program. 74247

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 74248

Upon the written request of the Director of Commerce, the 74249  
Director of Budget and Management may transfer up to \$500,000 in 74250  
cash from the Real Estate Recovery Fund (Fund 5480) and up to 74251  
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 74252  
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 74253  
5490) during the biennium ending June 30, 2017. 74254

CASH TRANSFER TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 74255  
REVOLVING LOAN FUND 74256

Upon the written request of the Director of Commerce, the 74257  
Director of Budget and Management may transfer up to \$300,000 in 74258  
cash from the State Fire Marshal Fund (Fund 5460) to the Small 74259  
Government Fire Department Services Revolving Loan Fund (Fund 74260  
5F10) during the biennium ending June 30, 2017. 74261

ADMINISTRATIVE ASSESSMENTS 74262

Notwithstanding any other provision of law to the contrary, 74263  
the Division of Administration Fund (Fund 1630) is entitled to 74264  
receive assessments from all operating funds of the Department in 74265

accordance with procedures prescribed by the Director of Commerce 74266  
and approved by the Director of Budget and Management. 74267

**Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 74268**

Dedicated Purpose Fund Group 74269

5F50 053601 Operating Expenses \$ 5,641,093 \$ 5,641,093 74270

TOTAL DPF Dedicated Purpose Fund \$ 5,641,093 \$ 5,641,093 74271

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,641,093 \$ 5,641,093 74272

**Section 245.10. CEB CONTROLLING BOARD 74274**

General Revenue Fund 74275

GRF 911441 Ballot Advertising \$ 475,000 \$ 475,000 74276

Costs

TOTAL GRF General Revenue Fund \$ 475,000 \$ 475,000 74277

Internal Service Activity Fund Group 74278

5KM0 911614 CB Emergency Purposes \$ 10,000,000 \$ 10,000,000 74279

TOTAL ISA Internal Service Activity 74280

Fund Group \$ 10,000,000 \$ 10,000,000 74281

TOTAL ALL BUDGET FUND GROUPS \$ 10,475,000 \$ 10,475,000 74282

**FEDERAL SHARE 74283**

In transferring appropriations to or from appropriation items 74284

that have federal shares identified in this act, the Controlling 74285

Board shall add or subtract corresponding amounts of federal 74286

matching funds at the percentages indicated by the state and 74287

federal division of the appropriations in this act. Such changes 74288

are hereby appropriated. 74289

**BALLOT ADVERTISING COSTS 74290**

Pursuant to section 3501.17 of the Revised Code, and upon 74291

requests submitted by the Secretary of State, the Controlling 74292

Board shall approve transfers from the foregoing appropriation 74293

item 911441, Ballot Advertising Costs, to appropriation item 74294  
050621, Statewide Ballot Advertising, in order to pay for the cost 74295  
of public notices associated with statewide ballot initiatives. 74296

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 74297  
ELIGIBILITY 74298

A state agency director shall request that the Controlling 74299  
Board increase the amount of the agency's capital appropriations 74300  
if the director determines such an increase is necessary for the 74301  
agency to receive and use funds under the federal American 74302  
Recovery and Reinvestment Act of 2009. The Controlling Board may 74303  
increase the capital appropriations pursuant to the request up to 74304  
the exact amount necessary under the federal act if the Board 74305  
determines it is necessary for the agency to receive and use those 74306  
federal funds. 74307

DISASTER SERVICES 74308

Pursuant to requests submitted by the Department of Public 74309  
Safety, the Controlling Board may approve transfers from the 74310  
Disaster Services Fund (Fund 5E20) to a fund and appropriation 74311  
item used by the Department of Public Safety to provide for 74312  
assistance to political subdivisions made necessary by natural 74313  
disasters or emergencies. These transfers may be requested and 74314  
approved prior to the occurrence of any specific natural disasters 74315  
or emergencies in order to facilitate the provision of timely 74316  
assistance. The Emergency Management Agency of the Department of 74317  
Public Safety shall use the funding to fund the State Disaster 74318  
Relief Program for disasters that have a written Governor's 74319  
authorization, and the State Individual Assistance Program for 74320  
disasters that have a written Governor's authorization and is 74321  
declared by the federal Small Business Administration. The Ohio 74322  
Emergency Management Agency shall publish and make available 74323  
application packets outlining procedures for the State Disaster 74324  
Relief Program and the State Individual Assistance Program. 74325

Fund 5E20 shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriations to any fund and appropriation item for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist.

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**Section 247.10.** COS STATE BOARD OF COSMETOLOGY

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Dedicated Purpose Fund Group

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4K90 879609 Operating Expenses \$ 3,758,000 \$ 3,818,530

74334

TOTAL DPF Dedicated Purpose Fund

74335

Group \$ 3,758,000 \$ 3,818,530

74336

TOTAL ALL BUDGET FUND GROUPS \$ 3,758,000 \$ 3,818,530

74337

**Section 249.10.** CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE

74339

AND FAMILY THERAPIST BOARD

74340

Dedicated Purpose Fund Group

74341

4K90 899609 Operating Expenses \$ 1,287,029 \$ 1,301,462

74342

TOTAL DPF Dedicated Purpose Fund \$ 1,287,029 \$ 1,301,462

74343

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,287,029 \$ 1,301,462

74344

**Section 251.10.** CLA COURT OF CLAIMS

74346

General Revenue Fund

74347

GRF 015321 Operating Expenses \$ 2,568,582 \$ 2,609,680

74348

TOTAL GRF General Revenue Fund \$ 2,568,582 \$ 2,609,680

74349

Dedicated Purpose Fund Group

74350

5K20 015603 CLA Victims of Crime \$ 427,184 \$ 434,019

74351

TOTAL DPF Dedicated Purpose

74352

Fund Group \$ 427,184 \$ 434,019

74353

TOTAL ALL BUDGET FUND GROUPS \$ 2,995,766 \$ 3,043,699

74354

<b>Section 253.10. DEN STATE DENTAL BOARD</b>				74356
Dedicated Purpose Fund Group				74357
4K90 880609	Operating Expenses	\$ 1,579,984	\$ 1,579,984	74358
TOTAL DPF Dedicated Purpose				74359
Fund Group		\$ 1,579,984	\$ 1,579,984	74360
TOTAL ALL BUDGET FUND GROUPS				74361
 <b>Section 255.10. BDP BOARD OF DEPOSIT</b>				 74363
Dedicated Purpose Fund Group				74364
4M20 974601	Board of Deposit	\$ 1,876,000	\$ 1,876,000	74365
TOTAL DPF Dedicated Purpose Fund				74366
Group		\$ 1,876,000	\$ 1,876,000	74367
TOTAL ALL BUDGET FUND GROUPS				74368
 BOARD OF DEPOSIT EXPENSE FUND				 74369
Upon receiving certification of expenses from the Treasurer				74370
of State, the Director of Budget and Management shall transfer				74371
cash from the Investment Earnings Redistribution Fund (Fund 6080)				74372
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund				74373
shall be used pursuant to section 135.02 of the Revised Code to				74374
pay for any and all necessary expenses of the Board of Deposit or				74375
for banking charges and fees required for the operation of the				74376
State of Ohio Regular Account.				74377
 <b>Section 257.10. DEV DEVELOPMENT SERVICES AGENCY</b>				 74378
General Revenue Fund				74379
GRF 195402	Coal Research and	\$ 234,400	\$ 234,400	74380
	Development Program			
GRF 195405	Minority Business	\$ 1,722,191	\$ 1,722,191	74381
	Development			
GRF 195415	Business Development	\$ 2,694,592	\$ 2,694,592	74382
	Services			

GRF	195426	Redevelopment Assistance	\$	622,315	\$	622,315	74383
GRF	195453	Technology Programs and Grants	\$	13,577,641	\$	13,577,641	74384
GRF	195454	Business Assistance	\$	4,256,474	\$	4,256,474	74385
GRF	195455	Appalachia Assistance	\$	4,298,749	\$	4,298,749	74386
GRF	195497	CDBG Operating Match	\$	1,053,200	\$	1,053,200	74387
GRF	195901	Coal Research & Development General Obligation Bond Debt Service	\$	5,991,400	\$	5,038,700	74388
GRF	195905	Third Frontier Research & Development General Obligation Bond Debt Service	\$	79,091,400	\$	98,712,000	74389
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	19,384,000	\$	15,735,900	74390
TOTAL GRF		General Revenue Fund	\$	132,926,362	\$	147,946,162	74391
		Dedicated Purpose Fund Group					74392
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	74393
4510	195649	Business Assistance Programs	\$	5,000,000	\$	5,000,000	74394
4F20	195639	State Special Projects	\$	102,104	\$	102,104	74395
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	74396
4W10	195646	Minority Business Enterprise Loan	\$	4,000,000	\$	4,000,000	74397
5CG0	195679	Alternative Fuel	\$	3,000,000	\$	3,000,000	74398

		Transportation					
5HR0	195622	Defense Development Assistance	\$	3,000,000	\$	3,000,000	74399
5HR0	195662	Incumbent Workforce Training Vouchers	\$	7,500,000	\$	7,500,000	74400
5JR0	195635	Redevelopment Program Support	\$	100,000	\$	100,000	74401
5KN0	195640	Local Government Innovation	\$	11,922,500	\$	11,922,500	74402
5KP0	195645	Historic Rehab Operating	\$	900,000	\$	1,000,000	74403
5M40	195659	Low Income Energy Assistance (USF)	\$	390,000,000	\$	390,000,000	74404
5M50	195660	Advanced Energy Loan Programs	\$	12,000,000	\$	12,000,000	74405
5MH0	195644	SiteOhio Administration	\$	100,000	\$	100,000	74406
5MJ0	195683	TourismOhio Administration	\$	8,000,000	\$	8,000,000	74407
5W50	195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000	74408
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	74409
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	74410
6460	195638	Low- and Moderate-Income Housing Programs	\$	53,000,000	\$	53,000,000	74411
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	74412
TOTAL	DPF	Dedicated Purpose Fund Group	\$	499,900,071	\$	500,000,071	74413

Internal Service Activity Fund Group					74414	
1350 195684	Development Services	\$	11,300,000	\$	11,300,000	74415
	Operations					
6850 195636	Development Services	\$	700,000	\$	700,000	74416
	Reimbursable					
	Expenditures					
TOTAL ISA Internal Service Activity						74417
Fund Group		\$	12,000,000	\$	12,000,000	74418
Facilities Establishment Fund Group						74419
5S90 195628	Capital Access Loan	\$	3,000,000	\$	3,000,000	74420
	Program					
7009 195664	Innovation Ohio	\$	10,000,000	\$	10,000,000	74421
7010 195665	Research and	\$	10,000,000	\$	10,000,000	74422
	Development					
7037 195615	Facilities	\$	35,000,000	\$	35,000,000	74423
	Establishment					
TOTAL FCE Facilities						74424
Establishment Fund Group		\$	58,000,000	\$	58,000,000	74425
Bond Research & Development Fund Group						74426
7011 195686	Third Frontier Tax	\$	1,140,000	\$	1,140,000	74427
	Exempt - Operating					
7011 195687	Third Frontier	\$	78,904,946	\$	78,904,946	74428
	Research &					
	Development Projects					
7014 195620	Third Frontier	\$	1,710,000	\$	1,710,000	74429
	Taxable - Operating					
7014 195692	Research &	\$	90,850,250	\$	90,850,250	74430
	Development Taxable					
	Bond Projects					
TOTAL BRD Bond Research &		\$	172,605,196	\$	172,605,196	74431
Development Fund Group						
Capital Projects Fund Group						74432

7003	195663	Clean Ohio Revitalization Operating	\$	600,000	\$	600,000	74433
7012	195688	Job Ready Site Development Operating	\$	300,000	\$	300,000	74434
TOTAL CPF Capital Projects Fund Group			\$	900,000	\$	900,000	74435
Federal Fund Group							74436
3080	195603	Housing Assistance Programs	\$	10,000,000	\$	10,000,000	74437
3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	74438
3080	195618	Energy Grants	\$	4,100,000	\$	4,100,000	74439
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	74440
3080	195671	Brownfield Redevelopment	\$	3,000,000	\$	3,000,000	74441
3080	195672	Manufacturing Extension Partnership	\$	5,359,305	\$	5,359,305	74442
3080	195675	Procurement Technical Assistance	\$	1,250,000	\$	750,000	74443
3080	195681	SBDC Disability Consulting	\$	1,300,000	\$	1,300,000	74444
3080	195696	State Trade and Export Promotion	\$	486,000	\$	486,000	74445
3350	195610	Energy Programs	\$	200,000	\$	200,000	74446
3AE0	195643	Workforce Development Initiatives	\$	1,500,000	\$	1,500,000	74447
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	5,644,445	\$	5,644,445	74448
3FJ0	195661	Technology Targeted	\$	2,260,953	\$	2,260,953	74449

		Investment Program				
3K80	195613	Community Development	\$	65,000,000	\$	65,000,000 74450
		Block Grant				
3K90	195611	Home Energy	\$	175,000,000	\$	175,000,000 74451
		Assistance Block				
		Grant				
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000 74452
3L00	195612	Community Services	\$	28,000,000	\$	28,000,000 74453
		Block Grant				
3V10	195601	HOME Program	\$	25,000,000	\$	25,000,000 74454
TOTAL FED		Federal Fund Group	\$	378,372,084	\$	378,372,084 74455
TOTAL ALL		BUDGET FUND GROUPS	\$	1,254,703,713	\$	1,269,323,513 74456

**Section 257.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 74458

The foregoing appropriation item 195402, Coal Research and 74459  
Development Program, shall be used for the operating expenses of 74460  
the Community Services Division in support of the Ohio Coal 74461  
Development Office. 74462

BUSINESS DEVELOPMENT SERVICES 74463

The foregoing appropriation item 195415, Business Development 74464  
Services, shall be used for the operating expenses of the Business 74465  
Services Division and the regional economic development offices 74466  
and for grants for cooperative economic development ventures. 74467

REDEVELOPMENT ASSISTANCE 74468

The foregoing appropriation item 195426, Redevelopment 74469  
Assistance, shall be used to fund the costs of administering the 74470  
energy, redevelopment, and other urban revitalization programs 74471  
that may be implemented by the Development Services Agency. 74472

TECHNOLOGY PROGRAMS AND GRANTS 74473

Of the foregoing appropriation item 195453, Technology 74474  
Programs and Grants, up to \$547,341 in each fiscal year shall be 74475

used for operating expenses incurred in administering the Ohio 74476  
Third Frontier pursuant to sections 184.10 to 184.20 of the 74477  
Revised Code; up to \$13,000,000 in each fiscal year shall be used 74478  
for the Thomas Edison Program pursuant to sections 122.28 to 74479  
122.38 of the Revised Code, of which not more than ten per cent 74480  
shall be used for operating expenses incurred in administering the 74481  
program. 74482

BUSINESS ASSISTANCE 74483

The foregoing appropriation item 195454, Business Assistance, 74484  
may be used to provide a range of business assistance, including 74485  
grants to local organizations to support economic development 74486  
activities that promote minority business development, small 74487  
business development, entrepreneurship, and exports of Ohio's 74488  
goods and services. This appropriation item shall also be used as 74489  
matching funds for grants from the United States Small Business 74490  
Administration and other federal agencies, pursuant to Public Law 74491  
No. 96-302 as amended by Public Law No. 98-395, and regulations 74492  
and policy guidelines for the programs pursuant thereto. 74493

APPALACHIA ASSISTANCE 74494

The foregoing appropriation item 195455, Appalachia 74495  
Assistance, may be used for the administrative costs of planning 74496  
and liaison activities for the Governor's Office of Appalachia, to 74497  
provide financial assistance to projects in Ohio's Appalachian 74498  
counties, to support four local development districts, and to pay 74499  
dues for the Appalachian Regional Commission. These funds may be 74500  
used to match federal funds from the Appalachian Regional 74501  
Commission. 74502

Of the foregoing appropriation item 195455, Appalachia 74503  
Assistance, in each fiscal year, up to \$135,000 shall be allocated 74504  
to the Ohio Valley Regional Development Commission, up to \$135,000 74505  
shall be allocated to the Ohio Mid-Eastern Government Association, 74506

up to \$135,000 shall be allocated to the Buckeye Hills-Hocking 74507  
Valley Regional Development District, and up to \$35,000 shall be 74508  
allocated to the Eastgate Regional Council of Governments. Local 74509  
development districts receiving funding under this section shall 74510  
use the funds for the implementation and administration of 74511  
programs and duties under section 107.21 of the Revised Code. 74512

CDBG OPERATING MATCH 74513

The foregoing appropriation item 195497, CDBG Operating 74514  
Match, shall be used as matching funds for grants from the United 74515  
States Department of Housing and Urban Development pursuant to the 74516  
Housing and Community Development Act of 1974 and regulations and 74517  
policy guidelines for the programs pursuant thereto. 74518

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT 74519  
SERVICE 74520

The foregoing appropriation line item 195901, Coal Research 74521  
and Development General Obligation Bond Debt Service, shall be 74522  
used to pay all debt service and related financing costs during 74523  
the period July 1, 2015, through June 30, 2017, on obligations 74524  
issued under sections 151.01 and 151.07 of the Revised Code. 74525

THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND 74526  
DEBT SERVICE 74527

The foregoing appropriation item 195905, Third Frontier 74528  
Research & Development General Obligation Bond Debt Service, shall 74529  
be used to pay all debt service and related financing costs during 74530  
the period from July 1, 2015, through June 30, 2017, on 74531  
obligations issued under sections 151.01 and 151.10 of the Revised 74532  
Code. 74533

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 74534  
SERVICE 74535

The foregoing appropriation item 195912, Job Ready Site 74536

Development General Obligation Bond Debt Service, shall be used to 74537  
pay all debt service and related financing costs during the period 74538  
from July 1, 2015, through June 30, 2017, on obligations issued 74539  
under sections 151.01 and 151.11 of the Revised Code. 74540

**Section 257.30. BUSINESS ASSISTANCE PROGRAMS** 74541

The foregoing appropriation item 195649, Business Assistance 74542  
Programs, shall be used for administrative expenses associated 74543  
with the operation of tax credit programs, loan servicing, the 74544  
Ohio Film Office, workforce initiatives, and the Office of 74545  
Strategic Business Investments. 74546

**STATE SPECIAL PROJECTS** 74547

The State Special Projects Fund (Fund 4F20), may be used for 74548  
the deposit of private-sector funds from utility companies and for 74549  
the deposit of other miscellaneous state funds. State moneys so 74550  
deposited may also be used to match federal housing grants for the 74551  
homeless. 74552

**MINORITY BUSINESS ENTERPRISE LOAN** 74553

All repayments from the Minority Development Financing 74554  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 74555  
Program shall be deposited in the State Treasury to the credit of 74556  
the Minority Business Enterprise Loan Fund (Fund 4W10). 74557

**MINORITY BUSINESS BONDING FUND** 74558

Notwithstanding Chapters 122., 169., and 175. of the Revised 74559  
Code, the Director of Development Services may, upon the 74560  
recommendation of the Minority Development Financing Advisory 74561  
Board, pledge up to \$10,000,000 in the fiscal year 2016-fiscal 74562  
year 2017 biennium of unclaimed funds administered by the Director 74563  
of Commerce and allocated to the Minority Business Bonding Program 74564  
under section 169.05 of the Revised Code. 74565

If needed for the payment of losses arising from the Minority 74566

Business Bonding Program, the Director of Budget and Management 74567  
may, at the request of the Director of Development Services, 74568  
request that the Director of Commerce transfer unclaimed funds 74569  
that have been reported by holders of unclaimed funds under 74570  
section 169.05 of the Revised Code to the Minority Bonding Fund 74571  
(Fund 4490). The transfer of unclaimed funds shall only occur 74572  
after proceeds of the initial transfer of \$2,700,000 by the 74573  
Controlling Board to the Minority Business Bonding Program have 74574  
been used for that purpose. If expenditures are required for 74575  
payment of losses arising from the Minority Business Bonding 74576  
Program, such expenditures shall be made from appropriation item 74577  
195658, Minority Business Bonding Contingency in the Minority 74578  
Business Bonding Fund, and such amounts are hereby appropriated. 74579

DEFENSE DEVELOPMENT ASSISTANCE 74580

The Director of Budget and Management may transfer up to 74581  
\$3,000,000 in cash in each fiscal year from the Economic 74582  
Development Programs Fund (Fund 5JC0) used by the Department of 74583  
Higher Education to the Ohio Incumbent Workforce Job Training Fund 74584  
(Fund 5HR0) used by the Development Services Agency. The 74585  
transferred funds shall be used for appropriation item 195622, 74586  
Defense Development Assistance, for economic development programs 74587  
and the creation of new jobs to leverage and support mission gains 74588  
at Department of Defense facilities in Ohio by working with future 74589  
base realignment and closure activities and ongoing Department of 74590  
Defense efficiency initiatives, assisting efforts to secure 74591  
Department of Defense support contracts for Ohio companies, 74592  
assessing and supporting regional job training and workforce 74593  
development needs generated by the Department of Defense and the 74594  
Ohio aerospace industry, and for expanding job training and 74595  
economic development programs in human performance related 74596  
initiatives. A portion of these funds shall be matched in the 74597  
aggregate amount of \$3,000,000 by either public or private 74598

industry partners, educational entities, or federal agencies. 74599

On July 1, 2016, or as soon as possible thereafter, the 74600  
Director of Development Services may request that the Director of 74601  
Budget and Management reappropriate any unexpended, unencumbered 74602  
balance of the prior fiscal year's appropriation to the foregoing 74603  
appropriation item 195622, Defense Development Assistance, for 74604  
fiscal year 2017. The Director of Budget and Management may 74605  
request additional information necessary for evaluating the 74606  
request, and the Director of Development Services shall provide 74607  
the requested information to the Director of Budget and 74608  
Management. Based on the information provided by the Director of 74609  
Development Services, the Director of Budget and Management shall 74610  
determine the amount to be reappropriated, and those amounts are 74611  
hereby reappropriated for fiscal year 2017. 74612

INCUMBENT WORKFORCE TRAINING VOUCHERS 74613

(A) The Director of Budget and Management may transfer up to 74614  
\$7,500,000 cash in each fiscal year from the Economic Development 74615  
Programs Fund (Fund 5JC0) used by the Department of Higher 74616  
Education to the Ohio Incumbent Workforce Job Training Fund (Fund 74617  
5HR0) used by the Development Services Agency. 74618

(B) The foregoing appropriation item 195662, Incumbent 74619  
Workforce Training Vouchers, shall be used to support the Ohio 74620  
Incumbent Workforce Training Voucher Program. 74621

(C) The Ohio Incumbent Workforce Training Voucher Program 74622  
shall conform to guidelines for the operation of the program, 74623  
including, but not limited to, the following: 74624

(1) A requirement that a training voucher under the program 74625  
shall not exceed \$6,000 per worker per year; 74626

(2) A provision for an employer of an eligible employee to 74627  
apply for a voucher on behalf of the eligible employee; 74628

(3) A provision for an eligible employee to apply directly 74629  
for a training voucher with the pre-approval of the employee's 74630  
employer; and 74631

(4) A requirement that an employee participating in the 74632  
program, or the employee's employer, shall pay for not less than 74633  
thirty-three per cent of the training costs under the program. 74634

On July 1, 2016, or as soon as possible thereafter, the 74635  
Director of Development Services may request that the Director of 74636  
Budget and Management reappropriate any unexpended, unencumbered 74637  
balance of the prior fiscal year's appropriation to the foregoing 74638  
appropriation item 195662, Incumbent Workforce Training Vouchers, 74639  
for fiscal year 2017. The Director of Budget and Management may 74640  
request additional information necessary for evaluating the 74641  
request, and the Director of Development Services shall provide 74642  
the requested information to the Director of Budget and 74643  
Management. Based on the information provided by the Director of 74644  
Development Services, the Director of Budget and Management shall 74645  
determine the amount to be reappropriated, and those amounts are 74646  
hereby reappropriated for fiscal year 2017. 74647

LOCAL GOVERNMENT INNOVATION FUND 74648

The foregoing appropriation item 195640, Local Government 74649  
Innovation, shall be used for the purposes of making loans and 74650  
grants to political subdivisions under the Local Government 74651  
Innovation Program in accordance with sections 189.01 to 189.10 of 74652  
the Revised Code, and for the purposes of making loans and grants 74653  
to political subdivisions and grants to the Department of 74654  
Administrative Services under the Local Government Efficiency 74655  
Program. Of the foregoing appropriation item 195640, Local 74656  
Government Innovation, up to \$200,000 in each fiscal year shall be 74657  
used for administrative costs incurred by the Development Services 74658  
Agency, of which up to \$25,000 in each fiscal year may be used for 74659  
the costs of preparing a report involving the local government 74660

information exchange. Of the foregoing appropriation item 195640, 74661  
Local Government Innovation, up to \$75,000 in each fiscal year may 74662  
be used to administer and provide technical assistance in 74663  
providing the grants or loans involving the local government 74664  
information exchange. In administering and providing this 74665  
technical assistance, the Director of Development Services may 74666  
enter into agreements with the Director of Administrative Services 74667  
or other entities. 74668

ADVANCED ENERGY LOAN PROGRAMS 74669

The foregoing appropriation item 195660, Advanced Energy Loan 74670  
Programs, shall be used to provide financial assistance to 74671  
customers for eligible advanced energy projects for residential, 74672  
commercial, and industrial business, local government, educational 74673  
institution, nonprofit, and agriculture customers, and to pay for 74674  
the program's administrative costs as provided in sections 4928.61 74675  
to 4928.63 of the Revised Code and rules adopted by the Director 74676  
of Development Services. 74677

TRAVEL AND TOURISM COOPERATIVE PROJECTS 74678

The foregoing appropriation item 195690, Travel and Tourism 74679  
Cooperative Projects, shall be used for the marketing and 74680  
promotion of travel and tourism in Ohio. The Travel and Tourism 74681  
Cooperative Projects Fund (Fund 5W50) shall consist solely of 74682  
leveraged private sector paid advertising dollars received in 74683  
tourism marketing assistance and co-op programs. 74684

VOLUME CAP ADMINISTRATION 74685

The foregoing appropriation item 195654, Volume Cap 74686  
Administration, shall be used for expenses related to the 74687  
administration of the Volume Cap Program. Revenues received by the 74688  
Volume Cap Administration Fund (Fund 6170) shall consist of 74689  
application fees, forfeited deposits, and interest earned from the 74690  
custodial account held by the Treasurer of State. 74691

**Section 257.40.** DEVELOPMENT SERVICES OPERATIONS 74692

The Director of Development Services may assess offices of 74693  
the agency for the cost of central service operations. An 74694  
assessment shall contain the characteristics of administrative 74695  
ease and uniform application. A division's payments shall be 74696  
credited to the Supportive Services Fund (Fund 1350) using an 74697  
intrastate transfer voucher. 74698

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 74699

The foregoing appropriation item 195636, Development Services 74700  
Reimbursable Expenditures, shall be used for reimbursable costs 74701  
incurred by the agency. Revenues to the General Reimbursement Fund 74702  
(Fund 6850) shall consist of moneys charged for administrative 74703  
costs that are not central service costs. 74704

**Section 257.50.** CAPITAL ACCESS LOAN PROGRAM 74705

The foregoing appropriation item 195628, Capital Access Loan 74706  
Program, shall be used for operating, program, and administrative 74707  
expenses of the program. Funds of the Capital Access Loan Program 74708  
shall be used to assist participating financial institutions in 74709  
making program loans to eligible businesses that face barriers in 74710  
accessing working capital and obtaining fixed-asset financing. 74711

INNOVATION OHIO LOAN FUND 74712

The foregoing appropriation item 195664, Innovation Ohio, 74713  
shall be used to provide for Innovation Ohio purposes, including 74714  
loan guarantees and loans under Chapter 166. and particularly 74715  
sections 166.12 to 166.16 of the Revised Code. 74716

RESEARCH AND DEVELOPMENT 74717

The foregoing appropriation item 195665, Research and 74718  
Development, shall be used to provide for research and development 74719  
purposes, including loans, under Chapter 166. and particularly 74720

sections 166.17 to 166.21 of the Revised Code. 74721

FACILITIES ESTABLISHMENT 74722

The foregoing appropriation item 195615, Facilities 74723  
Establishment, shall be used for the purposes of the Facilities 74724  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 74725  
Code. 74726

Notwithstanding Chapter 166. of the Revised Code, an amount 74727  
not to exceed \$3,500,000 in cash in each fiscal year may be 74728  
transferred from the Facilities Establishment Fund (Fund 7037) to 74729  
the Business Assistance Fund (Fund 4510). The transfer is subject 74730  
to Controlling Board approval under division (B) of section 166.03 74731  
of the Revised Code. 74732

Notwithstanding Chapter 166. of the Revised Code, the 74733  
Director of Budget and Management may transfer an amount not to 74734  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 74735  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 74736  
Loan Fund (Fund 4W10). 74737

Notwithstanding Chapter 166. of the Revised Code, the 74738  
Director of Budget and Management may transfer an amount not to 74739  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 74740  
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 74741  
(Fund 5S90). 74742

**Section 257.60. THIRD FRONTIER OPERATING COSTS** 74743

The foregoing appropriation items 195686, Third Frontier Tax 74744  
Exempt - Operating, and 195620, Third Frontier Taxable - 74745  
Operating, shall be used for operating expenses incurred by the 74746  
Development Services Agency in administering projects pursuant to 74747  
sections 184.10 to 184.20 of the Revised Code. Operating expenses 74748  
paid from appropriation item 195686 shall be limited to the 74749  
administration of projects funded from the Third Frontier Research 74750

& Development Fund (Fund 7011) and operating expenses paid from 74751  
appropriation item 195620 shall be limited to the administration 74752  
of projects funded from the Third Frontier Research & Development 74753  
Taxable Bond Project Fund (Fund 7014). 74754

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 74755  
PROJECTS 74756

The foregoing appropriation items 195687, Third Frontier 74757  
Research & Development Projects, 195692, Research & Development 74758  
Taxable Bond Projects, and 195620, Third Frontier Taxable - 74759  
Operating, shall be used by the Development Services Agency to 74760  
fund selected projects. Eligible costs are those costs of research 74761  
and development projects to which the proceeds of the Third 74762  
Frontier Research & Development Fund (Fund 7011) and the Research 74763  
& Development Taxable Bond Project Fund (Fund 7014) are to be 74764  
applied. 74765

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 74766

The Director of Budget and Management may approve written 74767  
requests from the Director of Development Services for the 74768  
transfer of appropriations between appropriation items 195687, 74769  
Third Frontier Research & Development Projects, and 195692, 74770  
Research & Development Taxable Bond Projects, based upon awards 74771  
recommended by the Third Frontier Commission. 74772

In fiscal year 2017, the Director of Development Services may 74773  
request that the Director of Budget and Management reappropriate 74774  
any unexpended, unencumbered balances of the prior fiscal year's 74775  
appropriation to the foregoing appropriation items 195687, Third 74776  
Frontier Research & Development Projects, and 195692, Research & 74777  
Development Taxable Bond Projects, for fiscal year 2017. The 74778  
Director of Budget and Management may request additional 74779  
information necessary for evaluating these requests, and the 74780  
Director of Development Services shall provide the requested 74781

information to the Director of Budget and Management. Based on the 74782  
information provided by the Director of Development Services, the 74783  
Director of Budget and Management shall determine the amounts to 74784  
be reappropriated, and those amounts are hereby reappropriated for 74785  
fiscal year 2017. 74786

**Section 257.70. CLEAN OHIO REVITALIZATION OPERATING** 74787

The foregoing appropriation item 195663, Clean Ohio 74788  
Revitalization Operating, shall be used by the Development 74789  
Services Agency in administering Clean Ohio Revitalization Fund 74790  
(Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 74791  
Revised Code. 74792

**JOB READY SITE DEVELOPMENT OPERATING** 74793

The foregoing appropriation item 195688, Job Ready Site 74794  
Development Operating, shall be used for operating expenses 74795  
incurred by the Development Services Agency in administering Job 74796  
Ready Site Development Fund (Fund 7012) projects pursuant to 74797  
sections 122.085 to 122.0820 of the Revised Code. Operating 74798  
expenses include, but are not limited to, certain qualified 74799  
expenses of the District Public Works Integrating Committees, as 74800  
applicable, engineering review of submitted applications by the 74801  
State Architect or a third-party engineering firm, audit and 74802  
accountability activities, and costs associated with formal 74803  
certifications verifying that site infrastructure is in place and 74804  
is functional. 74805

**Section 257.80. HEAP WEATHERIZATION** 74806

Up to twenty-five per cent of the federal funds deposited to 74807  
the credit of the Home Energy Assistance Block Grant Fund (Fund 74808  
3K90) may be expended from appropriation item 195614, HEAP 74809  
Weatherization, to provide home weatherization services in the 74810  
state as determined by the Director of Development Services. Any 74811

transfers or increases in appropriation for the foregoing 74812  
appropriation items 195614, HEAP Weatherization, or 195611, Home 74813  
Energy Assistance Block Grant, shall be subject to approval by the 74814  
Controlling Board. 74815

**Section 257.90.** REPORT ON ENTREPRENEURIAL BUSINESS INCUBATORS 74816  
74817

(A) For the purposes of this section, "entrepreneurial 74818  
business incubator" is defined as an entity supporting startup 74819  
companies, offering a collaborative environment, and providing 74820  
access to support services, technical expertise, and business 74821  
assistance resources to help innovators grow their business ideas 74822  
into independent job-creating companies. 74823

(B) By December 31, 2015, the Development Services Agency 74824  
shall produce a report and make it publicly available on the 74825  
agency's web site. The report shall map and review entrepreneurial 74826  
business incubators in the state of Ohio, and specifically: 74827

(1) Identify locations and available support services, unmet 74828  
service areas, and duplication of service at entrepreneurial 74829  
business incubators; 74830

(2) Classify the industry of member entrepreneurs receiving 74831  
services by the following categories: advanced manufacturing, 74832  
aerospace and aviation, agribusiness, food processing, automotive 74833  
supply chain, biohealth, energy, information technology, polymers, 74834  
chemicals, and additional industry sectors, as determined by the 74835  
Development Services Agency 74836

(3) Gather data on member entrepreneurs based on jobs, 74837  
capital investment, and sales; and 74838

(4) Describe characteristics of incubators that successfully 74839  
graduate companies to be independent job creators for Ohio. 74840

	<b>Section 259.10.</b>	DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES				74841	
	General Revenue Fund					74842	
GRF	322509	Community Supports & Rental Assistance	\$	1,000,000	\$	1,000,000	74843
GRF	320321	Central Administration	\$	164,750	\$	164,750	74844
GRF	320412	Protective Services	\$	2,418,196	\$	2,418,196	74845
GRF	320415	Developmental Disabilities Facilities Lease Rental Bond Payments	\$	20,817,900	\$	19,902,200	74846
GRF	322420	Screening and Early Intervention	\$	300,000	\$	300,000	74847
GRF	322451	Family Support Services	\$	5,932,758	\$	5,932,758	74848
GRF	322501	County Boards Subsidies	\$	44,149,280	\$	44,149,280	74849
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000	74850
GRF	322507	County Board Case Management	\$	2,500,000	\$	2,500,000	74851
GRF	322508	Employment First Initiative	\$	5,800,000	\$	5,800,000	74852
GRF	653321	Medicaid Program Support - State	\$	6,186,694	\$	6,186,694	74853
GRF	653407	Medicaid Services	\$	479,385,900	\$	536,734,630	74854
	TOTAL GRF	General Revenue Fund	\$	582,655,478	\$	639,088,508	74855
	Dedicated Purpose Fund Group					74856	
5QM0	320607	System Transformation Supports	\$	4,500,000	\$	4,500,000	74857
5GE0	320606	Operating and Services	\$	10,107,297	\$	10,107,297	74858

2210	322620	Supplement Service Trust	\$	150,000	\$	150,000	74859
5DJ0	322625	Targeted Case Management Match	\$	38,000,000	\$	43,000,000	74860
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	74861
5H00	322619	Medicaid Repayment	\$	160,000	\$	160,000	74862
5JX0	322651	Interagency Workgroup - Autism	\$	25,000		25,000	74863
4890	653632	DC Direct Care Services	\$	10,050,000	\$	10,050,000	74864
5CT0	653607	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	74865
5DJ0	653626	Targeted Case Management Services	\$	101,000,000	\$	113,000,000	74866
5EV0	653627	Medicaid Program Support	\$	1,500,000	\$	1,500,000	74867
5GE0	653606	ICF/IID and Waiver Match	\$	37,682,901	\$	37,575,865	74868
5S20	653622	Medicaid Admin and Oversight	\$	19,032,154	\$	19,032,154	74869
5Z10	653624	County Board Waiver Match	\$	382,814,610	\$	426,207,065	74870
TOTAL DPF		Dedicated Purpose Fund Group	\$	606,771,962	\$	667,057,381	74871
		Internal Service Activity Fund Group					74872
1520	653609	DC and Residential Operating Services	\$	11,000,000	\$	11,000,000	74873
TOTAL ISA		Internal Service Activity Fund Group	\$	11,000,000	\$	11,000,000	74875
		Federal Fund Group					74876
3A50	320613	DD Council	\$	3,324,187	\$	3,324,187	74877

3250	322612	Community Social Service Programs	\$ 10,604,896	\$ 10,604,896	74878
3A40	653604	DC & ICF/IID Program Support	\$ 8,013,611	\$ 8,013,611	74879
3A40	653605	DC and Residential Services and Support	\$ 118,423,968	\$ 110,604,417	74880
3A40	653653	ICF/IID	\$ 357,362,616	\$ 356,283,407	74881
3G60	653639	Medicaid Waiver Services	\$ 1,028,041,325	\$ 1,188,772,548	74882
3G60	653640	Medicaid Waiver Program Support	\$ 46,525,638	\$ 47,225,486	74883
3M70	653650	CAFS Medicaid	\$ 3,000,000	\$ 3,000,000	74884
TOTAL FED	Federal Fund Group		\$ 1,575,296,241	\$ 1,727,828,552	74885
TOTAL ALL BUDGET FUND GROUPS			\$ 2,775,723,681	\$ 3,044,974,441	74886

**Section 259.20. DEVELOPMENTAL DISABILITIES FACILITIES** 74888

LEASE-RENTAL BOND PAYMENTS 74889

The foregoing appropriation item 320415, Developmental 74890  
 Disabilities Facilities Lease Rental Bond Payments, shall be used 74891  
 to meet all payments during the period from July 1, 2015, through 74892  
 June 30, 2017, by the Department of Developmental Disabilities 74893  
 under leases and agreements made under section 154.20 of the 74894  
 Revised Code. These appropriations are the source of funds pledged 74895  
 for bond service charges on related obligations issued under 74896  
 Chapter 154. of the Revised Code. 74897

**Section 259.30. SCREENING AND EARLY INTERVENTION** 74898

At the discretion of the Director of Developmental 74899  
 Disabilities, the foregoing appropriation item 322420, Screening 74900  
 and Early Intervention, shall be used for professional and program 74901  
 development related to early identification/screening and 74902  
 intervention for children with autism and other complex 74903  
 developmental disabilities and their families. 74904

**Section 259.40.** FAMILY SUPPORT SERVICES SUBSIDY 74905

The foregoing appropriation item 322451, Family Support 74906  
Services, may be used as follows in fiscal year 2016 and fiscal 74907  
year 2017: 74908

(A) The appropriation item may be used to provide a subsidy 74909  
to county boards of developmental disabilities for family support 74910  
services provided under section 5126.11 of the Revised Code. The 74911  
subsidy shall be paid in quarterly installments and allocated to 74912  
county boards according to a formula the Director of Developmental 74913  
Disabilities shall develop in consultation with representatives of 74914  
county boards. A county board shall use not more than seven per 74915  
cent of its subsidy for administrative costs. 74916

(B) The appropriation item may be used to distribute funds to 74917  
county boards for the purpose of addressing economic hardships and 74918  
to promote efficiency of operations. In consultation with 74919  
representatives of county boards, the Director shall determine the 74920  
amount of funds to distribute for these purposes and the criteria 74921  
for distributing the funds. 74922

**Section 259.50.** STATE SUBSIDY TO COUNTY DD BOARDS 74923

(A) Except as provided in the section of this act titled 74924  
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 74925  
appropriation item 322501, County Boards Subsidies, shall be used 74926  
for the following purposes: 74927

(1) To provide a subsidy to county boards of developmental 74928  
disabilities in quarterly installments and allocated according to 74929  
a formula developed by the Director of Developmental Disabilities 74930  
in consultation with representatives of county boards. Except as 74931  
provided in section 5126.0511 of the Revised Code or in division 74932  
(B) of this section, county boards shall use the subsidy for early 74933  
childhood services and adult services provided under section 74934

5126.05 of the Revised Code, service and support administration 74935  
provided under section 5126.15 of the Revised Code, or supported 74936  
living as defined in section 5126.01 of the Revised Code. 74937

(2) To provide funding, as determined necessary by the 74938  
Director, for residential services, including room and board, and 74939  
support service programs that enable individuals with 74940  
developmental disabilities to live in the community. 74941

(3) To distribute funds to county boards of developmental 74942  
disabilities to address economic hardships and promote efficiency 74943  
of operations. The Director shall determine, in consultation with 74944  
representatives of county boards, the amount of funds to 74945  
distribute for these purposes and the criteria for distributing 74946  
the funds. 74947

(B) In collaboration with the county's family and children 74948  
first council, a county board of developmental disabilities may 74949  
transfer portions of funds received under this section, to a 74950  
flexible funding pool in accordance with the section of this act 74951  
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 74952

**Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES** 74953

As used in this section, "home and community-based services" 74954  
has the same meaning as in section 5123.01 of the Revised Code. 74955

The Director of Developmental Disabilities shall establish a 74956  
methodology to be used in fiscal year 2016 and fiscal year 2017 to 74957  
estimate the quarterly amount each county board of developmental 74958  
disabilities is to pay of the nonfederal share of home and 74959  
community-based services that section 5126.0510 of the Revised 74960  
Code requires county boards to pay. Each quarter, the Director 74961  
shall submit to a county board written notice of the amount the 74962  
county board is to pay for that quarter. The notice shall specify 74963  
when the payment is due. 74964

**Section 259.70. TAX EQUITY** 74965

Notwithstanding section 5126.18 of the Revised Code, the 74966  
foregoing appropriation item 322503, Tax Equity, may be used to 74967  
distribute funds to county boards of developmental disabilities to 74968  
address economic hardships and promote efficiency of operations. 74969  
The Director of Developmental Disabilities shall determine, in 74970  
consultation with representatives of county boards, the amount of 74971  
funds to distribute for these purposes and the criteria for 74972  
distributing the funds. 74973

**Section 259.80. MEDICAID SERVICES** 74974

(A) As used in this section "home and community-based 74975  
services" has the same meaning as in section 5123.01 of the 74976  
Revised Code and "ICF/IID services" has the same meaning as in 74977  
section 5124.01 of the Revised Code. 74978

(B) Except as provided in section 5123.0416 of the Revised 74979  
Code, the purposes for which the foregoing appropriation item 74980  
653407, Medicaid Services, shall be used include the following: 74981

(1) Home and community-based services; 74982

(2) Implementation of the requirements of the agreement 74983  
settling the consent decree in Sermak v. Manuel, Case No. 74984  
C-2-80-220, United States District Court for the Southern District 74985  
of Ohio, Eastern Division; 74986

(3) Implementation of the requirements of the agreement 74987  
settling the consent decree in the Martin v. Strickland, Case No. 74988  
89-CV-00362, United States District Court for the Southern 74989  
District of Ohio, Eastern Division; 74990

(4) ICF/IID services; 74991

(5) Other programs as identified by the Director of 74992  
Developmental Disabilities. 74993

**Section 259.90.** EMPLOYMENT FIRST INITIATIVE 74994

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code. 74995  
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Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments. 75000  
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The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long term, sustainable system that places individuals with developmental disabilities in 75022  
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community employment, as defined in section 5123.022 of the Revised Code. 75025  
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**Section 259.100. OPERATING AND SERVICES** 75027

Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals. 75028  
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**Section 259.110. TARGETED CASE MANAGEMENT SERVICES** 75032

County boards of developmental disabilities shall pay the nonfederal portion of targeted case management costs to the Department of Developmental Disabilities. 75033  
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The Director of Developmental Disabilities and the Medicaid Director may enter into an interagency agreement under which the Department of Developmental Disabilities shall transfer cash from the Targeted Case Management Fund (Fund 5DJ0) to the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the Department of Medicaid in an amount equal to the nonfederal portion of the cost of targeted case management services paid by county boards. Under the agreement, the Department of Medicaid shall pay the total cost of targeted case management claims. The transfer shall be made using an intrastate transfer voucher. 75036  
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**Section 259.120. WITHHOLDING OF FUNDS OWED THE DEPARTMENT** 75046

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the 75047  
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Department in an amount equal to the amount owed the Department 75054  
that the county board did not pay. Transfers under this section 75055  
shall be made using an intrastate transfer voucher. 75056

**Section 259.130. DEVELOPMENTAL CENTER BILLING FOR SERVICES** 75057

Developmental centers of the Department of Developmental 75058  
Disabilities may provide services to persons with mental 75059  
retardation or developmental disabilities living in the community 75060  
or to providers of services to these persons. The Department may 75061  
develop a method for recovery of all costs associated with the 75062  
provision of these services. 75063

**Section 259.140. NONFEDERAL MATCH FOR ACTIVE TREATMENT 75064  
SERVICES** 75065

Any county funds received by the Department of Developmental 75066  
Disabilities from county boards of developmental disabilities for 75067  
active treatment shall be deposited in the Developmental 75068  
Disabilities Operating Fund (Fund 4890). 75069

**Section 259.150. ODODD INNOVATIVE PILOT PROJECTS** 75070

(A) In fiscal year 2016 and fiscal year 2017, the Director of 75071  
Developmental Disabilities may authorize the continuation or 75072  
implementation of one or more innovative pilot projects that, in 75073  
the judgment of the Director, are likely to assist in promoting 75074  
the objectives of Chapter 5123. or 5126. of the Revised Code. 75075  
Subject to division (B) of this section and notwithstanding any 75076  
provision of Chapters 5123. and 5126. of the Revised Code and any 75077  
rule adopted under either chapter, a pilot project authorized by 75078  
the Director may be continued or implemented in a manner 75079  
inconsistent with one or more provisions of either chapter or one 75080  
or more rules adopted under either chapter. Before authorizing a 75081  
pilot program, the Director shall consult with entities interested 75082

in the issue of developmental disabilities, including the Ohio 75083  
Provider Resource Association, Ohio Association of County Boards 75084  
of Developmental Disabilities, Ohio Health Care Association/Ohio 75085  
Centers for Intellectual Disabilities, the Values and Faith 75086  
Alliance, and ARC of Ohio. 75087

(B) The Director may not authorize a pilot project to be 75088  
implemented in a manner that would cause the state to be out of 75089  
compliance with any requirements for a program funded in whole or 75090  
in part with federal funds. 75091

**Section 259.160.** FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 75092  
ICFs/IID IN PEER GROUPS 1 AND 2 75093

(A) As used in this section: 75094

(1) "Change of operator," "entering operator," "exiting 75095  
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 75096  
group 1," "peer group 2," "peer group 3," "provider," and 75097  
"provider agreement" have the same meanings as in section 5124.01 75098  
of the Revised Code. 75099

(2) "Franchise permit fee" means the fee imposed by sections 75100  
5168.60 to 5168.71 of the Revised Code. 75101

(B)(1) This section applies to each ICF/IID that is in peer 75102  
group 1 or peer group 2 and to which any of the following applies: 75103

(a) The provider of the ICF/IID has a valid Medicaid provider 75104  
agreement for the ICF/IID on June 30, 2015, and a valid Medicaid 75105  
provider agreement for the ICF/IID during fiscal year 2016. 75106

(b) The ICF/IID undergoes a change of operator that takes 75107  
effect during fiscal year 2016, the exiting operator has a valid 75108  
Medicaid provider agreement for the ICF/IID on the day immediately 75109  
preceding the effective date of the change of operator, and the 75110  
entering operator has a valid Medicaid provider agreement for the 75111  
ICF/IID during fiscal year 2016. 75112

(c) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2016. 75113  
75114

(2) This section does not apply to an ICF/IID in peer group 75115  
3. 75116

(3) The Department of Developmental Disabilities shall follow 75117  
this section in determining the rate to be paid for ICF/IID 75118  
services provided during fiscal year 2016 by ICFs/IID subject to 75119  
this section notwithstanding anything to the contrary in Chapter 75120  
5124. of the Revised Code. 75121

(C)(1) Except as otherwise provided in this section, the 75122  
provider of an ICF/IID to which this section applies shall be 75123  
paid, for ICF/IID services the ICF/IID provides during fiscal year 75124  
2016, the total per Medicaid day rate determined for the ICF/IID 75125  
under division (C)(2) or (3) of this section. 75126

(2) Except in the case of a new ICF/IID, the fiscal year 2016 75127  
total per Medicaid day rate for an ICF/IID to which this section 75128  
applies shall be the ICF/IID's total per Medicaid day rate 75129  
determined for the ICF/IID in accordance with Chapter 5124. of the 75130  
Revised Code for fiscal year 2016 with the following 75131  
modifications: 75132

(a) The ICF/IID's efficiency incentive for capital costs, as 75133  
determined under division (F) of section 5124.17 of the Revised 75134  
Code, shall be reduced by 50 per cent. 75135

(b) In place of the maximum cost per case-mix unit 75136  
established for the ICF/IID's peer group under division (C) of 75137  
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 75138  
per case-mix unit shall be an amount the Department shall 75139  
determine in accordance with division (E) of this section. 75140

(c) In place of the inflation adjustment otherwise calculated 75141  
under division (D) of section 5124.19 of the Revised Code for the 75142  
purpose of division (A)(1)(b) of that section, an inflation 75143

adjustment of 1.014 shall be used. 75144

(d) In place of the efficiency incentive otherwise calculated 75145  
under division (B)(2) of section 5124.21 of the Revised Code, the 75146  
ICF/IID's efficiency incentive for indirect care costs shall be 75147  
the following: 75148

(i) In the case of an ICF/IID in peer group 1, \$3.69; 75149

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 75150

(e) In place of the maximum rate for indirect care costs 75151  
established for the ICF/IID's peer group under division (C) of 75152  
section 5124.21 of the Revised Code, the maximum rate for indirect 75153  
care costs for the ICF/IID's peer group shall be the following: 75154

(i) In the case of an ICF/IID in peer group 1, \$68.98; 75155

(ii) In the case of an ICF/IID in peer group 3, \$59.60. 75156

(f) In place of the inflation adjustment otherwise calculated 75157  
under division (D)(1) of section 5124.21 of the Revised Code for 75158  
the purpose of division (B)(1) of that section only, an inflation 75159  
adjustment of 1.014 shall be used. 75160

(g) In place of the inflation adjustment otherwise made under 75161  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 75162  
actual, allowable, per Medicaid day other protected costs, 75163  
excluding the franchise permit fee, from calendar year 2014 shall 75164  
be multiplied by 1.014. 75165

(3) The fiscal year 2016 initial total per Medicaid day rate 75166  
for a new ICF/IID to which this section applies shall be the 75167  
ICF/IID's initial total per Medicaid day rate determined for the 75168  
ICF/IID in accordance with section 5124.151 of the Revised Code 75169  
for fiscal year 2016 with the following modifications: 75170

(a) In place of the amount determined under division 75171  
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 75172  
cost or resident assessment data for the new ICF/IID, the new 75173

ICF/IID's initial per Medicaid day rate for direct care costs 75174  
shall be determined as follows: 75175

(i) Determine the median of the costs per case-mix units of 75176  
each peer group; 75177

(ii) Multiply the median determined under division 75178  
(C)(3)(a)(i) of this section by the median annual average case-mix 75179  
score for the new ICF/IID's peer group for calendar year 2014; 75180

(iii) Multiply the product determined under division 75181  
(C)(3)(a)(ii) of this section by 1.014. 75182

(b) In place of the amount determined under division (B)(3) 75183  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 75184  
per Medicaid day rate for indirect care costs shall be the 75185  
following: 75186

(i) If the new ICF/IID is in peer group 1, \$68.98; 75187

(ii) If the new ICF/IID is in peer group 2, \$59.60. 75188

(c) In place of the amount determined under division (B)(4) 75189  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 75190  
per Medicaid day rate for other protected costs shall be 115 per 75191  
cent of the median rate for ICFs/IID determined under section 75192  
5124.23 of the Revised Code with the modification made under 75193  
division (C)(2)(g) of this section. 75194

(D) The total per Medicaid day rate for ICF/IID services an 75195  
ICF/IID in peer group 1 or peer group 2 provides in fiscal year 75196  
2016 to a Medicaid recipient who is placed in the chronic 75197  
behaviors and typical adaptive needs classification or the typical 75198  
adaptive needs and non-significant behaviors classification 75199  
established for the grouper methodology prescribed in rules 75200  
authorized by section 5124.192 of the Revised Code shall be the 75201  
lesser of the following: 75202

(1) The rate determined for the ICF/IID under division (C)(2) 75203

or (3) of this section; 75204

(2) The following rate: 75205

(a) \$206.90 for ICF/IID services an ICF/IID in peer group 1 75206  
provides to a Medicaid recipient in the chronic behaviors and 75207  
typical adaptive needs classification; 75208

(b) \$212.76 for ICF/IID services an ICF/IID in peer group 2 75209  
provides to a Medicaid recipient in the chronic behaviors and 75210  
typical adaptive needs classification; 75211

(c) \$174.88 for ICF/IID services an ICF/IID in peer group 1 75212  
provides to a Medicaid recipient in the typical adaptive needs and 75213  
non-significant behaviors classification; 75214

(d) \$179.23 for ICF/IID services an ICF/IID in peer group 2 75215  
provides to a Medicaid recipient in the typical adaptive needs and 75216  
non-significant behaviors classification. 75217

(E) In determining, for the purpose of division (C)(2)(b) of 75218  
this section, the maximum costs per case-mix unit for ICFs/IID, 75219  
the Department shall, strive to the greatest extent possible, do 75220  
both of the following: 75221

(1) Avoid rate reductions under division (G) of this section; 75222

(2) Have the amount so determined result in payment of all 75223  
desk-reviewed, actual, allowable direct care costs for the same 75224  
percentage of Medicaid days for ICFs/IID in peer group 1 as for 75225  
ICFs/IID in peer group 2 as of July 1, 2015, based on May 2015 75226  
Medicaid days. 75227

(F) A new ICF/IID's initial total modified per Medicaid day 75228  
rate for fiscal year 2016 as determined under division (C)(3) of 75229  
this section shall be adjusted at the applicable time specified in 75230  
division (D) of section 5124.151 of the Revised Code. If the 75231  
adjustment affects the ICF/IID's rate for ICF/IID services 75232  
provided during fiscal year 2016, the modifications specified in 75233

divisions (C)(2) and (D) of this section apply to the adjustment. 75234

(G) If the mean total per Medicaid day rate for all ICFs/IID 75235  
to which this section applies, weighted by May 2015 Medicaid days 75236  
and determined under divisions (C) and (D) of this section as of 75237  
July 1, 2015, is other than \$288.99, the Department shall adjust, 75238  
for fiscal year 2016, the total per Medicaid day rate for each 75239  
ICF/IID to which this section applies by a percentage that is 75240  
equal to the percentage by which the mean total per Medicaid day 75241  
rate is greater or less than \$288.99. 75242

(H) If the United States Centers for Medicare and Medicaid 75243  
Services requires that the franchise permit fee be reduced or 75244  
eliminated, the Department shall reduce the amount it pays ICF/IID 75245  
providers under this section as necessary to reflect the loss to 75246  
the state of the revenue and federal financial participation 75247  
generated from the franchise permit fee. 75248

(I) Of the foregoing appropriation items 653407, Medicaid 75249  
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 75250  
portions shall be used to pay the Medicaid payment rates 75251  
determined in accordance with this section for ICF/IID services 75252  
provided during fiscal year 2016. 75253

**Section 259.170. FISCAL YEAR 2017 MEDICAID PAYMENT RATES FOR** 75254  
**ICFs/IID IN PEER GROUPS 1 AND 2** 75255

(A) As used in this section: 75256

(1) "Change of operator," "entering operator," "exiting 75257  
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 75258  
group 1," "peer group 2," "peer group 3," "provider," and 75259  
"provider agreement" have the same meanings as in section 5124.01 75260  
of the Revised Code. 75261

(2) "Franchise permit fee" means the fee imposed by sections 75262  
5168.60 to 5168.71 of the Revised Code. 75263

(B)(1) This section applies to each ICF/IID that is in peer group 1 or peer group 2 and to which any of the following applies: 75264  
75265

(a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2016, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2017. 75266  
75267  
75268

(b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2017, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2017. 75269  
75270  
75271  
75272  
75273  
75274

(c) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2017. 75275  
75276

(2) This section does not apply to an ICF/IID in peer group 3. 75277  
75278

(3) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid for ICF/IID services provided during fiscal year 2017 by ICFs/IID subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code. 75279  
75280  
75281  
75282  
75283

(C)(1) Except as otherwise provided in this section, the provider of an ICF/IID to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2017, the total per Medicaid day rate determined for the ICF/IID under division (C)(2) or (3) of this section. 75284  
75285  
75286  
75287  
75288

(2) Except in the case of a new ICF/IID, the fiscal year 2017 total per Medicaid day rate for an ICF/IID to which this section applies shall be the ICF/IID's total per Medicaid day rate determined for the ICF/IID in accordance with Chapter 5124. of the Revised Code for fiscal year 2017 with the following modifications: 75289  
75290  
75291  
75292  
75293  
75294

(a) The ICF/IID's efficiency incentive for capital costs, as 75295  
determined under division (F) of section 5124.17 of the Revised 75296  
Code, shall be reduced by 50 per cent. 75297

(b) In place of the maximum cost per case-mix unit 75298  
established for the ICF/IID's peer group under division (C) of 75299  
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 75300  
per case-mix unit shall be an amount the Department shall 75301  
determine in accordance with division (D) of this section. 75302

(c) In place of the inflation adjustment otherwise calculated 75303  
under division (D) of section 5124.19 of the Revised Code for the 75304  
purpose of division (A)(1)(b) of that section, an inflation 75305  
adjustment of 1.014 shall be used. 75306

(d) In place of the efficiency incentive otherwise calculated 75307  
under division (B)(2) of section 5124.21 of the Revised Code, the 75308  
ICF/IID's efficiency incentive for indirect care costs shall be 75309  
the following: 75310

(i) In the case of an ICF/IID in peer group 1, \$3.69; 75311

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 75312

(e) In place of the maximum rate for indirect care costs 75313  
established for the ICF/IID's peer group under division (C) of 75314  
section 5124.21 of the Revised Code, the maximum rate for indirect 75315  
care costs for the ICF/IID's peer group shall be the following: 75316

(i) In the case of an ICF/IID in peer group 1, \$68.98; 75317

(ii) In the case of an ICF/IID in peer group 3, \$59.60. 75318

(f) In place of the inflation adjustment otherwise calculated 75319  
under division (D)(1) of section 5124.21 of the Revised Code for 75320  
the purpose of division (B)(1) of that section only, an inflation 75321  
adjustment of 1.014 shall be used. 75322

(g) In place of the inflation adjustment otherwise made under 75323  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 75324

actual, allowable, per Medicaid day other protected costs, 75325  
excluding the franchise permit fee, from calendar year 2015 shall 75326  
be multiplied by 1.014. 75327

(3) The fiscal year 2017 initial total per Medicaid day rate 75328  
for a new ICF/IID to which this section applies shall be the 75329  
ICF/IID's initial total per Medicaid day rate determined for the 75330  
ICF/IID in accordance with section 5124.151 of the Revised Code 75331  
for fiscal year 2017 with the following modifications: 75332

(a) In place of the amount determined under division 75333  
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 75334  
cost or resident assessment data for the new ICF/IID, the new 75335  
ICF/IID's initial per Medicaid day rate for direct care costs 75336  
shall be determined as follows: 75337

(i) Determine the median of the costs per case-mix units of 75338  
each peer group; 75339

(ii) Multiply the median determined under division 75340  
(C)(3)(a)(i) of this section by the median annual average case-mix 75341  
score for the new ICF/IID's peer group for calendar year 2015; 75342

(iii) Multiply the product determined under division 75343  
(C)(3)(a)(ii) of this section by 1.014. 75344

(b) In place of the amount determined under division (B)(3) 75345  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 75346  
per Medicaid day rate for indirect care costs shall be the 75347  
following: 75348

(i) If the new ICF/IID is in peer group 1, \$68.98; 75349

(ii) If the new ICF/IID is in peer group 2, \$59.60. 75350

(c) In place of the amount determined under division (B)(4) 75351  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 75352  
per Medicaid day rate for other protected costs shall be 115 per 75353  
cent of the median rate for ICFs/IID determined under section 75354

5124.23 of the Revised Code with the modification made under 75355  
division (C)(2)(g) of this section. 75356

(D) In determining, for the purpose of division (C)(2)(b) of 75357  
this section, the maximum costs per case-mix unit for ICFs/IID, 75358  
the Department shall, to the greatest extent possible, do both of 75359  
the following: 75360

(1) Avoid rate reductions under division (F) of this section; 75361

(2) Have the amount so determined result in payment of all 75362  
desk-reviewed, actual, allowable direct care costs for the same 75363  
percentage of Medicaid days for ICFs/IID in peer group 1 as for 75364  
ICFs/IID in peer group 2 as of July 1, 2016, based on May 2016 75365  
Medicaid days. 75366

(E) A new ICF/IID's initial total modified per Medicaid day 75367  
rate for fiscal year 2017 as determined under division (C)(3) of 75368  
this section shall be adjusted at the applicable time specified in 75369  
division (D) of section 5124.151 of the Revised Code. If the 75370  
adjustment affects the ICF/IID's rate for ICF/IID services 75371  
provided during fiscal year 2017, the modifications specified in 75372  
division (C)(2) of this section apply to the adjustment. 75373

(F) If the mean total per Medicaid day rate for all ICFs/IID 75374  
to which this section applies, weighted by May 2016 Medicaid days 75375  
and determined under division (C) of this section as of July 1, 75376  
2016, is other than \$289.60, the Department shall adjust, for 75377  
fiscal year 2017, the total per Medicaid day rate for each ICF/IID 75378  
to which this section applies by a percentage that is equal to the 75379  
percentage by which the mean total per Medicaid day rate is 75380  
greater or less than \$289.60. 75381

(G) If the United States Centers for Medicare and Medicaid 75382  
Services requires that the franchise permit fee be reduced or 75383  
eliminated, the Department shall reduce the amount it pays ICF/IID 75384  
providers under this section as necessary to reflect the loss to 75385

the state of the revenue and federal financial participation 75386  
generated from the franchise permit fee. 75387

(H) Of the foregoing appropriation items 653407, Medicaid 75388  
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 75389  
portions shall be used to pay the Medicaid payment rates 75390  
determined in accordance with this section for ICF/IID services 75391  
provided during fiscal year 2017. 75392

**Section 259.180.** FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 75393  
ICFs/IID IN PEER GROUP 3 75394

(A) As used in this section: 75395

(1) "ICF/IID," "ICF/IID services," "peer group 3," 75396  
"provider," and "provider agreement" have the same meanings as in 75397  
section 5124.01 of the Revised Code. 75398

(2) "Franchise permit fee" means the fee imposed by sections 75399  
5168.60 to 5168.71 of the Revised Code. 75400

(B)(1) This section applies to each ICF/IID that is in peer 75401  
group 3 and for which the provider obtained an initial provider 75402  
agreement during fiscal year 2015. 75403

(2) The Department of Developmental Disabilities shall follow 75404  
this section in determining the rate to be paid for ICF/IID 75405  
services provided during fiscal year 2016 by ICFs/IID subject to 75406  
this section notwithstanding anything to the contrary in Chapter 75407  
5124. of the Revised Code. 75408

(C) Except as otherwise provided in this section, the 75409  
provider of an ICF/IID to which this section applies shall 75410  
continue to be paid, for ICF/IID services the ICF/IID provides 75411  
during fiscal year 2016, the ICF/IID's total per Medicaid day rate 75412  
in effect on June 30, 2015. 75413

(D) If the United States Centers for Medicare and Medicaid 75414  
Services requires that the franchise permit fee be reduced or 75415

eliminated, the Department shall reduce the amount it pays ICF/IID 75416  
providers under this section as necessary to reflect the loss to 75417  
the state of the revenue and federal financial participation 75418  
generated from the franchise permit fee. 75419

**Section 259.190.** TRANSFER OF FUNDS FOR OUTLIER SERVICES 75420  
PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS 75421

As used in this section, "ICF/IID" and "ICF/IID services" 75422  
have the same meanings as in section 5124.01 of the Revised Code. 75423

Each quarter during fiscal year 2016 and fiscal year 2017, 75424  
the Director of Developmental Disabilities shall certify to the 75425  
Director of Budget and Management the amount needed to pay the 75426  
nonfederal share of the costs of the Medicaid rate add-on paid to 75427  
ICFs/IID pursuant to section 5124.25 of the Revised Code for 75428  
providing outlier ICF/IID services to residents who qualify for 75429  
the services and are transferred to ICFs/IID from hospitals at 75430  
which they receive ventilator services at the time of their 75431  
transfer to the ICFs/IID. 75432

On receipt of a certification, the Director of Budget and 75433  
Management shall transfer appropriations equaling the certified 75434  
amount from appropriation item 651525, Medicaid/Health Care 75435  
Services, to appropriation item 653407, Medicaid Services, and, in 75436  
addition, shall reduce the appropriation in 651525, 75437  
Medicaid/Health Care Services, by the corresponding federal share. 75438

If receipts credited to the Developmental Center and 75439  
Residential Facility Services and Support Fund (Fund 3A40), used 75440  
by the Department of Developmental Disabilities, exceed the 75441  
amounts appropriated in appropriation item 653653, ICF/IID, the 75442  
Director of Developmental Disabilities may request the Director of 75443  
Budget and Management to authorize expenditures from the fund in 75444  
excess of the amounts appropriated. Upon approval of the Director 75445  
of Budget and Management, the additional amounts are hereby 75446

appropriated. 75447

**Section 259.200.** ICF/IID MEDICAID RATE WORKGROUP 75448

As used in this section, "ICF/IID," "ICF/IID services," and 75449  
"Medicaid-certified capacity" have the same meanings as in section 75450  
5124.01 of the Revised Code. 75451

For the purpose of assisting the Department of Developmental 75452  
Disabilities during fiscal year 2016 and fiscal year 2017 with an 75453  
evaluation of revisions to the formula used to determine Medicaid 75454  
payment rates for ICF/IID services, the Department shall retain 75455  
the workgroup that was created to assist with the study required 75456  
by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General 75457  
Assembly and continued by Section 259.230 of Am. Sub. H.B. 59 of 75458  
the 130th General Assembly. In conducting the evaluation, the 75459  
Department and workgroup shall do both of the following: 75460

(A) Focus primarily on the service needs of individuals with 75461  
complex challenges that ICFs/IID are able to meet; 75462

(B) Pursue the goal of reducing the Medicaid-certified 75463  
capacity of individual ICFs/IID and the total number of ICF/IID 75464  
beds in the state for the purpose of increasing the service 75465  
choices and community integration of individuals eligible for 75466  
ICF/IID services. 75467

**Section 259.210.** NONFEDERAL SHARE OF ICF/IID SERVICES 75468

(A) As used in this section, "ICF/IID," "ICF/IID services," 75469  
and "Medicaid-certified capacity" have the same meanings as in 75470  
section 5124.01 of the Revised Code. 75471

(B) The Director of Developmental Disabilities shall pay the 75472  
nonfederal share of a claim for ICF/IID services using funds 75473  
specified in division (C) of this section if all of the following 75474  
apply: 75475

(1) Medicaid covers the ICF/IID services.	75476
(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:	75477 75478
(a) The Medicaid recipient is eligible for the ICF/IID services;	75479 75480
(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.	75481 75482 75483 75484
(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.	75485 75486 75487
(4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.	75488 75489 75490
(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:	75491 75492 75493
(1) Funds available from appropriation item 322501, County Boards Subsidies, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made;	75494 75495 75496 75497 75498
(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 322501, County Boards Subsidies.	75499 75500 75501 75502 75503
<b>Section 259.220. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE SERVICES PROVIDED TO QUALIFYING IO ENROLLEES</b>	75504 75505

- (A) As used in this section: 75506
- (1) "Converted facility" means an ICF/IID, or former ICF/IID, 75507  
that converted some or all of its beds to providing home and 75508  
community-based services under the IO Waiver pursuant to section 75509  
5124.60 of the Revised Code. 75510
- (2) "Developmental center" and "ICF/IID" have the same 75511  
meanings as in section 5124.01 of the Revised Code. 75512
- (3) "IO Waiver" means the Medicaid waiver component, as 75513  
defined in section 5166.01 of the Revised Code, known as 75514  
Individual Options. 75515
- (4) "Medicaid provider" has the same meaning as in section 75516  
5164.01 of the Revised Code. 75517
- (5) "Public hospital" has the same meaning as in section 75518  
5122.01 of the Revised Code. 75519
- (6) "Qualifying IO enrollee" means an IO Waiver enrollee to 75520  
whom all of the following apply: 75521
- (a) The enrollee resided in a developmental center, converted 75522  
facility, or public hospital immediately before enrolling in the 75523  
IO Wavier. 75524
- (b) The enrollee did not receive before July 1, 2011, routine 75525  
homemaker/personal care services from the Medicaid provider that 75526  
is to be paid the Medicaid rate authorized by this section for 75527  
providing such services to the enrollee during the period 75528  
specified in division (C) of this section. 75529
- (c) The Director of Developmental Disabilities has determined 75530  
that the enrollee's special circumstances (including the 75531  
enrollee's diagnosis, service needs, or length of stay at the 75532  
developmental center, converted facility, or public hospital) 75533  
warrants paying the Medicaid rate authorized by this section. 75534
- (B) The total Medicaid payment rate for each fifteen minutes 75535

of routine homemaker/personal care services that a Medicaid 75536  
provider provides to a qualifying IO enrollee during the period 75537  
specified in division (C) of this section shall be fifty-two cents 75538  
higher than the Medicaid payment rate in effect on the day the 75539  
services are provided for each fifteen minutes of routine 75540  
homemaker/personal care services that a Medicaid provider provides 75541  
to an IO enrollee who is not a qualifying IO enrollee. 75542

(C) Division (B) of this section applies to the first twelve 75543  
months, consecutive or otherwise, that a Medicaid provider, during 75544  
the period beginning July 1, 2015, and ending June 30, 2017, 75545  
provides routine homemaker/personal care services to a qualifying 75546  
IO enrollee. 75547

(D) Of the foregoing appropriation items 653407, Medicaid 75548  
Services, and 653639, Medicaid Waiver Services, portions shall be 75549  
used to pay the Medicaid payment rate determined in accordance 75550  
with this section for routine homemaker/personal care services 75551  
provided to qualifying IO enrollees. 75552

**Section 259.230.** UPDATING AUTHORIZING STATUTE CITATIONS 75553

As used in this section, "authorizing statute" means a 75554  
Revised Code section or provision of a Revised Code section that 75555  
is cited in the Ohio Administrative Code as the statute that 75556  
authorizes the adoption of a rule. 75557

The Director of Developmental Disabilities is not required to 75558  
amend any rule for the sole purpose of updating the citation in 75559  
the Ohio Administrative Code to the rule's authorizing statute to 75560  
reflect that this act renumbers the authorizing statute or 75561  
relocates it to another Revised Code section. Such citations shall 75562  
be updated as the Director amends the rules for other purposes. 75563

**Section 259.240.** REASON FOR THE REPEAL OF R.C. 5111.236 75564

This act repeals section 5111.236 of the Revised Code to 75565

carry out the intent of the Governor as indicated in the veto 75566  
message regarding Am. Sub. H.B. 1 of the 128th General Assembly 75567  
transmitted to the Clerk of the House of Representatives on July 75568  
17, 2009. The actual veto removed the section from the title and 75569  
enacting clause of H.B. 1 and an earmark related to the section. 75570  
However, the actual veto inadvertently showed only division (C) of 75571  
the section, rather than the entire section, as being vetoed. 75572

**Section 259.250. SYSTEM TRANSFORMATION SUPPORTS** 75573

The foregoing appropriation item 320607 (Fund 5QM0), System 75574  
Transformation Supports, may be used by the Director of 75575  
Developmental Disabilities as follows: 75576

(A) To purchase one or more residential facility beds for the 75577  
purpose of reducing the number of beds that are certified for 75578  
participation in Medicaid as ICF/IID beds in Ohio. The director 75579  
shall establish priorities for the purchase of beds which may 75580  
include beds located in a building in which a nursing facility is 75581  
also located and beds which are in a residential facility of 75582  
sixteen beds or greater. The purchase price of a bed shall be the 75583  
price the director determines is reasonable based on the 75584  
established priorities. Division (B) of section 127.16 of the 75585  
Revised Code shall not apply to a purchase made under this 75586  
section. 75587

(B) To fund other system transformation initiatives 75588  
identified by the director. 75589

**Section 259.260. ICF/IID PAYMENT METHODOLOGY TRANSFORMATION** 75590

As used in this section, "ICF/IID services" has the same 75591  
meaning as in section 5124.01 of the Revised Code. 75592

Not later than June 30, 2016, the Department of Developmental 75593  
Disabilities shall issue a request for proposals for an entity, 75594  
pursuant to a contract with the Department, to develop a plan to 75595

transform the formula used to determine Medicaid payment rates for ICF/IID services. Any such contract the Department enters into shall require all of the following:

(A) That the plan do all of the following:

(1) Include quality incentive measures;

(2) Have payments be based on health outcomes;

(3) Promote ICF/IID services that are provided in the most integrated setting appropriate to the needs of each Medicaid recipient receiving the services.

(B) That the entity developing the plan consider the recommendations of both of the following:

(1) The ICF/IID Medicaid Rate Workgroup that was created to assist with the study required by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General Assembly and retained pursuant to Section 259.230 of Am. Sub. H.B. 59 of the 130th General Assembly;

(2) The ICF/IID Quality Incentive Workgroup created pursuant to the section of this act titled "ICF/IID QUALITY INCENTIVE WORKGROUP."

(C) That the plan be developed with the goal of beginning implementation of the transformation on July 1, 2017.

**Section 259.270.** ICF/IID QUALITY INCENTIVE WORKGROUP

(A) As used in this section, "ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall create the ICF/IID Quality Incentive Workgroup to study the issue of establishing, as part of the Medicaid payment formula for ICF/IID services, accountability measures that act as quality incentives for ICFs/IID. The Director or the Director's designee shall be the Workgroup's chairperson. The Director may appoint one or more

staff members of the Department of Developmental Disabilities to 75625  
also serve on the Workgroup. The Director shall appoint the 75626  
following to serve on the Workgroup: 75627

(1) Representatives of all of the following: 75628

(a) The Ohio Centers for Intellectual Disabilities formed by 75629  
the Ohio Health Care Association; 75630

(b) The Values and Faith Alliance; 75631

(c) The Ohio Association of County Boards Serving People with 75632  
Developmental Disabilities; 75633

(d) The Ohio SIBS; 75634

(e) The Arc of Ohio; 75635

(f) The Ohio Provider Resource Association. 75636

(2) One or more persons with developmental disabilities who 75637  
advocate for such persons. 75638

(C) Members of the Workgroup shall serve without compensation 75639  
or reimbursement, except to the extent that serving on the 75640  
Workgroup is considered part of their usual job duties. 75641

(D) The Workgroup shall complete its study, and complete a 75642  
report with recommendations regarding accountability measures for 75643  
ICFs/IID, not later than November 4, 2015. The Workgroup shall 75644  
submit copies of the report to the Governor and, in accordance 75645  
with section 101.68 of the Revised Code, the General Assembly. 75646

**Section 259.280. COMMUNITY SUPPORT AND RENTAL ASSISTANCE** 75647

The foregoing appropriation item 322509, Community Support 75648  
and Rental Assistance, may be used by the Director of 75649  
Developmental Disabilities to provide funding to county boards of 75650  
developmental disabilities for rental assistance to individuals 75651  
with developmental disabilities receiving home and community-based 75652  
services as defined in section 5123.01 of the Revised Code 75653

pursuant to section 5124.60 of the Revised Code or section 5124.69 75654  
of the Revised Code and to former residents of a developmental 75655  
center. The director shall establish the methodology for 75656  
determining the amount and distribution of such funding. 75657

**Section 261.10.** OBD OHIO BOARD OF DIETETICS 75658

Dedicated Purpose Fund Group 75659  
4K90 860609 Operating Expenses \$ 362,872 \$ 371,779 75660  
TOTAL DPF Dedicated Purpose Fund 75661  
Group \$ 362,872 \$ 371,779 75662  
TOTAL ALL BUDGET FUND GROUPS \$ 362,872 \$ 371,779 75663

**Section 263.10.** EDU DEPARTMENT OF EDUCATION 75665

General Revenue Fund 75666  
GRF 200321 Operating Expenses \$ 15,717,708 \$ 16,017,708 75667  
GRF 200408 Early Childhood \$ 60,268,341 \$ 70,268,341 75668  
Education  
GRF 200420 Information Technology \$ 5,241,296 \$ 5,241,296 75669  
Development and  
Support  
GRF 200421 Alternative Education \$ 7,753,998 \$ 7,753,998 75670  
Programs  
GRF 200422 School Management \$ 3,000,000 \$ 3,000,000 75671  
Assistance  
GRF 200424 Policy Analysis \$ 1,528,558 \$ 1,528,558 75672  
GRF 200425 Tech Prep Consortia \$ 260,542 \$ 260,542 75673  
Support  
GRF 200426 Ohio Educational \$ 16,200,000 \$ 16,200,000 75674  
Computer Network  
GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 75675  
GRF 200437 Student Assessment \$ 73,816,438 \$ 73,405,050 75676  
GRF 200439 Accountability/Report \$ 6,897,310 \$ 6,897,310 75677

		Cards				
GRF	200442	Child Care Licensing	\$	1,822,500	\$	1,822,500 75678
GRF	200446	Education Management	\$	7,429,070	\$	7,479,070 75679
		Information System				
GRF	200447	GED Testing	\$	474,000	\$	474,000 75680
GRF	200448	Educator Preparation	\$	1,564,237	\$	1,564,237 75681
GRF	200455	Community Schools and	\$	3,651,395	\$	3,731,395 75682
		Choice Programs				
GRF	200465	Education Technology	\$	5,491,545	\$	5,491,545 75683
		Resources				
GRF	200502	Pupil Transportation	\$	527,823,920	\$	528,286,409 75684
GRF	200505	School Lunch Match	\$	9,100,000	\$	9,100,000 75685
GRF	200511	Auxiliary Services	\$	146,092,593	\$	153,105,038 75686
GRF	200532	Nonpublic	\$	65,995,784	\$	69,163,582 75687
		Administrative Cost				
		Reimbursement				
GRF	200540	Special Education	\$	162,871,292	\$	162,871,292 75688
		Enhancements				
GRF	200545	Career-Technical	\$	12,539,418	\$	12,564,418 75689
		Education Enhancements				
GRF	200550	Foundation Funding	\$	6,502,580,561	\$	6,815,304,196 75690
GRF	200566	Literacy Improvement	\$	3,000,000	\$	3,000,000 75691
GRF	200572	Adult Diploma	\$	7,500,000	\$	10,000,000 75692
GRF	200573	EdChoice Expansion	\$	23,500,000	\$	31,500,000 75693
GRF	200574	Half-Mill Maintenance	\$	18,750,000	\$	19,250,000 75694
		Equalization				
GRF	200588	Competency Based	\$	2,500,000	\$	2,500,000 75695
		Education Pilot				
TOTAL GRF		General Revenue Fund	\$	7,697,170,506	\$	8,041,580,485 75696
		Dedicated Purpose Fund Group				75697
4520	200638	Fees and Refunds	\$	1,000,000	\$	1,000,000 75698
4540	200610	GED Testing	\$	250,000	\$	250,000 75699
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000 75700

4L20	200681	Teacher Certification and Licensure	\$	16,400,000	\$	16,900,000	75701
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	75702
5H30	200687	School District Solvency Assistance	\$	10,000,000	\$	10,000,000	75703
5KT0	200673	Early Childhood Education	\$	20,000,000	\$	20,000,000	75704
5KX0	200691	Ohio School Sponsorship Program	\$	487,419	\$	528,600	75705
5MM0	200677	Child Nutrition Refunds	\$	550,000	\$	550,000	75706
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	75707
6200	200615	Educational Improvement Grants	\$	175,000	\$	175,000	75708
TOTAL DPF Dedicated Purpose Fund Group			\$	74,491,329	\$	75,032,510	75709
Internal Service Activity Fund Group							75710
1380	200606	Information Technology Development and Support	\$	6,850,090	\$	6,850,090	75711
4R70	200695	Indirect Operational Support	\$	7,600,000	\$	7,600,000	75712
4V70	200633	Interagency Program Support	\$	500,000	\$	500,000	75713
TOTAL ISA Internal Service Activity Fund Group							75714
			\$	14,950,090	\$	14,950,090	75715
State Lottery Fund Group							75716
7017	200612	Foundation Funding	\$	877,700,000	\$	877,700,000	75717
7017	200629	Community Connectors	\$	15,000,000	\$	15,000,000	75718

7017	200648	Straight A Fund	\$	100,000,000	\$	100,000,000	75719
7017	200684	Community School Facilities	\$	18,350,000	\$	19,700,000	75720
TOTAL SLF State Lottery							75721
Fund Group			\$	1,011,050,000	\$	1,012,400,000	75722
Federal Fund Group							75723
3090	200601	Neglected and Delinquent Education	\$	1,600,000	\$	1,600,000	75724
3670	200607	School Food Services	\$	9,240,111	\$	9,794,517	75725
3700	200624	Education of Exceptional Children	\$	1,702,040	\$	1,274,040	75726
3AF0	200603	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	75727
3AN0	200671	School Improvement Grants	\$	32,400,000	\$	32,400,000	75728
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749	75729
3CG0	200646	Teacher Incentive	\$	12,500,000	\$	200,000	75730
3D10	200664	Drug Free Schools	\$	521,000	\$	282,000	75731
3D20	200667	Math Science Partnerships	\$	7,500,000	\$	32,400,000	75732
3EH0	200620	Migrant Education	\$	2,900,000	\$	2,900,000	75733
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	75734
3EK0	200637	Advanced Placement	\$	432,444	\$	498,484	75735
3FD0	200665	Race to the Top	\$	12,000,000	\$	0	75736
3FN0	200672	Early Learning Challenge - Race to the Top	\$	8,000,000	\$	3,400,000	75737
3GE0	200674	Summer Food Service Program	\$	14,423,915	\$	14,856,635	75738
3GF0	200675	Miscellaneous Nutrition Grants	\$	3,000,000	\$	3,000,000	75739

3GG0	200676	Fresh Fruit and Vegetable Program	\$	5,026,545	\$	5,177,340	75740
3GP0	200600	School Climate Transformation	\$	252,420	\$	252,420	75741
3GQ0	200679	Project Aware	\$	1,907,423	\$	1,907,423	75742
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	75743
3L60	200617	Federal School Lunch	\$	371,960,060	\$	383,118,860	75744
3L70	200618	Federal School Breakfast	\$	117,332,605	\$	122,025,909	75745
3L80	200619	Child/Adult Food Programs	\$	113,508,500	\$	116,913,755	75746
3L90	200621	Career-Technical Education Basic Grant	\$	44,663,900	\$	44,663,900	75747
3M00	200623	ESEA Title 1A	\$	590,000,000	\$	600,000,000	75748
3M20	200680	Individuals with Disabilities Education Act	\$	444,000,000	\$	445,000,000	75749
3Y20	200688	21st Century Community Learning Centers	\$	50,000,000	\$	50,000,000	75750
3Y60	200635	Improving Teacher Quality	\$	90,000,000	\$	90,000,000	75751
3Y70	200689	English Language Acquisition	\$	10,101,411	\$	10,101,411	75752
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000	75753
3Z20	200690	State Assessments	\$	10,263,000	\$	10,263,000	75754
3Z30	200645	Consolidated Federal Grant Administration	\$	10,000,000	\$	10,000,000	75755
TOTAL FED	Federal Fund Group		\$	1,986,665,123	\$	1,988,559,443	75756
TOTAL ALL BUDGET FUND GROUPS			\$	10,784,327,048	\$	11,132,522,528	75757

**Section 263.20. OPERATING EXPENSES** 75759

A portion of the foregoing appropriation item 200321, 75760  
Operating Expenses, shall be used by the Department of Education 75761  
to provide matching funds under 20 U.S.C. 2321. 75762

**EARLY CHILDHOOD EDUCATION** 75763

The Department of Education shall distribute the foregoing 75764  
appropriation item 200408, Early Childhood Education, to pay the 75765  
costs of early childhood education programs. The Department shall 75766  
distribute such funds directly to qualifying providers. 75767

(A) As used in this section: 75768

(1) "Provider" means a city, local, exempted village, or 75769  
joint vocational school district; an educational service center; a 75770  
community school sponsored by an exemplary sponsor; a chartered 75771  
nonpublic school; an early childhood education child care provider 75772  
licensed under Chapter 5104. of the Revised Code that participates 75773  
in and meets at least the third highest tier of the tiered quality 75774  
rating and improvement system described in section 5104.30 of the 75775  
Revised Code; or a combination of entities described in this 75776  
paragraph. 75777

(2) In the case of a city, local, or exempted village school 75778  
district or early childhood education child care provider licensed 75779  
under Chapter 5104. of the Revised Code, "new eligible provider" 75780  
means a provider that did not receive state funding for Early 75781  
Childhood Education in the previous fiscal year or demonstrates a 75782  
need for early childhood programs as defined in division (D) of 75783  
this section. 75784

(3) In the case of a community school, "new eligible 75785  
provider" means either of the following: 75786

(a) A community school established under Chapter 3314. of the 75787  
Revised Code that is sponsored by a sponsor rated "exemplary" in 75788

accordance with section 3314.06 of the Revised Code that offers a 75789  
child care program in accordance with sections 3301.50 to 3301.59 75790  
of the Revised Code that did not receive state funding for Early 75791  
Childhood Education in the previous fiscal year; 75792

(b) A community school established under Chapter 3314. of the 75793  
Revised Code that is sponsored by a municipal school district and 75794  
operates a program that uses the Montessori method endorsed by the 75795  
American Montessori Society, the Montessori Accreditation Council 75796  
for Teacher Education, or the Association Montessori 75797  
Internationale as its primary method of instruction, as authorized 75798  
by division (A) of section 3314.06 of the Revised Code, that did 75799  
not receive state funding for Early Childhood Education in the 75800  
previous year or demonstrates a need for early childhood programs 75801  
as defined in division (D) of this section. 75802

(4) "Eligible child," between July 1, 2015 and June 30, 2016, 75803  
means a child who is at least three years of age as of the 75804  
district entry date for kindergarten, is not of the age to be 75805  
eligible for kindergarten, and whose family earns not more than 75806  
two hundred per cent of the federal poverty guidelines as defined 75807  
in division (A)(3) of section 5101.46 of the Revised Code. 75808  
Children with an Individualized Education Program and where the 75809  
Early Childhood Education program is the least restrictive 75810  
environment may be enrolled on their third birthday. 75811

(5) "Eligible child," beginning July 1, 2016, means a child 75812  
who is at least four years of age as of the district entry date 75813  
for kindergarten, is not of the age to be eligible for 75814  
kindergarten, and whose family earns not more than two hundred per 75815  
cent of the federal poverty guidelines as defined in division 75816  
(A)(3) of section 5101.46 of the Revised Code. Children with an 75817  
Individualized Education Program and where the Early Childhood 75818  
Education program is the least restrictive environment may be 75819  
enrolled on their fourth birthday. 75820

(6) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of early learning programs.

(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2016, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 263.20 of Am. Sub. H.B. 59 of the 130th General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs under this section or to existing providers to serve more eligible children or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2017, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E) The Department shall distribute any new or remaining 75852  
funding to existing providers of early childhood education 75853  
programs or any new eligible providers in an effort to invest in 75854  
high quality early childhood programs where there is a need as 75855  
determined by the Department. The Department shall distribute the 75856  
new or remaining funds to existing providers of early childhood 75857  
education programs or any new eligible providers to serve 75858  
additional eligible children based on community economic 75859  
disadvantage, limited access to high quality preschool or 75860  
childcare services, and demonstration of high quality preschool 75861  
services as determined by the Department using new metrics 75862  
developed pursuant to Ohio's Race to the Top—Early Learning 75863  
Challenge Grant, awarded to the Department in December 2011. 75864

Awards under divisions (D) and (E) of this section shall be 75865  
distributed on a per-pupil basis, and in accordance with division 75866  
(I) of this section. The Department may adjust the per-pupil 75867  
amount so that the per-pupil amount multiplied by the number of 75868  
eligible children enrolled and receiving services on the first day 75869  
of December or the business day closest to that date equals the 75870  
amount allocated under this section. 75871

(F) Costs for developing and administering an early childhood 75872  
education program may not exceed fifteen per cent of the total 75873  
approved costs of the program. 75874

All providers shall maintain such fiscal control and 75875  
accounting procedures as may be necessary to ensure the 75876  
disbursement of, and accounting for, these funds. The control of 75877  
funds provided in this program, and title to property obtained, 75878  
shall be under the authority of the approved provider for purposes 75879  
provided in the program unless, as described in division (K) of 75880  
this section, the program waives its right for funding or a 75881  
program's funding is eliminated or reduced due to its inability to 75882  
meet financial or early learning program standards. The approved 75883

provider shall administer and use such property and funds for the 75884  
purposes specified. 75885

(G) The Department may examine a provider's financial and 75886  
program records. If the financial practices of the program are not 75887  
in accordance with standard accounting principles or do not meet 75888  
financial standards outlined under division (F) of this section, 75889  
or if the program fails to substantially meet the early learning 75890  
program standards, meet a quality rating level in the tiered 75891  
quality rating and improvement system developed under section 75892  
5104.30 of the Revised Code as prescribed by the Department, or 75893  
exhibits below average performance as measured against the 75894  
standards, the early childhood education program shall propose and 75895  
implement a corrective action plan that has been approved by the 75896  
Department. The approved corrective action plan shall be signed by 75897  
the chief executive officer and the executive of the official 75898  
governing body of the provider. The corrective action plan shall 75899  
include a schedule for monitoring by the Department. Such 75900  
monitoring may include monthly reports, inspections, a timeline 75901  
for correction of deficiencies, and technical assistance to be 75902  
provided by the Department or obtained by the early childhood 75903  
education program. The Department may withhold funding pending 75904  
corrective action. If an early childhood education program fails 75905  
to satisfactorily complete a corrective action plan, the 75906  
Department may deny expansion funding to the program or withdraw 75907  
all or part of the funding to the program and establish a new 75908  
eligible provider through a selection process established by the 75909  
Department. 75910

(H)(1) If the early childhood education program is licensed 75911  
by the Department of Education and is not highly rated, as 75912  
determined by the Director of Job and Family Services, under the 75913  
tiered quality rating and improvement system described in section 75914  
5104.30 of the Revised Code, the program shall do all of the 75915

following: 75916

(a) Meet teacher qualification requirements prescribed by 75917  
section 3301.311 of the Revised Code; 75918

(b) Align curriculum to the early learning content standards 75919  
developed by the Department; 75920

(c) Meet any child or program assessment requirements 75921  
prescribed by the Department; 75922

(d) Require teachers, except teachers enrolled and working to 75923  
obtain a degree pursuant to section 3301.311 of the Revised Code, 75924  
to attend a minimum of twenty hours every two years of 75925  
professional development as prescribed by the Department; 75926

(e) Document and report child progress as prescribed by the 75927  
Department; 75928

(f) Meet and report compliance with the early learning 75929  
program standards as prescribed by the Department; 75930

(g) Participate in the tiered quality rating and improvement 75931  
system developed under section 5104.30 of the Revised Code. 75932  
Effective July 1, 2016, all programs shall be rated through the 75933  
system. 75934

(2) If the program is highly rated, as determined by the 75935  
Director of Job and Family Services, under the tiered quality 75936  
rating and improvement system developed under section 5104.30 of 75937  
the Revised Code, the program shall comply with the requirements 75938  
of that system. 75939

(I) Per-pupil funding for programs subject to this section 75940  
shall be sufficient to provide eligible children with services for 75941  
a standard early childhood schedule which shall be defined in this 75942  
section as a minimum of twelve and one-half hours per school week 75943  
as defined in section 3313.62 of the Revised Code for the minimum 75944  
school year as defined in sections 3313.48, 3313.481, and 3313.482 75945

of the Revised Code. Nothing in this section shall be construed to 75946  
prohibit program providers from utilizing other funds to serve 75947  
eligible children in programs that exceed the twelve and one-half 75948  
hours per week or that exceed the minimum school year. For any 75949  
provider for which a standard early childhood education schedule 75950  
creates a hardship or for which the provider shows evidence that 75951  
the provider is working in collaboration with a preschool special 75952  
education program, the provider may submit a waiver to the 75953  
Department requesting an alternate schedule. If the Department 75954  
approves a waiver for an alternate schedule that provides services 75955  
for less time than the standard early childhood education 75956  
schedule, the Department may reduce the provider's annual 75957  
allocation proportionately. Under no circumstances shall an annual 75958  
allocation be increased because of the approval of an alternate 75959  
schedule. 75960

(J) For fiscal year 2016, each provider shall develop a 75961  
sliding fee scale based on family incomes and shall charge 75962  
families who earn more than two hundred per cent of the federal 75963  
poverty guidelines, as defined in division (A)(3) of section 75964  
5101.46 of the Revised Code, for the early childhood education 75965  
program. 75966

The Department shall conduct an annual survey of each 75967  
provider to determine whether the provider charges families 75968  
tuition or fees, the amount families are charged relative to 75969  
family income levels, and the number of families and students 75970  
charged tuition and fees for the early childhood program. 75971

(K) If an early childhood education program voluntarily 75972  
waives its right for funding, or has its funding eliminated for 75973  
not meeting financial standards or the early learning program 75974  
standards, the provider shall transfer control of title to 75975  
property, equipment, and remaining supplies obtained through the 75976  
program to providers designated by the Department and return any 75977

unexpended funds to the Department along with any reports 75978  
prescribed by the Department. The funding made available from a 75979  
program that waives its right for funding or has its funding 75980  
eliminated or reduced may be used by the Department for new grant 75981  
awards or expansion grants. The Department may award new grants or 75982  
expansion grants to eligible providers who apply. The eligible 75983  
providers who apply must do so in accordance with the selection 75984  
process established by the Department. 75985

(L) Eligible expenditures for the Early Childhood Education 75986  
Program shall be claimed each fiscal year to help meet the state's 75987  
TANF maintenance of effort requirement. The Superintendent of 75988  
Public Instruction and the Director of Job and Family Services 75989  
shall enter into an interagency agreement to carry out the 75990  
requirements under this division, which shall include developing 75991  
reporting guidelines for these expenditures. 75992

(M)(1) For fiscal year 2017, the Department of Education and 75993  
the Department of Job and Family Services shall establish the 75994  
following in common between early childhood education programs and 75995  
publicly funded child care: 75996

- (a) An application; 75997
- (b) Program eligibility; 75998
- (c) Funding; 75999
- (d) An attendance policy; 76000
- (e) An attendance tracking system. 76001

(2) Beginning July 1, 2016, in accordance with section 76002  
5104.34 of the Revised Code, eligible families may receive 76003  
publicly funded child care beyond the standard early childhood 76004  
schedule defined in division (I) of this section. 76005

(3) All providers, agencies, and school districts 76006  
participating in the early childhood education program or 76007

providing care to eligible families beyond the standard early 76008  
childhood schedule shall follow the common policies established 76009  
under this division. 76010

**Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 76011**  
SUPPORT 76012

The foregoing appropriation item 200420, Information 76013  
Technology Development and Support, shall be used to support the 76014  
development and implementation of information technology solutions 76015  
designed to improve the performance and services of the Department 76016  
of Education. Funds may be used for personnel, maintenance, and 76017  
equipment costs related to the development and implementation of 76018  
these technical system projects. Implementation of these systems 76019  
shall allow the Department to provide greater levels of assistance 76020  
to school districts and to provide more timely information to the 76021  
public, including school districts, administrators, and 76022  
legislators. Funds may also be used to support data-driven 76023  
decision-making and differentiated instruction, as well as to 76024  
communicate academic content standards and curriculum models to 76025  
schools through web-based applications. 76026

**Section 263.40. ALTERNATIVE EDUCATION PROGRAMS 76027**

Of the foregoing appropriation item 200421, Alternative 76028  
Education Programs, up to \$350,000 in each fiscal year may be used 76029  
to support the clearinghouse for the identification of and 76030  
intervention for at-risk students required under section 3301.28 76031  
of the Revised Code. 76032

The remainder of appropriation item 200421, Alternative 76033  
Education Programs, shall be used for the renewal of successful 76034  
implementation grants and for competitive matching grants to 76035  
school districts for alternative educational programs for existing 76036  
and new at-risk and delinquent youth. Programs shall be focused on 76037

youth in one or more of the following categories: those who have 76038  
been expelled or suspended, those who have dropped out of school 76039  
or who are at risk of dropping out of school, those who are 76040  
habitually truant or disruptive, or those on probation or on 76041  
parole from a Department of Youth Services facility. Grants shall 76042  
be awarded only to programs in which the grant will not serve as 76043  
the program's primary source of funding. These grants shall be 76044  
administered by the Department of Education. 76045

The Department of Education may waive compliance with any 76046  
minimum education standard established under section 3301.07 of 76047  
the Revised Code for any alternative school that receives a grant 76048  
under this section on the grounds that the waiver will enable the 76049  
program to more effectively educate students enrolled in the 76050  
alternative school. 76051

Of the foregoing appropriation item 200421, Alternative 76052  
Education Programs, a portion may be used for program 76053  
administration, monitoring, technical assistance, support, 76054  
research, and evaluation. 76055

**Section 263.50. SCHOOL MANAGEMENT ASSISTANCE** 76056

Of the foregoing appropriation item 200422, School Management 76057  
Assistance, \$1,000,000 in each fiscal year shall be used by the 76058  
Auditor of State in consultation with the Department of Education 76059  
for expenses incurred in the Auditor of State's role relating to 76060  
fiscal caution, fiscal watch, and fiscal emergency activities as 76061  
defined in Chapter 3316. of the Revised Code, unless an amount 76062  
less than \$1,000,000 is needed and mutually agreed to by the 76063  
Department and the Auditor of State. This set-aside may also be 76064  
used by the Auditor of State to conduct performance audits of 76065  
other school districts with priority given to districts in fiscal 76066  
distress. Districts in fiscal distress shall be determined by the 76067  
Auditor of State and shall include districts that the Auditor of 76068

State, in consultation with the Department of Education, 76069  
determines are employing fiscal practices or experiencing 76070  
budgetary conditions that could produce a state of fiscal watch or 76071  
fiscal emergency. 76072

The remainder of appropriation item 200422, School Management 76073  
Assistance, shall be used by the Department of Education to 76074  
provide fiscal technical assistance and inservice education for 76075  
school district management personnel and to administer, monitor, 76076  
and implement the fiscal caution, fiscal watch, and fiscal 76077  
emergency provisions under Chapter 3316. of the Revised Code. 76078

**Section 263.60. POLICY ANALYSIS** 76079

The foregoing appropriation item 200424, Policy Analysis, 76080  
shall be used by the Department of Education to support a system 76081  
of administrative, statistical, and legislative education 76082  
information to be used for policy analysis. Staff supported by 76083  
this appropriation shall administer the development of reports, 76084  
analyses, and briefings to inform education policymakers of 76085  
current trends in education practice, efficient and effective use 76086  
of resources, and evaluation of programs to improve education 76087  
results. A portion of these funds shall be used to maintain a 76088  
longitudinal database to support the assessment of the impact of 76089  
policies and programs on Ohio's education and workforce 76090  
development systems. The research efforts supported by this 76091  
appropriation item shall be used to supply information and 76092  
analysis of data to and in consultation with the General Assembly 76093  
and other state policymakers, including the Office of Budget and 76094  
Management, the Governor's Office of 21st Century Education, and 76095  
the Legislative Service Commission. 76096

The Department of Education may use funding from this 76097  
appropriation item to purchase or contract for the development of 76098  
software systems or contract for policy studies that will assist 76099

in the provision and analysis of policy-related information. 76100  
Funding from this appropriation item also may be used to monitor 76101  
and enhance quality assurance for research-based policy analysis 76102  
and program evaluation to enhance the effective use of education 76103  
information to inform education policymakers. 76104

TECH PREP CONSORTIA SUPPORT 76105

The foregoing appropriation item 200425, Tech Prep Consortia 76106  
Support, shall be used by the Department of Education to support 76107  
state-level activities designed to support, promote, and expand 76108  
tech prep programs. Use of these funds shall include, but not be 76109  
limited to, administration of grants, program evaluation, 76110  
professional development, curriculum development, assessment 76111  
development, program promotion, communications, and statewide 76112  
coordination of tech prep consortia. 76113

**Section 263.70.** OHIO EDUCATIONAL COMPUTER NETWORK 76114

The foregoing appropriation item 200426, Ohio Educational 76115  
Computer Network, shall be used by the Department of Education to 76116  
maintain a system of information technology throughout Ohio and to 76117  
provide technical assistance for such a system in support of the 76118  
P-16 State Education Technology Plan developed under section 76119  
3353.09 of the Revised Code. 76120

Of the foregoing appropriation item 200426, Ohio Educational 76121  
Computer Network, up to \$10,000,000 in each fiscal year shall be 76122  
used by the Department of Education to support connection of all 76123  
public school buildings and participating chartered nonpublic 76124  
schools to the state's education network, to each other, and to 76125  
the Internet. In each fiscal year the Department of Education 76126  
shall use these funds to assist information technology centers or 76127  
school districts with the operational costs associated with this 76128  
connectivity. The Department of Education shall develop a formula 76129  
and guidelines for the distribution of these funds to information 76130

technology centers or individual school districts. As used in this 76131  
section, "public school building" means a school building of any 76132  
city, local, exempted village, or joint vocational school 76133  
district, any community school established under Chapter 3314. of 76134  
the Revised Code, any college preparatory boarding school 76135  
established under Chapter 3328. of the Revised Code, any STEM 76136  
school established under Chapter 3326. of the Revised Code, any 76137  
educational service center building used for instructional 76138  
purposes, the Ohio School for the Deaf and the Ohio School for the 76139  
Blind, high schools chartered by the Ohio Department of Youth 76140  
Services, or high schools operated by Ohio Department of 76141  
Rehabilitation and Corrections' Ohio Central School System. 76142

Of the foregoing appropriation item 200426, Ohio Educational 76143  
Computer Network, up to \$5,000,000 in each fiscal year shall be 76144  
used, through a formula and guidelines devised by the Department, 76145  
to subsidize the activities of designated information technology 76146  
centers, as defined by State Board of Education rules, to provide 76147  
school districts and chartered nonpublic schools with 76148  
computer-based student and teacher instructional and 76149  
administrative information services, including approved 76150  
computerized financial accounting, and to ensure the effective 76151  
operation of local automated administrative and instructional 76152  
systems. 76153

The remainder of appropriation item 200426, Ohio Educational 76154  
Computer Network, shall be used to support the work of the 76155  
development, maintenance, and operation of a network of uniform 76156  
and compatible computer-based information and instructional 76157  
systems as well as the teacher student linkage/roster verification 76158  
process and the eTranscript/student records exchange initiative. 76159  
This technical assistance shall include, but not be restricted to, 76160  
development and maintenance of adequate computer software systems 76161  
to support network activities. In order to improve the efficiency 76162

of network activities, the Department and information technology 76163  
centers may jointly purchase equipment, materials, and services 76164  
from funds provided under this appropriation for use by the 76165  
network and, when considered practical by the Department, may 76166  
utilize the services of appropriate state purchasing agencies. 76167

**Section 263.80. ACADEMIC STANDARDS** 76168

The foregoing appropriation item 200427, Academic Standards, 76169  
shall be used by the Department of Education to develop and 76170  
communicate to school districts academic content standards and 76171  
curriculum models and to develop professional development programs 76172  
and other tools on the new content standards and model curriculum. 76173

**Section 263.90. STUDENT ASSESSMENT** 76174

Of the foregoing appropriation item 200437, Student 76175  
Assessment, up to \$1,206,000 in fiscal year 2016 and up to 76176  
\$2,760,000 in fiscal year 2017 may be used to support the 76177  
assessments required under section 3301.0715 of the Revised Code. 76178

The remainder of appropriation item 200437, Student 76179  
Assessment, shall be used to develop, field test, print, 76180  
distribute, score, report results, and support other associated 76181  
costs for the tests required under sections 3301.0710, 3301.0711, 76182  
and 3301.0712 of the Revised Code and for similar purposes as 76183  
required by section 3301.27 of the Revised Code. The funds may 76184  
also be used to update and develop diagnostic assessments required 76185  
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 76186  
Code. 76187

**DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 76188  
ASSESSMENT** 76189

In fiscal year 2016 and fiscal year 2017, if the 76190  
Superintendent of Public Instruction determines that additional 76191  
funds are needed to fully fund the requirements of sections 76192

3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 76193  
and this act for assessments of student performance, the 76194  
Superintendent of Public Instruction may recommend the 76195  
reallocation of unexpended and unencumbered General Revenue Fund 76196  
appropriations within the Department of Education to appropriation 76197  
item 200437, Student Assessment, to the Director of Budget and 76198  
Management. If the Director of Budget and Management determines 76199  
that such a reallocation is required, the Director of Budget and 76200  
Management may transfer unexpended and unencumbered appropriations 76201  
within the Department of Education as necessary to appropriation 76202  
item 200437, Student Assessment. If these transferred 76203  
appropriations are not sufficient to fully fund the assessment 76204  
requirements in fiscal year 2016 or fiscal year 2017, the 76205  
Superintendent of Public Instruction may request that the 76206  
Controlling Board transfer up to \$9,000,000 cash from the Lottery 76207  
Profits Education Reserve Fund (Fund 7018) to the General Revenue 76208  
Fund. Upon approval of the Controlling Board, the Director of 76209  
Budget and Management shall transfer the cash. These transferred 76210  
funds are hereby appropriated for the same purpose as 76211  
appropriation item 200437, Student Assessment. 76212

**Section 263.100.** ACCOUNTABILITY/REPORT CARDS 76213

Of the foregoing appropriation item 200439, 76214  
Accountability/Report Cards, a portion in each fiscal year may be 76215  
used to train district and regional specialists and district 76216  
educators in the use of the value-added progress dimension and in 76217  
the use of data as it relates to improving student achievement. 76218  
This training may include teacher and administrator professional 76219  
development in the use of data to improve instruction and student 76220  
learning, and teacher and administrator training in understanding 76221  
teacher value-added reports and how they can be used as a 76222  
component in measuring teacher and administrator effectiveness. A 76223  
portion of this funding may be provided to a credible nonprofit 76224

organization with expertise in value-added progress dimensions. 76225

The remainder of appropriation item 200439, 76226  
Accountability/Report Cards, shall be used by the Department to 76227  
incorporate a statewide value-added progress dimension into 76228  
performance ratings for school districts and for the development 76229  
of an accountability system that includes the preparation and 76230  
distribution of school report cards, funding and expenditure 76231  
accountability reports under sections 3302.03 and 3302.031 of the 76232  
Revised Code, the development and maintenance of teacher 76233  
value-added reports, the teacher student linkage/roster 76234  
verification process, and the performance management section of 76235  
the Department's web site required by section 3302.26 of the 76236  
Revised Code. 76237

CHILD CARE LICENSING 76238

The foregoing appropriation item 200442, Child Care 76239  
Licensing, shall be used by the Department of Education to license 76240  
and to inspect preschool and school-age child care programs under 76241  
sections 3301.52 to 3301.59 of the Revised Code. 76242

**Section 263.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM 76243

The foregoing appropriation item 200446, Education Management 76244  
Information System, shall be used by the Department of Education 76245  
to improve the Education Management Information System (EMIS). 76246

Of the foregoing appropriation item 200446, Education 76247  
Management Information System, up to \$725,000 in each fiscal year 76248  
shall be distributed to designated information technology centers 76249  
for costs relating to processing, storing, and transferring data 76250  
for the effective operation of the EMIS. These costs may include, 76251  
but are not limited to, personnel, hardware, software development, 76252  
communications connectivity, professional development, and support 76253  
services, and to provide services to participate in the State 76254

Education Technology Plan developed under section 3353.09 of the Revised Code. 76255  
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The remainder of appropriation item 200446, Education Management Information System, shall be used to develop and support the data definitions and standards adopted by the Education Management Information System Advisory Board, including the ongoing development and maintenance of the data dictionary and data warehouse. In addition, such funds shall be used to support the development and implementation of data standards; the design, development, and implementation of a new data exchange system; and responsibilities related to the school report cards prescribed by section 3302.03 of the Revised Code and value-added progress dimension calculations. 76257  
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Any provider of software meeting the standards approved by the Education Management Information System Advisory Board shall be designated as an approved vendor and may enter into contracts with local school districts, community schools, STEMS schools, information technology centers, or other educational entities for the purpose of collecting and managing data required under Ohio's education management information system (EMIS) laws. On an annual basis, the Department of Education shall convene an advisory group of school districts, community schools, and other education-related entities to review the Education Management Information System data definitions and data format standards. The advisory group shall recommend changes and enhancements based upon surveys of its members, education agencies in other states, and current industry practices, to reflect best practices, align with federal initiatives, and meet the needs of school districts. 76268  
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School districts, STEM schools, and community schools not implementing a uniform set of data definitions and data format standards for Education Management Information System purposes shall have all EMIS funding withheld until they are in compliance. 76283  
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**Section 263.120.** GED TESTING 76287

The foregoing appropriation item 200447, GED Testing, shall 76288  
be used to provide General Educational Development (GED) testing 76289  
under rules adopted by the State Board of Education and provide 76290  
support to GED testing sites. 76291

**Section 263.130.** EDUCATOR PREPARATION 76292

Of the foregoing appropriation item 200448, Educator 76293  
Preparation, up to \$500,000 in each fiscal year may be used by the 76294  
Department of Education to monitor and support Ohio's State System 76295  
of Support in accordance with the "No Child Left Behind Act of 76296  
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 76297  
and Secondary Education Act flexibility waivers approved for Ohio 76298  
by the United States Department of Education. 76299

Of the foregoing appropriation item 200448, Educator 76300  
Preparation, up to \$100,000 in each fiscal year may be used by the 76301  
Department to support the Educator Standards Board under section 76302  
3319.61 of the Revised Code and reforms under sections 3302.042, 76303  
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 76304  
3319.58 of the Revised Code. 76305

The remainder of the foregoing appropriation item 200448, 76306  
Educator Preparation, may be used for implementation of teacher 76307  
and principal evaluation systems, including incorporation of 76308  
student growth as a metric in those systems, and teacher 76309  
value-added reports. 76310

**Section 263.140.** COMMUNITY SCHOOLS AND CHOICE PROGRAMS 76311

The foregoing appropriation item 200455, Community Schools 76312  
and Choice Programs, may be used by the Department of Education 76313  
for operation of the school choice programs. 76314

Of the foregoing appropriation item 200455, Community Schools 76315

and Choice Programs, a portion in each fiscal year may be used by 76316  
the Department of Education for developing and conducting training 76317  
sessions for community schools and sponsors and prospective 76318  
sponsors of community schools as prescribed in division (A)(1) of 76319  
section 3314.015 of the Revised Code, and other schools 76320  
participating in school choice programs. 76321

**Section 263.150. EDUCATION TECHNOLOGY RESOURCES** 76322

Of the foregoing appropriation item 200465, Education 76323  
Technology Resources, up to \$2,500,000 in each fiscal year shall 76324  
be used for the Union Catalog and InfoOhio Network and to support 76325  
the provision of electronic resources with priority given to 76326  
resources that support the teaching of state academic content 76327  
standards in all public schools. Consideration shall be given by 76328  
the Department of Education to coordinating the allocation of 76329  
these moneys with the efforts of Libraries Connect Ohio, whose 76330  
members include OhioLINK, the Ohio Public Information Network, and 76331  
the State Library of Ohio. 76332

Of the foregoing appropriation item 200465, Education 76333  
Technology Resources, up to \$1,778,879 in each fiscal year shall 76334  
be used by the Department of Education to provide grants to 76335  
educational television stations working with partner education 76336  
technology centers to provide Ohio public schools with 76337  
instructional resources and services, with priority given to 76338  
resources and services aligned with state academic content 76339  
standards. Such resources and services shall be based upon the 76340  
advice and approval of the Department, based on a formula 76341  
developed in consultation with Ohio's educational television 76342  
stations and educational technology centers. 76343

The remainder of the foregoing appropriation item 200465, 76344  
Education Technology Resources, may be used to support the 76345  
training, technical support, and guidance to school districts and 76346

public libraries in applying for federal E-Rate funds; for 76347  
oversight and guidance of school district technology plans; and 76348  
for support to district technology personnel. Funds may also be 76349  
used to support the eTranscript/student records exchange 76350  
initiative between the Department of Education and the Department 76351  
of Higher Education and the internet safety training for students, 76352  
teachers, and administrators required under the "Protecting 76353  
Children in the 21st Century Act," Pub. L. No. 110-385, 122 Stat. 76354  
4096 (2008). 76355

**Section 263.160.** PUPIL TRANSPORTATION 76356

Of the foregoing appropriation item 200502, Pupil 76357  
Transportation, up to \$838,930 in each fiscal year may be used by 76358  
the Department of Education for training prospective and 76359  
experienced school bus drivers in accordance with training 76360  
programs prescribed by the Department. Up to \$60,469,220 in each 76361  
fiscal year may be used by the Department of Education for special 76362  
education transportation reimbursements to school districts and 76363  
county DD boards for transportation operating costs as provided in 76364  
divisions (C) and (F) of section 3317.024 of the Revised Code. Up 76365  
to \$2,500,000 in each fiscal year may be used by the Department of 76366  
Education to reimburse school districts that make payments to 76367  
parents in lieu of transportation under section 3327.02 of the 76368  
Revised Code and whose transportation is not funded under division 76369  
(C) of section 3317.024 of the Revised Code. If the parent, 76370  
guardian, or other person in charge of a pupil accepts the offer 76371  
of payment in lieu of providing transportation, the school 76372  
district shall pay that parent, guardian, or other person an 76373  
amount that shall be not less than \$250 and not more than the 76374  
amount determined by the Department as the average cost of pupil 76375  
transportation for the previous school year. Payment may be 76376  
prorated if the time period involved is only a part of the school 76377  
year. 76378

The remainder of the foregoing appropriation item 200502, 76379  
Pupil Transportation, shall be used to distribute the amounts 76380  
calculated for transportation aid under divisions (E) and (F) of 76381  
section 3317.0212 of the Revised Code, as amended by this act. 76382

**Section 263.170. SCHOOL LUNCH MATCH** 76383

The foregoing appropriation item 200505, School Lunch Match, 76384  
shall be used to provide matching funds to obtain federal funds 76385  
for the school lunch program. 76386

Any remaining appropriation after providing matching funds 76387  
for the school lunch program may be used to partially reimburse 76388  
school buildings within school districts that are required to have 76389  
a school breakfast program under section 3313.813 of the Revised 76390  
Code, at a rate decided by the Department. 76391

**Section 263.180. AUXILIARY SERVICES** 76392

The foregoing appropriation item 200511, Auxiliary Services, 76393  
shall be used by the Department of Education for the purpose of 76394  
implementing section 3317.06 of the Revised Code. Of the 76395  
appropriation, up to \$2,600,000 in each fiscal year may be used 76396  
for payment of the College Credit Plus Program for nonpublic 76397  
secondary school participants. The Department shall distribute 76398  
funding according to rule 3333-1-65.8 of the Administrative Code, 76399  
adopted by the Department of Higher Education pursuant to division 76400  
(A) of section 3365.071 of the Revised Code. 76401

**Section 263.190. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 76402

The foregoing appropriation item 200532, Nonpublic 76403  
Administrative Cost Reimbursement, shall be used by the Department 76404  
of Education for the purpose of implementing section 3317.063 of 76405  
the Revised Code. 76406

**Section 263.200.** SPECIAL EDUCATION ENHANCEMENTS 76407

Of the foregoing appropriation item 200540, Special Education 76408  
Enhancements, up to \$50,000,000 in each fiscal year shall be used 76409  
to fund special education and related services at county boards of 76410  
developmental disabilities for eligible students under section 76411  
3317.20 of the Revised Code and at institutions for eligible 76412  
students under section 3317.201 of the Revised Code. If necessary, 76413  
the Department shall proportionately reduce the amount calculated 76414  
for each county board of developmental disabilities and 76415  
institution so as not to exceed the amount appropriated in each 76416  
fiscal year. 76417

Of the foregoing appropriation item 200540, Special Education 76418  
Enhancements, up to \$1,333,468 in each fiscal year shall be used 76419  
for parent mentoring programs. 76420

Of the foregoing appropriation item 200540, Special Education 76421  
Enhancements, up to \$2,537,824 in each fiscal year may be used for 76422  
school psychology interns. 76423

Of the foregoing appropriation item 200540, Special Education 76424  
Enhancements, the Department of Education shall transfer 76425  
\$2,500,000 in each fiscal year to the Opportunities for Ohioans 76426  
with Disabilities Agency. The transfer shall be made via an 76427  
intrastate transfer voucher. The transferred funds shall be used 76428  
by the Opportunities for Ohioans with Disabilities Agency as state 76429  
matching funds to draw down available federal funding for 76430  
vocational rehabilitation services. Total project funding shall be 76431  
used to hire dedicated vocational rehabilitation counselors who 76432  
shall work directly with school districts to provide transition 76433  
services for students with disabilities. Services shall include 76434  
vocational rehabilitation services such as person-centered career 76435  
planning, summer work experiences, job placement, and retention 76436  
services for mutually eligible students with disabilities. 76437

The Superintendent of Public Instruction and the Executive 76438  
Director of the Opportunities for Ohioans with Disabilities Agency 76439  
shall enter into an interagency agreement that shall specify the 76440  
responsibilities of each agency under the program. Under the 76441  
interagency agreement, the Opportunities for Ohioans with 76442  
Disabilities Agency shall retain responsibility for all 76443  
nondelegable functions, including eligibility and order of 76444  
selection determination, individualized plan for employment (IPE) 76445  
approval, IPE amendments, case closure, and release of vendor 76446  
payments. 76447

Of the foregoing appropriation item 200540, Special Education 76448  
Enhancements, up to \$2,500,000 in each fiscal year shall be used 76449  
by the Department of Education to build capacity to deliver a 76450  
regional system of training, support, coordination, and direct 76451  
service for secondary transition services for students with 76452  
disabilities beginning at fourteen years of age. These special 76453  
education enhancements shall support all students with 76454  
disabilities, regardless of partner agency eligibility 76455  
requirements, to provide stand-alone direct secondary transition 76456  
services by school districts. Secondary transition services shall 76457  
include, but not be limited to, job exploration counseling, 76458  
work-based learning experiences, counseling on opportunities for 76459  
enrollment in comprehensive transition or post-secondary 76460  
educational programs at institutions of higher education, 76461  
workplace readiness training to develop occupational skills, 76462  
social skills and independent living skills, and instruction in 76463  
self-advocacy. Regional training shall support the expansion of 76464  
transition to work endorsement opportunities for middle school and 76465  
secondary level special education intervention specialists in 76466  
order to develop the necessary skills and competencies to meet the 76467  
secondary transition needs of students with disabilities beginning 76468  
at fourteen years of age. 76469

The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education to school districts and institutions, as defined in section 3323.091 of the Revised Code, for preschool special education funding under section 3317.0213 of the Revised Code.

The Department may reimburse school districts and institutions for services provided by instructional assistants, related services as defined in rule 3301-51-11 of the Administrative Code, physical therapy services provided by a licensed physical therapist or physical therapist assistant under the supervision of a licensed physical therapist as required under Chapter 4755. of the Revised Code and Chapter 4755-27 of the Administrative Code and occupational therapy services provided by a licensed occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist as required under Chapter 4755. of the Revised Code and Chapter 4755-7 of the Administrative Code. Nothing in this section authorizes occupational therapy assistants or physical therapist assistants to generate or manage their own caseloads.

The Department of Education shall require school districts, educational service centers, county DD boards, and institutions serving preschool children with disabilities to adhere to Ohio's early learning program standards, participate in the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code, and document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be determined by the Department. Effective July 1, 2018, all programs shall be rated through the tiered quality rating and improvement system.

**Section 263.210. CAREER-TECHNICAL EDUCATION ENHANCEMENTS**

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,000,000 in each fiscal year shall be used by the Department of Education to support a statewide effort to improve the effectiveness of career counseling for students. The department shall identify and highlight successful models of career counseling through regional outreach or webinars. Any professional development and outreach for school counselors under this section shall include how to effectively use training and informational resources on the OhioMeansJobs K-12 web site and shall be done in consultation with the Director of Higher Education to ensure alignment with efforts to improve the preparation of school counselors on effective career counseling methods.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,563,568 in each fiscal year shall be used to fund secondary career-technical education at institutions, the Ohio School for the Deaf, and the Ohio State School for the Blind using a grant-based methodology, notwithstanding section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$3,587,800 in each fiscal year shall be used by the Department of Education to fund competitive grants to tech prep consortia that expand the number of students enrolled in tech prep programs. These grant funds shall be used to directly support expanded tech prep programs provided to students enrolled in school districts, including joint vocational school districts, and affiliated higher education institutions. This support may include the purchase of equipment.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$3,100,850 in each fiscal year shall be used by the Department of Education to support existing High Schools That Work (HSTW) sites, develop and support new sites,

fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. HSTW provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$600,000 in each fiscal year shall be used by the Department of Education to enable students in agricultural programs to enroll in a fifth quarter of instruction based on the agricultural education model of delivering work-based learning through supervised agricultural experience. The Department of Education shall determine eligibility criteria and the reporting process for the Agriculture 5th Quarter Project and shall fund as many programs as possible given the set aside. The eligibility criteria developed by the Department shall allow these funds to support supervised agricultural experience that occurs anytime outside of the regular school day.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$162,200 in each fiscal year shall be distributed to the Cleveland Municipal School District and the Cincinnati City School District to be used for a VoAg Program in one at-risk nonvocational school in each district. The amount distributed to the Cleveland Municipal School District shall be equal to \$78,600 minus the funding allocated to the district under division (A)(8) of section 3317.022 of the Revised Code for the students participating in the program. The amount distributed to the Cincinnati City School District shall be equal to \$83,600 minus the funding allocated to the district under division (A)(8) of section 3317.022 of the Revised Code for the students participating in the program.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$525,000 in fiscal year 2016 and up to \$550,000 in fiscal year 2017 may be used to support career planning and reporting through the Ohio Means Jobs web site.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,000,000 in each fiscal year shall be used to support payments to city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts whose students earn an industry-recognized credential or receive a journeyman certification recognized by the United States Department of Labor. The educating entity shall be required to inform students enrolled in career-technical education courses that lead to an industry-recognized credential about the opportunity to earn these credentials. The Ohio Department of Education shall work with the Department of Higher Education and the Governor's Office of Workforce Transformation to develop a schedule for reimbursement based on the Department of Education's list of industry-recognized credentials, the time it takes to earn the credential, and the cost to obtain the credential. The educating entity shall pay for the cost of the credential for an economically disadvantaged student and may claim and receive reimbursement. The educating entity may claim reimbursement based on the Department's reimbursement schedule up to six months after the student has graduated from high school. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

**Section 263.220. FOUNDATION FUNDING**

Of the foregoing appropriation item 200550, Foundation Funding, up to \$40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational

school districts, community schools, and STEM schools for special 76596  
education students under division (C)(3) of section 3314.08, 76597  
section 3317.0214, division (B) of section 3317.16, and section 76598  
3326.34 of the Revised Code, except that the Controlling Board may 76599  
increase these amounts if presented with such a request from the 76600  
Department of Education at the final meeting of the fiscal year. 76601

Of the foregoing appropriation item 200550, Foundation 76602  
Funding, up to \$3,800,000 in each fiscal year shall be used to 76603  
fund gifted education at educational service centers. The 76604  
Department shall distribute the funding through the unit-based 76605  
funding methodology in place under division (L) of section 76606  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 76607  
and (C) of section 3317.053 of the Revised Code as they existed 76608  
prior to fiscal year 2010. 76609

Of the foregoing appropriation item 200550, Foundation 76610  
Funding, up to \$37,700,000 in fiscal year 2016 and up to 76611  
\$30,200,000 in fiscal year 2017 shall be reserved to fund the 76612  
state reimbursement of educational service centers under the 76613  
section of this act entitled "EDUCATIONAL SERVICE CENTERS 76614  
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 76615  
distributed to educational service centers for School Improvement 76616  
Initiatives and for the provision of technical assistance as 76617  
required by the Elementary and Secondary Education Act Flexibility 76618  
waivers approved for Ohio by the United States Department of 76619  
Education. Educational service centers shall be required to 76620  
support districts in the development and implementation of their 76621  
continuous improvement plans as required in section 3302.04 of the 76622  
Revised Code and to provide technical assistance and support in 76623  
accordance with Title I of the "No Child Left Behind Act of 2001," 76624  
115 Stat. 1425, 20 U.S.C. 6317, as administered pursuant to the 76625  
Elementary and Secondary Education Act Flexibility waivers 76626  
approved for Ohio by the United States Department of Education. 76627

Of the foregoing appropriation item 200550, Foundation 76628  
Funding, up to \$20,000,000 in each fiscal year shall be reserved 76629  
for payments under sections 3317.026, 3317.027, and 3317.028 of 76630  
the Revised Code. If this amount is not sufficient, the Department 76631  
of Education shall prorate the payment amounts so that the 76632  
aggregate amount allocated in this paragraph is not exceeded. 76633

Of the foregoing appropriation item 200550, Foundation 76634  
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 76635  
career-technical planning districts for the amounts reimbursed to 76636  
students, as prescribed in this paragraph. Each career-technical 76637  
planning district shall reimburse individuals taking the online 76638  
General Educational Development (GED) test for the first time for 76639  
application/test fees in excess of \$40. Each career-technical 76640  
planning district shall designate a site or sites where 76641  
individuals may register and take the exam. For each individual 76642  
that registers for the exam, the career-technical planning 76643  
district shall make available and offer career counseling 76644  
services, including information on adult education programs that 76645  
are available. Any remaining funds in each fiscal year shall be 76646  
reimbursed to the Department of Youth Services and the Department 76647  
of Rehabilitation and Correction for individuals in these 76648  
facilities who have taken the GED for the first time. The amounts 76649  
reimbursed shall not exceed the per-individual amounts reimbursed 76650  
to other individuals under this section for each section of the 76651  
GED. 76652

Of the foregoing appropriation item 200550, Foundation 76653  
Funding, up to \$29,900,000 in fiscal year 2016 and up to 76654  
\$38,000,000 in fiscal year 2017 shall be used to support school 76655  
choice programs. 76656

Of the portion of the funds distributed to the Cleveland 76657  
Municipal School District under this section, up to \$11,901,887 in 76658  
each fiscal year shall be used to operate the school choice 76659

program in the Cleveland Municipal School District under sections 76660  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 76661  
divisions (B) and (C) of section 3313.978 and division (C) of 76662  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 76663  
fiscal year of this amount shall be used by the Cleveland 76664  
Municipal School District to provide tutorial assistance as 76665  
provided in division (H) of section 3313.974 of the Revised Code. 76666  
The Cleveland Municipal School District shall report the use of 76667  
these funds in the district's three-year continuous improvement 76668  
plan as described in section 3302.04 of the Revised Code in a 76669  
manner approved by the Department of Education. 76670

Of the foregoing appropriation item 200550, Foundation 76671  
Funding, up to \$250,000 in each fiscal year may be used for 76672  
payment of the College Credit Plus Program for students instructed 76673  
at home pursuant to section 3321.04 of the Revised Code. 76674

Of the foregoing appropriation item 200550, Foundation 76675  
Funding, an amount shall be available in each fiscal year to be 76676  
paid to joint vocational school districts in accordance with 76677  
division (A) of section 3317.16 of the Revised Code and the 76678  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 76679  
VOCATIONAL SCHOOL DISTRICTS." 76680

Of the foregoing appropriation item 200550, Foundation 76681  
Funding, up to \$700,000 in each fiscal year shall be used by the 76682  
Department of Education for a program to pay for educational 76683  
services for youth who have been assigned by a juvenile court or 76684  
other authorized agency to any of the facilities described in 76685  
division (A) of the section of this act entitled "PRIVATE 76686  
TREATMENT FACILITY PROJECT." 76687

Of the foregoing appropriation item 200550, Foundation 76688  
Funding, a portion may be used to pay college-preparatory boarding 76689  
schools the per pupil boarding amount pursuant to section 3328.34 76690  
of the Revised Code. 76691

The remainder of appropriation item 200550, Foundation Funding, shall be used to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code and the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

Appropriation items 200502, Pupil Transportation, 200540, Special Education Enhancements, and 200550, Foundation Funding, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, and joint vocational school districts under this act. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other general revenue fund appropriation items in the Department of Education's budget in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department of Education's budget to meet state formula aid obligations, the Superintendent of Public Instruction shall seek approval from the Director of Budget and Management to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments made to Title XXXIII by this act. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII in this act are effective. Upon the effective date

of changes made to Title XXXIII in this act, funds shall be 76724  
calculated as an annual amount. 76725

**Section 263.230.** TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 76726  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 76727

(A) The Department of Education shall distribute funds within 76728  
appropriation item 200550, Foundation Funding, for temporary 76729  
transitional aid in each fiscal year to each qualifying city, 76730  
local, and exempted village school district as follows, except 76731  
that, if a district has a total ADM of zero for a fiscal year, no 76732  
temporary transitional aid calculated under this section for that 76733  
fiscal year shall be paid to that district: 76734

(1) In fiscal year 2016, the amount of a district's temporary 76735  
transitional aid payment shall equal its transitional aid 76736  
guarantee base for fiscal year 2016 minus the sum of its 76737  
foundation funding for the current fiscal year and its amounts 76738  
identified in divisions (C)(2)(b) to (g) of this section. If the 76739  
computation made under this division results in a negative number, 76740  
the district's funding under this division shall be zero. 76741

(2) In fiscal year 2017, the amount of a district's temporary 76742  
transitional aid payment shall equal its transitional aid 76743  
guarantee base for fiscal year 2017 minus the sum of its 76744  
foundation funding for the current fiscal year and its amounts 76745  
identified in divisions (C)(3)(b) to (g) of this section. If the 76746  
computation made under this division results in a negative number, 76747  
the district's funding under this division shall be zero. 76748

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 76749  
as amended by this act, in fiscal year 2016, no city, local, or 76750  
exempted village school district shall be allocated foundation 76751  
funding that is greater than 1.10 times the district's fiscal year 76752  
2015 base, which is the amount computed for foundation funding for 76753  
the district for fiscal year 2015 plus any amount calculated for 76754

temporary transitional aid for fiscal year 2015 under division (A) 76755  
of Section 263.240 of Am. Sub. H.B. 59 of the 130th General 76756  
Assembly and after any reductions made for fiscal year 2015 under 76757  
division (B)(2) of Section 263.240 of Am. Sub. H.B. 59 of the 76758  
130th General Assembly. 76759

(2) Notwithstanding section 3317.022 of the Revised Code, as 76760  
amended by this act, in fiscal year 2017, no city, local, or 76761  
exempted village school district shall be allocated foundation 76762  
funding that is greater than 1.10 times the district's fiscal year 76763  
2016 base, which is the amount computed for foundation funding for 76764  
the district for fiscal year 2016 plus any amount calculated for 76765  
temporary transitional aid for fiscal year 2016 under division 76766  
(A)(1) of this section and after any reductions made for fiscal 76767  
year 2016 under division (B)(1) of this section. 76768

(3) The Department shall adjust, as necessary, the base of 76769  
any local school district that participates in the establishment 76770  
of a joint vocational school district that begins receiving 76771  
payments under section 3317.16 of the Revised Code, but does not 76772  
receive such payments for the prior fiscal year. The Department 76773  
shall adjust any such local school district's base according to 76774  
the amounts received by the district in the prior fiscal year for 76775  
career-technical education students who attend the newly 76776  
established joint vocational school district. 76777

(4) The Department shall reduce a district's payments under 76778  
divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 76779  
of the Revised Code, as amended by this act, proportionately as 76780  
necessary in order to comply with this division. If those amounts 76781  
are insufficient, the Department shall proportionately reduce a 76782  
district's payments under divisions (A)(3), (8), and (9) of 76783  
section 3317.022 of the Revised Code, as amended by this act, and 76784  
divisions (E) and (F) of section 3317.0212 of the Revised Code, as 76785  
amended by this act. 76786

(C) As used in this section: 76787

(1) Foundation funding for each city, local, and exempted 76788  
village school district for a given fiscal year equals the sum of 76789  
the amount calculated for the district under section 3317.022 of 76790  
the Revised Code, as amended by this act, and the amounts 76791  
calculated for the district under divisions (E) and (F) of section 76792  
3317.0212 of the Revised Code, as amended by this act, for that 76793  
fiscal year. 76794

(2) The transitional aid guarantee base for fiscal year 2016 76795  
for each city, local, and exempted village school district equals 76796  
0.99 times the sum of the following: 76797

(a) The amounts computed for the district for fiscal year 76798  
2015, under section 3317.022 of the Revised Code, as existed at 76799  
that time, and the amounts calculated for the district under 76800  
divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, 76801  
as existed at that time, plus any amount calculated for temporary 76802  
transitional aid for fiscal year 2015 under division (A) of 76803  
Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly, 76804  
and after any reductions made for fiscal year 2015 under division 76805  
(B)(1) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General 76806  
Assembly; 76807

(b) The sum of the payments received by the school district 76808  
in fiscal year 2015 for current expense levy losses pursuant to 76809  
division (C) of section 5727.85 and division (C) of section 76810  
5751.21 of the Revised Code, as existed at that time, excluding 76811  
the portion of such payments attributable to levies for joint 76812  
vocational school district purposes; 76813

(c) The sum of fixed-sum levy loss payments received by the 76814  
school district in fiscal year 2015 pursuant to division (F)(1) of 76815  
section 5727.85 and division (E)(1) of section 5751.21 of the 76816  
Revised Code, as existed at that time, for fixed-sum levies 76817

charged and payable for a purpose other than paying debt charges;	76818
(d) One hundred per cent of the school district's taxes	76819
charged and payable against all property on the tax list of real	76820
and public utility property for current expense purposes for tax	76821
year 2014, including taxes charged and payable from emergency	76822
levies under section 5705.194 of the Revised Code and excluding	76823
taxes levied for joint vocational school district purposes;	76824
(e) The amount certified for fiscal year 2015 under division	76825
(A)(2) of section 3317.08 of the Revised Code;	76826
(f) Distributions received during calendar year 2014 from	76827
taxes levied under section 718.09 of the Revised Code;	76828
(g) Distributions received during fiscal year 2015 from the	76829
Gross Casino Revenue County Student Fund.	76830
(3) The transitional aid guarantee base for fiscal year 2017	76831
for each city, local, and exempted village school district shall	76832
equal 0.99 times the sum of the following:	76833
(a) The amounts computed for the district for fiscal year	76834
2016, under section 3317.022 of the Revised Code, as amended by	76835
this act, and the amounts calculated for the district under	76836
divisions (E) and (F) of section 3317.0212 of the Revised Code, as	76837
amended by this act, plus any amount calculated for temporary	76838
transitional aid for fiscal year 2016 under division (A)(1) of	76839
this section, and after any reductions made for fiscal year 2016	76840
under division (B)(1) of this section;	76841
(b) The sum of the payments received by the school district	76842
in fiscal year 2016 for current expense levy losses pursuant to	76843
section 5709.92 of the Revised Code, as enacted by this act,	76844
excluding the portion of such payments attributable to levies for	76845
joint vocational school district purposes;	76846
(c) The sum of fixed-sum levy loss payments received by the	76847

school district in fiscal year 2016 pursuant to section 5709.92 of the Revised Code, as enacted by this act, for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) One hundred per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2015, including taxes charged and payable from emergency levies under section 5705.194 of the Revised Code and excluding taxes levied for joint vocational school district purposes;

(e) The amount certified for fiscal year 2016 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2015 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2016 from the Gross Casino Revenue County Student Fund.

**Section 263.240. TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS**

(A) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for temporary transitional aid in each fiscal year to each qualifying joint vocational school district as follows:

(1) In fiscal year 2016, the amount of a district's temporary transitional aid payment shall equal its transitional aid guarantee base for fiscal year 2016 minus the sum of its foundation funding for the current fiscal year and its amounts identified in divisions (C)(2)(b) to (e) of this section. If the computation made under this division results in a negative number, the district's funding under this division shall be zero.

(2) In fiscal year 2017, the amount of a district's temporary transitional aid payment shall equal its transitional aid

guarantee base for fiscal year 2017 minus the sum of its 76878  
foundation funding for the current fiscal year and its amounts 76879  
identified in divisions (C)(3)(b) to (e) of this section. If the 76880  
computation made under this division results in a negative number, 76881  
the district's funding under this division shall be zero. 76882

(B)(1) Notwithstanding division (A) of section 3317.16 of the 76883  
Revised Code, as amended by this act, in fiscal year 2016, no 76884  
joint vocational school district shall be allocated foundation 76885  
funding that is greater than 1.10 times the district's fiscal year 76886  
2015 base, which is the amount computed for foundation funding for 76887  
the district for fiscal year 2015 plus any amount calculated for 76888  
temporary transitional aid for fiscal year 2015 under division (A) 76889  
of Section 263.250 of Am. Sub. H.B. 59 of the 130th General 76890  
Assembly and after any reductions made for fiscal year 2015 under 76891  
division (B)(1) of Section 263.250 of Am. Sub. H.B. 59 of the 76892  
130th General Assembly. 76893

(2) Notwithstanding division (A) of section 3317.16 of the 76894  
Revised Code, as amended by this act, in fiscal year 2017, no 76895  
joint vocational school district shall be allocated foundation 76896  
funding that is greater than 1.10 times the district's fiscal year 76897  
2016 base, which is the amount computed for foundation funding for 76898  
the district for fiscal year 2016 plus any amount calculated for 76899  
temporary transitional aid for fiscal year 2016 under division 76900  
(A)(1) of this section and after any reductions made for fiscal 76901  
year 2016 under division (B)(1) of this section. 76902

(3) The Department shall establish, as necessary, the base of 76903  
any joint vocational school district that begins receiving 76904  
payments under section 3317.16 of the Revised Code, but does not 76905  
receive such payments in the prior fiscal year. The Department 76906  
shall establish any such joint vocational school district's base 76907  
as an amount equal to the absolute value of the sum of the 76908  
associated adjustments of any local school district's base under 76909

division (B)(3) of the section of this act entitled "TEMPORARY  
TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL  
DISTRICTS." 76910  
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(4) The Department shall reduce a district's payments under 76913  
divisions (A)(1), (3), and (4) of section 3317.16 of the Revised 76914  
Code, as amended by this act, proportionately as necessary in 76915  
order to comply with this division. If those amounts are 76916  
insufficient, the Department shall proportionately reduce a 76917  
district's payments under divisions (A)(2), (5), and (6) of 76918  
section 3317.16 of the Revised Code, as amended by this act. 76919

(C) As used in this section: 76920

(1) Foundation funding for each joint vocational school 76921  
district for a given fiscal year equals the sum of the amount 76922  
calculated for the district under section 3317.16 of the Revised 76923  
Code, as amended by this act, for that fiscal year. 76924

(2) The transitional aid guarantee base for fiscal year 2016 76925  
for each joint vocational school district equals 0.99 times the 76926  
sum of the following: 76927

(a) The amounts computed for the district for fiscal year 76928  
2015, under section 3317.16 of the Revised Code, as existed at 76929  
that time, plus any amount calculated for temporary transitional 76930  
aid for fiscal year 2015 under division (A) of Section 263.250 of 76931  
Am. Sub. H.B. 59 of the 130th General Assembly, and after any 76932  
reductions made for fiscal year 2015 under division (B)(1) of 76933  
Section 263.250 of Am. Sub. H.B. 59 of the 130th General Assembly; 76934

(b) The sum of the payments received by the school district 76935  
in fiscal year 2015 for current expense levy losses pursuant to 76936  
division (C) of section 5727.85 and division (C) of section 76937  
5751.21 of the Revised Code, as existed at that time; 76938

(c) The sum of fixed-sum levy loss payments received by the 76939  
school district in fiscal year 2015 pursuant to division (F)(1) of 76940

section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) One hundred per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies under section 5705.194 of the Revised Code;

(e) Distributions received during fiscal year 2015 from the Gross Casino Revenue County Student Fund.

(3) The transitional aid guarantee base for fiscal year 2017 for each joint vocational school district equals 0.99 times the sum of the following:

(a) The amounts computed for the district for fiscal year 2016, under section 3317.16 of the Revised Code, as amended by this act, plus any amount calculated for temporary transitional aid for fiscal year 2016 under division (A)(1) of this section and after any reductions made for fiscal year 2016 under division (B)(1) of this section;

(b) The sum of the payments received by the school district in fiscal year 2016 for current expense levy losses pursuant to section 5709.92 of the Revised Code, as enacted by this act;

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2016 pursuant to section 5709.92 of the Revised Code, as enacted by this act, for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) One hundred per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2015, including taxes charged and payable from emergency levies under section 5705.194 of the Revised;

(e) Distributions received during fiscal year 2016 from the 76972  
Gross Casino Revenue County Student Fund. 76973

**Section 263.250. LITERACY IMPROVEMENT** 76974

Of the foregoing appropriation item 200566, Literacy 76975  
Improvement, up to \$2,500,000 in each fiscal year shall be used by 76976  
the Department of Education to award grants to elementary school 76977  
buildings to be used for summer literacy camps that assist K-3 76978  
students in meeting the third grade reading guarantee established 76979  
in section 3313.608 of the Revised Code. The Superintendent of 76980  
Public Instruction shall administer and award the grants. The 76981  
Superintendent shall establish guidelines, procedures, and forms 76982  
by which applicants may apply for a grant that shall include a 76983  
competitive process for awarding the grants, procedures for 76984  
distributing grants to recipients, and procedures for monitoring 76985  
the use of grants by recipients. The guidelines shall require each 76986  
school district and community school applying for a grant to 76987  
submit, as part of its grant application, a reading program plan 76988  
identifying how the grant award will be used. In awarding the 76989  
grants, the Superintendent shall give priority to school buildings 76990  
with a high percentage of economically disadvantaged students, 76991  
buildings with low student achievement, and school buildings 76992  
making progress in improving students' literacy skills. 76993

The remainder of appropriation item 200566, Literacy 76994  
Improvement, shall be used by the Department of Education to 76995  
establish regional professional development teams in literacy to 76996  
provide communication, outreach, and professional development 76997  
opportunities targeted to K-3 language and literacy supports. 76998

**Section 263.260. ADULT DIPLOMA** 76999

Of the foregoing appropriation item 200572, Adult Diploma, up 77000  
to \$5,000,000 in fiscal year 2016 and \$10,000,000 in fiscal year 77001

2017 shall be used to make payments to institutions participating 77002  
in the Adult Diploma Pilot Program under section 3313.902 of the 77003  
Revised Code as enacted by this act. The Superintendent of Public 77004  
Instruction may use a portion of the earmark to provide technical 77005  
assistance and to administer the program. 77006

Of the foregoing appropriation item 200572, Adult Diploma, up 77007  
to \$2,500,000 in fiscal year 2016 shall be used by the 77008  
Superintendent of Public Instruction to award and administer 77009  
planning grants for the Adult Diploma Pilot Program established in 77010  
section 3313.902 of the Revised Code. The Superintendent may award 77011  
grants of up to \$500,000 to not more than five institutions 77012  
eligible to participate in the program. The grants shall be used 77013  
by the institutions to build capacity to implement the program 77014  
beginning in fiscal year 2017. The Superintendent of Public 77015  
Instruction and the Director of Higher Education shall develop an 77016  
application process to award these grants to eligible institutions 77017  
geographically dispersed throughout the state. The Superintendent 77018  
may use any remaining appropriation after awarding these grants to 77019  
provide technical assistance to institutions receiving the grant. 77020

**Section 263.270. EDCHOICE EXPANSION** 77021

The foregoing appropriation item 200573, EdChoice Expansion, 77022  
shall be used to provide for the scholarships awarded under the 77023  
expansion of the educational choice program established under 77024  
section 3310.032 of the Revised Code. The number of scholarships 77025  
awarded under the expansion of the educational choice program 77026  
shall not exceed the number that can be funded with the 77027  
appropriations made by the General Assembly for this purpose. 77028

**HALF-MILL MAINTENANCE EQUALIZATION** 77029

The foregoing appropriation item 200574, Half-Mill 77030  
Maintenance Equalization, shall be used to make payments pursuant 77031  
to section 3318.18 of the Revised Code. 77032

**Section 263.280. COMPETENCY-BASED EDUCATION PILOT** 77033

The foregoing appropriation item 200588, Competency-Based Education Pilot, shall be used by the Department of Education to fund competency-based education pilot programs in up to ten districts or schools. The Department shall award each district or school that is selected to participate in the program a grant of up to \$250,000 for each fiscal year. The grant shall be used during the 2015-2016 and 2016-2017 school years to plan for implementing competency-based education in the district or school during the 2016-2017, 2017-2018, and 2018-2019 school years. Pilot programs shall adhere to program guidelines as outlined in section 3302.42 of the Revised Code. 77034  
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Of the foregoing appropriation item 200588, Competency-Based Education Pilot, a portion may be used by the Superintendent of Public Instruction to provide technical assistance and to administer the program. 77045  
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**Section 263.290. TEACHER CERTIFICATION AND LICENSURE** 77049

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities. 77050  
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77053

**Section 263.300. AUXILIARY SERVICES REIMBURSEMENT** 77054

Notwithstanding section 3317.064 of the Revised Code, if the unexpended, unencumbered cash balance is sufficient, the Treasurer of State shall transfer \$1,500,000 in fiscal year 2016 within thirty days after the effective date of this section, and \$1,500,000 in fiscal year 2017 by August 1, 2016, from the Auxiliary Services Personnel Unemployment Compensation Fund to the Auxiliary Services Reimbursement Fund (Fund 5980) used by the 77055  
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Department of Education. 77062

**Section 263.310.** SCHOOL DISTRICT SOLVENCY ASSISTANCE 77063

(A) Of the foregoing appropriation item 200687, School 77064  
District Solvency Assistance, \$5,000,000 in each fiscal year shall 77065  
be allocated to the School District Shared Resource Account and 77066  
\$5,000,000 in each fiscal year shall be allocated to the 77067  
Catastrophic Expenditures Account. These funds shall be used to 77068  
provide assistance and grants to school districts to enable them 77069  
to remain solvent under section 3316.20 of the Revised Code. 77070  
Assistance and grants shall be subject to approval by the 77071  
Controlling Board. Except as provided under division (C) of this 77072  
section, any required reimbursements from school districts for 77073  
solvency assistance shall be made to the appropriate account in 77074  
the School District Solvency Assistance Fund (Fund 5H30). 77075

(B) Notwithstanding any provision of law to the contrary, 77076  
upon the request of the Superintendent of Public Instruction, the 77077  
Director of Budget and Management may make transfers to the School 77078  
District Solvency Assistance Fund (Fund 5H30) from any fund used 77079  
by the Department of Education or the General Revenue Fund to 77080  
maintain sufficient cash balances in Fund 5H30 in fiscal years 77081  
2016 and 2017. Any cash transferred is hereby appropriated. The 77082  
transferred cash may be used by the Department of Education to 77083  
provide assistance and grants to school districts to enable them 77084  
to remain solvent and to pay unforeseeable expenses of a temporary 77085  
or emergency nature that the school district is unable to pay from 77086  
existing resources. The Director of Budget and Management shall 77087  
notify the members of the Controlling Board of any such transfers. 77088

(C) If the cash balance of the School District Solvency 77089  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 77090  
assistance in fiscal years 2016 and 2017, at the request of the 77091  
Superintendent of Public Instruction, and with the approval of the 77092

Controlling Board, the Director of Budget and Management may 77093  
transfer cash from the Lottery Profits Education Reserve Fund 77094  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 77095  
school districts to enable them to remain solvent and to pay 77096  
unforeseeable expenses of a temporary nature that they are unable 77097  
to pay from existing resources under section 3316.20 of the 77098  
Revised Code. Such transfers are hereby appropriated to 77099  
appropriation item 200670, School District Solvency Assistance - 77100  
Lottery. Any required reimbursements from school districts for 77101  
solvency assistance granted from appropriation item 200670, School 77102  
District Solvency Assistance - Lottery, shall be made to Fund 77103  
7018. 77104

**Section 263.320. EARLY CHILDHOOD EDUCATION** 77105

Of the foregoing appropriation item 200673, Early Childhood 77106  
Education, up to \$20,000,000 in each fiscal year shall be used 77107  
pursuant to guidelines established by the Department of Education, 77108  
in consultation with the Governor's Early Childhood Education and 77109  
Development Officer and the Department of Job and Family Services, 77110  
to advance programs and systems that support or provide high 77111  
quality early childhood opportunities for children from 77112  
economically disadvantaged families. The guidelines shall include 77113  
benchmark performance criteria that identify the highest quality 77114  
early childhood opportunities, design and implementation of an 77115  
evaluation using the benchmark performance criteria, and steps for 77116  
the future advancement of Ohio's Early Childhood System based on 77117  
identified benchmarks and the evaluation results. The guidelines 77118  
shall be completed by January 1, 2016. 77119

**Section 263.330. LOTTERY PROFITS EDUCATION FUND** 77120

Appropriation item 200612, Foundation Funding (Fund 7017), 77121  
shall be used in conjunction with appropriation item 200550, 77122

Foundation Funding (GRF), to provide state foundation payments to 77123  
school districts. 77124

The Department of Education, with the approval of the 77125  
Director of Budget and Management, shall determine the monthly 77126  
distribution schedules of appropriation item 200550, Foundation 77127  
Funding (GRF), and appropriation item 200612, Foundation Funding 77128  
(Fund 7017). If adjustments to the monthly distribution schedule 77129  
are necessary, the Department of Education shall make such 77130  
adjustments with the approval of the Director of Budget and 77131  
Management. 77132

COMMUNITY CONNECTORS PROGRAM 77133

The foregoing appropriation item 200629, Community 77134  
Connectors, shall be used by the State Superintendent of Public 77135  
Instruction to create the Community Connectors Grant Program. The 77136  
Superintendent shall develop guidelines for the grants. The 77137  
program shall award competitive matching grants to provide funding 77138  
for local networks of volunteers and organizations to sponsor 77139  
career advising and mentoring for students in eligible school 77140  
districts. Each grant award shall match up to three times the 77141  
funds allocated to the project by the local network. Eligible 77142  
school districts are those with a high percentage of students in 77143  
poverty, a high number of students not graduating on time, and 77144  
other criteria as determined by the State Superintendent. Eligible 77145  
school districts shall partner with members of the business 77146  
community, civic organizations, or the faith-based community to 77147  
provide sustainable career advising and mentoring services. Upon 77148  
the request of the Superintendent of Public Instruction and the 77149  
approval of the Director of Budget and Management, an amount equal 77150  
to the unexpended, unencumbered portion of the foregoing 77151  
appropriation item 200629, Community Connectors, at the end of 77152  
fiscal year 2016 is hereby reappropriated to the Department of 77153  
Education for the same purpose for fiscal year 2017. 77154

Notwithstanding any provision of law to the contrary, grants 77155  
awarded under this section may be used by grant recipients for 77156  
grant-related expenses for a period not to exceed three years from 77157  
the date of the award according to guidelines established by the 77158  
Superintendent. 77159

**Section 263.340. STRAIGHT A FUND** 77160

Of the foregoing appropriation item 200648, Straight A Fund, 77161  
up to \$10,000,000 in fiscal year 2016 and up to \$3,500,000 in 77162  
fiscal year 2017 shall be used by the Department of Education, in 77163  
consultation with the Department of Higher Education, to support 77164  
graduate coursework for high school teachers to receive 77165  
credentialing to teach college credit plus courses in a high 77166  
school setting. The Department of Education, in consultation with 77167  
the Department of Higher Education, shall develop criteria and 77168  
issue a Request for Proposals. Priority shall be given to 77169  
educational consortia that include economically disadvantaged high 77170  
schools and economically disadvantaged high schools in which there 77171  
are limited or no teachers currently credentialed to teach college 77172  
credit plus courses, both as determined by the Department of 77173  
Education. Consortia including public or private universities in 77174  
Ohio shall be eligible to submit proposals. Awards made by the 77175  
Department of Education may support graduate coursework for high 77176  
school teachers at a regionally accredited college or university 77177  
in Ohio leading to credentialing to teach college courses, as well 77178  
as employment of teachers credentialed to teach college courses as 77179  
a bridging strategy until a sufficient number of teachers at the 77180  
high school hold the required credentials. 77181

Of the foregoing appropriation item 200648, Straight A Fund, 77182  
up to \$5,000,000 in fiscal year 2017 shall be used by the 77183  
Department of Education to administer and make award payments to 77184  
school districts for outstanding successful completion rates for 77185

the Advanced Placement and College Credit Plus programs. Not later than December 1, 2017, the Department of Education shall make the following awards to school districts, based on data from the 2016-2017 school year:

(1) \$750,000 to the school district, regardless of typology, that has the highest successful completion rate;

(2) \$650,000 to the school district, regardless of typology, that has the second highest successful completion rate;

(3) \$600,000 to the school district, regardless of typology, that has the third highest successful completion rate;

(4) \$500,000 to each school district that has the highest successful completion rate within each typology category of urban, suburban, small town, and rural, as identified by the Department of Education;

(5) \$250,000 to each school district that has the second highest successful completion rate within each typology category of urban, suburban, small town, and rural, as identified by the Department of Education.

For the purposes of identifying school districts to receive awards based on typology category, the Department of Education shall include the school district with the third, fourth, or fifth highest successful completion rates as needed if a school district from that typology category receives awards under paragraphs (1), (2), and (3) of this section.

Awards may only be granted to school districts with a successful completion rate of at least twenty-five per cent. For the purposes of this section, "successful completion rate" means the per cent of the school district's students in grades eleven and twelve who either received a score of three or better on an Advanced Placement examination or earned at least three college credits through the College Credit Plus Program.

The remainder of appropriation item 200648, Straight A Fund, 77217  
shall be used to make competitive grants in accordance with the 77218  
section of this act entitled "STRAIGHT A PROGRAM." 77219

COMMUNITY SCHOOL FACILITIES 77220

Of the foregoing appropriation item 200684, Community School 77221  
Facilities, up to \$550,000 in fiscal year 2016 and up to 77222  
\$1,100,000 in fiscal year 2017 may be used as matching funds to 77223  
support Ohio's State Charter School Facilities Incentive Grant 77224  
application. If these funds are not required, they may be 77225  
distributed with the remaining funds in appropriation item 200684, 77226  
Community School Facilities. 77227

The remainder of the foregoing appropriation item 200684, 77228  
Community School Facilities, shall be used to pay each community 77229  
school established under Chapter 3314. of the Revised Code that is 77230  
not an internet- or computer-based community school and each STEM 77231  
school established under Chapter 3326. of the Revised Code an 77232  
amount equal to \$200 for each full-time equivalent pupil for 77233  
assistance with the cost associated with facilities. If the amount 77234  
appropriated is not sufficient, the Department of Education shall 77235  
prorate the amounts so that the aggregate amount appropriated is 77236  
not exceeded. 77237

**Section 263.350. STRAIGHT A PROGRAM** 77238

(A) The Straight A Program is hereby created for fiscal years 77239  
2016 and 2017 to provide grants to city, local, exempted village, 77240  
and joint vocational school districts, educational service 77241  
centers, community schools established under Chapter 3314., STEM 77242  
schools established under Chapter 3326., college-preparatory 77243  
boarding schools established under Chapter 3328. of the Revised 77244  
Code, individual school buildings, education consortia (which may 77245  
represent a partnership among school districts, school buildings, 77246  
community schools, STEM schools or educational service centers or 77247

county boards of developmental disabilities that provide special 77248  
education and related services to children with disabilities), 77249  
institutions of higher education, and private or governmental 77250  
entities partnering with one or more of the educational entities 77251  
identified in this division for projects that aim to achieve 77252  
significant advancement in one or more of the following goals: 77253

(1) Increased student achievement or, in the case of an 77254  
educational service center, increased student achievement in the 77255  
educational service center's client school districts or other 77256  
schools or school districts that are members of the consortium; 77257

(2) Spending reduction in the five-year fiscal forecast 77258  
required under section 5705.391 of the Revised Code or positive 77259  
performance on other fiscal measures established by the governing 77260  
board created under division (B)(1) of this section; 77261

(3) Utilization of a greater share of resources in the 77262  
classrooms operated by the educational entity or by an educational 77263  
service center's client school districts or other schools or 77264  
school districts that are members of the consortium; 77265

(4) Use of a shared services delivery model that demonstrates 77266  
increased efficiency and effectiveness, long-term sustainability, 77267  
and scalability. 77268

(B)(1) Grants shall be awarded by a nine-member governing 77269  
board consisting of the Superintendent of Public Instruction, or 77270  
the Superintendent's designee, four members appointed by the 77271  
Governor, two members appointed by the Speaker of the House of 77272  
Representatives, and two members appointed by the President of the 77273  
Senate. The Department of Education shall provide administrative 77274  
support to the board. No member shall be compensated for the 77275  
member's service on the board. 77276

(2) The board shall select grant advisors with fiscal 77277  
expertise and education expertise. These advisors shall evaluate 77278

proposals from grant applicants and advise the staff administering the program. No advisor shall be compensated for this service. 77279  
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(3) The board shall issue an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program. 77281  
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(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals. 77287  
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(5) With the approval of the board, the Department shall establish a system for evaluating and scoring the grant applications received under this section. 77290  
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(6) When determining whether to award grants from among two or more applicants of similar score, as determined by the board, the board shall award grants to applicants that demonstrate cost savings, as reflected in the goal described in division (A)(2) of this section, over applicants that do not demonstrate cost savings. 77293  
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(C) Each grant applicant shall submit a proposal that includes all of the following: 77299  
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(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact; 77301  
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(2) An explanation of how the project will be self-sustaining. If the project will result in increased ongoing spending, the applicant shall show how the spending will be offset by verifiable, credible, permanent spending reductions. 77304  
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(3) A description of quantifiable results of the project that 77308

can be benchmarked. 77309

If an education consortium described in division (A) of this 77310  
section applies for a grant, the lead applicant shall be the 77311  
school district, school building, community school, STEM school, 77312  
or educational service center that is a member of the consortium 77313  
and shall so indicate on the grant application. In order for an 77314  
educational service center to be the lead applicant on a grant 77315  
application, at least one of the educational service center's 77316  
client school districts shall also be included on the grant 77317  
application as a member of the consortium. 77318

(D)(1) The board shall issue a timely decision of "yes," 77319  
"no," "hold," or "edit" for each application. In making its 77320  
decision, the board shall consider whether the project has the 77321  
capability of being replicated in other school districts and 77322  
schools or creates something that can be used in other districts 77323  
and schools. A grant awarded under this section to a school 77324  
district, educational service center, community school, STEM 77325  
school, college-preparatory boarding school, individual school 77326  
building, institution of higher education, or private entity 77327  
partnering with one or more of the educational entities identified 77328  
in division (A) of this section shall not exceed \$1,000,000 in 77329  
each fiscal year. A grant awarded to an education consortium shall 77330  
not exceed \$15,000,000 in each fiscal year. The Superintendent of 77331  
Public Instruction may make recommendations to the Controlling 77332  
Board that these maximum amounts be exceeded. Upon Controlling 77333  
Board approval, grants may be awarded in excess of these amounts. 77334

(2) If the board issues a "hold" or "edit" decision for an 77335  
application, it shall, upon returning the application to the 77336  
applicant, specify the process for reconsideration of the 77337  
application. An applicant may work with the grant advisors and 77338  
staff to modify or improve a grant application. 77339

(E) Upon deciding to award a grant to an applicant, the board 77340

shall enter into a grant agreement with the applicant that 77341  
includes all of the following: 77342

(1) The content of the applicant's proposal as outlined under 77343  
division (C) of this section; 77344

(2) The project's deliverables and a timetable for their 77345  
completion; 77346

(3) Conditions for receiving grant funding; 77347

(4) Conditions for receiving funding in future years if the 77348  
contract is a multi-year contract; 77349

(5) A provision specifying that funding will be returned to 77350  
the board if the applicant fails to implement the agreement. 77351

(6) A provision specifying that the agreement may be amended 77352  
by mutual agreement between the board and the applicant. 77353

(F) Each grant awarded under this section shall be subject to 77354  
approval by the Controlling Board prior to execution of the grant 77355  
agreement. 77356

(G) As used in this section, "client school district" has the 77357  
same meaning as in section 3311.0510 of the Revised Code. 77358

(H) At the discretion of the board, a portion of 77359  
appropriation item 200648, Straight A Fund, may be used by the 77360  
Department of Education to administer the Straight A Program. 77361

(I) Notwithstanding any provision of law to the contrary, 77362  
grants awarded under this section may be used by grant recipients 77363  
for grant-related expenses incurred for a period not to exceed two 77364  
years from the date of the award according to guidelines 77365  
established by the Straight A Fund governing board. 77366

**Section 263.360. LOTTERY PROFITS EDUCATION RESERVE FUND** 77367

(A) There is hereby created the Lottery Profits Education 77368  
Reserve Fund (Fund 7018) in the State Treasury. Investment 77369

earnings of the Lottery Profits Education Reserve Fund shall be 77370  
credited to the fund. 77371

(B) Notwithstanding any other provision of law to the 77372  
contrary, the Director of Budget and Management may transfer cash 77373  
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 77374  
in fiscal year 2016 and fiscal year 2017. 77375

(C) On July 15, 2015, or as soon as possible thereafter, the 77376  
Director of the Ohio Lottery Commission shall certify to the 77377  
Director of Budget and Management the amount by which lottery 77378  
profit transfers received by Fund 7017 exceeded \$974,500,000 in 77379  
fiscal year 2015. 77380

(D) On July 15, 2016, or as soon as possible thereafter, the 77381  
Director of the Ohio Lottery Commission shall certify to the 77382  
Director of Budget and Management the amount by which lottery 77383  
profit transfers received by Fund 7017 exceeded \$984,000,000 in 77384  
fiscal year 2016. 77385

(E) Notwithstanding any provision of law to the contrary, in 77386  
fiscal year 2016 and fiscal year 2017, the Director of Budget and 77387  
Management may transfer cash in excess of the amounts necessary to 77388  
support appropriations in Fund 7017 from that fund to Fund 7018. 77389

**Section 263.370. DISTRIBUTION FORMULAS** 77390

The Department of Education shall report the following to the 77391  
Director of Budget and Management and the Legislative Service 77392  
Commission: 77393

(A) Changes in formulas for distributing state 77394  
appropriations, including administratively defined formula 77395  
factors; 77396

(B) Discretionary changes in formulas for distributing 77397  
federal appropriations; 77398

(C) Federally mandated changes in formulas for distributing 77399

federal appropriations. 77400

Any such changes shall be reported two weeks prior to the 77401  
effective date of the change. 77402

**Section 263.380. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS** 77403

Upon the request of the Superintendent of Public Instruction, 77404  
the Director of Budget and Management may transfer up to \$750,000 77405  
cash in each fiscal year from the General Revenue Fund to the 77406  
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 77407  
transferred cash is to be used by the Department of Education to 77408  
pay the expenses the Department incurs in administering the 77409  
Medicaid School Component of the Medicaid program established 77410  
under sections 5162.36 to 5162.364 of the Revised Code. On June 1 77411  
of each fiscal year, or as soon as possible thereafter, the 77412  
Director of Budget and Management shall transfer cash from Fund 77413  
3AF0 back to the General Revenue Fund in an amount equal to the 77414  
total amount transferred to Fund 3AF0 in that fiscal year. 77415

The money deposited into Fund 3AF0 under division (B) of 77416  
section 5162.64 of the Revised Code is hereby appropriated for 77417  
fiscal years 2016 and 2017 and shall be used in accordance with 77418  
division (C) of section 5162.64 of the Revised Code. 77419

**Section 263.390. EDUCATIONAL SERVICE CENTERS FUNDING** 77420

In fiscal year 2016, the Department of Education shall pay 77421  
the governing board of each primary educational service center 77422  
state funds equal to twenty-five dollars times its student count, 77423  
as calculated under division (G)(1) of section 3313.843 of the 77424  
Revised Code. 77425

In fiscal year 2017, the Department of Education shall pay 77426  
the governing board of each primary educational service center 77427  
state funds equal to twenty dollars times its student count, as 77428  
calculated under division (G)(1) of section 3313.843 of the 77429

Revised Code. 77430

If the amount earmarked for the state reimbursement of 77431  
educational service centers in appropriation item 200550, 77432  
Foundation Funding, is not sufficient, the Department of Education 77433  
shall prorate the payment amounts so that the appropriation is not 77434  
exceeded. 77435

Notwithstanding any provision of law to the contrary, the 77436  
Department of Education shall modify the payments under this 77437  
section as follows: 77438

(A) If an educational service center ceases operation, the 77439  
Department shall redistribute that center's funding, as calculated 77440  
under this section, to the remaining centers in proportion to each 77441  
center's service center ADM as defined in former section 3317.11 77442  
of the Revised Code, as that section existed prior to the date of 77443  
its repeal. 77444

(B) If two or more educational service centers merge 77445  
operations to create a single service center, the Department shall 77446  
distribute the sum of the original service centers' funding, as 77447  
calculated under this section, to the new service center. 77448

**Section 263.400.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 77449  
ASSESSMENT OF EDUCATION PROGRESS 77450

The General Assembly intends for the Superintendent of Public 77451  
Instruction to provide for school district participation in the 77452  
administration of the National Assessment of Education Progress in 77453  
accordance with section 3301.27 of the Revised Code. Each school 77454  
and school district selected for participation by the 77455  
Superintendent of Public Instruction shall participate. 77456

**Section 263.410.** COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 77457  
STUDENTS 77458

(A) As used in this section: 77459

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 77460  
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(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP. 77462  
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(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2016 and 2017 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year. 77465  
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(C) In addition to any state foundation payments made, in each of fiscal years 2016 and 2017, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero. 77470  
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(D) The amount of any subsidy paid to a community school under this section shall not be deducted from the school district in which any of the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the Department of Education in appropriation item 200550, Foundation Funding. 77482  
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**Section 263.420. EARMARK ACCOUNTABILITY** 77490

At the request of the Superintendent of Public Instruction, 77491  
any entity that receives a budget earmark under the Department of 77492  
Education shall submit annually to the chairpersons of the 77493  
committees of the House of Representatives and the Senate 77494  
primarily concerned with education and to the Department of 77495  
Education a report that includes a description of the services 77496  
supported by the funds, a description of the results achieved by 77497  
those services, an analysis of the effectiveness of the program, 77498  
and an opinion as to the program's applicability to other school 77499  
districts. For an earmarked entity that received state funds from 77500  
an earmark in the prior fiscal year, no funds shall be provided by 77501  
the Department of Education to an earmarked entity for a fiscal 77502  
year until its report for the prior fiscal year has been 77503  
submitted. 77504

**Section 263.430. COMMUNITY SCHOOL OPERATING FROM HOME** 77505

A community school established under Chapter 3314. of the 77506  
Revised Code that was open for operation as a community school as 77507  
of May 1, 2005, may operate from or in any home, as defined in 77508  
section 3313.64 of the Revised Code, located in the state, 77509  
regardless of when the community school's operations from or in a 77510  
particular home began. 77511

**Section 263.440. USE OF VOLUNTEERS** 77512

The Department of Education may utilize the services of 77513  
volunteers to accomplish any of the purposes of the Department. 77514  
The Superintendent of Public Instruction shall approve for what 77515  
purposes volunteers may be used and for these purposes may 77516  
recruit, train, and oversee the services of volunteers. The 77517  
Superintendent may reimburse volunteers for necessary and 77518  
appropriate expenses in accordance with state guidelines and may 77519

designate volunteers as state employees for the purpose of motor 77520  
vehicle accident liability insurance under section 9.83 of the 77521  
Revised Code, for immunity under section 9.86 of the Revised Code, 77522  
and for indemnification from liability incurred in the performance 77523  
of their duties under section 9.87 of the Revised Code. 77524

**Section 263.450.** RESTRICTION OF LIABILITY FOR CERTAIN 77525  
REIMBURSEMENTS 77526

(A) Except as expressly required under a court judgment not 77527  
subject to further appeals, or a settlement agreement with a 77528  
school district executed on or before June 1, 2009, in the case of 77529  
a school district for which the formula ADM for fiscal year 2005, 77530  
as reported for that fiscal year under division (A) of section 77531  
3317.03 of the Revised Code, was reduced based on enrollment 77532  
reports for community schools, made under section 3314.08 of the 77533  
Revised Code, regarding students entitled to attend school in the 77534  
district, which reduction of formula ADM resulted in a reduction 77535  
of foundation funding or transitional aid funding for fiscal year 77536  
2005, 2006, or 2007, no school district, except a district named 77537  
in the court's judgment or the settlement agreement, shall have a 77538  
legal claim for reimbursement of the amount of such reduction in 77539  
foundation funding or transitional aid funding, and the state 77540  
shall not have liability for reimbursement of the amount of such 77541  
reduction in foundation funding or transitional aid funding. 77542

(B) As used in this section: 77543

(1) "Community school" means a community school established 77544  
under Chapter 3314. of the Revised Code. 77545

(2) "Entitled to attend school" means entitled to attend 77546  
school in a school district under section 3313.64 or 3313.65 of 77547  
the Revised Code. 77548

(3) "Foundation funding" means payments calculated for the 77549

respective fiscal year under Chapter 3317. of the Revised Code. 77550

(4) "Transitional aid funding" means payments calculated for 77551  
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 77552  
of the 125th General Assembly, as subsequently amended; Section 77553  
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 77554  
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 77555  
of the 127th General Assembly. 77556

**Section 263.460. UNAUDITABLE COMMUNITY SCHOOL** 77557

(A) If the Auditor of State or a public accountant, pursuant 77558  
to section 117.41 of the Revised Code, declares a community school 77559  
established under Chapter 3314. of the Revised Code to be 77560  
unauditable, the Auditor of State shall provide written 77561  
notification of that declaration to the school, the school's 77562  
sponsor, and the Department of Education. The Auditor of State 77563  
also shall post the notification on the Auditor of State's web 77564  
site. 77565

(B) Notwithstanding any provision to the contrary in Chapter 77566  
3314. of the Revised Code or any other provision of law, a sponsor 77567  
of a community school that is notified by the Auditor of State 77568  
under division (A) of this section that a community school it 77569  
sponsors is unauditabile shall not enter into contracts with any 77570  
additional community schools under section 3314.03 of the Revised 77571  
Code until the Auditor of State or a public accountant has 77572  
completed a financial audit of that school. 77573

(C) Not later than forty-five days after receiving 77574  
notification by the Auditor of State under division (A) of this 77575  
section that a community school is unauditabile, the sponsor of the 77576  
school shall provide a written response to the Auditor of State. 77577  
The response shall include the following: 77578

(1) An overview of the process the sponsor will use to review 77579

and understand the circumstances that led to the community school 77580  
becoming unauditale; 77581

(2) A plan for providing the Auditor of State with the 77582  
documentation necessary to complete an audit of the community 77583  
school and for ensuring that all financial documents are available 77584  
in the future; 77585

(3) The actions the sponsor will take to ensure that the plan 77586  
described in division (C)(2) of this section is implemented. 77587

(D) If a community school fails to make reasonable efforts 77588  
and continuing progress to bring its accounts, records, files, or 77589  
reports into an auditable condition within ninety days after being 77590  
declared unauditale, the Auditor of State, in addition to 77591  
requesting legal action under sections 117.41 and 117.42 of the 77592  
Revised Code, shall notify the Department of the school's failure. 77593  
If the Auditor of State or a public accountant subsequently is 77594  
able to complete a financial audit of the school, the Auditor of 77595  
State shall notify the Department that the audit has been 77596  
completed. 77597

(E) Notwithstanding any provision to the contrary in Chapter 77598  
3314. of the Revised Code or any other provision of law, upon 77599  
notification by the Auditor of State under division (D) of this 77600  
section that a community school has failed to make reasonable 77601  
efforts and continuing progress to bring its accounts, records, 77602  
files, or reports into an auditable condition following a 77603  
declaration that the school is unauditale, the Department shall 77604  
immediately cease all payments to the school under Chapter 3314. 77605  
of the Revised Code and any other provision of law. Upon 77606  
subsequent notification from the Auditor of State under that 77607  
division that the Auditor of State or a public accountant was able 77608  
to complete a financial audit of the community school, the 77609  
Department shall release all funds withheld from the school under 77610  
this section. 77611

**Section 263.470.** FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 77612

In collaboration with the County Family and Children First 77613  
Council, a city, local, or exempted village school district, 77614  
community school, STEM school, joint vocational school district, 77615  
educational service center, or county board of developmental 77616  
disabilities that receives allocations from the Department of 77617  
Education from appropriation item 200550, Foundation Funding, or 77618  
appropriation item 200540, Special Education Enhancements, may 77619  
transfer portions of those allocations to a flexible funding pool 77620  
authorized by the Section of this act entitled "FAMILY AND 77621  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 77622  
maintenance of effort or for federal or state funding matching 77623  
requirements shall not be transferred unless the allocation may 77624  
still be used to meet such requirements. 77625

**Section 263.480.** PRIVATE TREATMENT FACILITY PROJECT 77626

(A) As used in this section: 77627

(1) The following are "participating residential treatment 77628  
centers": 77629

(a) Private residential treatment facilities that have 77630  
entered into a contract with the Department of Youth Services to 77631  
provide services to children placed at the facility by the 77632  
Department and which, in fiscal year 2016 or fiscal year 2017 or 77633  
both, the Department pays through appropriation item 470401, 77634  
RECLAIM Ohio; 77635

(b) Abraxas, in Shelby; 77636

(c) Paint Creek, in Bainbridge; 77637

(d) F.I.R.S.T., in Mansfield. 77638

(2) "Education program" means an elementary or secondary 77639  
education program or a special education program and related 77640

services. 77641

(3) "Served child" means any child receiving an education 77642  
program pursuant to division (B) of this section. 77643

(4) "School district responsible for tuition" means a city, 77644  
exempted village, or local school district that, if tuition 77645  
payment for a child by a school district is required under law 77646  
that existed in fiscal year 1998, is the school district required 77647  
to pay that tuition. 77648

(5) "Residential child" means a child who resides in a 77649  
participating residential treatment center and who is receiving an 77650  
educational program under division (B) of this section. 77651

(B) A youth who is a resident of the state and has been 77652  
assigned by a juvenile court or other authorized agency to a 77653  
residential treatment facility specified in division (A) of this 77654  
section shall be enrolled in an approved educational program 77655  
located in or near the facility. Approval of the educational 77656  
program shall be contingent upon compliance with the criteria 77657  
established for such programs by the Department of Education. The 77658  
educational program shall be provided by a school district or 77659  
educational service center, or by the residential facility itself. 77660  
Maximum flexibility shall be given to the residential treatment 77661  
facility to determine the provider. In the event that a voluntary 77662  
agreement cannot be reached and the residential facility does not 77663  
choose to provide the educational program, the educational service 77664  
center in the county in which the facility is located shall 77665  
provide the educational program at the treatment center to 77666  
children under twenty-two years of age residing in the treatment 77667  
center. 77668

(C) Any school district responsible for tuition for a 77669  
residential child shall, notwithstanding any conflicting provision 77670  
of the Revised Code regarding tuition payment, pay tuition for the 77671

child for fiscal year 2016 and fiscal year 2017 to the education 77672  
program provider and in the amount specified in this division. If 77673  
there is no school district responsible for tuition for a 77674  
residential child and if the participating residential treatment 77675  
center to which the child is assigned is located in the city, 77676  
exempted village, or local school district that, if the child were 77677  
not a resident of that treatment center, would be the school 77678  
district where the child is entitled to attend school under 77679  
sections 3313.64 and 3313.65 of the Revised Code, that school 77680  
district, notwithstanding any conflicting provision of the Revised 77681  
Code, shall pay tuition for the child for fiscal year 2016 and 77682  
fiscal year 2017 under this division unless that school district 77683  
is providing the educational program to the child under division 77684  
(B) of this section. 77685

A tuition payment under this division shall be made to the 77686  
school district, educational service center, or residential 77687  
treatment facility providing the educational program to the child. 77688

The amount of tuition paid shall be: 77689

(1) The amount of tuition determined for the district under 77690  
division (A) of section 3317.08 of the Revised Code; 77691

(2) In addition, for any student receiving special education 77692  
pursuant to an individualized education program as defined in 77693  
section 3323.01 of the Revised Code, a payment for excess costs. 77694  
This payment shall equal the actual cost to the school district, 77695  
educational service center, or residential treatment facility of 77696  
providing special education and related services to the student 77697  
pursuant to the student's individualized education program, minus 77698  
the tuition paid for the child under division (C)(1) of this 77699  
section. 77700

A school district paying tuition under this division shall 77701  
not include the child for whom tuition is paid in the district's 77702

average daily membership certified under division (A) of section 77703  
3317.03 of the Revised Code. 77704

(D) In each of fiscal years 2016 and 2017, the Department of 77705  
Education shall reimburse, from appropriations made for the 77706  
purpose, a school district, educational service center, or 77707  
residential treatment facility, whichever is providing the 77708  
service, that has demonstrated that it is in compliance with the 77709  
funding criteria for each served child for whom a school district 77710  
must pay tuition under division (C) of this section. The amount of 77711  
the reimbursement shall be the amount appropriated for this 77712  
purpose divided by the full-time equivalent number of children for 77713  
whom reimbursement is to be made. 77714

(E) Funds provided to a school district, educational service 77715  
center, or residential treatment facility under this section shall 77716  
be used to supplement, not supplant, funds from other public 77717  
sources for which the school district, service center, or 77718  
residential treatment facility is entitled or eligible. 77719

(F) The Department of Education shall track the utilization 77720  
of funds provided to school districts, educational service 77721  
centers, and residential treatment facilities under this section 77722  
and monitor the effect of the funding on the educational programs 77723  
they provide in participating residential treatment facilities. 77724  
The Department shall monitor the programs for educational 77725  
accountability. 77726

**Section 263.490.** Notwithstanding section 3302.21 of the 77727  
Revised Code, for the 2014-2015 school year only, the Department 77728  
of Education shall not rank school districts, community schools, 77729  
and STEM schools according to the performance measures prescribed 77730  
in divisions (A)(1), (2), and (5) of that section. However, the 77731  
Department shall rank districts and schools according to the 77732  
measures prescribed in divisions (A)(3) and (4) of that section 77733

for the 2014-2015 school year not later than January 31, 2016. 77734

**Section 263.500.** Not later than January 31, 2016, the 77735  
Department of Education shall report the measures prescribed by 77736  
divisions (C)(1)(e) and (f) of section 3302.03 of the Revised 77737  
Code, calculated with the high school academic progress data 77738  
prescribed by division (D) of that section, on the Department's 77739  
web site for the 2014-2015 school year. The Department shall not 77740  
assign a letter grade to the measures reported under this section 77741  
and shall not include these measures on the state report card for 77742  
the 2014-2015 school year. 77743

**Section 263.510.** Notwithstanding section 3302.03 of the 77744  
Revised Code, the Department of Education shall issue grades as 77745  
described in division (E) of section 3302.03 of the Revised Code 77746  
for each of the performance measures prescribed in division (C)(1) 77747  
of that section for the 2014-2015 school year not later than 77748  
January 15, 2016. 77749

**Section 263.520.** Notwithstanding anything to the contrary in 77750  
section 3302.035 of the Revised Code, the Department of Education 77751  
shall issue the reports required under that section on the 77752  
performance measures for a school district's or school's students 77753  
with disabilities subgroup, using data from the 2014-2015 school 77754  
year, not later than January 31, 2016. 77755

For each school year thereafter, the Department shall issue 77756  
those reports on the first day of October as required under that 77757  
section. 77758

**Section 263.530.** (A) The Superintendent of Public Instruction 77759  
may form partnerships with Ohio's business community, including 77760  
the Ohio Business Roundtable, to create and implement initiatives 77761

that connect students with the business community in an effort to 77762  
increase student engagement and job readiness through internships, 77763  
work study, and site-based learning experiences. 77764

(B) If the Superintendent forms a partnership pursuant to 77765  
division (A) of this section, the initiatives created and 77766  
implemented through that partnership shall do all of the 77767  
following: 77768

(1) Support the career connection learning strategies 77769  
described in division (B)(2) of section 3301.079 of the Revised 77770  
Code; 77771

(2) Provide an opportunity for students to earn high school 77772  
credit toward graduation or to meet curriculum requirements in 77773  
accordance with divisions (J)(1) and (2) of section 3313.603 of 77774  
the Revised Code; 77775

(3) Inform the development of student success plans pursuant 77776  
to division (C) of section 3313.6020 of the Revised Code. 77777

**Section 263.540.** The Department of Education shall provide 77778  
assistance to the State Board of Education for the purposes of 77779  
updating the statewide plan on subject area competency, pursuant 77780  
to division (J)(2) of section 3313.603 of the Revised Code, to 77781  
reduce barriers to student participation in credit flexibility 77782  
options. 77783

Upon completion, the Department shall inform students, 77784  
parents, and schools of the updated plan. 77785

**Section 263.550.** For the 2015-2016 school year, the board of 77786  
education of each city, local, exempted village, and joint 77787  
vocational school district, the governing authority of each 77788  
community school established under Chapter 3314., and the 77789  
governing body of each STEM school established under Chapter 3326. 77790

of the Revised Code, shall assess the reading skills of each 77791  
 student, except those students with significant cognitive 77792  
 disabilities or other disabilities as authorized by the Department 77793  
 of Education on a case-by-case basis, enrolled in kindergarten to 77794  
 third grade and shall identify students who are reading below 77795  
 their grade level. The reading skills assessments shall be 77796  
 completed by September 30, 2015. 77797

**Section 265.10.** ELC OHIO ELECTIONS COMMISSION 77798

General Revenue Fund 77799

GRF 051321	Operating Expenses	\$	333,117	\$	333,117	77800
TOTAL GRF	General Revenue Fund	\$	333,117	\$	333,117	77801

Dedicated Purpose Fund Group 77802

4P20 051601	Operating Support	\$	194,500	\$	194,500	77803
TOTAL DPF	Dedicated Purpose Fund	\$	194,500	\$	194,500	77804

Group

TOTAL ALL BUDGET FUND GROUPS		\$	527,617	\$	527,617	77805
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**Section 267.10.** FUN STATE BOARD OF EMBALMERS AND FUNERAL 77807

DIRECTORS 77808

Dedicated Purpose Fund Group 77809

4K90 881609	Operating Expenses	\$	741,000	\$	771,000	77810
TOTAL DPF	Dedicated Purpose					77811

Fund Group		\$	741,000	\$	771,000	77812
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TOTAL ALL BUDGET FUND GROUPS		\$	741,000	\$	771,000	77813
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**Section 269.10.** PAY EMPLOYEE BENEFITS FUNDS 77815

Fiduciary Fund Group 77816

1240 995673	Payroll Deductions	\$	786,081,277	\$	801,802,903	77817
8060 995666	Accrued Leave Fund	\$	70,520,230	\$	71,930,634	77818
8070 995667	Disability Fund	\$	22,271,135	\$	22,716,558	77819

8080	995668	State Employee Health Benefit Fund	\$ 711,136,583	\$ 767,740,540	77820
8090	995669	Dependent Care Spending Account	\$ 3,323,438	\$ 3,487,159	77821
8100	995670	Life Insurance Investment Fund	\$ 1,779,885	\$ 1,815,482	77822
8110	995671	Parental Leave Benefit Fund	\$ 3,510,481	\$ 3,580,691	77823
8130	995672	Health Care Spending Account	\$ 10,089,249	\$ 10,895,989	77824
TOTAL FID Fiduciary Fund Group			\$ 1,608,712,278	\$ 1,683,969,956	77825
TOTAL ALL BUDGET FUND GROUPS			\$ 1,608,712,278	\$ 1,683,969,956	77826

PAYROLL DEDUCTION FUND 77827

The foregoing appropriation item 995673, Payroll Deductions, 77828  
shall be used to make payments from the Payroll Deduction Fund 77829  
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 77830  
is determined by the Director of Budget and Management that 77831  
additional amounts are necessary, the amounts are hereby 77832  
appropriated. 77833

ACCRUED LEAVE LIABILITY FUND 77834

The foregoing appropriation item 995666, Accrued Leave Fund, 77835  
shall be used to make payments from the Accrued Leave Liability 77836  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 77837  
If it is determined by the Director of Budget and Management that 77838  
additional amounts are necessary, the amounts are hereby 77839  
appropriated. 77840

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 77841

The foregoing appropriation item 995667, Disability Fund, 77842  
shall be used to make payments from the State Employee Disability 77843  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 77844  
Revised Code. If it is determined by the Director of Budget and 77845

Management that additional amounts are necessary, the amounts are 77846  
hereby appropriated. 77847

STATE EMPLOYEE HEALTH BENEFIT FUND 77848

The foregoing appropriation item 995668, State Employee 77849  
Health Benefit Fund, shall be used to make payments from the State 77850  
Employee Health Benefit Fund (Fund 8080) pursuant to section 77851  
124.87 of the Revised Code. If it is determined by the Director of 77852  
Budget and Management that additional amounts are necessary, the 77853  
amounts are hereby appropriated. 77854

DEPENDENT CARE SPENDING FUND 77855

The foregoing appropriation item 995669, Dependent Care 77856  
Spending Account, shall be used to make payments from the 77857  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 77858  
dependent care expenses pursuant to section 124.822 of the Revised 77859  
Code. If it is determined by the Director of Budget and Management 77860  
that additional amounts are necessary, the amounts are hereby 77861  
appropriated. 77862

LIFE INSURANCE INVESTMENT FUND 77863

The foregoing appropriation item 995670, Life Insurance 77864  
Investment Fund, shall be used to make payments from the Life 77865  
Insurance Investment Fund (Fund 8100) for the costs and expenses 77866  
of the state's life insurance benefit program pursuant to section 77867  
125.212 of the Revised Code. If it is determined by the Director 77868  
of Budget and Management that additional amounts are necessary, 77869  
the amounts are hereby appropriated. 77870

PARENTAL LEAVE BENEFIT FUND 77871

The foregoing appropriation item 995671, Parental Leave 77872  
Benefit Fund, shall be used to make payments from the Parental 77873  
Leave Benefit Fund (Fund 8110) to employees eligible for parental 77874  
leave benefits pursuant to section 124.137 of the Revised Code. If 77875

it is determined by the Director of Budget and Management that 77876  
 additional amounts are necessary, the amounts are hereby 77877  
 appropriated. 77878

HEALTH CARE SPENDING ACCOUNT FUND 77879

The foregoing appropriation item 995672, Health Care Spending 77880  
 Account, shall be used to make payments from the Health Care 77881  
 Spending Account Fund (Fund 8130) for payments pursuant to state 77882  
 employees' participation in a flexible spending account for 77883  
 non-reimbursed health care expenses and section 124.821 of the 77884  
 Revised Code. If it is determined by the Director of 77885  
 Administrative Services that additional amounts are necessary, the 77886  
 Director of Administrative Services may request that the Director 77887  
 of Budget and Management increase such amounts. Such amounts are 77888  
 hereby appropriated. 77889

**Section 271.10.** ERB STATE EMPLOYMENT RELATIONS BOARD 77890

General Revenue Fund 77891

GRF 125321	Operating Expenses	\$	3,761,457	\$	3,761,457	77892
TOTAL GRF	General Revenue Fund	\$	3,761,457	\$	3,761,457	77893

Dedicated Purpose Fund Group 77894

5720 125603	Training and Publications	\$	75,000	\$	75,000	77895
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TOTAL DPF Dedicated Purpose 77896

Fund Group		\$	75,000	\$	75,000	77897
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TOTAL ALL BUDGET FUND GROUPS		\$	3,836,457	\$	3,836,457	77898
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**Section 273.10.** ENG STATE BOARD OF ENGINEERS AND SURVEYORS 77900

Dedicated Purpose Fund Group 77901

4K90 892609	Operating Expenses	\$	993,889	\$	993,889	77902
TOTAL DPF	Dedicated Purpose					77903

Fund Group		\$	993,889	\$	993,889	77904
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TOTAL ALL BUDGET FUND GROUPS		\$	993,889	\$	993,889	77905
<b>Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b>						77907
General Revenue Fund						77908
GRF 715502	Auto Emissions	\$	10,923,093	\$	10,923,093	77909
e-Check Program						
TOTAL GRF General Revenue Fund		\$	10,923,093	\$	10,923,093	77910
Dedicated Purpose Fund Group						77911
4D50 715618	Recycled State	\$	50,000	\$	50,000	77912
Materials						
4J00 715638	Underground Injection	\$	393,917	\$	399,125	77913
Control						
4K20 715648	Clean Air - Non Title	\$	3,309,301	\$	3,726,893	77914
V						
4K30 715649	Solid Waste	\$	13,118,573	\$	13,202,293	77915
4K40 715650	Surface Water	\$	9,265,000	\$	8,050,000	77916
Protection						
4K40 715686	Environmental	\$	2,096,007	\$	2,096,007	77917
Laboratory Services						
4K50 715651	Drinking Water	\$	6,637,044	\$	6,825,955	77918
Protection						
4P50 715654	Cozart Landfill	\$	10,000	\$	10,000	77919
4R50 715656	Scrap Tire Management	\$	1,040,161	\$	1,060,965	77920
4R90 715658	Voluntary Action	\$	825,759	\$	842,275	77921
Program						
4T30 715659	Clean Air - Title V	\$	13,507,000	\$	13,639,150	77922
Permit Program						
5000 715608	Immediate Removal	\$	718,793	\$	731,293	77923
Special Account						
5030 715621	Hazardous Waste	\$	5,765,075	\$	6,082,805	77924
Facility Management						
5050 715623	Hazardous Waste	\$	14,388,348	\$	14,701,826	77925

		Cleanup					
5320	715646	Recycling and Litter	\$	4,691,000	\$	4,698,000	77926
		Control					
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101	77927
5420	715671	Risk Management	\$	214,826	\$	214,826	77928
		Reporting					
5860	715637	Scrap Tire Market	\$	1,150,000	\$	1,170,000	77929
		Development					
5BC0	715622	Local Air Pollution	\$	1,999,172	\$	1,999,172	77930
		Control					
5BC0	715624	Surface Water	\$	8,665,974	\$	8,665,974	77931
5BC0	715672	Air Pollution Control	\$	4,945,566	\$	4,945,566	77932
5BC0	715673	Drinking and Ground	\$	3,324,521	\$	3,324,520	77933
		Water					
5BC0	715676	Assistance and	\$	1,583,098	\$	1,591,682	77934
		Prevention					
5BC0	715677	Laboratory	\$	1,253,586	\$	1,253,586	77935
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878	77936
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000	77937
		Agencies					
5BC0	715692	Administration	\$	12,885,000	\$	13,505,000	77938
5BC0	715694	Environmental	\$	100,000	\$	100,000	77939
		Resource Coordination					
5BT0	715679	C&DD Groundwater	\$	645,000	\$	919,000	77940
		Monitoring					
5CD0	715682	Clean Diesel School	\$	150,000	\$	150,000	77941
		Buses					
5H40	715664	Groundwater Support	\$	350,499	\$	356,727	77942
5PZ0	715696	Drinking Water Loan	\$	220,200	\$	126,200	77943
		Fee					
5Y30	715685	Surface Water	\$	1,800,000	\$	1,800,000	77944
		Improvement					
6440	715631	Emergency Response	\$	298,304	\$	303,174	77945

		Radiological Safety					
6760	715642	Water Pollution	\$	1,933,621	\$	1,990,262	77946
		Control Loan					
		Administration					
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	77947
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	77948
6960	715643	Air Pollution Control	\$	1,125,000	\$	1,125,000	77949
		Administration					
6990	715644	Water Pollution	\$	800,000	\$	800,000	77950
		Control					
		Administration					
6A10	715645	Environmental	\$	1,500,000	\$	1,500,000	77951
		Education					
TOTAL DPF		Dedicated Purpose Fund	\$	127,332,212	\$	128,529,143	77952
Group							
Internal Service Activity Fund Group							77953
1990	715602	Laboratory Services	\$	427,234	\$	594,566	77954
2190	715604	Central Support	\$	6,900,000	\$	6,600,000	77955
		Indirect					
4A10	715640	Operating Expenses	\$	2,050,000	\$	2,050,000	77956
TOTAL ISA		Internal Service Activity	\$	9,377,234	\$	9,244,566	77957
Fund Group							
Capital Projects Fund Group							77958
5S10	715607	Clean Ohio	\$	284,124	\$	284,124	77959
		Revitalization					
		Operating					
TOTAL CPF		Capital Projects Fund	\$	284,124	\$	284,124	77960
Group							
Federal Fund Group							77961
3530	715612	Public Water Supply	\$	2,058,127	\$	2,113,020	77962
3540	715614	Hazardous Waste	\$	3,038,383	\$	3,038,383	77963
		Management - Federal					

3570	715619	Air Pollution Control - Federal	\$	6,310,203	\$	6,310,203	77964
3620	715605	Underground Injection Control - Federal	\$	98,629	\$	102,859	77965
3BU0	715684	Water Quality Protection	\$	13,211,815	\$	14,537,389	77966
3CS0	715688	Federal NRD Settlements	\$	200,000	\$	200,000	77967
3F20	715630	Revolving Loan Fund - Operating	\$	2,800,000	\$	2,900,000	77968
3F30	715632	Federally Supported Cleanup and Response	\$	4,168,991	\$	4,291,191	77969
3T30	715669	Drinking Water State Revolving Fund	\$	2,824,076	\$	2,824,076	77970
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000	77971
TOTAL FED		Federal Fund Group	\$	35,310,223	\$	36,917,121	77972
TOTAL ALL BUDGET FUND GROUPS			\$	183,226,886	\$	185,898,047	77973

AREAWIDE PLANNING AGENCIES 77974

The Director of Environmental Protection Agency may award 77975  
grants from appropriation item 715687, Areawide Planning Agencies, 77976  
to areawide planning agencies engaged in areawide water quality 77977  
management and planning activities in accordance with Section 208 77978  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 77979

WATER POLLUTION CONTROL ADMINISTRATION FUND (FUND 6990) 77980

EXPENDITURES LIMITATION 77981

Notwithstanding division (B) of section 6111.09 of the 77982  
Revised Code, the Director of Environmental Protection may expend 77983  
not more than \$800,000 of the moneys credited to the Water 77984  
Pollution Control Administration Fund (Fund 6990) under that 77985  
division in either of fiscal years 2016 or 2017 for the purposes 77986  
specified in that division. 77987

<b>Section 277.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION</b>				77988
General Revenue Fund				77989
GRF 172321	Operating Expenses	\$ 612,435	\$ 612,435	77990
TOTAL GRF General Revenue Fund				77991
TOTAL ALL BUDGET FUND GROUPS				77992
 <b>Section 279.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION</b>				77994
General Revenue Fund				77995
GRF 935401	Statehouse News	\$ 215,561	\$ 215,561	77996
Bureau				
GRF 935402	Ohio Government	\$ 1,252,089	\$ 1,252,089	77997
Telecommunications				
Services				
GRF 935408	General Operations	\$ 495,000	\$ 495,000	77998
GRF 935409	Technology Operations	\$ 2,743,962	\$ 2,743,962	77999
GRF 935410	Content Development,	\$ 2,607,094	\$ 2,607,094	78000
Acquisition, and				
Distribution				
GRF 935412	Information	\$ 533,716	\$ 533,716	78001
Technology				
TOTAL GRF General Revenue Fund				78002
Dedicated Purpose Fund Group				78003
5FK0 935608	Media Services	\$ 95,000	\$ 95,000	78004
TOTAL DPF Dedicated Purpose Fund				78005
Group				
Internal Service Activity Fund Group				78006
4F30 935603	Affiliate Services	\$ 4,000	\$ 4,000	78007
4T20 935605	Government	\$ 7,000	\$ 7,000	78008
Television/Telecommunications				
Operating				
TOTAL ISA Internal Service Activity				78009

Fund Group	\$	11,000	\$	11,000	78010
TOTAL ALL BUDGET FUND GROUPS	\$	7,953,422	\$	7,953,422	78011

**Section 279.20.** STATEHOUSE NEWS BUREAU 78013

The foregoing appropriation item 935401, Statehouse News 78014  
Bureau, shall be used solely to support the operations of the Ohio 78015  
Statehouse News Bureau. 78016

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 78017

The foregoing appropriation item 935402, Ohio Government 78018  
Telecommunications Services, shall be used solely to support the 78019  
operations of Ohio Government Telecommunications Services which 78020  
include providing multimedia support to the state government and 78021  
its affiliated organizations and broadcasting the activities of 78022  
the legislative, judicial, and executive branches of state 78023  
government, among its other functions. 78024

TECHNOLOGY OPERATIONS 78025

The foregoing appropriation item 935409, Technology 78026  
Operations, shall be used by the Broadcast Educational Media 78027  
Commission to pay expenses of the network infrastructure, which 78028  
includes the television and radio transmission infrastructure and 78029  
infrastructure that shall link all public K-12 classrooms to each 78030  
other and to the Internet, and provide access to voice, video, 78031  
other communication services, and data educational resources for 78032  
students and teachers. 78033

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 78034

The foregoing appropriation item 935410, Content Development, 78035  
Acquisition, and Distribution, shall be used for the development, 78036  
acquisition, and distribution of information resources by public 78037  
media and radio reading services and for educational use in the 78038  
classroom and online. 78039

Of the foregoing appropriation item 935410, Content 78040

Development, Acquisition, and Distribution, up to \$658,099 in each 78041  
fiscal year shall be allocated equally among the Ohio educational 78042  
television stations. Funds shall be used for the production of 78043  
interactive instructional programming series with priority given 78044  
to resources aligned with state academic content standards. The 78045  
programming shall be targeted to the needs of the one-third lowest 78046  
capacity school districts as determined by the district's state 78047  
share percentage calculated by the Department of Education. 78048

Of the foregoing appropriation item 935410, Content 78049  
Development, Acquisition, and Distribution, up to \$1,749,283 in 78050  
each fiscal year shall be distributed by the Broadcast Educational 78051  
Media Commission to Ohio's qualified public educational television 78052  
stations and educational radio stations to support their 78053  
operations. The funds shall be distributed pursuant to an 78054  
allocation formula used by the Ohio Educational Telecommunications 78055  
Network Commission unless a substitute formula is developed by the 78056  
Broadcast Educational Media Commission in consultation with Ohio's 78057  
qualified public educational television stations and educational 78058  
radio stations. 78059

Of the foregoing appropriation item 935410, Content 78060  
Development, Acquisition, and Distribution, up to \$199,712 in each 78061  
fiscal year shall be distributed by the Broadcast Educational 78062  
Media Commission to Ohio's qualified radio reading services to 78063  
support their operations. The funds shall be distributed pursuant 78064  
to an allocation formula used by the Ohio Educational 78065  
Telecommunications Network Commission unless a substitute formula 78066  
is developed by the Broadcast Educational Media Commission in 78067  
consultation with Ohio's qualified radio reading services. 78068

**Section 281.10.** ETH OHIO ETHICS COMMISSION 78069

General Revenue Fund 78070

GRF 146321 Operating Expenses \$ 1,381,556 \$ 1,381,556 78071

TOTAL GRF General Revenue Fund	\$	1,381,556	\$	1,381,556	78072
Dedicated Purpose Fund Group					78073
4M60 146601 Operating Support	\$	641,000	\$	641,000	78074
TOTAL DPF Dedicated Purpose Fund Group	\$	641,000	\$	641,000	78075
TOTAL ALL BUDGET FUND GROUPS	\$	2,022,556	\$	2,022,556	78076

**Section 283.10. EXP OHIO EXPOSITIONS COMMISSION** 78078

General Revenue Fund					78079
GRF 723403 Junior Fair Subsidy	\$	250,000	\$	250,000	78080
TOTAL GRF General Revenue Fund	\$	250,000	\$	250,000	78081
Dedicated Purpose Fund Group					78082
4N20 723602 Ohio State Fair	\$	235,000	\$	235,000	78083
Harness Racing					
5060 723601 Operating Expenses	\$	13,345,000	\$	13,585,000	78084
5060 723604 Grounds Maintenance and Repairs	\$	300,000	\$	300,000	78085
TOTAL DPF Dedicated Purpose Fund Group	\$	13,880,000	\$	14,120,000	78086
TOTAL ALL BUDGET FUND GROUPS	\$	14,130,000	\$	14,370,000	78087

**STATE FAIR RESERVE** 78088

The General Manager of the Expositions Commission, in 78089  
consultation with the Director of Budget and Management, may 78090  
submit a request to the Controlling Board to use available amounts 78091  
in the State Fair Reserve Fund (Fund 6400) if revenues from either 78092  
the 2015 or the 2016 Ohio State Fair are unexpectedly low. 78093

**GROUND MAINTENANCE AND REPAIRS** 78094

The foregoing appropriation item 723604, Grounds Maintenance 78095  
and Repairs, shall be used for maintenance and repairs on the 78096  
grounds of the Ohio Expo Center. 78097

<b>Section 285.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION</b>				78098
General Revenue Fund				78099
GRF	230321	Operating Expenses	\$ 7,500,000 \$ 7,500,000	78100
GRF	230401	Cultural Facilities	\$ 29,728,000 \$ 25,737,900	78101
Lease Rental Bond Payments				
GRF	230458	State Construction Management Services	\$ 2,200,000 \$ 2,000,000	78102
GRF	230459	Aronoff Center Building Maintenance	\$ 540,000 \$ 540,000	78103
GRF	230908	Common Schools General Obligation Bond Debt Service	\$ 375,706,700 \$ 386,754,800	78104
TOTAL GRF General Revenue Fund				\$ 415,674,700 \$ 422,532,700 78105
Internal Service Activity Fund Group				78106
1310	230639	State Construction Management Operations	\$ 8,500,000 \$ 8,500,000	78107
TOTAL ISA Internal Service Activity				\$ 8,500,000 \$ 8,500,000 78108
Fund Group				
TOTAL ALL BUDGET FUND GROUPS				\$ 424,174,700 \$ 431,032,700 78109

**Section 285.20. CULTURAL FACILITIES LEASE RENTAL BOND** 78111

PAYMENTS 78112

The foregoing appropriation item 230401, Cultural Facilities 78113  
 Lease Rental Bond Payments shall be used to meet all payments 78114  
 during the period from July 1, 2015, through June 30, 2017, by the 78115  
 Ohio Facilities Construction Commission under the primary leases 78116  
 and agreements for cultural and sports facilities made under 78117  
 Chapters 152. and 154. of the Revised Code. These appropriations 78118  
 are the source of funds pledged for bond service charges on 78119  
 related obligations issued under Chapters 152. and 154. of the 78120

Revised Code.	78121
COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE	78122
The foregoing appropriation item 230908, Common Schools	78123
General Obligation Bond Debt Service, shall be used to pay all	78124
debt service and related financing costs during the period from	78125
July 1, 2015, through June 30, 2017, on obligations issued under	78126
sections 151.01 and 151.03 of the Revised Code.	78127
<b>Section 285.30.</b> COMMUNITY PROJECT ADMINISTRATION	78128
The foregoing appropriation item 230458, State Construction	78129
Management Services, shall be used by the Ohio Facilities	78130
Construction Commission in administering Cultural and Sports	78131
Facilities Building Fund (Fund 7030) projects pursuant to section	78132
123.201 of the Revised Code.	78133
SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION	78134
At the request of the Executive Director of the Ohio School	78135
Facilities Commission, the Director of Budget and Management may	78136
cancel encumbrances for school district projects from a previous	78137
biennium if the district has not raised its local share of project	78138
costs within thirteen months of receiving Controlling Board	78139
approval under section 3318.05 or 3318.41 of the Revised Code. The	78140
Executive Director of the Ohio School Facilities Commission shall	78141
certify the amounts of the canceled encumbrances to the Director	78142
of Budget and Management on a quarterly basis. The amounts of the	78143
canceled encumbrances are hereby appropriated.	78144
<b>Section 285.40.</b> CAPITAL DONATIONS FUND CERTIFICATIONS AND	78145
APPROPRIATIONS	78146
On July 1, 2015, or as soon as possible thereafter, the	78147
Executive Director of the Facilities Construction Commission shall	78148
certify to the Director of Budget and Management the amount of	78149

cash receipts and related investment income, irrevocable letters 78150  
of credit from a bank, or certification of the availability of 78151  
funds that have been received from a county or a municipal 78152  
corporation for deposit into the Capital Donations Fund (Fund 78153  
5A10) and that are related to an anticipated project. These 78154  
amounts are hereby appropriated to appropriation item C37146, 78155  
Capital Donations. Prior to certifying these amounts to the 78156  
Director, the Executive Director shall make a written agreement 78157  
with the participating entity on the necessary cash flows required 78158  
for the anticipated construction or equipment acquisition project. 78159

**Section 285.50.** AMENDMENT TO PROJECT AGREEMENT FOR 78160  
MAINTENANCE LEVY 78161

The Ohio School Facilities Commission shall amend the project 78162  
agreement between the Commission and a school district that is 78163  
participating in the Accelerated Urban School Building Assistance 78164  
Program on the effective date of this section, if the Commission 78165  
determines that it is necessary to do so in order to comply with 78166  
division (B)(3)(c) of section 3318.38 of the Revised Code. 78167

**Section 285.60.** Notwithstanding any other provision of law to 78168  
the contrary, the Ohio School Facilities Commission may determine 78169  
the amount of funding available for disbursement in a given fiscal 78170  
year for any project approved under sections 3318.01 to 3318.20 of 78171  
the Revised Code in order to keep aggregate state capital spending 78172  
within approved limits and may take actions including, but not 78173  
limited to, determining the schedule for design or bidding of 78174  
approved projects, to ensure appropriate and supportable cash 78175  
flow. 78176

**Section 285.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 78177  
DISTRICT 78178

Notwithstanding division (B) of section 3318.40 of the 78179

Revised Code, the Ohio School Facilities Commission may provide 78180  
assistance to at least one joint vocational school district each 78181  
fiscal year for the acquisition of classroom facilities in 78182  
accordance with sections 3318.40 to 3318.45 of the Revised Code. 78183

**Section 285.80.** FUNDING OF DISTRICT SHARE OF BASIC PROJECT 78184  
COST 78185

(A) The Ohio School Facilities Commission, in consultation 78186  
with the Office of Budget and Management, shall prepare a study of 78187  
the impacts, benefits, and risks associated with a school district 78188  
funding its share of the basic project cost of a school facilities 78189  
project under Chapter 3318. of the Revised Code with cash-on-hand 78190  
resulting from a lease-purchase agreement or certificate of 78191  
participation under section 3313.375 of the Revised Code that is 78192  
not subject to voter approval. The study shall be completed not 78193  
later than nine months after the effective date of this section 78194  
and submitted to the Governor and General Assembly in accordance 78195  
with section 101.68 of the Revised Code. Until this study is 78196  
completed, a school district shall not fund its share of the basic 78197  
project cost of a school facilities project under Chapter 3318. of 78198  
the Revised Code with cash-on-hand resulting from a lease-purchase 78199  
agreement or certificate of participation under section 3313.375 78200  
of the Revised Code that is not subject to voter approval, except 78201  
as provided in division (B) of this section. 78202

(B) Notwithstanding division (A) of this section and any 78203  
other provision of law to the contrary, with the approval of the 78204  
School Facilities Commission, a school district may use 78205  
cash-on-hand resulting from a lease-purchase agreement or 78206  
certificate of participation under section 3313.375 of the Revised 78207  
Code that is not subject to voter approval in the following 78208  
limited circumstances: 78209

(1) Funding the district's share of an increase in the basic 78210

project cost approved under section 3318.083 of the Revised Code; 78211  
(2) Funding a locally funded initiative; or 78212  
(3) Funding a project under the Expedited Local Partnership 78213  
Program established under either section 3318.36 or 3318.46 of the 78214  
Revised Code. 78215

**Section 287.10.** GOV OFFICE OF THE GOVERNOR 78216

General Revenue Fund 78217

GRF 040321	Operating Expenses	\$	2,851,552	\$	2,851,552	78218
TOTAL GRF	General Revenue Fund	\$	2,851,552	\$	2,851,552	78219

Internal Service Activity Fund Group 78220

5AK0 040607	Government Relations	\$	300,000	\$	300,000	78221
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TOTAL ISA Internal Service Activity 78222

Fund Group		\$	300,000	\$	300,000	78223
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TOTAL ALL BUDGET FUND GROUPS		\$	3,151,552	\$	3,151,552	78224
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GOVERNMENT RELATIONS 78225

A portion of the foregoing appropriation item 040607, 78226  
Government Relations, may be used to support Ohio's membership in 78227  
national or regional associations. 78228

The Office of the Governor may charge any state agency of the 78229  
executive branch using an intrastate transfer voucher such amounts 78230  
necessary to defray the costs incurred for the conduct of 78231  
governmental relations associated with issues that can be 78232  
attributed to the agency. Amounts collected shall be deposited in 78233  
the Government Relations Fund (Fund 5AK0). 78234

**Section 289.10.** DOH DEPARTMENT OF HEALTH 78235

General Revenue Fund 78236

GRF 440412	Cancer Incidence	\$	600,000	\$	600,000	78237
	Surveillance System					

GRF 440413	Local Health Departments	\$	823,061	\$	823,061	78238
GRF 440416	Mothers and Children Safety Net Services	\$	4,428,015	\$	4,428,015	78239
GRF 440418	Immunizations	\$	5,988,545	\$	5,988,545	78240
GRF 440431	Free Clinics Safety Net Services	\$	437,326	\$	437,326	78241
GRF 440438	Breast and Cervical Cancer Screening	\$	823,217	\$	823,217	78242
GRF 440444	AIDS Prevention and Treatment	\$	5,842,315	\$	5,842,315	78243
GRF 440451	Public Health Laboratory	\$	5,489,175	\$	5,489,175	78244
GRF 440452	Child and Family Health Services Match	\$	630,444	\$	630,444	78245
GRF 440453	Health Care Quality Assurance	\$	5,188,374	\$	5,188,374	78246
GRF 440454	Environmental Health	\$	1,209,430	\$	1,209,430	78247
GRF 440459	Help Me Grow	\$	31,708,080	\$	31,708,080	78248
GRF 440465	Federally Qualified Health Centers	\$	2,686,688	\$	2,686,688	78249
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484	78250
GRF 440468	Chronic Disease and Injury Prevention	\$	2,466,127	\$	2,466,127	78251
GRF 440472	Alcohol Testing	\$	1,114,244	\$	1,114,244	78252
GRF 440473	Tobacco Prevention Cessation and Enforcement	\$	2,050,000	\$	2,050,000	78253
GRF 440474	Infant Vitality	\$	4,116,688	\$	4,116,688	78254
GRF 440477	Emergency Preparation and Response	\$	2,750,000	\$	2,750,000	78255
GRF 440505	Medically Handicapped Children	\$	7,512,451	\$	7,512,451	78256

GRF 440507	Targeted Health Care	\$	1,045,414	\$	1,045,414	78257
	Services Over 21					
GRF 654453	Medicaid - Health Care	\$	3,300,000	\$	3,300,000	78258
	Quality Assurance					
TOTAL GRF General Revenue Fund		\$	90,750,078	\$	90,750,078	78259
Highway Safety Fund Group						78260
4T40 440603	Child Highway Safety	\$	280,000	\$	280,000	78261
TOTAL HSF Highway Safety Fund Group		\$	280,000	\$	280,000	78262
Dedicated Purpose Fund Group						78263
4700 440647	Fee Supported	\$	23,958,743	\$	24,183,552	78264
	Programs					
4710 440619	Certificate of Need	\$	878,433	\$	878,433	78265
4730 440622	Lab Operating	\$	5,250,000	\$	5,250,000	78266
	Expenses					
4770 440627	Medically Handicapped	\$	3,692,703	\$	3,692,703	78267
	Children Audit					
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039	78268
4F90 440610	Sickle Cell Disease	\$	1,032,824	\$	1,032,824	78269
	Control					
4G00 440636	Heirloom Birth	\$	5,000	\$	5,000	78270
	Certificate					
4G00 440637	Birth Certificate	\$	5,000	\$	5,000	78271
	Surcharge					
4L30 440609	HIV Care and	\$	15,000,000	\$	15,000,000	78272
	Miscellaneous					
	Expenses					
4P40 440628	Ohio Physician Loan	\$	700,000	\$	700,000	78273
	Repayment					
4V60 440641	Save Our Sight	\$	2,550,000	\$	2,550,000	78274
5B50 440616	Quality, Monitoring,	\$	716,511	\$	736,194	78275
	and Inspection					
5BX0 440656	Tobacco Use	\$	6,350,000	\$	6,350,000	78276

		Prevention					
5CN0	440645	Choose Life	\$	75,000	\$	75,000	78277
5D60	440620	Second Chance Trust	\$	1,500,000	\$	1,500,000	78278
5ED0	440651	Smoke Free Indoor Air	\$	400,000	\$	400,000	78279
5G40	440639	Adoption Services	\$	20,000	\$	20,000	78280
5PE0	440659	Breast and Cervical Cancer Services	\$	300,000	\$	300,000	78281
5QH0	440661	Dental Hygiene	\$	5,000	\$	5,000	78282
		Resources Shortage Area					
5QJ0	440662	Dental Hygienist Loan Repayment	\$	80,000	\$	80,000	78283
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	200,000	78284
6100	440626	Radiation Emergency Response	\$	1,086,098	\$	1,086,098	78285
6660	440607	Medically Handicapped Children - County Assessments	\$	19,739,617	\$	19,739,617	78286
6980	440634	Nurse Aide Training	\$	120,000	\$	120,000	78287
TOTAL	DPF	Dedicated Purpose Fund Group	\$	86,915,968	\$	87,220,460	78288
		Internal Service Activity Fund Group					78289
1420	440646	Agency Health Services	\$	3,279,509	\$	3,130,613	78290
2110	440613	Central Support Indirect Costs	\$	30,052,469	\$	30,052,469	78291
TOTAL	ISA	Internal Service Activity Fund Group	\$	33,331,978	\$	33,183,082	78292
		Holding Account Fund Group					78293
R014	440631	Vital Statistics	\$	44,986	\$	44,986	78294
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	78295

		Reconciliation, and				
		Audit Settlements				
TOTAL HLD	Group	Holding Account Fund	\$	64,986	\$	64,986 78296
Federal Fund	Group					78297
3200 440601	Maternal Child Health	Block Grant	\$	22,000,000	\$	22,000,000 78298
3870 440602	Preventive Health	Block Grant	\$	8,000,000	\$	8,000,000 78299
3890 440604	Women, Infants, and	Children	\$	240,000,000	\$	240,000,000 78300
3910 440606	Medicare Survey and	Certification	\$	18,000,000	\$	18,000,000 78301
3920 440618	Federal Public Health	Programs	\$	107,198,791	\$	107,198,791 78302
3GD0 654601	Medicaid Program	Support	\$	22,392,094	\$	22,392,094 78303
3GN0 440660	Public Health	Emergency Preparedness	\$	27,941,795	\$	27,941,795 78304
TOTAL FED	Federal Fund	Group	\$	445,532,680	\$	445,532,680 78305
TOTAL ALL	BUDGET FUND	GROUPS	\$	656,875,690	\$	657,031,286 78306

**Section 289.20.** MOTHERS AND CHILDREN SAFETY NET SERVICES 78308

Of the foregoing appropriation item 440416, Mothers and 78309  
 Children Safety Net Services, \$200,000 in each fiscal year shall 78310  
 be used to assist families with hearing impaired children under 78311  
 twenty-one years of age in purchasing hearing aids. The Director 78312  
 of Health shall adopt rules governing the distribution of these 78313  
 funds, including rules that do both of the following: (1) 78314  
 establish eligibility criteria to include families with incomes at 78315  
 or below four hundred per cent of the federal poverty guidelines 78316  
 as defined in section 5101.46 of the Revised Code, and (2) develop 78317

a sliding scale of disbursements under this section based on 78318  
family income. The Director may adopt other rules as necessary to 78319  
implement this section. Rules adopted under this section shall be 78320  
adopted in accordance with Chapter 119. of the Revised Code. 78321

The Department shall disburse all of the funds appropriated 78322  
under this section. 78323

HIV/AIDS PREVENTION/TREATMENT 78324

The foregoing appropriation item 440444, AIDS Prevention and 78325  
Treatment, shall be used to assist persons with HIV/AIDS in 78326  
acquiring HIV-related medications and to administer educational 78327  
prevention initiatives. 78328

PUBLIC HEALTH LABORATORY 78329

A portion of the foregoing appropriation item 440451, Public 78330  
Health Laboratory, shall be used for coordination and management 78331  
of prevention program operations and the purchase of drugs for 78332  
sexually transmitted diseases. 78333

HELP ME GROW 78334

The foregoing appropriation item 440459, Help Me Grow, shall 78335  
be used by the Department of Health to implement the Help Me Grow 78336  
Program. Funds shall be distributed to counties through 78337  
agreements, contracts, grants, or subsidies in accordance with 78338  
section 3701.61 of the Revised Code. Appropriation item 440459, 78339  
Help Me Grow, may be used in conjunction with other early 78340  
childhood funds and services to promote the optimal development of 78341  
young children and family-centered programs and services that 78342  
acknowledge and support the social, emotional, cognitive, 78343  
intellectual, and physical development of children and the vital 78344  
role of families in ensuring the well-being and success of 78345  
children. The Department of Health shall enter into interagency 78346  
agreements with the Department of Education, Department of 78347  
Developmental Disabilities, Department of Job and Family Services, 78348

and Department of Mental Health and Addiction Services to ensure 78349  
that all early childhood programs and initiatives are coordinated 78350  
and school linked. 78351

The foregoing appropriation item 440459, Help Me Grow, may 78352  
also be used for the Developmental Autism and Screening Program. 78353

INFANT VITALITY 78354

The foregoing appropriation item 440474, Infant Vitality, 78355  
shall be used to fund initiatives including: 78356

(A) The Infant Safe Sleep Campaign to educate parents and 78357  
caregivers with a uniform message regarding safe sleep 78358  
environments; 78359

(B) The Progesterone Prematurity Prevention Project to enable 78360  
prenatal care providers to identify, screen, treat, and track 78361  
outcomes for women eligible for progesterone supplementation; and 78362

(C) The Prenatal Smoking Cessation Project to enable prenatal 78363  
care providers who work with women of reproductive age, including 78364  
pregnant women, to have the tools, training, and technical 78365  
assistance needed to treat smokers effectively. 78366

EMERGENCY PREPARATION AND RESPONSE 78367

The foregoing appropriation item 440477, Emergency 78368  
Preparation and Response, shall be used to support public health 78369  
emergency preparedness and response efforts at the state level or 78370  
at a regional sub-level within the state, and may also be used to 78371  
support data infrastructure projects related to public health 78372  
emergency preparedness/response. 78373

TARGETED HEALTH CARE SERVICES OVER 21 78374

The foregoing appropriation item 440507, Targeted Health Care 78375  
Services Over 21, shall be used to administer the Cystic Fibrosis 78376  
Program and to implement the Hemophilia Insurance Premium Payment 78377  
Program. 78378

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMh) participants for the Cystic Fibrosis Program.

The Department shall expend all of these funds.

MEDICALLY HANDICAPPED CHILDREN AUDIT

The Medically Handicapped Children Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.

GENETICS SERVICES

The foregoing appropriation item 440608, Genetics Services (Fund 4D60), shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments (Fund 6660), shall be used to make payments under division (E) of section 3701.023 of

the Revised Code. 78410

**Section 289.30. IMMUNIZATIONS** 78411

Beginning on January 1, 2016, the Department of Health shall 78412  
no longer provide GRF-funded vaccines or GRF funding for vaccines 78413  
from GRF appropriation item 440418, Immunizations. Local health 78414  
departments and other local providers who receive GRF funded 78415  
vaccines or GRF funding for vaccines from the Department of Health 78416  
before January 1, 2016, shall instead bill private insurance 78417  
companies as appropriate to recover the costs of providing and 78418  
administering vaccines. However, the Department of Health may 78419  
continue to provide GRF-funded vaccines or GRF funding for 78420  
vaccines to cover uninsured adults, to cover individuals on 78421  
grandfathered private insurance plans that do not cover vaccines, 78422  
and in certain exceptional cases as determined by the Director of 78423  
Health. 78424

**Section 289.40. WIC VENDOR CONTRACTS** 78425

(A) As used in this section, "WIC" means the Special 78426  
Supplemental Nutrition Program for Women, Infants, and Children 78427  
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 78428  
42 U.S.C. 1786, as amended. 78429

(B) During fiscal year 2016 and fiscal year 2017, the 78430  
Department of Health shall process and review a WIC vendor 78431  
contract application pursuant to Chapter 3701-42 of the 78432  
Administrative Code not later than forty-five days after receipt 78433  
of the application if the applicant is a WIC-contracted vendor at 78434  
the time of application and meets all of the following 78435  
requirements: 78436

(1) Submits a complete WIC vendor application with all 78437  
required documents and information; 78438

(2) Passes the required unannounced preauthorization visit 78439

within forty-five days of submitting a complete application; 78440

(3) Completes the required in-person training within 78441  
forty-five days of submitting the complete application. 78442

(C) If an applicant fails to meet any of the requirements 78443  
described in division (B) of this section, the Department shall 78444  
deny the application for the contract. After an application has 78445  
been denied, the applicant may reapply for a contract to act as a 78446  
WIC vendor during the contracting cycle that is applicable to the 78447  
applicant's WIC region. 78448

**Section 289.50.** CASH TRANSFERS TO THE PUBLIC HEALTH EMERGENCY 78449  
PREPAREDNESS FUND 78450

On July 1, 2015, or as soon as possible thereafter, the 78451  
Director of Health shall certify to the Director of Budget and 78452  
Management the cash balance relating to public health emergency 78453  
preparedness and response activities in the General Operations 78454  
Fund (Fund 3920) and the Central Support Indirect Cost Fund (Fund 78455  
2110), both used by the Department of Health. Upon receiving this 78456  
certification, the Director of Budget and Management may transfer 78457  
the amount certified to the Public Health Emergency Preparedness 78458  
Fund (Fund 3GN0) and/or the General Operations Fund (Fund 3920), 78459  
both used by the Department of Health. 78460

**Section 289.60.** Population Health Planning and Hospital 78461  
Benefit Advisory Workgroup 78462

(A) There is hereby created the Population Health Planning 78463  
and Hospital Benefit Advisory Workgroup. The Workgroup shall 78464  
consist of the following members: 78465

(1) The Executive Director of the Office of Health 78466  
Transformation, or the Director's designee; 78467

(2) The Director of Health, or the Director's designee; 78468

(3) The Medicaid Director, or the Director's designee;	78469
(4) The Tax Commissioner, or the Commissioner's designee;	78470
(5) The following individuals appointed by the Executive Director of the Office of Health Transformation:	78471 78472
(a) Three representatives of health policy and research institutes or associations;	78473 78474
(b) Three representatives of boards of health of city and general health districts;	78475 78476
(c) Three representatives of nonprofit hospitals or nonprofit hospital systems;	78477 78478
(d) One representative of the Ohio Hospital Association;	78479
(e) One representative of the Association of Ohio Health Commissioners, Inc.;	78480 78481
(f) One representative of the Ohio Association of Community Health Centers;	78482 78483
(g) Two other individuals selected by the Executive Director.	78484
(6) Two members of the House of Representatives, one from the majority party and one from the minority party, appointed by the Speaker of the House of Representatives;	78485 78486 78487
(7) Two members of the Senate, one from the majority party and one from the minority party, appointed by the President of the Senate.	78488 78489 78490
(B) Members of the Workgroup shall be appointed not later than fifteen days after the effective date of this section. Vacancies shall be filled in the same manner as the original appointments. Each member shall serve without compensation or reimbursement for expenses incurred while serving on the Workgroup, except to the extent that serving on the Workgroup is considered to be among the member's employment duties.	78491 78492 78493 78494 78495 78496 78497

(C) The Executive Director of the Office of Health Transformation or the Executive Director's designee shall serve as chairperson of the Workgroup. The Department of Health shall provide staff and other support services for the Workgroup.

(D) The Workgroup shall do both of the following:

(1) Collaborate regarding the development of recommendations for aligning population health planning and nonprofit hospital community benefit expectations;

(2) Make recommendations on all of the following:

(a) Aligning population health planning among state, regional, and local health assessments and plans;

(b) Coordinating nonprofit hospitals' community health needs assessments and community health improvement plan activities with regional or community health needs assessments and community health improvement plan activities;

(c) Establishing regional community health improvement plans that meet the requirements for accreditation of participant health districts by the public health accreditation board;

(d) Forming regional community health and wellness trusts that have advisory boards that include representatives of health districts, nonprofit hospitals, and the community;

(e) Designating a portion of each nonprofit hospital's community benefit to fund regional population health priorities in order to be eligible for state tax benefits.

(E) Not later than December 31, 2015, the Workgroup, with the assistance of the Executive Director of the Office of Health Transformation and the Directors of Health and Budget and Management, shall submit a report to the General Assembly describing its recommendations for aligning population health planning and nonprofit hospital community benefit expectations.

The report shall be submitted in accordance with section 101.68 of the Revised Code. On submission of the report, the Workgroup shall cease to exist.

<b>Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION</b>				78531
Dedicated Purpose Fund Group				78532
4610 372601	Operating Expenses	\$	12,500 \$	12,500 78533
TOTAL DPF Dedicated Purpose Fund Group				78534
TOTAL ALL BUDGET FUND GROUPS				78535

<b>Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS</b>				78537
General Revenue Fund				78538
GRF 148100	Personal Services	\$	368,459 \$	368,451 78539
GRF 148402	Community Programs	\$	44,924 \$	44,924 78540
TOTAL GRF General Revenue Fund				78541
Dedicated Purpose Fund Group				78542
6010 148602	Special Initiatives	\$	24,558 \$	24,558 78543
TOTAL DPF Dedicated Purpose Fund Group				78544
TOTAL ALL BUDGET FUND GROUPS				78545

<b>Section 295.10. OHS OHIO HISTORY CONNECTION</b>				78548
General Revenue Fund				78549
GRF 360501	Education and Collections	\$	3,618,997 \$	3,618,997 78550
GRF 360502	Site and Museum Operations	\$	5,426,288 \$	5,426,288 78551
GRF 360504	Ohio Preservation Office	\$	290,000 \$	290,000 78552
GRF 360505	National Afro-American Museum	\$	414,798 \$	414,798 78553

GRF	360506	Hayes Presidential Center	\$	309,147	\$	309,147	78554
GRF	360509	Outreach and Partnership	\$	90,395	\$	90,395	78555
TOTAL GRF	General Revenue Fund		\$	10,149,625	\$	10,149,625	78556
Dedicated Purpose Fund Group							78557
5KL0	360602	Ohio History Tax Check-off	\$	250,000	\$	250,000	78558
5PD0	360603	Ohio History License Plate	\$	10,000	\$	10,000	78559
TOTAL DPF	Dedicated Purpose Fund Group		\$	260,000	\$	260,000	78560
TOTAL ALL BUDGET FUND GROUPS			\$	10,409,625	\$	10,409,625	78561

SUBSIDY APPROPRIATION 78562

Upon approval by the Director of Budget and Management, the 78563  
foregoing appropriation items shall be released to the Ohio 78564  
History Connection in quarterly amounts that in total do not 78565  
exceed the annual appropriations. The funds and fiscal records of 78566  
the society for fiscal year 2014 and fiscal year 2015 shall be 78567  
examined by independent certified public accountants approved by 78568  
the Auditor of State, and a copy of the audited financial 78569  
statements shall be filed with the Office of Budget and 78570  
Management. The society shall prepare and submit to the Office of 78571  
Budget and Management the following: 78572

(A) An estimated operating budget for each fiscal year of the 78573  
biennium. The operating budget shall be submitted at or near the 78574  
beginning of each calendar year. 78575

(B) Financial reports, indicating actual receipts and 78576  
expenditures for the fiscal year to date. These reports shall be 78577  
filed at least semiannually during the fiscal biennium. 78578

The foregoing appropriations shall be considered to be the 78579

contractual consideration provided by the state to support the 78580  
state's offer to contract with the Ohio History Connection under 78581  
section 149.30 of the Revised Code. 78582

**Section 297.10.** REP OHIO HOUSE OF REPRESENTATIVES 78583

General Revenue Fund 78584

GRF 025321 Operating Expenses \$ 23,272,941 \$ 23,272,941 78585

TOTAL GRF General Revenue Fund \$ 23,272,941 \$ 23,272,941 78586

Internal Service Activity Fund Group 78587

1030 025601 House Reimbursement \$ 1,433,664 \$ 1,433,664 78588

4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849 78589

TOTAL Internal Service Activity 78590

Fund Group \$ 1,471,513 \$ 1,471,513 78591

TOTAL ALL BUDGET FUND GROUPS \$ 24,744,454 \$ 24,744,454 78592

OPERATING EXPENSES 78593

On July 1, 2015, or as soon as possible thereafter, the Chief 78594  
Administrative Officer of the House of Representatives may certify 78595  
to the Director of Budget and Management the amount of the 78596  
unexpended, unencumbered balance of the foregoing appropriation 78597  
item 025321, Operating Expenses, at the end of fiscal year 2015 to 78598  
be reappropriated to fiscal year 2016. The amount certified is 78599  
hereby reappropriated to the same appropriation item for fiscal 78600  
year 2016. 78601

On July 1, 2016, or as soon as possible thereafter, the Chief 78602  
Administrative Officer of the House of Representatives may certify 78603  
to the Director of Budget and Management the amount of the 78604  
unexpended, unencumbered balance of the foregoing appropriation 78605  
item 025321, Operating Expenses, at the end of fiscal year 2016 to 78606  
be reappropriated to fiscal year 2017. The amount certified is 78607  
hereby reappropriated to the same appropriation item for fiscal 78608  
year 2017. 78609

HOUSE REIMBURSEMENT				78610
If it is determined by the Chief Administrative Officer of				78611
the House of Representatives that additional appropriations are				78612
necessary for the foregoing appropriation item 025601, House				78613
Reimbursement, the amounts are hereby appropriated.				78614
<b>Section 299.10.</b> HFA OHIO HOUSING FINANCE AGENCY				78615
Dedicated Purpose Fund Group				78616
5AZ0 997601 Housing Finance Agency	\$	12,111,500	\$ 12,176,700	78617
Personal Services				
TOTAL DPF Dedicated Purpose Fund	\$	12,111,500	\$ 12,176,700	78618
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	12,111,500	\$ 12,176,700	78619
<b>Section 301.10.</b> IGO OFFICE OF THE INSPECTOR GENERAL				78621
General Revenue Fund				78622
GRF 965321 Operating Expenses	\$	1,327,759	\$ 1,327,759	78623
TOTAL GRF General Revenue Fund	\$	1,327,759	\$ 1,327,759	78624
Internal Service Activity Fund Group				78625
5FA0 965603 Deputy Inspector	\$	400,000	\$ 400,000	78626
General for ODOT				
5FT0 965604 Deputy Inspector	\$	425,000	\$ 425,000	78627
General for BWC/OIC				
TOTAL ISA Internal Service Activity				78628
Fund Group	\$	825,000	\$ 825,000	78629
TOTAL ALL BUDGET FUND GROUPS	\$	2,152,759	\$ 2,152,759	78630
<b>Section 303.10.</b> INS DEPARTMENT OF INSURANCE				78632
Dedicated Purpose Fund Group				78633
5540 820601 Operating Expenses -	\$	180,000	\$ 180,000	78634
OSHIIP				

5540	820606	Operating Expenses	\$	26,010,367	\$	26,010,367	78635
5550	820605	Examination	\$	8,184,065	\$	8,184,065	78636
5PT0	820613	Captive Insurance	\$	496,252	\$	1,198,696	78637
		Regulation & Supervision					
TOTAL DPF Dedicated Purpose							78638
Fund Group			\$	34,870,684	\$	35,573,128	78639
Federal Fund Group							78640
3U50	820602	OSHIIP Operating	\$	1,970,725	\$	1,970,725	78641
		Grant					
TOTAL FED Federal Fund Group			\$	1,970,725	\$	1,970,725	78642
TOTAL ALL BUDGET FUND GROUPS			\$	36,841,409	\$	37,543,853	78643

MARKET CONDUCT EXAMINATION 78644

When conducting a market conduct examination of any insurer 78645  
 doing business in this state, the Superintendent of Insurance may 78646  
 assess the costs of the examination against the insurer. The 78647  
 superintendent may enter into consent agreements to impose 78648  
 administrative assessments or fines for conduct discovered that 78649  
 may be violations of statutes or rules administered by the 78650  
 Superintendent. All costs, assessments, or fines collected shall 78651  
 be deposited to the credit of the Department of Insurance 78652  
 Operating Fund (Fund 5540). 78653

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 78654

The Director of Budget and Management, at the request of the 78655  
 Superintendent of Insurance, may transfer cash from the Department 78656  
 of Insurance Operating Fund (Fund 5540), established by section 78657  
 3901.021 of the Revised Code, to the Superintendent's Examination 78658  
 Fund (Fund 5550), established by section 3901.071 of the Revised 78659  
 Code, only for expenses incurred in examining domestic fraternal 78660  
 benefit societies as required by section 3921.28 of the Revised 78661  
 Code. 78662

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 78663

Not later than the thirty-first day of July each fiscal year, 78664  
the Director of Budget and Management shall transfer \$5,000,000 78665  
from the Department of Insurance Operating Fund (Fund 5540) to the 78666  
General Revenue Fund. 78667

**Section 303.20.** TRANSFER OF FUNDS FOR CAPTIVE INSURANCE 78668  
COMPANY REGULATION AND SUPERVISION 78669

During fiscal years 2016 and 2017, the Director of Budget and 78670  
Management, in consultation with the Superintendent of Insurance, 78671  
may transfer up to \$1,000,000 cash, from the Department of 78672  
Insurance Operating Fund (Fund 5540) to the Captive Insurance 78673  
Regulation and Supervision Fund (Fund 5PT0), to meet the operating 78674  
needs associated with regulatory work related to the formation of 78675  
captive insurance companies in this state that will occur before 78676  
receipts from this activity are deposited into Fund 5PT0. Once 78677  
funds from captive insurance company application fees, 78678  
reimbursements from captive insurance companies for examinations, 78679  
and other sources have accrued to Fund 5PT0 in such amounts as are 78680  
deemed sufficient to sustain operations, the Director of Budget 78681  
and Management, in consultation with the Superintendent of 78682  
Insurance, shall establish a schedule for repaying the amounts 78683  
previously transferred during fiscal years 2016 and 2017 from Fund 78684  
5PT0 to Fund 5540. 78685

**Section 305.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 78686  
General Revenue Fund 78687  
GRF 600321 Program Support \$ 29,189,231 \$ 29,189,231 78688  
GRF 600410 TANF State/Maintenance \$ 152,386,934 \$ 152,386,934 78689  
of Effort  
GRF 600413 Child Care \$ 84,732,730 \$ 84,732,730 78690  
State/Maintenance of

	Effort				
GRF 600416	Information Technology	\$	54,365,961	\$	54,365,961 78691
	Projects				
GRF 600420	Child Support Programs	\$	6,591,048	\$	6,591,048 78692
GRF 600421	Family Assistance	\$	3,161,930	\$	3,161,930 78693
	Programs				
GRF 600423	Families and Children	\$	6,542,517	\$	6,542,517 78694
	Programs				
GRF 600445	Unemployment Insurance	\$	26,546,025	\$	26,850,802 78695
	Administration				
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103 78696
GRF 600511	Disability Financial	\$	17,000,000	\$	17,000,000 78697
	Assistance				
GRF 600521	Family Assistance -	\$	46,132,751	\$	46,132,751 78698
	Local				
GRF 600523	Family and Children	\$	57,455,323	\$	57,455,323 78699
	Services				
GRF 600528	Adoption Services				78700
	State	\$	28,623,389	\$	28,623,389 78701
	Federal	\$	38,202,557	\$	38,202,557 78702
	Adoption Services Total	\$	66,825,946	\$	66,825,946 78703
GRF 600533	Child, Family, and	\$	13,500,000	\$	13,500,000 78704
	Community Protective				
	Services				
GRF 600534	Adult Protective	\$	3,526,153	\$	3,526,153 78705
	Services				
GRF 600535	Early Care and	\$	143,617,211	\$	143,436,793 78706
	Education				
GRF 600540	Food Banks	\$	6,000,000	\$	6,000,000 78707
GRF 600541	Kinship Permanency	\$	3,500,000	\$	3,500,000 78708
	Incentive Program				
GRF 655522	Medicaid Program	\$	31,067,970	\$	31,067,970 78709
	Support - Local				

GRF 655523	Medicaid Program	\$	42,280,495	\$	45,080,495	78710
	Support - Local					
	Transportation					
TOTAL GRF	General Revenue Fund					78711
	State	\$	780,033,771	\$	782,958,130	78712
	Federal	\$	38,202,557	\$	38,202,557	78713
	GRF Total	\$	818,236,328	\$	821,160,687	78714
	Dedicated Purpose Fund Group					78715
1980 600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848	78716
4A80 600658	Public Assistance	\$	26,000,000	\$	26,000,000	78717
	Activities					
4A90 600607	Unemployment	\$	15,850,000	\$	15,250,000	78718
	Compensation					
	Administration Fund					
4E70 600604	Family and Children	\$	400,000	\$	400,000	78719
	Services Collections					
4F10 600609	Family and Children	\$	383,549	\$	383,549	78720
	Activities					
5DM0 600633	Audit Settlements and	\$	5,000,000	\$	5,000,000	78721
	Contingency					
5DP0 600634	Adoption Assistance	\$	500,000	\$	500,000	78722
	Loan					
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000	78723
5HC0 600695	Unemployment	\$	38,701,835	\$	28,668,609	78724
	Compensation Interest					
5KU0 600611	Unemployment		500,000		500,000	78725
	Insurance Support -					
	Other Sources					
5NG0 600660	Victims of Human	\$	100,000	\$	100,000	78726
	Trafficking					
5U60 600663	Family and Children	\$	4,000,000	\$	4,000,000	78727
	Support					
TOTAL DPF	Dedicated Purpose Fund	\$	97,809,232	\$	87,176,006	78728

Group

Internal Service Activity Fund Group				78729
5HL0	600602	State and County	\$ 3,000,000 \$	3,000,000 78730
Shared Services				
TOTAL ISA Internal Service Activity				\$ 3,000,000 \$ 3,000,000 78731
Fund Group				
Fiduciary Fund Group				78732
1920	600646	Child Support	\$ 129,250,000 \$	129,250,000 78733
Intercept - Federal				
5830	600642	Child Support	\$ 14,000,000 \$	14,000,000 78734
Intercept - State				
5B60	600601	Food Assistance	\$ 1,000,000 \$	1,000,000 78735
Intercept				
TOTAL FID Fiduciary Fund Group				\$ 144,250,000 \$ 144,250,000 78736
Holding Account Fund Group				78737
R012	600643	Refunds and Audit	\$ 500,000 \$	500,000 78738
Settlements				
R013	600644	Forgery Collections	\$ 10,000 \$	10,000 78739
TOTAL HLD Holding Account Fund				\$ 510,000 \$ 510,000 78740
Group				
Federal Fund Group				78741
3270	600606	Child Welfare	\$ 29,769,866 \$	29,769,866 78742
3310	600615	Veterans Programs	\$ 8,000,000 \$	8,000,000 78743
3310	600624	Employment Services	\$ 26,000,000 \$	26,000,000 78744
Programs				
3310	600686	Workforce Programs	\$ 6,260,000 \$	6,260,000 78745
3840	600610	Food Assistance	\$ 160,381,394 \$	160,381,394 78746
Programs				
3850	600614	Refugee Services	\$ 12,564,952 \$	12,564,952 78747
3950	600616	Federal Discretionary	\$ 2,259,264 \$	2,259,264 78748
Grants				
3960	600620	Social Services Block	\$ 47,000,000 \$	47,000,000 78749

		Grant				
3970	600626	Child Support - Federal	\$	200,000,000	\$	200,000,000 78750
3980	600627	Adoption Program - Federal	\$	171,178,779	\$	171,178,779 78751
3A20	600641	Emergency Food Distribution	\$	5,000,000	\$	5,000,000 78752
3D30	600648	Children's Trust Fund Federal	\$	3,477,699	\$	3,477,699 78753
3F01	655624	Medicaid Program Support	\$	122,280,495	\$	125,080,495 78754
3H70	600617	Child Care Federal	\$	222,212,089	\$	213,000,000 78755
3N00	600628	Foster Care Program - Federal	\$	291,968,616	\$	291,968,616 78756
3S50	600622	Child Support Projects	\$	534,050	\$	534,050 78757
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	128,000,000	\$	128,000,000 78758
3V40	600678	Federal Unemployment Programs	\$	133,814,212	\$	133,814,212 78759
3V40	600679	UC Review Commission - Federal	\$	6,185,788	\$	6,185,788 78760
3V60	600689	TANF Block Grant	\$	824,500,560	\$	836,037,504 78761
TOTAL FED	Federal Fund Group		\$	2,401,387,764	\$	2,406,512,619 78762
TOTAL ALL BUDGET FUND GROUPS			\$	3,465,193,324	\$	3,462,609,312 78763

**Section 305.20.** AGENCY AND HOLDING ACCOUNT REDISTRIBUTION 78765  
FUND GROUPS 78766

The Fiduciary Fund Group and Holding Account Fund Group shall 78767  
be used to hold revenues until the appropriate fund is determined 78768  
or until the revenues are directed to the appropriate governmental 78769  
agency other than the Department of Job and Family Services. If 78770  
receipts credited to the Support Intercept - Federal Fund (Fund 78771

1920), the Support Intercept - State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements Fund (Fund R012), or the Forgery Collections Fund (Fund R013) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 305.30. COUNTY ADMINISTRATIVE FUNDS**

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs.

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local, in order to ensure county administrative funds are expended from the proper appropriation item.

(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 305.40.** FOOD STAMPS TRANSFER 78803

On July 1, 2015, or as soon as possible thereafter, the 78804  
Director of Budget and Management may transfer up to \$1,000,000 78805  
cash from the Supplemental Nutrition Assistance Program Fund (Fund 78806  
3840), to the Food Assistance Fund (Fund 5ES0). 78807

**Section 305.50.** NAME OF FOOD STAMP PROGRAM 78808

The Director of Job and Family Services is not required to 78809  
amend rules regarding the Food Stamp Program to change the name of 78810  
the program to the Supplemental Nutrition Assistance Program. The 78811  
Director may refer to the program as the Food Stamp Program, the 78812  
Supplemental Nutrition Assistance Program, or the Food Assistance 78813  
Program in rules and documents of the Department of Job and Family 78814  
Services. 78815

**Section 305.60.** OHIO ASSOCIATION OF FOOD BANKS 78816

The foregoing appropriation item 600540, Food Banks, shall be 78817  
used to provide funds to the Ohio Association of Food Banks to 78818  
purchase and distribute food products. 78819

Notwithstanding section 5101.46 of the Revised Code and any 78820  
other provision in this bill, in addition to funds designated for 78821  
the Ohio Association of Food Banks in this section, in fiscal year 78822  
2016 and fiscal year 2017, the Director of Job and Family Services 78823  
shall provide assistance from eligible funds to the Ohio 78824  
Association of Food Banks in an amount up to or equal to the 78825  
assistance provided in state fiscal year 2015 from all funds used 78826  
by the Department, except the General Revenue Fund. 78827

Eligible nonfederal expenditures made by member food banks of 78828  
the Association shall be counted by the Department of Job and 78829  
Family Services toward the TANF maintenance of effort requirements 78830  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 78831

shall enter into an agreement with the Ohio Association of Food 78832  
Banks, in accordance with sections 5101.80 and 5101.801 of the 78833  
Revised Code, to carry out the requirements under this section. 78834

**Section 305.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE** 78835

The foregoing appropriation item 600658, Public Assistance 78836  
Activities, shall be used by the Department of Job and Family 78837  
Services to meet the TANF maintenance of effort requirements of 42 78838  
U.S.C. 609(a)(7). When the state is assured that it will meet the 78839  
maintenance of effort requirement, the Department of Job and 78840  
Family Services may use funds from appropriation item 600658, 78841  
Public Assistance Activities, to support public assistance 78842  
activities. 78843

**Section 305.80. GOVERNOR'S OFFICE OF FAITH-BASED AND** 78844  
**COMMUNITY INITIATIVES** 78845

Of the foregoing appropriation item 600689, TANF Block Grant, 78846  
up to \$6,540,000 in each fiscal year shall be used, in accordance 78847  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 78848  
support to programs or organizations that provide services that 78849  
align with the mission and goals of the Governor's Office of 78850  
Faith-Based and Community Initiatives, as outlined in section 78851  
107.12 of the Revised Code, and that further at least one of the 78852  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 78853

**Section 305.90. INDEPENDENT LIVING INITIATIVE** 78854

Of the foregoing appropriation item 600689, TANF Block Grant, 78855  
up to \$2,000,000 in each fiscal year shall be used, in accordance 78856  
with sections 5101.80 and 5101.801 of the Revised Code, to support 78857  
the Independent Living Initiative, including life skills training 78858  
and work supports for older children in foster care and those who 78859  
have recently aged out of foster care. 78860

**Section 305.100.** OHIO COMMISSION ON FATHERHOOD 78861

Of the foregoing appropriation item 600689, TANF Block Grant, 78862  
\$1,000,000 in each fiscal year shall be provided to the Ohio 78863  
Commission on Fatherhood. 78864

**Section 305.110.** FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 78865

In collaboration with the county family and children first 78866  
council, a county department of job and family services or public 78867  
children services agency that receives an allocation from the 78868  
Department of Job and Family Services from the foregoing 78869  
appropriation item 600523, Family and Children Services, or 78870  
600533, Child, Family, and Community Protective Services, may 78871  
transfer a portion of either or both allocations to a flexible 78872  
funding pool as authorized by the section of this act titled 78873  
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 78874

**Section 305.120.** STATE CHILD PROTECTION ALLOCATION 78875

Of the foregoing appropriation item 600523, Family and 78876  
Children Services, up to \$3,200,000 shall be used to match 78877  
eligible federal Title IV-B ESSA funds and federal Title IV-E 78878  
Chafee funds allocated to public children services agencies. 78879

CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM 78880

(A) The Ohio Department of Job and Family Services shall 78881  
implement and oversee use of a Child Placement Level of Care Tool 78882  
on a pilot basis. The Department shall implement the pilot program 78883  
in up to ten counties selected by the Department and shall include 78884  
the county and at least one private child placing agency or 78885  
private noncustodial agency. The pilot program shall be developed 78886  
with the participating counties and agencies and must be 78887  
acceptable to all participants. A selected county or agency must 78888  
agree to participate in the pilot program. 78889

(B) The pilot program shall begin not later than one hundred 78890  
eighty days after the effective date of this section and end not 78891  
later than eighteen months after the date the pilot program 78892  
begins. The length of the pilot program shall not include any time 78893  
expended in preparation for implementation or any post-pilot 78894  
program evaluation activity. 78895

(C)(1) In accordance with sections 125.01 to 125.11 of the 78896  
Revised Code, the Ohio Department of Job and Family Services shall 78897  
provide for an independent evaluation of the pilot program to rate 78898  
the program's success in the following areas: 78899

(a) Placement stability, length of stay, and other outcomes 78900  
for children; 78901

(b) Cost; 78902

(c) Worker satisfaction; 78903

(d) Any other criteria the Department determines will be 78904  
useful in the consideration of statewide implementation. 78905

(2) The evaluation design shall include: 78906

(a) A comparison of data to historical outcomes or control 78907  
counties; 78908

(b) A prospective data evaluation in each of the pilot 78909  
counties. 78910

(D) The Ohio Department of Job and Family Services may adopt 78911  
rules in accordance with Chapter 119. of the Revised Code as 78912  
necessary to carry out the purposes of this section. The 78913  
Department shall seek maximum federal financial participation to 78914  
support the pilot program and the evaluation. 78915

(E) Notwithstanding division (E) of section 5101.141 of the 78916  
Revised Code, the Department of Job and Family Services shall seek 78917  
state funding to implement the Child Placement Level of Care Tool 78918  
pilot program described in this section and to contract for the 78919

independent evaluation of the pilot program. 78920

(F) As used in this section, "Child Placement Level of Care 78921  
Tool" means an assessment tool to be used by participating 78922  
counties and agencies to assess a child's placement needs when a 78923  
child must be removed from the child's own home and cannot be 78924  
placed with a relative or kin not certified as a foster caregiver 78925  
that includes assessing a child's functioning, needs, strengths, 78926  
risk behaviors, and exposure to traumatic experiences. 78927

**Section 305.130. CHILD, FAMILY, AND COMMUNITY PROTECTIVE 78928  
SERVICES 78929**

(A) The foregoing appropriation item 600533, Child, Family, 78930  
and Community Protective Services, shall be distributed to each 78931  
county department of job and family services using the formula the 78932  
Department of Job and Family Services uses when distributing Title 78933  
XX funds to county departments of job and family services under 78934  
section 5101.46 of the Revised Code. County departments shall use 78935  
the funds distributed to them under this section as follows, in 78936  
accordance with the written plan of cooperation entered into under 78937  
section 307.983 of the Revised Code: 78938

(1) To assist individuals in achieving or maintaining 78939  
self-sufficiency, including by reducing or preventing dependency 78940  
among individuals with family income not exceeding two hundred per 78941  
cent of the federal poverty guidelines; 78942

(2) Subject to division (B) of this section, to respond to 78943  
reports of abuse, neglect, or exploitation of children and adults, 78944  
including through the differential response approach program 78945  
developed under Section 309.50.10 of this act; 78946

(3) To provide outreach and referral services regarding home 78947  
and community-based services to individuals at risk of placement 78948  
in a group home or institution, regardless of the individuals' 78949

family income and without need for a written application; 78950

(4) To provide outreach, referral, application assistance, 78951  
and other services to assist individuals receive assistance, 78952  
benefits, or services under Medicaid; Title IV-A programs, as 78953  
defined in section 5101.80 of the Revised Code; the Supplemental 78954  
Nutrition Assistance Program; and other public assistance 78955  
programs. 78956

(B) Protective services may be provided to a child or adult 78957  
as part of a response, under division (A)(2) of this section, to a 78958  
report of abuse, neglect, or exploitation without regard to a 78959  
child or adult's family income and without need for a written 78960  
application. The protective services may be provided if the case 78961  
record documents circumstances of actual or potential abuse, 78962  
neglect, or exploitation. 78963

**Section 305.140. CHILDREN AND FAMILY SERVICES ACTIVITIES** 78964

The foregoing appropriation item 600609, Children and Family 78965  
Services Activities, shall be used to expend miscellaneous 78966  
foundation funds and grants to support children and family 78967  
services activities. 78968

**Section 305.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND** 78969

Notwithstanding section 5101.073 of the Revised Code, the 78970  
Audit Settlements and Contingency Fund (Fund 5DM0) may also 78971  
consist of earned federal revenue the final disposition of which 78972  
is unknown. 78973

**Section 305.160. ADOPTION ASSISTANCE LOAN** 78974

Of the foregoing appropriation item 600634, Adoption 78975  
Assistance Loan, the Department of Job and Family Services may use 78976  
up to ten per cent for administration of adoption assistance loans 78977  
pursuant to section 3107.018 of the Revised Code. 78978

**Section 305.170.** VICTIMS OF HUMAN TRAFFICKING 78979

The foregoing appropriation item 600660, Victims of Human 78980  
Trafficking, shall be used to provide treatment, care, 78981  
rehabilitation, education, housing, and assistance for victims of 78982  
trafficking in persons as specified in section 5101.87 of the 78983  
Revised Code. If receipts credited to the Victims of Human 78984  
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 78985  
the fund, the Director of Job and Family Services may request the 78986  
Director of Budget and Management to authorize expenditures from 78987  
the fund in excess of the amounts appropriated. Upon the approval 78988  
of the Director of Budget and Management, the additional amounts 78989  
are hereby appropriated. 78990

**Section 305.180.** UNEMPLOYMENT COMPENSATION INTEREST 78991

The foregoing appropriation item 600695, Unemployment 78992  
Compensation Interest, shall be used for payment of interest costs 78993  
paid to the United States Secretary of the Treasury for the 78994  
repayment of accrued interest related to federal unemployment 78995  
account borrowing. 78996

**Section 305.190.** COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT 78997  
PROGRAM 78998

(A) As used in this section: 78999

(1) "Adult" means an individual at least eighteen years of 79000  
age. 79001

(2) "Equivalent of a high school diploma" has the same 79002  
meaning as in section 5107.30 of the Revised Code. 79003

(3) "In-school youth" has the same meaning as in section 79004  
129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 79005  
U.S.C. 3164(a)(1)(C), except that it does not mean an individual 79006  
younger than sixteen years of age. 79007

- (4) "Low-income individual" has the same meaning as in section 3(36) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3102(36). 79008  
79009  
79010
- (5) "Ohio Works First" has the same meaning as in section 5107.02 of the Revised Code. 79011  
79012
- (6) "Out-of-school youth" has the same meaning as in section 129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(B). 79013  
79014  
79015
- (7) "Participating local agencies" means the county department of job and family services and workforce development agency that serve a county. 79016  
79017  
79018
- (8) "Prevention, Retention, and Contingency Program" has the same meaning as in section 5108.01 of the Revised Code. 79019  
79020
- (9) "Subcontractor" means an entity with which a participating local agency contracts to perform, on behalf of the participating local agency, one or more of the participating local agency's duties regarding the Comprehensive Case Management and Employment Program. 79021  
79022  
79023  
79024  
79025
- (10) "TANF block grant" means the Temporary Assistance for Needy Families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq. 79026  
79027  
79028
- (11) "Work-eligible individual" has the same meaning as in 45 C.F.R. 261.2(n). 79029  
79030
- (12) "Workforce development activity" has the same meaning as in section 6301.01 of the Revised Code. 79031  
79032
- (13) "Workforce development agency" has the same meaning as in section 6301.01 of the Revised Code. 79033  
79034
- (14) "Workforce Innovation and Opportunity Act" means Public Law 113-128, 29 U.S.C. 3101 et seq. 79035  
79036
- (B) The Director of Job and Family Services shall administer 79037

the Workforce Innovation and Opportunity Act during fiscal year 79038  
2016 and fiscal year 2017. 79039

(C) The Department of Job and Family Services, in 79040  
consultation with the Governor's Office of Workforce 79041  
Transformation, shall create, coordinate, and supervise the 79042  
Comprehensive Case Management and Employment Program during fiscal 79043  
year 2016 and fiscal year 2017. To the extent funds under the TANF 79044  
block grant and Workforce Innovation and Opportunity Act are 79045  
available, the program shall make employment and training services 79046  
specified in division (E) of this section available to the 79047  
program's participants in accordance with the comprehensive 79048  
assessments of the participants' employment and training needs 79049  
conducted under that division. As part of the creation of the 79050  
program, the Department shall establish the procedures for the 79051  
comprehensive assessments. 79052

(D)(1) Subject to division (D)(2) of this section and rules 79053  
adopted under division (J) of this section: 79054

(a) Each work-eligible individual shall participate in the 79055  
Comprehensive Case Management and Employment Program as a 79056  
condition of participating in Ohio Works First. 79057

(b) Each Ohio Works First participant who is not a 79058  
work-eligible individual may volunteer to participate in the 79059  
Comprehensive Case Management and Employment Program. 79060

(c) Each individual receiving benefits and services under the 79061  
Prevention, Retention, and Contingency Program may volunteer to 79062  
participate in the Comprehensive Case Management and Employment 79063  
Program. 79064

(d) Each low-income individual who is an adult, in-school 79065  
youth, or out-of-school youth and is considered to have a barrier 79066  
to employment under the Workforce Innovation and Opportunity Act 79067  
shall participate in the Comprehensive Case Management and 79068

Employment Program as a condition of participating in workforce 79069  
development activities funded by the TANF block grant or Workforce 79070  
Innovation and Opportunity Act. 79071

(2) Individuals specified in division (D)(1) of this section 79072  
are required to participate or permitted to volunteer to 79073  
participate, as applicable, in the Comprehensive Case Management 79074  
and Employment Program beginning on the following dates: 79075

(a) December 15, 2015, if the individual is at least sixteen 79076  
but not more than twenty-four years of age; 79077

(b) July 1, 2016, if division (D)(2)(a) of this section does 79078  
not apply to the individual. 79079

(E)(1) An individual participating in the Comprehensive Case 79080  
Management and Employment Program shall undergo a comprehensive 79081  
assessment of the individual's employment and training needs in 79082  
accordance with the procedures established under division (C) of 79083  
this section. As part of the assessment, an individualized 79084  
employment plan shall be created for the individual. The plan 79085  
shall be reviewed, revised, and terminated in accordance with the 79086  
procedures established for the comprehensive assessment. The plan 79087  
shall specify which of the following services, if any, the 79088  
individual needs: 79089

(a) Support for the individual to obtain a high school 79090  
diploma or the equivalent of a high school diploma; 79091

(b) Job placement; 79092

(c) Job retention support; 79093

(d) Other services that aid the individual in achieving the 79094  
plan's goals. 79095

(2) The services an individual receives in accordance with 79096  
the individualized employment plan are inalienable by way of 79097  
assignment, charge, or otherwise and exempt from execution, 79098

attachment, garnishment, and other similar processes. 79099

(F)(1) Not later than October 15, 2015, each board of county 79100  
commissioners shall designate one of the local participating 79101  
agencies as the lead agency for purposes of the Comprehensive Case 79102  
Management and Employment Program. Each board shall inform the 79103  
Department of its designation. The lead agency shall do all of the 79104  
following: 79105

(a) Submit to the Department a plan that establishes standard 79106  
processes for determining and maintaining individuals' eligibility 79107  
to participate in the Comprehensive Case Management and Employment 79108  
Program; 79109

(b) Serve as the county fiscal agent for the program; 79110

(c) In partnership with the other local participating agency 79111  
and any subcontractors, both of the following: 79112

(i) Actively coordinate activities regarding the program with 79113  
the other local participating agency and any subcontractors; 79114

(ii) Help both local participating agencies and any 79115  
subcontractors to use their expertise in administering the 79116  
program. 79117

(2) The lead agency is responsible for all funds that any of 79118  
the following determines have been expended or claimed for the 79119  
Comprehensive Case Management and Employment Program, by or on 79120  
behalf of the county that the lead agency serves, in a manner that 79121  
federal or state law or policy does not permit: 79122

(a) The Department; 79123

(b) The Auditor of State; 79124

(c) The United States Department of Health and Human 79125  
Services; 79126

(d) The United States Department of Labor; 79127

(e) Any other government entity. 79128

(G)(1) The Department, in consultation with the Governor's Office of Workforce Transformation, shall establish an evaluation system for the local participating agencies' administration of the Comprehensive Case Management and Employment Program. The evaluation system shall incorporate all of the following, as applicable to the program: 79129  
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79131  
79132  
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79134

(a) Criteria for evaluating the performance of workforce programs established pursuant to section 107.35 of the Revised Code; 79135  
79136  
79137

(b) Performance and other administrative standards for the administration and outcomes of family services duties established pursuant to section 5101.22 of the Revised Code; 79138  
79139  
79140

(c) Performance accountability indicators identified in the state plan for workforce development activities pursuant to section 116(b)(2)(B) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3141(b)(2)(B). 79141  
79142  
79143  
79144

(2) The Department shall evaluate local participating agencies' administration of the Comprehensive Case Management and Employment Program in accordance with the evaluation system established under division (G)(1) of this section. 79145  
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79148

(H) In an effort to increase the number of individuals who participate in the Comprehensive Case Management and Employment Program and the availability of services under the program, the Department, in consultation with local participating agencies, shall review the agencies' existing functions to discover opportunities to make their administration of the functions more efficient. 79149  
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(I)(1) Notwithstanding the second sentence of division (A)(1)(b) of section 307.981 of the Revised Code, the Comprehensive Case Management and Employment Program is a family 79156  
79157  
79158

services duty and therefore subject to all statutes applicable to 79159  
family services duties, including sections 5101.183, 5101.21, 79160  
5101.212, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, 79161  
and 5101.243 of the Revised Code. 79162

(2) The Comprehensive Case Management and Employment Program 79163  
is a Title IV-A program for the purpose of division (A)(4)(c) of 79164  
section 5101.80 of the Revised Code and, therefore, is subject to 79165  
all statutes applicable to such a program, including sections 79166  
5101.16, 5101.35, 5101.80, and 5101.801 of the Revised Code. 79167

(3) The Comprehensive Case Management and Employment Program 79168  
is a workforce development activity and therefore subject to all 79169  
statutes applicable to workforce development activities, including 79170  
sections 5101.20, 5101.214, 5101.241, and 5101.243 of the Revised 79171  
Code and Chapter 6301. of the Revised Code. 79172

(J) The Director of Job and Family Services shall adopt rules 79173  
in accordance with Chapter 119. of the Revised Code as necessary 79174  
to implement this section. The rules may address any of the 79175  
following issues: 79176

(1) Eligibility for the Comprehensive Case Management and 79177  
Employment Program; 79178

(2) Employment and training services available under the 79179  
program; 79180

(3) Partnerships between participating local agencies and 79181  
subcontractors; 79182

(4) The plan required by division (F)(1)(a) of this section; 79183

(5) Any other issues that the Director determines should be 79184  
addressed in rules to implement this section. 79185

**Section 305.200.** STATE AND COUNTY SHARED SERVICES TRANSFER 79186

Upon receipt of a request from the Director of the Department 79187

of Job and Family Services and the Director of the Department of 79188  
Medicaid, the Director of Budget and Management may transfer up to 79189  
\$7,200,000 cash from the State and County Shared Services Fund 79190  
(Fund 5HL0) in the Department of Job and Family Services, to the 79191  
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) in 79192  
the Department of Medicaid. 79193

**Section 307.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 79194

General Revenue Fund 79195

GRF 029321 Operating Expenses	\$	493,139	\$	512,253	79196
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TOTAL GRF General Revenue Fund	\$	493,139	\$	512,253	79197
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TOTAL ALL BUDGET FUND GROUPS	\$	493,139	\$	512,253	79198
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OPERATING GUIDANCE 79199

The Chief Administrative Officer of the House of 79200  
Representatives and the Clerk of the Senate shall determine, by 79201  
mutual agreement, which of them shall act as fiscal agent for the 79202  
Joint Committee on Agency Rule Review. Members of the Committee 79203  
shall be paid in accordance with section 101.35 of the Revised 79204  
Code. 79205

OPERATING EXPENSES 79206

On July 1, 2015, or as soon as possible thereafter, the 79207  
Executive Director of the Joint Committee on Agency Rule Review 79208  
may certify to the Director of Budget and Management the amount of 79209  
the unexpended, unencumbered balance of the foregoing 79210  
appropriation item 029321, Operating Expenses, at the end of 79211  
fiscal year 2015 to be reappropriated to fiscal year 2016. The 79212  
amount certified is hereby reappropriated to the same 79213  
appropriation item for fiscal year 2016. 79214

On July 1, 2016, or as soon as possible thereafter, the 79215  
Executive Director of the Joint Committee on Agency Rule Review 79216  
may certify to the Director of Budget and Management the amount of 79217

the unexpended, unencumbered balance of the foregoing 79218  
appropriation item 029321, Operating Expenses, at the end of 79219  
fiscal year 2016 to be reappropriated to fiscal year 2017. The 79220  
amount certified is hereby reappropriated to the same 79221  
appropriation item for fiscal year 2017. 79222

**Section 308.10.** JMO JOINT MEDICAID OVERSIGHT COMMITTEE 79223

General Revenue Fund 79224

GRF 048321	Operating Expenses	\$	321,995	\$	490,320	79225
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TOTAL GRF	General Revenue Fund	\$	321,995	\$	490,320	79226
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TOTAL ALL BUDGET FUND GROUPS		\$	321,995	\$	490,320	79227
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OPERATING EXPENSES 79228

The foregoing appropriation item 048321, Operating Expenses, 79229  
shall be used to support expenses related to the Joint Medicaid 79230  
Oversight Committee created by section 103.41 of the Revised Code. 79231

On July 1, 2016, or as soon as possible thereafter, the 79232  
Executive Director of the Joint Medicaid Oversight Committee may 79233  
certify to the Director of Budget and Management the amount of the 79234  
unexpended, unencumbered balance of the foregoing appropriation 79235  
item 048321, Operating Expenses, at the end of fiscal year 2016 to 79236  
be reappropriated to fiscal year 2017. The amount certified is 79237  
hereby reappropriated to the same appropriation item for fiscal 79238  
year 2017. 79239

**Section 309.10.** JCO JUDICIAL CONFERENCE OF OHIO 79240

General Revenue Fund 79241

GRF 018321	Operating Expenses	\$	999,000	\$	1,038,000	79242
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TOTAL GRF	General Revenue Fund	\$	999,000	\$	1,038,000	79243
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Dedicated Purpose Fund Group 79244

4030 018601	Ohio Jury	\$	337,000	\$	337,000	79245
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Instructions



GRF	005406	Law-Related Education	\$	236,172	\$	236,172	79273
GRF	005409	Ohio Courts	\$	3,350,000	\$	3,350,000	79274
		Technology Initiative					
TOTAL GRF		General Revenue Fund	\$	153,368,942	\$	161,592,239	79275
		Dedicated Purpose Fund Group					79276
4C80	005605	Attorney Services	\$	5,841,263	\$	5,795,909	79277
5HT0	005617	Court Interpreter	\$	10,000	\$	10,000	79278
		Certification					
5T80	005609	Grants and Awards	\$	6,000	\$	6,000	79279
6720	005601	Continuing Judicial	\$	120,000	\$	120,000	79280
		Education					
6A80	005606	Supreme Court	\$	1,415,963	\$	1,425,709	79281
		Admissions					
TOTAL DPF		Dedicated Purpose Fund	\$	7,393,226	\$	7,357,618	79282
		Group					
		Fiduciary Fund Group					79283
5JY0	005620	County Law Library	\$	423,000	\$	423,000	79284
		Resources Boards					
TOTAL FID		Fiduciary Fund Group	\$	423,000	\$	423,000	79285
		Federal Fund Group					79286
3J00	005603	Federal Grants	\$	1,389,018	\$	1,402,091	79287
TOTAL FED		Federal Fund Group	\$	1,389,018	\$	1,402,091	79288
TOTAL ALL BUDGET FUND GROUPS			\$	162,574,186	\$	170,774,948	79289
		OPERATING EXPENSES - JUDICIARY/SUPREME COURT					79290
		Of the foregoing appropriation item 005321, Operating					79291
		Expenses - Judiciary/Supreme Court, up to \$304,353 in fiscal year					79292
		2016 and up to \$308,433 in fiscal year 2017 may be used to support					79293
		the functions of the State Criminal Sentencing Council.					79294
		LAW-RELATED EDUCATION					79295
		The foregoing appropriation item 005406, Law-Related					79296
		Education, shall be distributed directly to the Ohio Center for					79297

Law-Related Education for the purposes of providing continuing 79298  
citizenship education activities to primary and secondary 79299  
students, expanding delinquency prevention programs, increasing 79300  
activities for at-risk youth, and accessing additional public and 79301  
private money for new programs. 79302

OHIO COURTS TECHNOLOGY INITIATIVE 79303

The foregoing appropriation item 005409, Ohio Courts 79304  
Technology Initiative, shall be used to fund an initiative by the 79305  
Supreme Court to facilitate the exchange of information and 79306  
warehousing of data by and between Ohio courts and other justice 79307  
system partners through the creation of an Ohio Courts Network, 79308  
the delivery of technology services to courts throughout the 79309  
state, including the provision of hardware, software, and the 79310  
development and implementation of educational and training 79311  
programs for judges and court personnel, and operation of the 79312  
Commission on Technology and the Courts by the Supreme Court for 79313  
the promulgation of statewide rules, policies, and uniform 79314  
standards, and to aid in the orderly adoption and comprehensive 79315  
use of technology in Ohio courts. 79316

ATTORNEY SERVICES 79317

The Attorney Services Fund (Fund 4C80), formerly known as the 79318  
Attorney Registration Fund, shall consist of money received by the 79319  
Supreme Court (The Judiciary) pursuant to the Rules for the 79320  
Government of the Bar of Ohio. In addition to funding other 79321  
activities considered appropriate by the Supreme Court, the 79322  
foregoing appropriation item 005605, Attorney Services, may be 79323  
used to compensate employees and to fund appropriate activities of 79324  
the following offices established by the Supreme Court: the Office 79325  
of Disciplinary Counsel, the Board of Commissioners on Grievances 79326  
and Discipline, the Clients' Security Fund, and the Attorney 79327  
Services Division. If it is determined by the Administrative 79328  
Director of the Supreme Court that additional appropriations are 79329

necessary, the amounts are hereby appropriated. 79330

No money in Fund 4C80 shall be transferred to any other fund 79331  
by the Director of Budget and Management or the Controlling Board. 79332  
Interest earned on money in Fund 4C80 shall be credited to the 79333  
fund. 79334

COURT INTERPRETER CERTIFICATION 79335

The Court Interpreter Certification Fund (Fund 5HT0) shall 79336  
consist of money received by the Supreme Court (The Judiciary) 79337  
pursuant to Rules 80 through 87 of the Rules of Superintendence 79338  
for the Courts of Ohio. The foregoing appropriation item 005617, 79339  
Court Interpreter Certification, shall be used to provide 79340  
training, to provide the written examination, and to pay language 79341  
experts to rate, or grade, the oral examinations of those applying 79342  
to become certified court interpreters. If it is determined by the 79343  
Administrative Director that additional appropriations are 79344  
necessary, the amounts are hereby appropriated. 79345

No money in Fund 5HT0 shall be transferred to any other fund 79346  
by the Director of Budget and Management or the Controlling Board. 79347  
Interest earned on money in Fund 5HT0 shall be credited to the 79348  
fund. 79349

GRANTS AND AWARDS 79350

The Grants and Awards Fund (Fund 5T80) shall consist of 79351  
grants and other money awarded to the Supreme Court (The 79352  
Judiciary) by the State Justice Institute, the Division of 79353  
Criminal Justice Services, or other entities. The foregoing 79354  
appropriation item 005609, Grants and Awards, shall be used in a 79355  
manner consistent with the purpose of the grant or award. If it is 79356  
determined by the Administrative Director of the Supreme Court 79357  
that additional appropriations are necessary, the amounts are 79358  
hereby appropriated. 79359

No money in Fund 5T80 shall be transferred to any other fund 79360

by the Director of Budget and Management or the Controlling Board. 79361  
Interest earned on money in Fund 5T80 shall be credited or 79362  
transferred to the General Revenue Fund. 79363

CONTINUING JUDICIAL EDUCATION 79364

The Continuing Judicial Education Fund (Fund 6720) shall 79365  
consist of fees paid by judges and court personnel for attending 79366  
continuing education courses and other gifts and grants received 79367  
for the purpose of continuing judicial education. The foregoing 79368  
appropriation item 005601, Continuing Judicial Education, shall be 79369  
used to pay expenses for continuing education courses for judges 79370  
and court personnel. If it is determined by the Administrative 79371  
Director of the Supreme Court that additional appropriations are 79372  
necessary, the amounts are hereby appropriated. 79373

No money in Fund 6720 shall be transferred to any other fund 79374  
by the Director of Budget and Management or the Controlling Board. 79375  
Interest earned on money in Fund 6720 shall be credited to the 79376  
fund. 79377

SUPREME COURT ADMISSIONS 79378

The foregoing appropriation item 005606, Supreme Court 79379  
Admissions, shall be used to compensate Supreme Court employees 79380  
who are primarily responsible for administering the attorney 79381  
admissions program under the Rules for the Government of the Bar 79382  
of Ohio, and to fund any other activities considered appropriate 79383  
by the court. Moneys shall be deposited into the Supreme Court 79384  
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 79385  
Government of the Bar of Ohio. If it is determined by the 79386  
Administrative Director of the Supreme Court that additional 79387  
appropriations are necessary, the amounts are hereby appropriated. 79388

No money in Fund 6A80 shall be transferred to any other fund 79389  
by the Director of Budget and Management or the Controlling Board. 79390  
Interest earned on money in Fund 6A80 shall be credited to the 79391

fund. 79392

COUNTY LAW LIBRARY RESOURCES BOARD 79393

The Statewide Consortium of County Law Library Resources 79394  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 79395  
to section 307.515 of the Revised Code into a county's law library 79396  
resources fund and forwarded by that county's treasurer for 79397  
deposit in the state treasury pursuant to division (E)(1) of 79398  
section 3375.481 of the Revised Code. The foregoing appropriation 79399  
item 005620, County Law Library Resources Board, shall be used for 79400  
the operation of the Statewide Consortium of County Law Library 79401  
Resources Boards. If it is determined by the Administrative 79402  
Director of the Supreme Court that additional appropriations are 79403  
necessary, the amounts are hereby appropriated. 79404

No money in Fund 5JY0 shall be transferred to any other fund 79405  
by the Director of Budget and Management or the Controlling Board. 79406  
Interest earned on money in Fund 5JY0 shall be credited to the 79407  
fund. 79408

FEDERAL GRANTS 79409

The Federal Grants Fund (Fund 3J00) shall consist of grants 79410  
and other moneys awarded to the Supreme Court (The Judiciary) by 79411  
the United States Government or other entities that receive the 79412  
moneys directly from the United States Government and distribute 79413  
those moneys to the Supreme Court (The Judiciary). The foregoing 79414  
appropriation item 005603, Federal Grants, shall be used in a 79415  
manner consistent with the purpose of the grant or award. If it is 79416  
determined by the Administrative Director of the Supreme Court 79417  
that additional appropriations are necessary, the amounts are 79418  
hereby appropriated. 79419

No money in Fund 3J00 shall be transferred to any other fund 79420  
by the Director of Budget and Management or the Controlling Board. 79421  
However, interest earned on money in Fund 3J00 shall be credited 79422

or transferred to the General Revenue Fund. 79423

**Section 313.10.** LEC LAKE ERIE COMMISSION 79424

Dedicated Purpose Fund Group 79425

4C00	780601	Lake Erie Protection	\$	300,000	\$	300,000	79426
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5D80	780602	Lake Erie Resources	\$	329,000	\$	367,000	79427
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TOTAL DPF Dedicated Purpose 79428

Fund Group			\$	629,000	\$	667,000	79429
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Federal Fund Group 79430

3EP0	780603	Lake Erie Federal	\$	30,000	\$	0	79431
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Grants

TOTAL FED Federal Fund Group			\$	30,000	\$	0	79432
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TOTAL ALL BUDGET FUND GROUPS			\$	659,000	\$	667,000	79433
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CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND 79434

On July 1 of each fiscal year, or as soon as possible 79435

thereafter, the Director of Budget and Management may transfer 79436

cash from the funds specified below, up to the amounts specified 79437

below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may 79438

accept contributions and transfers made to the fund. 79439

Fund	Fund Name	User		FY 2016	FY 2017	79440
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5BC0	Environmental	Environmental		\$44,000	\$44,000	79441
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	Protection	Protection Agency				
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6690	Pesticide,	Department of		\$44,000	\$44,000	79442
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	Fertilizer and Lime	Agriculture				
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4700	General Operations	Department of		\$44,000	\$44,000	79443
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		Health				
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1570	Central Support	Department of		\$44,000	\$44,000	79444
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	Indirect	Natural Resources				
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On July 1, 2015, or as soon as possible thereafter, the 79445

Director of Budget and Management may transfer \$44,000 cash from a 79446

fund used by the Development Services Agency, as specified by the 79447

Director of Development Services, to Fund 5D80. 79448

On July 1, 2016, or as soon as possible thereafter, the 79449  
 Director of Budget and Management may transfer \$44,000 cash from a 79450  
 fund used by the Development Services Agency, as specified by the 79451  
 Director of Development Services, to Fund 5D80. 79452

**Section 315.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE** 79453

General Revenue Fund 79454

GRF 028321	Legislative Ethics	\$	550,000	\$	550,000	79455
	Committee					

TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	79456
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Dedicated Purpose Fund Group 79457

4G70 028601	Joint Legislative	\$	150,000	\$	150,000	79458
	Ethics Committee					

TOTAL DPF	Dedicated Purpose Fund	\$	150,000	\$	150,000	79459
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	700,000	\$	700,000	79460
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**LEGISLATIVE ETHICS COMMITTEE** 79461

On July 1, 2015, or as soon as possible thereafter, the 79462  
 Legislative Inspector General of the Joint Legislative Ethics 79463  
 Committee may certify to the Director of Budget and Management the 79464  
 amount of the unexpended, unencumbered balance of the foregoing 79465  
 appropriation item 028321, Legislative Ethics Committee, at the 79466  
 end of fiscal year 2015 to be reappropriated to fiscal year 2016. 79467  
 The amount certified is hereby reappropriated to the same 79468  
 appropriation item for fiscal year 2016. 79469

On July 1, 2016, or as soon as possible thereafter, the 79470  
 Legislative Inspector General of the Joint Legislative Ethics 79471  
 Committee may certify to the Director of Budget and Management the 79472  
 amount of the unexpended, unencumbered balance of the foregoing 79473  
 appropriation item 028321, Legislative Ethics Committee, at the 79474

end of fiscal year 2016 to be reappropriated to fiscal year 2017. 79475  
 The amount certified is hereby reappropriated to the same 79476  
 appropriation item for fiscal year 2017. 79477

**Section 317.10.** LSC LEGISLATIVE SERVICE COMMISSION 79478

General Revenue Fund 79479

GRF 035321 Operating Expenses \$ 15,600,000 \$ 15,600,000 79480

GRF 035402 Legislative Fellows \$ 1,022,120 \$ 1,022,120 79481

GRF 035405 Correctional \$ 460,845 \$ 460,845 79482

Institution Inspection  
Committee

GRF 035407 Legislative Task Force \$ 400,000 \$ 400,000 79483

on Redistricting

GRF 035409 National Associations \$ 460,560 \$ 460,560 79484

GRF 035410 Legislative \$ 6,126,953 \$ 6,126,953 79485

Information Systems

GRF 035411 Ohio Constitutional \$ 600,000 \$ 600,000 79486

Modernization

Commission

TOTAL GRF General Revenue Fund \$ 24,670,478 \$ 24,670,478 79487

Dedicated Purpose Fund Group 79488

4100 035601 Sale of Publications \$ 10,000 \$ 10,000 79489

TOTAL DPF Dedicated Purpose Fund \$ 10,000 \$ 10,000 79490

Group

Internal Service Activity Fund Group 79491

4F60 035603 Legislative Budget \$ 100,000 \$ 0 79492

Services

TOTAL ISA Internal Service Activity 79493

Fund Group \$ 100,000 \$ 0 79494

TOTAL ALL BUDGET FUND GROUPS \$ 24,780,478 \$ 24,680,478 79495

OPERATING EXPENSES 79496

On July 1, 2015, or as soon as possible thereafter, the 79497  
Director of the Legislative Service Commission may certify to the 79498  
Director of Budget and Management the amount of the unexpended, 79499  
unencumbered balance of the foregoing appropriation item 035321, 79500  
Operating Expenses, at the end of fiscal year 2015 to be 79501  
reappropriated to fiscal year 2016. The amount certified is hereby 79502  
reappropriated to the same appropriation item for fiscal year 79503  
2016. 79504

On July 1, 2016, or as soon as possible thereafter, the 79505  
Director of the Legislative Service Commission may certify to the 79506  
Director of Budget and Management the amount of the unexpended, 79507  
unencumbered balance of the foregoing appropriation item 035321, 79508  
Operating Expenses, at the end of fiscal year 2016 to be 79509  
reappropriated to fiscal year 2017. The amount certified is hereby 79510  
reappropriated to the same appropriation item for fiscal year 79511  
2017. 79512

LEGISLATIVE TASK FORCE ON REDISTRICTING 79513

An amount equal to the unexpended, unencumbered portion of 79514  
the foregoing appropriation item 035407, Legislative Task Force on 79515  
Redistricting, at the end of fiscal year 2015 is hereby 79516  
reappropriated to the Legislative Service Commission for the same 79517  
purpose for fiscal year 2016. 79518

An amount equal to the unexpended, unencumbered portion of 79519  
the foregoing appropriation item 035407, Legislative Task Force on 79520  
Redistricting, at the end of fiscal year 2016 is hereby 79521  
reappropriated to the Legislative Service Commission for the same 79522  
purpose for fiscal year 2017. 79523

LEGISLATIVE INFORMATION SYSTEMS 79524

On July 1, 2015, or as soon as possible thereafter, the 79525  
Director of the Legislative Service Commission may certify to the 79526  
Director of Budget and Management the amount of the unexpended, 79527

unencumbered balance of the foregoing appropriation item 035410, 79528  
Legislative Information Systems, at the end of fiscal year 2015 to 79529  
be reappropriated to fiscal year 2016. The amount certified is 79530  
hereby reappropriated to the same appropriation item for fiscal 79531  
year 2016. 79532

On July 1, 2016, or as soon as possible thereafter, the 79533  
Director of the Legislative Service Commission may certify to the 79534  
Director of Budget and Management the amount of the unexpended, 79535  
unencumbered balance of the foregoing appropriation item 035410, 79536  
Legislative Information Systems, at the end of fiscal year 2016 to 79537  
be reappropriated to fiscal year 2017. The amount certified is 79538  
hereby reappropriated to the same appropriation item for fiscal 79539  
year 2017. 79540

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 79541

The foregoing appropriation item 035411, Ohio Constitutional 79542  
Modernization Commission, shall be used to support the operation 79543  
and expenses of the Ohio Constitutional Modernization Commission 79544  
under sections 103.61 to 103.67 of the Revised Code. All 79545  
expenditures paid from the appropriation item must be approved by 79546  
the director and chairperson of the Legislative Service Commission 79547  
under division (A) of section 103.21 of the Revised Code. 79548

An amount equal to the unexpended, unencumbered portion of 79549  
the foregoing appropriation item 035411, Ohio Constitutional 79550  
Modernization Commission, at the end of fiscal year 2015 is hereby 79551  
reappropriated to the Legislative Service Commission for the same 79552  
purpose for fiscal year 2016. 79553

An amount equal to the unexpended, unencumbered portion of 79554  
the foregoing appropriation item 035411, Ohio Constitutional 79555  
Modernization Commission, at the end of fiscal year 2016 is hereby 79556  
reappropriated to the Legislative Service Commission for the same 79557  
purpose for fiscal year 2017. 79558

<b>Section 319.10. LIB STATE LIBRARY BOARD</b>				79559
General Revenue Fund				79560
GRF	350321	Operating Expenses	\$ 5,057,364 \$ 5,057,364	79561
GRF	350401	Ohioana Rental	\$ 120,114 \$ 120,114	79562
Payments				
GRF	350502	Regional Library	\$ 582,469 \$ 582,469	79563
Systems				
TOTAL GRF	General Revenue Fund		\$ 5,759,947 \$ 5,759,947	79564
Dedicated Purpose Fund Group				79565
4590	350603	Services for	\$ 4,094,092 \$ 4,190,834	79566
Libraries				
4S40	350604	Ohio Public Library	\$ 5,689,788 \$ 5,689,788	79567
Information Network				
5GB0	350605	Library for the Blind	\$ 1,274,194 \$ 1,274,194	79568
TOTAL DPF	Dedicated Purpose			79569
Fund Group			\$ 11,058,074 \$ 11,154,816	79570
Internal Service Activity Fund				79571
1390	350602	Services for State	\$ 8,000 \$ 8,000	79572
Agencies				
TOTAL ISA	Internal Service Activity			79573
Fund Group			\$ 8,000 \$ 8,000	79574
Federal Fund Group				79575
3130	350601	LSTA Federal	\$ 5,350,000 \$ 5,350,000	79576
TOTAL FED	Federal Fund Group		\$ 5,350,000 \$ 5,350,000	79577
TOTAL ALL BUDGET FUND GROUPS			\$ 22,176,021 \$ 22,272,763	79578
OHIOANA RENTAL PAYMENTS				79579
The foregoing appropriation item 350401, Ohioana Rental				79580
Payments, shall be used to pay the rental expenses of the Martha				79581
Kinney Cooper Ohioana Library Association under section 3375.61 of				79582
the Revised Code.				79583

REGIONAL LIBRARY SYSTEMS 79584

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 79585  
79586  
79587  
79588

OHIO PUBLIC LIBRARY INFORMATION NETWORK 79589

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). 79590  
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The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network. 79595  
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79597  
79598

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service. 79599  
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(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort. 79610  
79611  
79612  
79613  
79614

LIBRARY FOR THE BLIND				79615	
The foregoing appropriation item 350605, Library for the				79616	
Blind, shall be used for the statewide Talking Book Program to				79617	
assist the blind and disabled.				79618	
TRANSFER TO OPLIN TECHNOLOGY FUND				79619	
Notwithstanding sections 5747.03 and 5747.47 of the Revised				79620	
Code and any other provision of law to the contrary, in accordance				79621	
with a schedule established by the Director of Budget and				79622	
Management, the Director of Budget and Management shall transfer				79623	
\$3,689,788 cash in each fiscal year from the Public Library Fund				79624	
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40).				79625	
TRANSFER TO LIBRARY FOR THE BLIND FUND				79626	
Notwithstanding sections 5747.03 and 5747.47 of the Revised				79627	
Code and any other provision of law to the contrary, in accordance				79628	
with a schedule established by the Director of Budget and				79629	
Management, the Director of Budget and Management shall transfer				79630	
\$1,274,194 cash in each fiscal year from the Public Library Fund				79631	
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				79632	
<b>Section 321.10. LCO LIQUOR CONTROL COMMISSION</b>				79633	
Dedicated Purpose Fund Group				79634	
5LP0 970601 Commission Operating	\$	796,368	\$	796,368	79635
Expenses					
TOTAL DPF Dedicated Purpose Fund	\$	796,368	\$	796,368	79636
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	796,368	\$	796,368	79637
<b>Section 323.10. LOT STATE LOTTERY COMMISSION</b>				79639	
State Lottery Fund Group				79640	
7044 950321 Operating Expenses	\$	52,218,910	\$	53,320,434	79641
7044 950402 Advertising Contracts	\$	24,550,000	\$	24,550,000	79642

7044 950403	Gaming Contracts	\$ 68,934,057	\$ 69,081,749	79643
7044 950601	Direct Prize Payments	\$ 131,894,037	\$ 132,397,721	79644
7044 950605	Problem Gambling	\$ 3,000,000	\$ 3,000,000	79645
8710 950602	Annuity Prizes	\$ 81,705,325	\$ 82,313,553	79646
TOTAL SLF State Lottery Fund				79647
Group		\$ 362,302,329	\$ 364,663,457	79648
TOTAL ALL BUDGET FUND GROUPS		\$ 362,302,329	\$ 364,663,457	79649

OPERATING EXPENSES 79650

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated. 79651  
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DIRECT PRIZE PAYMENTS 79658

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated. 79659  
79660  
79661  
79662

ANNUITY PRIZES 79663

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances. 79664  
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Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund 79671  
79672  
79673

deferred prizes and interest earnings are hereby appropriated. 79674

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 79675

Estimated transfers from the State Lottery Fund (Fund 7044) 79676  
to the Lottery Profits Education Fund (Fund 7017) are to be 79677  
\$984,000,000 in fiscal year 2016 and \$988,000,000 in fiscal year 79678  
2017. The Director of Budget and Management shall transfer such 79679  
amounts contingent upon the availability of resources. Transfers 79680  
from the State Lottery Fund to the Lottery Profits Education Fund 79681  
shall represent the estimated net income from operations for the 79682  
Commission in fiscal year 2016 and fiscal year 2017. Transfers by 79683  
the Director of Budget and Management to the Lottery Profits 79684  
Education Fund shall be administered as the statutes direct. 79685

**Section 325.10.** MHC MANUFACTURED HOMES COMMISSION 79686

Dedicated Purpose Fund Group 79687

4K90	996609	Operating Expenses	\$	459,134	\$	459,134	79688
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5MC0	996610	Manufactured Homes	\$	747,825	\$	747,825	79689
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Regulation

TOTAL DPF	Dedicated Purpose Fund	\$	1,206,959	\$	1,206,959	79690
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,206,959	\$	1,206,959	79691
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**Section 327.10.** MCD DEPARTMENT OF MEDICAID 79693

General Revenue Fund 79694

GRF	651425	Medicaid Program	\$	191,018,000	\$	198,594,000	79695
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Support - State

GRF	651525	Medicaid/Health Care					79696
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Services

State	\$	4,901,279,281	\$	5,179,444,818	79697
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Federal	\$	12,530,677,004	\$	13,315,715,821	79698
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Medicaid/Health Care	\$	17,431,956,285	\$	18,495,160,639	79699
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Services Total

GRF	651526	Medicare Part D	\$	308,823,000	\$	328,424,000	79700
TOTAL GRF	General Revenue Fund						79701
		State	\$	5,401,120,281	\$	5,706,462,818	79702
		Federal	\$	12,530,677,004	\$	13,315,715,821	79703
		GRF Total	\$	17,931,797,285	\$	19,022,178,639	79704
Dedicated Purpose Fund Group							79705
4E30	651605	Resident Protection Fund	\$	2,878,000	\$	2,878,000	79706
5AJ0	651631	Money Follows the Person	\$	4,911,000	\$	4,660,000	79707
5DL0	651639	Medicaid Services - Recoveries	\$	551,125,000	\$	561,317,000	79708
5FX0	651638	Medicaid Services - Payment Withholding	\$	6,000,000	\$	6,000,000	79709
5GF0	651656	Medicaid Services - Hospitals/UPL	\$	660,787,756	\$	695,270,527	79710
5KC0	651682	Health Care Grants - State	\$	10,000,000	\$	10,000,000	79711
5R20	651608	Medicaid Services - Long Term Care	\$	400,000,000	\$	400,000,000	79712
5U30	651654	Medicaid Program Support	\$	62,885,000	\$	53,834,000	79713
6510	651649	Medicaid Services - HCAP	\$	451,535,858	\$	237,049,000	79714
TOTAL DPF	Dedicated Purpose Fund Group		\$	2,150,122,614	\$	1,971,008,527	79715
Holding Account Fund Group							79716
R055	651644	Refunds and Reconciliations	\$	1,000,000	\$	1,000,000	79717
TOTAL HLD	Holding Account Fund Group		\$	1,000,000	\$	1,000,000	79718
Federal Fund Group							79719

3ER0	651603	Medicaid Health Information Technology	\$ 71,764,000	\$ 61,896,000	79720
3F00	651623	Medicaid Services - Federal	\$ 3,674,661,708	\$ 3,382,678,772	79721
3F00	651624	Medicaid Program Support - Federal	\$ 564,857,000	\$ 562,547,000	79722
3FA0	651680	Health Care Grants - Federal	\$ 45,718,000	\$ 36,296,000	79723
3G50	651655	Medicaid Interagency Pass-Through	\$ 91,400,000	\$ 91,406,000	79724
TOTAL FED	Federal Fund Group		\$ 4,448,400,708	\$ 4,134,823,772	79725
TOTAL ALL BUDGET	FUND GROUPS		\$24,531,320,607	\$25,129,010,938	79726

**Section 327.20.** TEMPORARY AUTHORITY REGARDING EMPLOYEES 79728

(A) As used in this section, "medical assistance program" has 79729  
the same meaning as in section 5160.01 of the Revised Code. 79730

(B) During the period beginning July 1, 2015, and ending June 79731  
30, 2017, all of the following apply: 79732

(1) The Medicaid Director has the authority to establish, 79733  
change, and abolish positions for the Department of Medicaid, and 79734  
to assign, reassign, classify, reclassify, transfer, reduce, 79735  
promote, or demote all employees of the Department of Medicaid who 79736  
are not subject to Chapter 4117. of the Revised Code. 79737

(2) As part of the transfer of medical assistance programs to 79738  
the Department of Medicaid, the Director of Job and Family 79739  
Services has the authority to establish, change, and abolish 79740  
positions for the Department of Job and Family Services, and to 79741  
assign, reassign, classify, reclassify, transfer, reduce, promote, 79742  
or demote all employees of the Department of Job and Family 79743  
Services who are not subject to Chapter 4117. of the Revised Code. 79744

(C) The authority granted under division (B) of this section 79745

includes assigning or reassigning an exempt employee, as defined 79746  
in section 124.152 of the Revised Code, to a bargaining unit 79747  
classification if the Medicaid Director or Director of Job and 79748  
Family Services determines that the bargaining unit classification 79749  
is the proper classification for that employee. The actions of the 79750  
Medicaid Director or Director of Job and Family Services shall be 79751  
consistent with the requirements of 5 C.F.R. 900.603 for those 79752  
employees subject to such requirements. If an employee in the E-1 79753  
pay range is to be assigned, reassigned, classified, reclassified, 79754  
transferred, reduced, or demoted to a position in a lower 79755  
classification during the period specified in this section, the 79756  
Medicaid Director or Director of Job and Family Services, or in 79757  
the case of a transfer outside the Department of Medicaid or 79758  
Department of Job and Family Services, the Director of 79759  
Administrative Services, shall assign the employee to the 79760  
appropriate classification and place the employee in Step X. The 79761  
employee shall not receive any increase in compensation until the 79762  
maximum rate of pay for that classification exceeds the employee's 79763  
compensation. 79764

(D) Actions taken by the Medicaid Director, Director of Job 79765  
and Family Services, and Director of Administrative Services 79766  
pursuant to this section are not subject to appeal to the State 79767  
Personnel Board of Review. 79768

(E) A portion of the foregoing appropriation items 651425, 79769  
Medicaid Program Support - State, 651603, Medicaid Health 79770  
Information Technology, 651624, Medicaid Program Support - 79771  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 79772  
Interagency Pass-Through, 651605, Resident Protection Fund, 79773  
651631, Money Follows the Person, 651682, Health Care Grants - 79774  
State, and 651654, Medicaid Program Support, may be used to pay 79775  
for costs associated with the administration of the Medicaid 79776  
program, including the assignment, reassignment, classification, 79777

reclassification, transfer, reduction, promotion, or demotion of 79778  
employees authorized by this section. 79779

**Section 327.30. NEW AND AMENDED GRANT AGREEMENTS** 79780

(A) As used in this section: 79781

(1) "Grant agreement" has the same meaning as in section 79782  
5101.21 of the Revised Code. 79783

(2) "Medical assistance program" has the same meaning as in 79784  
section 5160.01 of the Revised Code. 79785

(B) The Director of Job and Family Services and boards of 79786  
county commissioners may enter into negotiations to amend an 79787  
existing grant agreement or to enter into a new grant agreement 79788  
regarding the transfer of medical assistance programs to the 79789  
Department of Medicaid. Any such amended or new grant agreement 79790  
shall be drafted in the name of the Department of Job and Family 79791  
Services. The amended or new grant agreement may be executed 79792  
before July 1, 2015, if the amendment or agreement does not become 79793  
effective sooner than that date. 79794

(C) A portion of the foregoing appropriation items 651525, 79795  
Medicaid/Health Care Services, 651603, Medicaid Health Information 79796  
Technology, 651623, Medicaid Services - Federal, 651624, Medicaid 79797  
Program Support - Federal, 651680, Health Care Grants - Federal, 79798  
and 651682, Health Care Grants - State, may be used to pay for 79799  
Medicaid services and costs associated with the administration of 79800  
the Medicaid program. 79801

**Section 327.40. EXCHANGE OF CERTAIN INFORMATION BETWEEN 79802  
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES** 79803

A portion of the foregoing appropriation items 651425, 79804  
Medicaid Program Support-State, 651525, Medicaid/Health Care 79805  
Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 79806

Services-Payment Withholding, 651624, Medicaid Program 79807  
Support-Federal, 651680, Health Care Grants-Federal, 651655, 79808  
Medicaid Interagency Pass-Through, 651605, Resident Protection 79809  
Fund, 651631, Money Follows the Person, 651656, Medicaid 79810  
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 79811  
Medicaid Services-Long Term Care, 651654, Medicaid Program 79812  
Support, and 651649, Medicaid Services-HCAP, may be used to pay 79813  
for services and costs associated with operating protocols adopted 79814  
under sections 191.04 and 191.06 of the Revised Code. 79815

**Section 327.50. MEDICAID/HEALTH CARE SERVICES** 79816

The foregoing appropriation item 651525, Medicaid/Health Care 79817  
Services, shall not be limited by section 131.33 of the Revised 79818  
Code. 79819

**Section 327.60. MANAGED CARE PERFORMANCE PAYMENT PROGRAM** 79820

At the beginning of each quarter, or as soon as possible 79821  
thereafter, the Medicaid Director shall certify to the Director of 79822  
Budget and Management the amount withheld in accordance with 79823  
section 5167.30 of the Revised Code for purposes of the Managed 79824  
Care Performance Payment Program. Upon receiving certification, 79825  
the Director of Budget and Management shall transfer cash in the 79826  
amount certified from the General Revenue Fund to the Managed Care 79827  
Performance Payment Fund. Appropriation item 651525, 79828  
Medicaid/Health Care Services, is hereby reduced by the amount of 79829  
the transfer and by the corresponding federal share of the 79830  
transfer. Upon request of the Medicaid Director and approval of 79831  
the Director of Budget and Management, appropriation up to the 79832  
cash balance in the Managed Care Performance Payment Fund is 79833  
hereby appropriated. The federal share of the cash balance may 79834  
also be appropriated in a federal appropriation item specified in 79835  
the request. Any federal share specified in the request is hereby 79836

appropriated. 79837

In addition to any other purpose authorized by law, the 79838  
Department of Medicaid may use money in the Managed Care 79839  
Performance Payment Fund for the following purposes for fiscal 79840  
year 2016 and fiscal year 2017: 79841

(A) To meet obligations specified in provider agreements with 79842  
Medicaid managed care organizations; 79843

(B) To pay for Medicaid services provided by a Medicaid 79844  
managed care organization; 79845

(C) To reimburse a Medicaid managed care organization that 79846  
has paid a fine for failure to meet performance standards or other 79847  
requirements specified in provider agreements or rules adopted 79848  
under section 5167.02 of the Revised Code if the organization 79849  
comes into compliance with the standards or requirements. 79850

**Section 327.70. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 79851  
CARE 79852**

(A) As used in this section: 79853

(1) "ICDS participant" has the same meaning as in section 79854  
5164.01 of the Revised Code. 79855

(2) "Integrated Care Delivery System" and "ICDS" have the 79856  
same meaning as section 5164.01 of the Revised Code. 79857

(3) "Medicaid managed care organization" has the same meaning 79858  
as in section 5167.01 of the Revised Code. 79859

(B) For fiscal year 2016 and fiscal year 2017, the Department 79860  
of Medicaid shall provide performance payments as provided under 79861  
this section to Medicaid managed care organizations providing care 79862  
under the Integrated Care Delivery System. 79863

(C) If ICDS participants receive care through Medicaid 79864  
managed care organizations under ICDS, the Department shall, in 79865

consultation with the United States Centers for Medicare and Medicaid Services, do both of the following:

(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services provided to ICDS participants by Medicaid managed care organizations;

(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for ICDS participants.

(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all Medicaid managed care organizations providing care to ICDS participants.

(2) Each Medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its Medicaid provider agreement with the Department.

(3) When the amount is established and each time the amount is modified thereafter, the Department shall certify the amount to the Director of Budget and Management and begin withholding the amount from each premium the Department pays to a Medicaid managed care organization for an ICDS participant.

(E) The Director of Budget and Management shall transfer the amounts certified in accordance with division (D) of this section into the Managed Care Performance Payment Fund created under section 5162.60 of the Revised Code. The amounts transferred may be used to make performance payments to Medicaid managed care organizations providing care to ICDS participants in accordance with rules that may be adopted by the Medicaid Director under

Chapter 119. of the Revised Code. 79897

(F) A Medicaid managed care organization subject to this 79898  
section is not subject to section 5167.30 of the Revised Code for 79899  
premium payments attributed to ICDS participants during fiscal 79900  
year 2016 and fiscal year 2017. 79901

**Section 327.80.** INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE 79902  
PAYMENT PROGRAM 79903

At the beginning of each quarter, or as soon as possible 79904  
thereafter, the Medicaid Director may certify to the Director of 79905  
Budget and Management the amount withheld in accordance with the 79906  
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 79907  
MANAGED CARE." On receipt of certification, the Director of Budget 79908  
and Management shall transfer cash in the amount certified from 79909  
the General Revenue Fund to the Managed Care Performance Payment 79910  
Fund (Fund 5KW0). The federal share may also be appropriated in a 79911  
federal appropriation item specified in the request. The 79912  
transferred cash and the corresponding federal share is hereby 79913  
appropriated. Appropriation item 651525, Medicaid/Health Care 79914  
Services, is hereby reduced by the amount of the transfer and the 79915  
corresponding federal share of the transfer. 79916

**Section 327.90.** HOSPITAL FRANCHISE FEE PROGRAM 79917

The Director of Budget and Management may authorize 79918  
additional expenditures from appropriation item 651623, Medicaid 79919  
Services - Federal, appropriation item 651525, Medicaid/Health 79920  
Care Services, and appropriation item 651656, Medicaid Services - 79921  
Hospital/UPL, in order to implement the programs authorized by 79922  
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 79923  
authorized are hereby appropriated. 79924

**Section 327.100.** ADMINISTRATIVE ISSUES RELATED TO TERMINATION 79925

OF MEDICAID WAIVER PROGRAMS	79926
(A) As used in this section, "MCD or ODA Medicaid waiver component" means the following:	79927 79928
(1) The Medicaid waiver component of the PASSPORT program created under section 173.52 of the Revised Code;	79929 79930
(2) The Medicaid waiver component of the Assisted Living program created under section 173.54 of the Revised Code.	79931 79932
(3) The Ohio Home Care Waiver program as defined in section 5166.01 of the Revised Code;	79933 79934
(4) The Ohio Transitions II Aging Carve-Out program as defined in section 5166.01 of the Revised Code;	79935 79936
(B) If an MCD or ODA Medicaid waiver component is terminated under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the Revised Code, all of the following apply:	79937 79938 79939
(1) All applicable statutes, and all applicable rules, standards, guidelines, or orders issued by the Medicaid Director or Department of Medicaid or Director or Department of Aging before the component is terminated, shall remain in full force and effect on and after that date, but solely for purposes of concluding the component's operations, including fulfilling the Departments' legal obligations for claims arising from the component relating to eligibility determinations, covered medical assistance provided to eligible persons, and recovering erroneous overpayments.	79940 79941 79942 79943 79944 79945 79946 79947 79948 79949
(2) Notwithstanding the termination of the component, the right of subrogation for the cost of medical assistance given under section 5160.37 of the Revised Code to the Department of Medicaid and an assignment of the right to medical assistance given under section 5160.38 of the Revised Code to the Department continue to apply with respect to the component and remain in	79950 79951 79952 79953 79954 79955

force to the full extent provided under those sections. 79956

(3) The Department of Medicaid and Department of Aging may 79957  
use appropriated funds to satisfy any claims or contingent claims 79958  
for medical assistance provided under the component before the 79959  
component's termination. 79960

(4) Neither the Department of Medicaid nor the Department of 79961  
Aging has liability under the component to reimburse any provider 79962  
or other person for claims for medical assistance rendered under 79963  
the component after it is terminated. 79964

(C) The Medicaid Director and Director of Aging may adopt 79965  
rules in accordance with Chapter 119. of the Revised Code to 79966  
implement this section. 79967

**Section 327.110. MONEY FOLLOWS THE PERSON ENHANCED** 79968  
**REIMBURSEMENT FUND** 79969

The federal payments made to the state under subsection (e) 79970  
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 79971  
No. 109-171, as amended, shall be deposited into the Money Follows 79972  
the Person Enhanced Reimbursement Fund. The Department of Medicaid 79973  
shall continue to use money deposited into the fund for system 79974  
reform activities related to the Money Follows the Person 79975  
demonstration project. 79976

**Section 327.120. MEDICARE PART D** 79977

The foregoing appropriation item 651526, Medicare Part D, may 79978  
be used by the Department of Medicaid for the implementation and 79979  
operation of the Medicare Part D requirements contained in the 79980  
"Medicare Prescription Drug, Improvement, and Modernization Act of 79981  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 79982  
Department of Medicaid, the Director of Budget and Management may 79983  
transfer the state share of appropriations between appropriation 79984  
item 651525, Medicaid/Health Care Services, and appropriation item 79985

651526, Medicare Part D. If the state share of appropriation item 79986  
651525, Medicaid/Health Care Services, is adjusted, the Director 79987  
of Budget and Management shall adjust the federal share 79988  
accordingly. The Department of Medicaid shall provide notification 79989  
to the Controlling Board of any transfers at the next scheduled 79990  
Controlling Board meeting. 79991

**Section 327.130. OHIO ACCESS SUCCESS PROJECT** 79992

Of the foregoing appropriation item, 651525, Medicaid/Health 79993  
Care Services, up to \$450,000 in each fiscal year may be used to 79994  
provide one-time transitional benefits under the Ohio Access 79995  
Success Project that the Medicaid Director may establish under 79996  
section 5166.35 of the Revised Code. 79997

**Section 327.140. HEALTH CARE SERVICES ADMINISTRATION FUND** 79998

Of the amount received by the Department of Medicaid during 79999  
fiscal year 2016 and fiscal year 2017 from the first installment 80000  
of assessments paid under section 5168.06 of the Revised Code and 80001  
intergovernmental transfers made under section 5168.07 of the 80002  
Revised Code, the Medicaid Director shall deposit \$350,000 in each 80003  
fiscal year into the state treasury to the credit of the Health 80004  
Care Services Administration Fund (Fund 5U30). 80005

**Section 327.150. TRANSFERS OF OFFSETS TO THE HEALTH CARE** 80006  
**SERVICES ADMINISTRATION FUND** 80007

(A) As used in this section: 80008

"Hospital offset" means an offset from a hospital's Medicaid 80009  
payment authorized by section 5168.991 of the Revised Code. 80010

"Vendor offset" means a reduction of a Medicaid payment to a 80011  
Medicaid provider to correct a previous, incorrect Medicaid 80012  
payment. 80013

(B) During fiscal year 2016 and fiscal year 2017, at intervals selected by the Medicaid Director, the Director shall certify to the Director of Budget and Management the amount of hospital offsets and vendor offsets for the period covered by the certification and the particular funds that would have been used to make Medicaid payments to providers if not for the offsets. Each certification shall specify the amount that would have been taken from each of the funds if not for the hospital offsets and vendor offsets.

(C) On receipt of a certification under division (B) of this section, the Director of Budget and Management shall transfer cash from the funds identified in the certification to the Health Care Services Administration Fund (Fund 5U30). The amount transferred from a fund shall equal the amount that would have been taken from the fund if not for the hospital offsets and vendor offsets as specified in the certification. The federal share may also be appropriated in a federal appropriation item specified in the certification. The transferred cash and the corresponding federal share is hereby appropriated. The appropriations for those appropriation items identified in the certification, and from which transfers occurred, are hereby reduced by the amount of the transfer and the amount of the corresponding federal share.

**Section 327.160. HOSPITAL CARE ASSURANCE MATCH**

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services -

HCAP, shall be used by the Department of Medicaid for distributing 80045  
the state share of all hospital care assurance program funds to 80046  
hospitals under section 5168.09 of the Revised Code. If receipts 80047  
credited to the Hospital Care Assurance Program Fund (Fund 6510) 80048  
exceed the amounts appropriated from the fund for making the 80049  
hospital care assurance program distribution, the Medicaid 80050  
Director may request the Director of Budget and Management to 80051  
authorize expenditures from the fund in excess of the amounts 80052  
appropriated. Upon the approval of the Director of Budget and 80053  
Management, the additional amounts are hereby appropriated. 80054

**Section 327.170. REFUNDS AND RECONCILIATION FUND** 80055

The Refunds and Reconciliation Fund (Fund R055) shall be used 80056  
to hold refund and reconciliation revenues until the appropriate 80057  
fund is determined or until the revenues are directed to the 80058  
appropriate governmental agency other than the Department of 80059  
Medicaid. Any Medicaid refunds or reconciliations received or held 80060  
by the Department of Job and Family Services shall be transferred 80061  
or credited to this fund. If receipts credited to the Refunds and 80062  
Reconciliation Fund exceed the amounts appropriated from the fund, 80063  
the Medicaid Director may request the Director of Budget and 80064  
Management to authorize expenditures from the fund in excess of 80065  
the amounts appropriated. Upon approval of the Director of Budget 80066  
and Management, the additional amounts are hereby appropriated. 80067

**Section 327.180. MEDICAID INTERAGENCY PASS-THROUGH** 80068

The Medicaid Director may request the Director of Budget and 80069  
Management to increase appropriation item 651655, Medicaid 80070  
Interagency Pass-Through. Upon the approval of the Director of 80071  
Budget and Management, the additional amounts are hereby 80072  
appropriated. 80073

**Section 327.190. STATE PLAN HOME AND COMMUNITY-BASED SERVICES** 80074

(A) As used in this section: 80075

"Federal poverty line" means the official poverty line 80076  
defined by the United States Office of Management and Budget based 80077  
on the most recent data available from the United States Bureau of 80078  
the Census and revised by the United States Secretary of Health 80079  
and Human Services pursuant to the "Omnibus Budget Reconciliation 80080  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 80081

"State plan home and community-based services" means home and 80082  
community-based services that may be included in the Medicaid 80083  
state plan pursuant to the "Social Security Act," section 1915(i), 80084  
42 U.S.C. 1396n(i). 80085

(B) During fiscal year 2016 and fiscal year 2017, the 80086  
Medicaid program may cover state plan home and community-based 80087  
services for Medicaid recipients of any age who have behavioral 80088  
health issues and countable incomes not exceeding one hundred 80089  
fifty per cent of the federal poverty line. A Medicaid recipient 80090  
is not required to undergo a level of care determination to be 80091  
eligible for the state plan home and community-based services. 80092

The Medicaid Director may adopt rules under section 5164.02 80093  
of the Revised Code as necessary to implement this section. 80094

**Section 327.200.** UPDATING AUTHORIZING STATUTE CITATIONS 80095

As used in this section, "authorizing statute" means a 80096  
Revised Code section or provision of a Revised Code section that 80097  
is cited in the Ohio Administrative Code as the statute that 80098  
authorizes the adoption of a rule. 80099

The Medicaid Director is not required to amend any rule for 80100  
the sole purpose of updating the citation in the Ohio 80101  
Administrative Code to the rule's authorizing statute to reflect 80102  
that this act renumbers the authorizing statute or relocates it to 80103  
another Revised Code section. Such citations shall be updated as 80104

the Director amends the rules for other purposes. 80105

**Section 327.210. NON-EMERGENCY MEDICAL TRANSPORTATION** 80106

In order to ensure access to a non-emergency medical 80107  
transportation brokerage program established pursuant to section 80108  
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 80109  
upon the request of the Medicaid Director, the Director of Budget 80110  
and Management may transfer appropriations between General Revenue 80111  
Fund appropriation item 651525, Medicaid/Health Care Services, 80112  
within the Department of Medicaid and 655523, Medicaid Program 80113  
Support - Local Transportation, within the Department of Job and 80114  
Family Services. If appropriation transfers occur from 80115  
appropriation item 651525, Medicaid/Health Care Services, the 80116  
Director of Budget and Management shall transfer the corresponding 80117  
federal share of the transfer in cash from the General Revenue 80118  
Fund to the Medicaid Program Support Fund (Fund 3F01), used by the 80119  
Department of Job and Family Services. The amount transferred to 80120  
Fund 3F01 is hereby appropriated to appropriation item 655624, 80121  
Medicaid Program Support, and the federal share portion of GRF 80122  
appropriation item 651525, Medicaid/Health Care Services, is 80123  
hereby reduced by such amount. The Director of Budget and 80124  
Management may also transfer cash from the Medicaid Program 80125  
Support Fund (Fund 3F01) to the General Revenue Fund. The amount 80126  
transferred to the General Revenue Fund is hereby appropriated to 80127  
the federal share portion of appropriation item 651525, 80128  
Medicaid/Health Care Services, and the appropriation to 655624, 80129  
Medicaid Program Support, is hereby reduced by such amount. 80130

**Section 327.220. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION** 80131  
**SYSTEM IMPLEMENTATION** 80132

Upon the request of the Medicaid Director, the Director of 80133  
Budget and Management, in each fiscal year, may increase 80134

appropriation by up to \$7,200,000 in appropriation item 655522, 80135  
Medicaid Program Support-Local, used by the Department of Job and 80136  
Family Services. In addition, the Director of Budget and 80137  
Management may transfer cash from the General Revenue Fund in the 80138  
amount equal to the federal share to a federal fund identified by 80139  
the Medicaid Director. Any amount transferred is hereby 80140  
appropriated. Appropriation item 651525, Medicaid/Health Care 80141  
Services, is hereby reduced by the amount of the state share of 80142  
the appropriation increase and the corresponding federal share. 80143

Any increase in funding shall be provided to county 80144  
departments of job and family services and shall only be used for 80145  
costs related to transitioning to a new public assistance 80146  
eligibility determination system. These funds shall not be used 80147  
for existing and ongoing operating expenses. The Medicaid Director 80148  
shall establish criteria for distributing these funds and for 80149  
county departments of job and family services to submit allowable 80150  
expenses. 80151

County departments of job and family services shall comply 80152  
with new roles, processes, and responsibilities related to the new 80153  
eligibility determination system. County departments of job and 80154  
family services shall report to the Ohio Department of Job and 80155  
Family Services and the Ohio Department of Medicaid, on a schedule 80156  
determined by the Medicaid Director, how the funds were used. 80157

**Section 327.230. ABOLISHMENT OF THE HOME AND COMMUNITY-BASED 80158**  
SERVICES FUND (FUND 4J50) 80159

On July 1, 2015, or as soon as possible thereafter, the 80160  
Director of Budget and Management shall transfer the cash balance 80161  
in the Home and Community - Based Services Fund (Fund 4J50) to the 80162  
Nursing Facility Franchise Permit Fee Fund (Fund 5R20), both used 80163  
by the Department of Medicaid. Upon completion of the transfer, 80164  
Fund 4J50 is hereby abolished. 80165

<b>Section 329.10. MED STATE MEDICAL BOARD</b>				80166
Dedicated Purpose Fund Group				80167
5C60 883609	Operating Expenses	\$ 9,467,737	\$ 9,655,200	80168
TOTAL DPF Dedicated Purpose Fund Group				80169
TOTAL ALL BUDGET FUND GROUPS				80170
 <b>Section 331.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES</b>				80172
SERVICES				80173
General Revenue Fund				80174
GRF 336321	Central Administration	\$ 13,632,646	\$ 13,632,646	80175
GRF 336402	Resident Trainees	\$ 450,000	\$ 450,000	80176
GRF 336405	Family & Children First	\$ 1,386,000	\$ 1,386,000	80177
GRF 336406	Prevention and Wellness	\$ 3,368,659	\$ 3,368,659	80178
GRF 336412	Hospital Services	\$ 200,658,333	\$ 200,658,333	80179
GRF 336415	Mental Health Facilities	\$ 20,817,900	\$ 19,902,200	80180
Lease-Rental Bond Payments				
GRF 336421	Continuum of Care Services	\$ 71,989,846	\$ 71,989,846	80181
GRF 336422	Criminal Justice Services	\$ 8,416,418	\$ 8,416,418	80182
GRF 336423	Addiction Services Partnership with Corrections	\$ 27,422,269	\$ 34,362,315	80183
GRF 336424	Recovery Housing	\$ 2,500,000	\$ 2,500,000	80184
GRF 336504	Community Innovations	\$ 9,250,000	\$ 9,250,000	80185

GRF	336506	Court Costs	\$	1,284,210	\$	1,284,210	80186
GRF	336510	Residential State Supplement	\$	15,002,875	\$	15,002,875	80187
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	5,000,000	\$	5,000,000	80188
GRF	652321	Medicaid Support	\$	1,736,600	\$	1,736,600	80189
TOTAL GRF	General Revenue Fund		\$	382,915,756	\$	388,940,102	80190
Dedicated Purpose Fund Group							80191
2320	336621	Family and Children First Administration	\$	400,000	\$	400,000	80192
4750	336623	Statewide Treatment and Prevention	\$	15,550,000	\$	15,550,000	80193
4850	336632	Mental Health Operating	\$	2,611,733	\$	2,611,733	80194
5AU0	336615	Behaviorial Health Care	\$	7,850,000	\$	7,850,000	80195
5JL0	336629	Problem Gambling and Casino Addictions	\$	6,250,000	\$	6,250,000	80196
5T90	336641	Problem Gambling Services	\$	435,000	\$	435,000	80197
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	80198
6890	336640	Education and Conferences	\$	150,000	\$	150,000	80199
TOTAL DPF	Dedicated Purpose Fund Group		\$	33,596,733	\$	33,596,733	80200
Internal Service Activity Fund Group							80201
1490	336609	Hospital Operating Expenses	\$	24,790,000	\$	24,790,000	80202
1490	336610	Operating Expenses	\$	6,743,190	\$	6,743,190	80203

1500	336620	Special Education	\$	150,000	\$	150,000	80204
1510	336601	Ohio Pharmacy Services	\$	75,000,000	\$	75,000,000	80205
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	80206
TOTAL ISA	Internal Service Activity		\$	106,933,190	\$	106,933,190	80207
Fund Group							
Federal Fund Group							80208
3240	336605	Medicaid/Medicare	\$	28,200,000	\$	28,200,000	80209
3A60	336608	Federal Miscellaneous	\$	2,510,000	\$	2,510,000	80210
3A70	336612	Social Services Block Grant	\$	8,450,000	\$	8,450,000	80211
3A80	336613	Federal Grants	\$	11,417,000	\$	11,417,000	80212
3A90	336614	Mental Health Block Grant	\$	16,058,470	\$	16,058,470	80213
3B10	652635	Community Medicaid Legacy Costs	\$	5,000,000	\$	5,000,000	80214
3B10	652636	Community Medicaid Legacy Support	\$	7,000,000	\$	7,000,000	80215
3FR0	336638	Race to the Top - Early Learning Challenge Grant	\$	1,164,000	\$	1,164,000	80216
3G40	336618	Substance Abuse Block Grant	\$	65,865,756	\$	65,865,756	80217
3H80	336606	Demonstration Grants	\$	20,050,000	\$	20,050,000	80218
3N80	336639	Administrative Reimbursement	\$	1,300,000	\$	1,300,000	80219
TOTAL FED	Federal Fund Group		\$	167,015,226	\$	167,015,226	80220
TOTAL ALL BUDGET	FUND GROUPS		\$	690,460,905	\$	696,485,251	80221
<b>Section 331.20.</b> TRANSITION RELATING TO CONSOLIDATION OF							80223
DEPARTMENTS							80224
All of the authority, functions, and assets and liabilities							80225

of the Department of Mental Health and the Department of Alcohol 80226  
and Drug Addiction Services are transferred to the Department of 80227  
Mental Health and Addiction Services. The Department of Mental 80228  
Health and Addiction Services is thereupon and thereafter 80229  
successor to, assumes the obligations of, and otherwise 80230  
constitutes the continuation of the Department of Alcohol and Drug 80231  
Addiction Services and the Department of Mental Health. The 80232  
Director of Mental Health and Addiction Services assumes all of 80233  
the duties, authorities, and responsibilities of the Director of 80234  
Alcohol and Drug Addiction Services and the Director of Mental 80235  
Health. Any action, license, or certification that was undertaken 80236  
or issued by the Director of Alcohol and Drug Addiction Services 80237  
or the Director of Mental Health that is current and valid on the 80238  
effective date of the consolidation is deemed to be an action, 80239  
license, or certification undertaken or issued by the Department 80240  
of Mental Health and Addiction Services under the statute creating 80241  
that Department. 80242

Any business commenced but not completed by July 1, 2013, by 80243  
the Department of Mental Health or the Department of Alcohol and 80244  
Drug Addiction Services shall be completed by the Department of 80245  
Mental Health and Addiction Services. The business shall be 80246  
completed in the same manner, and with the same effect, as if 80247  
completed by the Department of Mental Health or by the Department 80248  
of Alcohol and Drug Addiction Services prior to July 1, 2013. 80249

No validation, cure, right, privilege, remedy, obligation, or 80250  
liability is lost or impaired by reason of this act's transfer of 80251  
responsibility from the Department of Mental Health and the 80252  
Department of Alcohol and Drug Addiction Services to the 80253  
Department of Mental Health and Addiction Services. Each such 80254  
validation, cure, right, remedy, obligation, or liability shall be 80255  
administered by the Department of Mental Health and Addiction 80256  
Services pursuant to the statute creating that department. 80257

All rules, orders, and determinations made or undertaken 80258  
pursuant to the authority and responsibilities of the Department 80259  
of Mental Health and the Department of Alcohol and Drug Addiction 80260  
Services prior to July 1, 2013, shall continue in effect as rules, 80261  
orders, and determinations of the Department of Mental Health and 80262  
Addiction Services until modified or rescinded by the Department 80263  
of Mental Health and Addiction Services. If necessary to ensure 80264  
the integrity of the numbering system of the Administrative Code, 80265  
the Director of the Legislative Service Commission shall renumber 80266  
the rules to reflect the transfer of authority and responsibility 80267  
to the Department of Mental Health and Addiction Services. 80268

Any action or proceeding that is related to the functions or 80269  
duties of the Department of Mental Health or the Department of 80270  
Alcohol and Drug Addiction Services pending on July 1, 2013, is 80271  
not affected by the transfer of responsibility to the Department 80272  
of Mental Health and Addiction Services and shall be prosecuted or 80273  
defended in the name of the Department of Mental Health and 80274  
Addiction Services. In all such actions and proceedings, the 80275  
Department of Mental Health and Addiction Services, on application 80276  
to the court, shall be substituted as a party. 80277

**Section 331.40. PREVENTION AND WELLNESS** 80278

Of the foregoing appropriation item 336406, Prevention and 80279  
Wellness: 80280

(A) Up to \$1,500,000 in each fiscal year shall be used to 80281  
expand evidence-based prevention resources statewide. 80282

(B) Up to \$1,000,000 in each fiscal year shall be used to 80283  
support and expand suicide prevention efforts. 80284

**Section 331.50. HOSPITAL SERVICES** 80285

The foregoing appropriation item 336412, Hospital Services, 80286  
shall be used for the operation of the State Regional Psychiatric 80287

Hospitals, including, but not limited to, all aspects involving 80288  
civil and forensic commitment, treatment, and discharge as 80289  
determined by the Director of Mental Health and Addiction 80290  
Services. A portion of this appropriation may be used by the 80291  
Department of Mental Health and Addiction Services to create, 80292  
purchase, or contract for the custody, supervision, control, and 80293  
treatment of persons committed to the Department of Mental Health 80294  
and Addiction Services in other clinically appropriate 80295  
environments, consistent with public safety. 80296

**Section 331.60. MENTAL HEALTH FACILITIES LEASE-RENTAL BOND 80297**  
PAYMENTS 80298

The foregoing appropriation item 336415, Mental Health 80299  
Facilities Lease-Rental Bond Payments, shall be used to meet all 80300  
payments during the period from July 1, 2015, through June 30, 80301  
2017, by the Department of Mental Health and Addiction Services 80302  
under leases and agreements made under section 154.20 of the 80303  
Revised Code. These appropriations are the source of funds pledged 80304  
for bond service charges on obligations issued pursuant to Chapter 80305  
154. of the Revised Code. 80306

**Section 331.70. CONTINUUM OF CARE SERVICES 80307**

The foregoing appropriation item 336421, Continuum of Care 80308  
Services, shall be used as follows: 80309

(A) A portion of this appropriation shall be allocated to 80310  
community alcohol, drug addiction, and mental health services 80311  
boards in accordance with a distribution methodology determined by 80312  
the Director of Mental Health and Addiction Services for the 80313  
boards to purchase mental health and addiction services permitted 80314  
under Chapter 340. of the Revised Code. Boards may use a portion 80315  
of the funds allocated: 80316

(1) To provide subsidized support for psychotropic medication 80317

needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and

(2) To provide subsidized support for medication-assisted treatment costs.

(B) A portion of this appropriation may be distributed to community alcohol, drug addiction, and mental health services boards, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of mental health and addiction services initiatives.

**Section 331.80. CRIMINAL JUSTICE SERVICES**

The foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through community alcohol, drug addiction, and mental health services boards to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services.

Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$1,000,000 in each fiscal year shall be used to support specialty dockets and expand and/or create new certified court programs.

Appropriation item 336422, Criminal Justice Services, may also be used to:

(A) Provide forensic monitoring and tracking of individuals on conditional release;

(B) Provide forensic training;	80348
(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;	80349 80350 80351
(D) Provide specialized re-entry services to offenders leaving prisons and jails;	80352 80353
(E) Provide specific grants in support of addiction services alternatives to incarceration; and	80354 80355
(F) Support therapeutic communities.	80356
<b>Section 331.90. ADDICTION TREATMENT PROGRAM FOR SPECIALIZED DOCKET PROGRAMS</b>	80357 80358
(A) As used in this section:	80359
(1) "Certified drug court program" means a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs: a common pleas court, municipal court, or county court, or a division of any of those courts.	80360 80361 80362 80363 80364
(2) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	80365 80366
(B)(1) The Department of Mental Health and Addiction Services shall conduct a pilot program to provide addiction treatment, including medication-assisted treatment, to persons who are offenders within the Criminal Justice System, eligible to participate in a certified drug court program, and are selected under this section to be participants in the pilot program because of their dependence on opioids, alcohol, or both.	80367 80368 80369 80370 80371 80372 80373
(2) The Department shall conduct the program in those courts of Crawford, Franklin, Hardin, and Mercer counties that are conducting certified drug court programs. If in any of these	80374 80375 80376

counties there is no court conducting a certified drug court 80377  
program, the Department shall conduct the pilot program in a court 80378  
that is conducting a certified drug court program in another 80379  
county. 80380

(3) In addition to conducting the program in accordance with 80381  
division (B)(2) of this section, the Department may conduct the 80382  
program in any court that is conducting a certified drug court 80383  
program. 80384

(C) In conducting the program, the Department shall 80385  
collaborate with the Supreme Court, the Department of 80386  
Rehabilitation and Correction, and any agency of the state that 80387  
the Department determines may be of assistance in accomplishing 80388  
the objectives of the program. The Department may collaborate with 80389  
the boards of alcohol, drug addiction, and mental health services 80390  
and with local law enforcement agencies that serve the counties in 80391  
which a court participating in the program is located. 80392

(D)(1) A certified drug court program shall select persons 80393  
who are criminal offenders to be participants in the pilot 80394  
program. A person shall not be selected to be a participant unless 80395  
the person meets the legal and clinical eligibility criteria for 80396  
the certified drug court program and is an active participant in 80397  
the program. 80398

(2) The total number of persons participating in a pilot 80399  
program at any time shall not exceed five hundred, except that the 80400  
Department of Mental Health and Addiction Services may authorize 80401  
the maximum number to be exceeded in circumstances that the 80402  
Department considers to be appropriate. 80403

(3) After being enrolled in a certified drug court program, a 80404  
participant shall comply with all requirements of the certified 80405  
drug court program. 80406

(E) The treatment provided in a certified drug court program 80407

shall be provided by a community addiction services provider that 80408  
is certified under section 5119.36 of the Revised Code. In serving 80409  
as a treatment provider, a treatment provider shall do all of the 80410  
following: 80411

(1) Provide treatment based on an integrated service delivery 80412  
model that consists of the coordination of care between a 80413  
prescriber and the addiction services provider; 80414

(2) Conduct professional, comprehensive substance abuse and 80415  
mental health diagnostic assessments of a person under 80416  
consideration for selection as a program participant to determine 80417  
whether the person would benefit from substance abuse treatment 80418  
and monitoring; 80419

(3) Determine, based on the assessment described in division 80420  
(E)(2) of this section, the treatment needs of the participants 80421  
served by the treatment provider; 80422

(4) Develop, for participants served by the treatment 80423  
provider, individualized goals and objectives; 80424

(5) Provide access to the long-acting antagonist therapies, 80425  
partial antagonist therapies, or both, that are included in the 80426  
program's medication-assisted treatment; 80427

(6) Provide other types of therapies, including psychosocial 80428  
therapies, for both substance abuse and any disorders that are 80429  
considered by the treatment provider to be co-occurring disorders; 80430

(7) Monitor program compliance through the use of regular 80431  
drug testing, including urinalysis, of the participants being 80432  
served by the treatment provider. 80433

(F) In the case of medication-assisted treatment provided 80434  
under the program, all of the following conditions apply: 80435

(1) A drug may be used only if the drug has been approved by 80436  
the United States Food and Drug Administration for use in treating 80437

dependence on opioids, alcohol, or both, or for preventing relapse into the use of opioids, alcohol, or both.

(2) One or more drugs may be used, but each drug that is used must constitute long-acting antagonist therapy or partial antagonist therapy.

(3) If a drug constituting partial antagonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants.

(G) A report of the findings obtained from the pilot program shall be prepared by a research institution and include data derived from the drug testing and performance measures used in the program. The research institution shall complete its report not later than December 31, 2015. Upon completion, the institution shall submit the report to the Governor, Chief Justice of the Supreme Court, President of the Senate, Speaker of the House of Representatives, Department of Mental Health and Addiction Services, Department of Rehabilitation and Correction, and any other state agency that the Department of Mental Health and Addiction Services collaborates with in conducting the program.

(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$2.5 million in each fiscal year shall be used to support the Addiction Treatment Program for Specialized Docket Programs.

**Section 331.100. ADDICTION SERVICES PARTNERSHIP WITH CORRECTIONS**

On the effective date of this section, the Bureau of Recovery Services within the Department of Rehabilitation and Correction is abolished and all of its functions, assets, and liabilities, regardless of form or medium, agreements and contracts of the

program are transferred to the Department of Mental Health and 80468  
Addiction Services. The Department of Mental Health and Addiction 80469  
Services is thereupon and thereafter successor to, assumes the 80470  
obligations of, and otherwise constitutes the continuation of the 80471  
Bureau of Recovery Services. 80472

Any business commenced but not completed by the effective 80473  
date of this section by the Department of Rehabilitation and 80474  
Correction regarding recovery services shall be completed by the 80475  
Department of Mental Health and Addiction Services. No validation, 80476  
cure, right, privilege, remedy, obligation, or liability is lost 80477  
or impaired by reason of the transfer required by this section and 80478  
shall be administered by the Department of Mental Health and 80479  
Addiction Services. Any rules, orders, and determinations 80480  
pertaining to the Bureau of Recovery Services continue in effect 80481  
as rules, orders, and determinations of the Department of Mental 80482  
Health and Addiction Services until modified or rescinded by the 80483  
Department of Mental Health and Addiction Services. If necessary 80484  
to ensure the integrity of the numbering of the Administrative 80485  
Code, the Director of the Legislative Service Commission shall 80486  
renumber the numbers to reflect their transfer to the Department 80487  
of Mental Health and Addiction Services. 80488

Subject to the lay-off provisions of sections 124.321 to 80489  
124.382 of the Revised Code, all employees of the Bureau of 80490  
Recovery Services are hereby transferred to the Department of 80491  
Mental Health and Addiction Services and retain their positions 80492  
and all of their benefits. 80493

Wherever the Bureau of Recovery Services is referred to in 80494  
any law, contract, or other document, the reference shall be 80495  
deemed to refer to the Department of Mental Health and Addiction 80496  
Services or its director, as appropriate. 80497

No action or proceeding pending on the effective date of this 80498  
act, is affected by the transfer, and shall be prosecuted or 80499

defended in the name of the Department of Mental Health and 80500  
Addiction Services or its director. In all such actions and 80501  
proceedings, the Department of Mental Health and Addiction 80502  
Services or its director shall be substituted as a party. 80503

On July 1, 2015, or as soon as possible thereafter, the 80504  
Director of Budget and Management shall cancel any existing 80505  
encumbrances against appropriation item 505321, Institutional 80506  
Medical Services, used by the Department of Rehabilitation and 80507  
Correction, that pertain to the Bureau of Recovery Services in the 80508  
Department of Rehabilitation and Correction. The canceled 80509  
encumbrances shall be reestablished against appropriation item 80510  
336423, Addiction Services Partnership with Corrections, used by 80511  
the Department of Mental Health and Addiction Services. The 80512  
reestablished encumbrance amounts are hereby appropriated. Any 80513  
business commenced but not completed under appropriation item 80514  
505321, Institutional Medical Services, pertaining to the Bureau 80515  
of Recovery Services, shall be completed under appropriation item 80516  
336423, Addiction Services Partnership with Corrections, in the 80517  
same manner, and with the same effect, as if completed with regard 80518  
to appropriation item 505321, Institutional Medical Services. 80519

**Section 331.110. RECOVERY HOUSING** 80520

The foregoing appropriation item 336424, Recovery Housing, 80521  
shall be used to expand and support access to recovery housing. 80522  
"Recovery housing" means housing for individuals recovering from 80523  
alcoholism or drug addiction that provides an alcohol and 80524  
drug-free living environment, peer support, assistance with 80525  
obtaining alcohol and drug addiction services, and other alcohol 80526  
and drug addiction recovery assistance where the length of stay is 80527  
not limited to a specific duration. Recovery housing does not 80528  
include residential facilities subject to licensure pursuant to 80529  
section 5119.34 of the Revised Code. Medication-assisted treatment 80530

may be allowed in recovery housing. Support for projects in 80531  
counties of the state that are underserved or do not currently 80532  
have recovery housing stock shall be given priority. For 80533  
expenditures that are capital in nature, the Department of Mental 80534  
Health and Addiction Services shall develop procedures to 80535  
administer these funds in a manner that is consistent with current 80536  
community capital assistance guidelines. 80537

**Section 331.120. COMMUNITY INNOVATIONS** 80538

The foregoing appropriation item 336504, Community 80539  
Innovations, may be used by the Department of Mental Health and 80540  
Addiction Services to make targeted investments in programs, 80541  
projects, or systems operated by or under the authority of other 80542  
state agencies, governmental entities, or private not-for-profit 80543  
agencies that impact, or are impacted by, the operations and 80544  
functions of the Department, with the goal of achieving a net 80545  
reduction in expenditure of state general revenue funds and/or 80546  
improved outcomes for Ohio citizens without a net increase in 80547  
state general revenue fund spending. 80548

The Director shall identify and evaluate programs, projects, 80549  
or systems proposed or operated, in whole or in part, outside of 80550  
the authority of the Department, where targeted investment of 80551  
these funds in the program, project, or system is expected to 80552  
decrease demand for the Department or other resources funded with 80553  
state general revenue funds, and/or to measurably improve outcomes 80554  
for Ohio citizens with mental illness or with alcohol, drug, or 80555  
gambling addictions. The Director shall have discretion to 80556  
transfer money from the appropriation item to other state 80557  
agencies, governmental entities, or private not-for-profit 80558  
agencies in amounts, and subject to conditions, that the Director 80559  
determines most likely to achieve state savings and/or improved 80560  
outcomes. Distribution of moneys from this appropriation item 80561

shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 80562  
the Revised Code. 80563

The Department shall enter into an agreement with each 80564  
recipient of community innovation funds, identifying: allowable 80565  
expenditure of the funds; other commitment of funds or other 80566  
resources to the program, project, or system; expected state 80567  
savings and/or improved outcomes and proposed mechanisms for 80568  
measurement of such savings or outcomes; and required reporting 80569  
regarding expenditure of funds and savings or outcomes achieved. 80570

Of the foregoing appropriation item 336504, Community 80571  
Innovations, up to \$3,000,000 in each fiscal year shall be used to 80572  
provide funding for community projects across the state that focus 80573  
on support for families, assisting families in avoiding crisis, 80574  
and crisis intervention. 80575

Of the foregoing appropriation item 336504, Community 80576  
Innovations, up to \$500,000 in each fiscal year shall be used to 80577  
enhance access to Naloxone across the state. 80578

Of the foregoing appropriation item 336504, Community 80579  
Innovations, up to \$3,000,000 in each fiscal year shall be used to 80580  
improve collaboration between local jails, state hospitals, and 80581  
treatment providers in order to reduce transfers, improve safety 80582  
and judicial oversight as well as address capacity issues in both 80583  
jails and state hospitals. 80584

Of the foregoing appropriation item 336504, Community 80585  
Innovations, up to \$100,000 in each fiscal year shall be used to 80586  
continue the Department of Mental Health and Addiction Services 80587  
cross-agency efforts to share evidence-based practices that 80588  
encourage the use of trauma-informed care. 80589

Of the foregoing appropriation item 336504, Community 80590  
Innovations, up to \$1,000,000 in each fiscal year shall be used to 80591  
implement strategies to increase job opportunities, reduce the 80592

number of positive drug screens, and improve workforce readiness 80593  
for individuals in recovery. 80594

**Section 331.130. RESIDENTIAL STATE SUPPLEMENT** 80595

(A) The foregoing appropriation item 336510, Residential 80596  
State Supplement, may be used by the Department of Mental Health 80597  
and Addiction Services to provide training for residential 80598  
facilities providing accommodations, supervision, and personal 80599  
care services to three to sixteen unrelated adults with mental 80600  
illness and to make benefit payments to residential state 80601  
supplement recipients. 80602

(B) The foregoing appropriation item 336510, Residential 80603  
State Supplement, may also be used to transfer cash to the Nursing 80604  
Home Franchise Permit Fee Fund (Fund 5R20), used by the Department 80605  
of Medicaid. Any transfers shall be made using an intrastate 80606  
transfer voucher. Any amount transferred is hereby appropriated. 80607  
Appropriation item 336510 is hereby reduced by an amount equal to 80608  
the amount transferred. 80609

(C) The Department of Mental Health and Addiction Services 80610  
shall adopt rules establishing eligibility criteria and benefit 80611  
payment amounts under section 5119.41 of the Revised Code. 80612

**Section 331.140. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND** 80613  
**CONSULTATION** 80614

The foregoing appropriation item 336511, Early Childhood 80615  
Mental Health Counselors and Consultation, shall be used to 80616  
promote identification and intervention for early childhood mental 80617  
health and to enhance healthy social emotional development in 80618  
order to reduce preschool to third grade classroom expulsions. 80619  
Funds shall be used by the Department of Mental Health and 80620  
Addiction Services to support early childhood mental health 80621  
credentialed counselors and consultation services, as well as 80622

administration and workforce development for the program. 80623

**Section 331.143. MEDICAID SUPPORT** 80624

The Department of Mental Health and Addiction Services shall 80625  
administer specified Medicaid services as delegated by the State's 80626  
single agency responsible for the Medicaid program. Effective July 80627  
1, 2013, the Department shall use appropriation item 652321, 80628  
Medicaid Support, to fund the Medicaid-related services and 80629  
supports performed by the Department. 80630

**Section 331.150. PROBLEM GAMBLING AND CASINO ADDICTIONS** 80631

A portion of appropriation item 336629, Problem Gambling and 80632  
Casino Addictions, shall be allocated to boards of alcohol, drug 80633  
addiction, and mental health services in accordance with a 80634  
distribution methodology determined by the Director of Mental 80635  
Health and Addiction Services. 80636

**Section 331.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING** 80637  
**POOL** 80638

A county family and children first council may establish and 80639  
operate a flexible funding pool in order to assure access to 80640  
needed services by families, children, and older adults in need of 80641  
protective services. The operation of the flexible funding pools 80642  
shall be subject to the following restrictions: 80643

(A) The county council shall establish and operate the 80644  
flexible funding pool in accordance with formal guidance issued by 80645  
the Family and Children First Cabinet Council; 80646

(B) The county council shall produce an annual report on its 80647  
use of the pooled funds. The annual report shall conform to a 80648  
format prescribed in the formal guidance issued by the Family and 80649  
Children First Cabinet Council; 80650

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

**Section 331.170.** MEDICAID SPENDING AS MAINTENANCE OF EFFORT 80663

The designation of administering agency for federal aid shall be held jointly by the Department of Mental Health and Addiction Services and the Department of Medicaid for determining maintenance of effort pursuant to 42 U.S.C. 300x-30. The Department of Mental Health and Addiction Services remains the designated agency for all other purposes established by 42 U.S.C. 300x et seq. and section 5119.32 of the Revised Code.

**Section 331.180.** ACCESS SUCCESS II PROGRAM 80671

To the extent cash is available, the Director of Budget and Management may transfer cash from the Money Follows the Person Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of

the Revised Code to transition from inpatient status to a community setting. 80682  
80683

**Section 333.10. MIH COMMISSION ON MINORITY HEALTH** 80684

General Revenue Fund 80685

GRF 149321 Operating Expenses \$ 642,000 \$ 656,959 80686

GRF 149501 Minority Health \$ 940,319 \$ 975,360 80687

Grants

GRF 149502 Lupus Program \$ 96,000 \$ 96,000 80688

TOTAL GRF General Revenue Fund \$ 1,678,319 \$ 1,728,319 80689

Dedicated Purpose Fund Group 80690

4C20 149601 Minority Health \$ 50,000 \$ 50,000 80691

Conference

TOTAL DPF Dedicated Purpose Fund \$ 50,000 \$ 50,000 80692

Group

Federal Fund Group 80693

3J90 149602 Federal Grant Program \$ 126,833 \$ 90,929 80694

Support

TOTAL FED Federal Fund Group \$ 126,833 \$ 90,929 80695

TOTAL ALL BUDGET FUND GROUPS \$ 1,855,152 \$ 1,869,248 80696

**Section 335.10. CRB MOTOR VEHICLE REPAIR BOARD** 80698

Dedicated Purpose Fund Group 80699

4K90 865601 Operating Expenses \$ 484,292 \$ 484,292 80700

TOTAL DPF Dedicated Purpose Fund \$ 484,292 \$ 484,292 80701

Group

TOTAL ALL BUDGET FUND GROUPS \$ 484,292 \$ 484,292 80702

**Section 337.10. DNR DEPARTMENT OF NATURAL RESOURCES** 80704

General Revenue Fund 80705

GRF 725401 Division of \$ 1,800,000 \$ 1,800,000 80706

		Wildlife-Operating Subsidy					
GRF	725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$	23,239,600	\$	24,655,600	80707
GRF	725456	Canal Lands	\$	135,000	\$	135,000	80708
GRF	725502	Soil and Water Districts	\$	2,900,000	\$	2,900,000	80709
GRF	725505	Healthy Lake Erie Program	\$	500,000	\$	500,000	80710
GRF	725507	Coal and Mine Safety Program	\$	2,700,000	\$	2,800,000	80711
GRF	725903	Natural Resources General Obligation Bond Debt Service	\$	27,079,900	\$	26,074,400	80712
GRF	727321	Division of Forestry	\$	4,392,001	\$	4,392,001	80713
GRF	729321	Office of Information Technology	\$	177,405	\$	177,405	80714
GRF	730321	Division of Parks and Recreation	\$	30,500,000	\$	31,000,000	80715
GRF	736321	Division of Engineering	\$	2,324,736	\$	2,324,736	80716
GRF	737321	Division of Soil and Water Resources	\$	4,782,652	\$	4,782,652	80717
GRF	738321	Division of Real Estate and Land Management	\$	670,342	\$	670,342	80718
GRF	741321	Division of Natural Areas and Preserves	\$	1,200,000	\$	1,200,000	80719
TOTAL GRF		General Revenue Fund	\$	102,401,636	\$	103,412,136	80720
		Dedicated Purpose Fund Group					80721
2270	725406	Parks Projects Personnel	\$	685,098	\$	696,995	80722

4300	725671	Canal Lands	\$	883,879	\$	883,879	80723
4J20	725628	Injection Well Review	\$	128,466	\$	128,466	80724
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	80725
4S90	725622	NatureWorks Personnel	\$	818,618	\$	833,076	80726
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	80727
5090	725602	State Forest	\$	6,879,410	\$	6,880,148	80728
5110	725646	Ohio Geological Mapping	\$	1,400,000	\$	1,800,000	80729
5120	725605	State Parks Operations	\$	31,471,044	\$	31,471,044	80730
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583	80731
5160	725620	Water Management	\$	2,559,291	\$	2,559,291	80732
5180	725643	Oil and Gas Regulation and Safety	\$	19,193,271	\$	19,444,876	80733
5180	725677	Oil and Gas Well Plugging	\$	3,000,000	\$	3,000,000	80734
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	80735
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	80736
5260	725610	Strip Mining Administration Fee	\$	2,977,956	\$	2,977,955	80737
5270	725637	Surface Mining Administration	\$	1,681,153	\$	1,681,154	80738
5290	725639	Unreclaimed Lands	\$	1,804,180	\$	1,804,180	80739
5310	725648	Reclamation Forfeiture	\$	500,000	\$	500,000	80740
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	80741
5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000	80742
5BV0	725683	Soil and Water Districts	\$	8,000,000	\$	8,000,000	80743
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	80744

5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	80745
5EN0	725614	Watercraft Law Enforcement	\$	7,500	\$	7,500	80746
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	80747
5MF0	725635	Ohio Geology License Plate	\$	2,520	\$	2,520	80748
5MW0	725604	Natural Resources Special Purposes	\$	6,000,000	\$	6,000,000	80749
5P20	725634	Wildlife Boater Angler Administration	\$	3,000,000	\$	3,000,000	80750
6150	725661	Dam Safety	\$	943,517	\$	943,517	80751
6970	725670	Submerged Lands	\$	869,145	\$	869,145	80752
7015	740401	Division of Wildlife Conservation	\$	56,225,976	\$	59,997,307	80753
7086	725414	Waterways Improvement	\$	5,693,671	\$	5,693,671	80754
7086	725418	Buoy Placement	\$	60,000	\$	60,000	80755
7086	725501	Waterway Safety Grants	\$	120,000	\$	120,000	80756
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	80757
7086	725513	Watercraft Educational Grants	\$	400,000	\$	400,000	80758
7086	739401	Division of Watercraft	\$	21,471,870	\$	21,271,870	80759
8150	725636	Cooperative Management Projects	\$	649,000	\$	456,000	80760
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	80761
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	80762
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	80763
8190	725685	Ohio River Management	\$	203,584	\$	203,584	80764
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	80765
TOTAL	DPF	Dedicated Purpose Fund Group	\$	186,647,034	\$	190,704,063	80766

Internal Service Activity Fund Group				80767
1550	725601	Departmental Projects	\$ 3,044,303 \$	2,912,653 80768
1570	725651	Central Support	\$ 5,176,611 \$	5,351,233 80769
Indirect				
2040	725687	Information Services	\$ 5,633,426 \$	5,633,426 80770
2050	725696	Human Resource Direct	\$ 2,634,135 \$	2,696,052 80771
Service				
2070	725690	Real Estate Services	\$ 34,291 \$	34,834 80772
2230	725665	Law Enforcement	\$ 2,553,054 \$	2,609,277 80773
Administration				
4X80	725662	Water Resources	\$ 138,005 \$	138,005 80774
Council				
5100	725631	Maintenance -	\$ 249,611 \$	249,611 80775
State-owned				
Residences				
6350	725664	Fountain Square	\$ 3,457,486 \$	3,469,467 80776
Facilities Management				
TOTAL ISA Internal Service Activity				80777
Fund Group			\$ 22,920,922 \$	23,094,558 80778
Capital Projects Fund Group				80779
7061	725405	Clean Ohio Trail	\$ 300,775 \$	300,775 80780
Operating				
TOTAL CPF Capital Projects Fund			\$ 300,775 \$	300,775 80781
Group				
Fiduciary Fund Group				80782
4M80	725675	FOP Contract	\$ 20,219 \$	20,219 80783
TOTAL FID Fiduciary Fund Group			\$ 20,219 \$	20,219 80784
Holding Account Fund Group				80785
R017	725659	Performance Cash Bond	\$ 528,993 \$	528,993 80786
Refunds				
R043	725624	Forestry	\$ 2,100,000 \$	2,100,000 80787
TOTAL HLD Holding Account				80788

Fund Group		\$	2,628,993	\$	2,628,993	80789
Federal Fund Group						80790
3320 725669	Federal Mine Safety Grant	\$	265,000	\$	265,000	80791
3B30 725640	Federal Forest Pass-Thru	\$	500,000	\$	500,000	80792
3B40 725641	Federal Flood Pass-Thru	\$	500,000	\$	500,000	80793
3B50 725645	Federal Abandoned Mine Lands	\$	11,851,759	\$	11,851,759	80794
3B60 725653	Federal Land and Water Conservation Grants	\$	950,000	\$	950,000	80795
3B70 725654	Reclamation - Regulatory	\$	2,977,956	\$	2,977,955	80796
3P10 725632	Geological Survey - Federal	\$	160,000	\$	160,000	80797
3P20 725642	Oil and Gas - Federal	\$	234,509	\$	234,509	80798
3P30 725650	Coastal Management - Federal	\$	1,746,000	\$	1,746,000	80799
3P40 725660	Federal - Soil and Water Resources	\$	2,844,644	\$	1,195,738	80800
3R50 725673	Acid Mine Drainage Abatement/Treatment	\$	4,342,280	\$	4,342,280	80801
3Z50 725657	Federal Recreation and Trails	\$	1,600,000	\$	1,600,000	80802
TOTAL FED	Federal Fund Group	\$	27,972,148	\$	26,323,241	80803
TOTAL ALL BUDGET	FUND GROUPS	\$	342,891,727	\$	346,483,985	80804

**Section 337.20.** CENTRAL SUPPORT INDIRECT 80806

The Department of Natural Resources, with approval of the 80807  
 Director of Budget and Management, shall utilize a methodology for 80808  
 determining each division's payments into the Central Support 80809

Indirect Fund (Fund 1570). The methodology used shall contain the 80810  
characteristics of administrative ease and uniform application in 80811  
compliance with federal grant requirements. It may include direct 80812  
cost charges for specific services provided. Payments to Fund 1570 80813  
shall be made using an intrastate transfer voucher. The foregoing 80814  
appropriation item 725401, Division of Wildlife-Operating Subsidy, 80815  
shall be used to pay the indirect costs of the Division of 80816  
Wildlife. 80817

**Section 337.30. PARKS AND RECREATIONAL FACILITIES LEASE 80818**  
RENTAL BOND PAYMENTS 80819

The foregoing appropriation item 725413, Parks and 80820  
Recreational Facilities Lease Rental Bond Payments, shall be used 80821  
to meet all payments during the period from July 1, 2015, through 80822  
June 30, 2017, by the Department of Natural Resources pursuant to 80823  
leases and agreements made under section 154.22 of the Revised 80824  
Code. These appropriations are the source of funds pledged for 80825  
bond service charges on related obligations issued under Chapter 80826  
154. of the Revised Code. 80827

CANAL LANDS 80828

The foregoing appropriation item 725456, Canal Lands, shall 80829  
be used to provide operating expenses for the State Canal Lands 80830  
Program. 80831

HEALTHY LAKE ERIE PROGRAM 80832

The foregoing appropriation item 725505, Healthy Lake Erie 80833  
Program, shall be used by the Director of Natural Resources, in 80834  
consultation with the Director of Agriculture and the Director of 80835  
Environmental Protection, to implement nonstatutory 80836  
recommendations of the Agriculture Nutrients and Water Quality 80837  
Working Group. The Director shall give priority to recommendations 80838  
that encourage farmers to adopt agricultural production guidelines 80839

commonly known as 4R nutrient stewardship practices. Funds may 80840  
also be used for enhanced soil testing in the Western Lake Erie 80841  
Basin, monitoring the quality of Lake Erie and its tributaries, 80842  
and conducting research and establishing pilot projects that have 80843  
the goal of reducing algae blooms in Lake Erie. 80844

COAL AND MINE SAFETY PROGRAM 80845

The foregoing appropriation item 725507, Coal and Mine Safety 80846  
Program, shall be used for the administration of the Mine Safety 80847  
Program and the Coal Regulation Program. 80848

TRANSFER OF FUNDS FOR MINERAL RESOURCES MANAGEMENT 80849

During fiscal years 2016 and 2017, the Director of Budget and 80850  
Management may, at the request of the Director of Natural 80851  
Resources, following the identification of available balances by 80852  
the Director of Natural Resources in the Unreclaimed Land Fund 80853  
(Fund 5290), transfer up to \$500,000 per year from Fund 5290 to 80854  
the Coal Mining Administration and Reclamation Reserve Fund (Fund 80855  
5260) created in section 1513.181 of the Revised Code. The cash 80856  
transfer to Fund 5260 shall be used to operate the Coal Regulatory 80857  
Program. 80858

During fiscal years 2016 and 2017, the Director of Budget and 80859  
Management may, at the request of the Director of Natural 80860  
Resources, following the identification of available balances by 80861  
the Director of Natural Resources in Fund 5290, transfer up to 80862  
\$800,000 per year from Fund 5290 to the Surface Mining Fund (Fund 80863  
5270) created in section 1514.06 of the Revised Code. The cash 80864  
transfer to Fund 5270 shall be used to operate the industrial 80865  
minerals and Ohio mine safety and training programs. 80866

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 80867

The foregoing appropriation item 725903, Natural Resources 80868  
General Obligation Bond Debt Service, shall be used to pay all 80869  
debt service and related financing costs during the period July 1, 80870

2015, through June 30, 2017, on obligations issued under sections 80871  
151.01 and 151.05 of the Revised Code. 80872

**Section 337.40. SOIL AND WATER DISTRICTS** 80873

In addition to state payments to soil and water conservation 80874  
districts authorized by section 1515.10 of the Revised Code, the 80875  
Department of Natural Resources may use appropriation item 725683, 80876  
Soil and Water Districts, to pay any soil and water conservation 80877  
district an annual amount not to exceed \$40,000, upon receipt of a 80878  
request and justification from the district and approval by the 80879  
Ohio Soil and Water Conservation Commission. The county auditor 80880  
shall credit the payments to the special fund established under 80881  
section 1515.10 of the Revised Code for the local soil and water 80882  
conservation district. Moneys received by each district shall be 80883  
expended for the purposes of the district. 80884

**OIL AND GAS WELL PLUGGING** 80885

The foregoing appropriation item 725677, Oil and Gas Well 80886  
Plugging, shall be used exclusively for the purposes of plugging 80887  
wells and to properly restore the land surface of idle and orphan 80888  
oil and gas wells pursuant to section 1509.071 of the Revised 80889  
Code. No funds from the appropriation item shall be used for 80890  
salaries, maintenance, equipment, or other administrative 80891  
purposes, except for those costs directly attributed to the 80892  
plugging of an idle or orphan well. This appropriation item shall 80893  
not be used to transfer cash to any other fund or appropriation 80894  
item. 80895

**TRANSFER OF FUNDS FOR OIL AND GAS DIVISION AND GEOLOGICAL 80896  
MAPPING OPERATIONS** 80897

During fiscal years 2016 and 2017, the Director of Budget and 80898  
Management may, in consultation with the Director of Natural 80899  
Resources, transfer such cash as necessary from the General 80900

Revenue Fund to the Oil and Gas Well Fund (Fund 5180) and the Geological Mapping Fund (Fund 5110). The cash transfer to Fund 5180 shall be used for handling the increased regulatory work related to the expansion of the oil and gas program that will occur before receipts from this activity are deposited into Fund 5180. The cash transfer to Fund 5110 shall be used for handling the increased field and laboratory research efforts related to the expansion of the oil and gas program that will occur before receipts from this activity are deposited into Fund 5110. Once funds from severance taxes, application and permitting fees, and other sources have accrued to Fund 5180 and Fund 5110 in such amounts as are considered sufficient to sustain expanded operations, the Director of Budget and Management, in consultation with the Director of Natural Resources, shall establish a schedule for repaying the transferred funds from Fund 5180 and Fund 5110 to the General Revenue Fund.

**Section 337.50. WATERCRAFT MARINE PATROL**

Of the foregoing appropriation item 739401, Division of Watercraft, up to \$200,000 in each fiscal year shall be expended for the purchase of equipment for marine patrols qualifying for funding from the Department of Natural Resources pursuant to section 1547.67 of the Revised Code. Proposals for equipment shall accompany the submission of documentation for receipt of a marine patrol subsidy pursuant to section 1547.67 of the Revised Code and shall be loaned to eligible marine patrols pursuant to a cooperative agreement between the Department of Natural Resources and the eligible marine patrol.

**Section 337.60. WELL LOG FILING FEES**

The Chief of the Division of Soil and Water Resources shall deposit fees forwarded to the Division pursuant to section 1521.05

of the Revised Code into the Departmental Services - Intrastate 80931  
Fund (Fund 1550) for the purposes described in that section. 80932

**Section 337.70. HUMAN RESOURCES DIRECT SERVICE** 80933

The foregoing appropriation item 725696, Human Resources 80934  
Direct Service, shall be used to cover the cost of support, 80935  
coordination, and oversight of the Department of Natural 80936  
Resources' human resources functions. The Human Resources 80937  
Chargeback Fund (Fund 2050) shall consist of cash transferred to 80938  
it via intrastate transfer voucher from other funds as determined 80939  
by the Director of Natural Resources and the Director of Budget 80940  
and Management. 80941

**Section 337.80. LAW ENFORCEMENT ADMINISTRATION** 80942

The foregoing appropriation item 725665, Law Enforcement 80943  
Administration, shall be used to cover the cost of support, 80944  
coordination, and oversight of the Department of Natural 80945  
Resources' law enforcement functions. The Law Enforcement 80946  
Administration Fund (Fund 2230) shall consist of cash transferred 80947  
to it via intrastate transfer voucher from other funds as 80948  
determined by the Director of Natural Resources and the Director 80949  
of Budget and Management. 80950

**Section 337.90. FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO** 80951  
**EXPO CENTER** 80952

The foregoing appropriation item 725664, Fountain Square 80953  
Facilities Management, shall be used for payment of repairs, 80954  
renovation, utilities, property management, and building 80955  
maintenance expenses for the Fountain Square complex and the 80956  
Department of Natural Resources grounds at the Ohio Expo Center. 80957  
Cash transferred by intrastate transfer vouchers from various 80958  
department funds and rental income received by the Department of 80959

Natural Resources shall be deposited into the Fountain Square 80960  
Facilities Management Fund (Fund 6350). 80961

**Section 337.100. CLEAN OHIO TRAIL OPERATING EXPENSES 80962**

The foregoing appropriation item 725405, Clean Ohio Trail 80963  
Operating, shall be used by the Department of Natural Resources in 80964  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 80965  
to section 1519.05 of the Revised Code. 80966

**Section 337.110. PARKS CAPITAL EXPENSES FUND 80967**

The Director of Natural Resources shall submit to the 80968  
Director of Budget and Management the estimated design, 80969  
engineering, and planning costs of capital-related work to be done 80970  
by Department of Natural Resources staff for parks projects within 80971  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 80972  
Director of Budget and Management approves the estimated costs, 80973  
the Director may release appropriations from appropriation item 80974  
C725E6, Project Planning, Fund 7035, for those purposes. Upon 80975  
release of the appropriations, the Department of Natural Resources 80976  
shall pay for these expenses from the Parks Capital Expenses Fund 80977  
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 80978  
Fund 7035 using an intrastate transfer voucher. 80979

**NATUREWORKS CAPITAL EXPENSES FUND 80980**

The Department of Natural Resources shall submit to the 80981  
Director of Budget and Management the estimated design, planning, 80982  
and engineering costs of capital-related work to be done by 80983  
Department of Natural Resources staff for each capital improvement 80984  
project within the Ohio Parks and Natural Resources Fund (Fund 80985  
7031). If the Director of Budget and Management approves the 80986  
estimated costs, the Director may release appropriations from 80987  
appropriation item C725E5, Project Planning, in Fund 7031, for 80988  
those purposes. Upon release of the appropriations, the Department 80989

of Natural Resources shall pay for these expenses from the Capital 80990  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 80991  
reimbursed by Fund 7031 by using an intrastate transfer voucher. 80992

**Section 339.10. NUR STATE BOARD OF NURSING** 80993

Dedicated Purpose Fund Group 80994

4K90 884609 Operating Expenses \$ 7,602,328 \$ 7,622,328 80995

5AC0 884602 Nurse Education Grant \$ 1,523,506 \$ 1,523,506 80996  
Program

5P80 884601 Nursing Special \$ 2,000 \$ 2,000 80997  
Issues

TOTAL DPF Dedicated Purpose 80998

Fund Group \$ 9,127,834 \$ 9,147,834 80999

TOTAL ALL BUDGET FUND GROUPS \$ 9,127,834 \$ 9,147,834 81000

**Section 341.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,** 81002

AND ATHLETIC TRAINERS BOARD 81003

Dedicated Purpose Fund Group 81004

4K90 890609 Operating Expenses \$ 925,897 \$ 944,865 81005

TOTAL DPF Dedicated Purpose Fund \$ 925,897 \$ 944,865 81006

Group

TOTAL ALL BUDGET FUND GROUPS \$ 925,897 \$ 944,865 81007

**Section 343.10. OLA OHIOANA LIBRARY ASSOCIATION** 81009

General Revenue Fund 81010

GRF 355501 Library Subsidy \$ 155,000 \$ 160,000 81011

TOTAL GRF General Revenue Fund \$ 155,000 \$ 160,000 81012

TOTAL ALL BUDGET FUND GROUPS \$ 155,000 \$ 160,000 81013

**Section 345.10. OOD OPPORTUNITIES FOR OHIOANS WITH** 81015

DISABILITIES AGENCY 81016

General Revenue Fund 81017

GRF	415402	Independent Living	\$	252,000	\$	252,000	81018
GRF	415406	Assistive Technology	\$	26,618	\$	26,618	81019
GRF	415431	Brain Injury	\$	126,567	\$	126,567	81020
GRF	415506	Services for Individuals with Disabilities	\$	15,817,709	\$	15,817,709	81021
GRF	415508	Services for the Deaf	\$	28,000	\$	28,000	81022
TOTAL GRF	General Revenue Fund		\$	16,250,894	\$	16,250,894	81023
Dedicated Purpose Fund Group							81024
4670	415609	Business Enterprise Operating Expenses	\$	1,430,633	\$	1,217,633	81025
4680	415618	Third Party Funding	\$	12,400,000	\$	12,400,000	81026
4L10	415619	Services for Rehabilitation	\$	3,099,971	\$	3,099,971	81027
4W50	415606	Program Management	\$	12,357,482	\$	12,357,482	81028
TOTAL DPF	Dedicated Purpose Fund Group		\$	29,288,086	\$	29,075,086	81030
Federal Fund Group							81031
3170	415620	Disability Determination	\$	81,000,000	\$	81,000,000	81032
3790	415616	Federal - Vocational Rehabilitation	\$	124,415,653	\$	123,628,652	81033
3GH0	415602	Personal Care Assistance	\$	2,752,396	\$	2,752,396	81034
3GH0	415604	Community Centers for the Deaf	\$	772,000	\$	772,000	81035
3GH0	415613	Independent Living	\$	638,431	\$	638,431	81036
3L10	415608	Social Security Vocational Rehabilitation	\$	5,000,000	\$	5,000,000	81037
3L40	415615	Federal - Supported Employment	\$	1,000,000	\$	1,000,000	81038

3L40 415617	Vocational Rehabilitation Programs	\$ 1,514,239	\$ 1,514,239	81039
TOTAL FED	Federal Fund Group	\$ 217,092,719	\$ 216,305,718	81040
TOTAL ALL BUDGET FUND GROUPS		\$ 262,631,699	\$ 261,631,698	81041
	INDEPENDENT LIVING			81042
	The foregoing appropriation item 415402, Independent Living,			81043
	shall be used to support the state independent living programs and			81044
	centers under Title VII of the Independent Living Services and			81045
	Centers for Independent Living of the Rehabilitation Act			81046
	Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.			81047
	Of the foregoing appropriation item 415402, Independent			81048
	Living, \$67,662 in each fiscal year shall be used as state			81049
	matching funds for vocational rehabilitation innovation and			81050
	expansion activities.			81051
	ASSISTIVE TECHNOLOGY			81052
	The total amount of the foregoing appropriation item 415406,			81053
	Assistive Technology, shall be provided to Assistive Technology of			81054
	Ohio to provide grants and assistive technology services for			81055
	people with disabilities in the State of Ohio.			81056
	BRAIN INJURY			81057
	The foregoing appropriation item 415431, Brain Injury, shall			81058
	be provided to The Ohio State University College of Medicine to			81059
	support the Brain Injury Program established under section 3304.23			81060
	of the Revised Code.			81061
	VOCATIONAL REHABILITATION SERVICES			81062
	The foregoing appropriation item 415506, Services for			81063
	Individuals with Disabilities, shall be used as state matching			81064
	funds to provide vocational rehabilitation services to eligible			81065
	consumers.			81066

SERVICES FOR THE DEAF	81067
The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf.	81068 81069 81070
PROGRAM MANAGEMENT	81071
The foregoing appropriation item 415606, Program Management, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.	81072 81073 81074 81075
SOCIAL SECURITY REIMBURSEMENT FUNDS	81076
Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be expended, to the extent funds are available, as follows:	81077 81078 81079 81080 81081
(A) Appropriation item 415602, Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;	81082 81083 81084
(B) Appropriation item 415604, Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments; and	81085 81086 81087
(C) Appropriation item 415608, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment.	81088 81089 81090 81091
<b>Section 347.10. ODB OHIO OPTICAL DISPENSERS BOARD</b>	81092
Dedicated Purpose Fund Group	81093
4K90 894609 Program Support \$ 373,000 \$ 375,400	81094
General Services	81095

TOTAL DPF Dedicated Purpose Fund Group	\$	373,000	\$	375,400	81096
TOTAL ALL BUDGET FUND GROUPS	\$	373,000	\$	375,400	81097
 <b>Section 349.10. OPT STATE BOARD OF OPTOMETRY</b>					81099
Dedicated Purpose Fund Group					81100
4K90 885609 Program Support	\$	347,278	\$	347,278	81101
TOTAL DPF Dedicated Purpose Fund Group	\$	347,278	\$	347,278	81102
TOTAL ALL BUDGET FUND GROUPS	\$	347,278	\$	347,278	81103
 <b>Section 351.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS</b>					81105
Dedicated Purpose Fund Group					81106
4K90 973609 Operating Expenses	\$	176,950	\$	186,438	81108
TOTAL DPF Dedicated Purpose Fund Group	\$	176,950	\$	186,438	81109
TOTAL ALL BUDGET FUND GROUPS	\$	176,950	\$	186,438	81110
 <b>Section 353.10. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD</b>					81111
Dedicated Purpose Fund Group					81112
6910 810632 Petroleum Underground Storage Tank Release Compensation Board - Operating	\$	1,257,155	\$	1,258,914	81114
TOTAL DPF Dedicated Purpose Fund Group	\$	1,257,155	\$	1,258,914	81115
TOTAL ALL BUDGET FUND GROUPS	\$	1,257,155	\$	1,258,914	81116
 <b>Section 355.10. PRX STATE BOARD OF PHARMACY</b>					81118
Dedicated Purpose Fund Group					81119

4A50	887605	Drug Law Enforcement	\$	150,000	\$	150,000	81120
4K90	887609	Operating Expenses	\$	6,779,608	\$	6,818,799	81121
TOTAL DPF Dedicated Purpose Fund Group			\$	6,929,608	\$	6,968,799	81122
Federal Fund Group							81123
3DV0	887607	Enhancing Ohio's PMP	\$	128,677	\$	0	81124
TOTAL FED Federal Fund Group			\$	128,677	\$	0	81125
TOTAL ALL BUDGET FUND GROUPS			\$	7,058,285	\$	6,968,799	81126

**Section 357.10. PSY STATE BOARD OF PSYCHOLOGY** 81128

Dedicated Purpose Fund Group							81129
4K90	882609	Operating Expenses	\$	588,690	\$	598,890	81130
TOTAL DPF Dedicated Purpose Fund Group			\$	588,690	\$	598,890	81132
TOTAL ALL BUDGET FUND GROUPS			\$	588,690	\$	598,890	81133

**Section 359.10. PUB OHIO PUBLIC DEFENDER COMMISSION** 81135

General Revenue Fund							81136
GRF	019401	State Legal Defense Services	\$	3,020,855	\$	3,020,855	81137
GRF	019403	Multi-County: State Share	\$	1,576,463	\$	1,593,325	81138
GRF	019404	Trumbull County - State Share	\$	436,526	\$	443,205	81139
GRF	019405	Training Account	\$	50,000	\$	50,000	81140
GRF	019501	County Reimbursement	\$	9,620,268	\$	9,620,268	81141
TOTAL GRF General Revenue Fund			\$	14,704,112	\$	14,727,653	81142
Dedicated Purpose Fund Group							81143
1010	019607	Juvenile Legal Assistance	\$	200,000	\$	200,000	81144
4070	019604	County Representation	\$	225,800	\$	228,456	81145

4080	019605	Client Payments	\$	969,964	\$	834,277	81146
4C70	019601	Multi-County: County Share	\$	2,364,693	\$	2,389,985	81147
4N90	019613	Gifts and Grants	\$	50,250	\$	50,250	81148
4X70	019610	Trumbull County - County Share	\$	654,790	\$	664,809	81149
5740	019606	Civil Legal Aid	\$	16,500,000	\$	16,500,000	81150
5CX0	019617	Civil Case Filing Fee	\$	446,820	\$	453,580	81151
5DY0	019618	Indigent Defense Support - County Share	\$	38,005,178	\$	39,409,939	81152
5DY0	019619	Indigent Defense Support - State Office	\$	5,772,000	\$	5,850,000	81153
TOTAL DPF Dedicated Purpose							81154
Fund Group			\$	65,189,495	\$	66,581,296	81155
Federal Fund Group							81156
3GJ0	019622	Byrne Memorial Grant	\$	39,958	\$	39,958	81157
3S80	019608	Federal Representation	\$	202,942	\$	202,942	81158
TOTAL FED Federal Fund Group			\$	242,900	\$	242,900	81159
TOTAL ALL BUDGET FUND GROUPS			\$	80,136,507	\$	81,551,849	81160

INDIGENT DEFENSE OFFICE 81161

The foregoing appropriation items 019404, Trumbull County - 81162  
State Share, and 019610, Trumbull County - County Share, shall be 81163  
used to support an indigent defense office for Trumbull County. 81164

MULTI-COUNTY OFFICE 81165

The foregoing appropriation items 019403, Multi-County: State 81166  
Share, and 019601, Multi-County: County Share, shall be used to 81167  
support the Office of the Ohio Public Defender's Multi-County 81168  
Branch Office Program. 81169

TRAINING ACCOUNT	81170
The foregoing appropriation item 019405, Training Account,	81171
shall be used by the Ohio Public Defender to provide legal	81172
training programs at no cost for private appointed counsel who	81173
represents at least one indigent defendant at no cost and for	81174
state and county public defenders and attorneys who contract with	81175
the Ohio Public Defender to provide indigent defense services.	81176
FEDERAL REPRESENTATION	81177
The foregoing appropriation item 019608, Federal	81178
Representation, shall be used to receive reimbursements from the	81179
federal courts when the Ohio Public Defender provides	81180
representation in federal court cases and to support	81181
representation in such cases.	81182
INDIGENT DEFENSE SUPPORT FUND	81183
Notwithstanding section 120.08 of the Revised Code, the Ohio	81184
Public Defender may use up to thirteen per cent of the money in	81185
the indigent defense support fund created by section 120.08 of the	81186
Revised Code for the purposes of appointing assistant state public	81187
defenders, providing other personnel, equipment, and facilities	81188
necessary for the operation of the state public defender office,	81189
and providing training, developing and implementing electronic	81190
forms, or establishing and maintaining an information technology	81191
system used for the uniform operation of Chapter 120. of the	81192
Revised Code.	81193
<b>Section 361.10.</b> DPS DEPARTMENT OF PUBLIC SAFETY	81194
General Revenue Fund	81195
GRF 763403 EMA Operating \$ 4,300,000 \$ 4,300,000	81196
GRF 767420 Investigative Unit - \$ 11,399,300 \$ 11,399,300	81197
Operating	
GRF 768425 Justice Program \$ 725,000 \$ 725,000	81198

		Services				
GRF	769406	Homeland Security	\$	2,200,000	\$	2,200,000 81199
TOTAL GRF		General Revenue Fund	\$	18,624,300	\$	18,624,300 81200
		Dedicated Purpose Fund Group				81201
4P60	768601	Justice Program	\$	150,000	\$	150,000 81202
		Services				
4V30	763662	STORMS/NOAA	\$	265,000	\$	265,000 81203
		Maintenance				
5BK0	768687	Criminal Justice	\$	400,000	\$	400,000 81204
		Services - Operating				
5BK0	768689	Family Violence	\$	1,550,000	\$	1,550,000 81205
		Shelter Programs				
5ET0	768625	Drug Law Enforcement	\$	7,500,000	\$	6,000,000 81206
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946 81207
		Services Law				
		Enforcement Support				
5ML0	769635	Infrastructure	\$	100,000	\$	100,000 81208
		Protection				
5Y10	767696	Ohio Investigative	\$	20,000	\$	20,000 81209
		Unit Continuing				
		Professional Training				
6220	767615	Investigative,	\$	325,000	\$	325,000 81210
		Contraband, and				
		Forfeiture				
6570	763652	Utility Radiological	\$	1,200,000	\$	1,200,000 81211
		Safety				
6810	763653	SARA Title III HAZMAT	\$	262,438	\$	262,438 81212
		Planning				
8500	767628	Investigative Unit	\$	92,700	\$	92,700 81213
		Salvage				
TOTAL DPF		Dedicated Purpose Fund	\$	12,716,084	\$	11,216,084 81214
		Group				
		Federal Fund Group				81215

3290	763645	Federal Mitigation Program	\$	10,413,642	\$	10,413,642	81216
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	81217
3390	763647	Emergency Management Assistance and Training	\$	67,684,765	\$	68,684,765	81218
3EU0	768614	Justice Assistance Grants - FFY10	\$	100,000	\$	25,000	81219
3FK0	768615	Justice Assistance Grants - FFY11	\$	300,000	\$	100,000	81220
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000	81221
3FY0	768616	Justice Assistance Grant - FFY12	\$	650,000	\$	300,000	81222
3FZ0	768617	Justice Assistance Grant - FFY13	\$	2,000,000	\$	650,000	81223
3GA0	768618	Justice Assistance Grant - FFY14	\$	3,000,000	\$	2,000,000	81224
3GL0	768619	Justice Assistance Grants	\$	7,500,000	\$	10,500,000	81225
3GT0	767691	Equitable Share Account	\$	300,000	\$	300,000	81226
3GU0	769610	Investigation Grants - Food Stamps, Liquor & Tobacco Laws	\$	1,400,000	\$	1,400,000	81227
3GU0	769631	Homeland Security Disaster Grants	\$	1,400,000	\$	1,400,000	81228
3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000	81229
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672	81230
TOTAL	FED	Federal Fund Group	\$	133,042,715	\$	134,067,715	81231

TOTAL ALL BUDGET FUND GROUPS	\$ 164,383,099	\$ 163,908,099	81232
CASH TRANSFER - INVESTIGATIVE UNIT			81233
Upon written request of the Director of Public Safety, the			81234
Director of Budget and Management may transfer cash from the			81235
Investigative Unit Federal Equitable Sharing Fund (Fund 5CM0) to			81236
the Investigative Unit Federal Equitable Sharing Fund (Fund 3GT0).			81237
CASH TRANSFER - JUSTICE PROGRAM SERVICES			81238
Upon written request of the Director of Public Safety, the			81239
Director of Budget and Management may transfer cash from the			81240
Justice Program Services Fund (Fund 4P60) to the State Bureau of			81241
Motor Vehicles Fund (Fund 4W40).			81242
STATE DISASTER RELIEF			81243
The State Disaster Relief Fund (Fund 5330) may accept			81244
transfers of cash and appropriations from Controlling Board			81245
appropriation items for the Ohio Emergency Management Agency			81246
disaster response costs and disaster program management costs, and			81247
may also be used for the following purposes:			81248
(A) To accept transfers of cash and appropriations from			81249
Controlling Board appropriation items for Ohio Emergency			81250
Management Agency public assistance and mitigation program match			81251
costs to reimburse eligible local governments and private			81252
nonprofit organizations for costs related to disasters;			81253
(B) To accept transfers of cash to reimburse the costs			81254
associated with Emergency Management Assistance Compact (EMAC)			81255
deployments;			81256
(C) To accept disaster related reimbursement from federal,			81257
state, and local governments. The Director of Budget and			81258
Management may transfer cash from reimbursements received by this			81259
fund to other funds of the state from which transfers were			81260
originally approved by the Controlling Board.			81261

(D) To accept transfers of cash and appropriations from 81262  
Controlling Board appropriation items to fund the State Disaster 81263  
Relief Program, for disasters that qualify for the program by 81264  
written authorization of the Governor, and the State Individual 81265  
Assistance Program for disasters that have been declared by the 81266  
federal Small Business Administration and that qualify for the 81267  
program by written authorization from the Governor. The Ohio 81268  
Emergency Management Agency shall publish and make available 81269  
application packets outlining procedures for the State Disaster 81270  
Relief Program and the State Individual Assistance Program. 81271

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 81272  
AGENCY SERVICE AND REIMBURSEMENT FUND 81273

On July 1 of each fiscal year, or as soon as possible 81274  
thereafter, the Director of Budget and Management shall transfer 81275  
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 81276  
Emergency Management Agency Service and Reimbursement Fund (Fund 81277  
4V30) to be distributed to the Ohio Task Force One - Urban Search 81278  
and Rescue Unit, other similar urban search and rescue units 81279  
around the state, and for maintenance of the statewide fire 81280  
emergency response plan by an entity recognized by the Ohio 81281  
Emergency Management Agency. 81282

SARA TITLE III HAZMAT PLANNING 81283

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 81284  
entitled to receive grant funds from the Emergency Response 81285  
Commission to implement the Emergency Management Agency's 81286  
responsibilities under Chapter 3750. of the Revised Code. 81287

**Section 363.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO 81288

Dedicated Purpose Fund Group 81289

4A30 870614 Grade Crossing \$ 1,347,357 \$ 1,347,357 81290

Protection

		Devices-State					
4L80	870617	Pipeline Safety-State	\$	331,992	\$	331,992	81291
5610	870606	Power Siting Board	\$	581,618	\$	581,618	81292
5F60	870622	Utility and Railroad	\$	30,619,708	\$	30,619,708	81293
		Regulation					
5F60	870624	NARUC/NRRI Subsidy	\$	85,000	\$	85,000	81294
5LT0	870640	Intrastate	\$	180,000	\$	180,000	81295
		Registration					
5LT0	870641	Unified Carrier	\$	420,000	\$	420,000	81296
		Registration					
5LT0	870642	Hazardous Materials	\$	753,346	\$	753,346	81297
		Registration					
5LT0	870643	Non-hazardous	\$	277,496	\$	277,496	81298
		Materials Civil					
		Forfeiture					
5LT0	870644	Hazardous Materials	\$	898,800	\$	898,800	81299
		Civil Forfeiture					
5LT0	870645	Motor Carrier	\$	4,709,592	\$	4,709,592	81300
		Enforcement					
5Q50	870626	Telecommunications	\$	5,000,000	\$	5,000,000	81301
		Relay Service					
TOTAL DPF		Dedicated Purpose Fund	\$	45,204,909	\$	45,204,909	81302
Group							
Federal Fund		Group					81303
3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	81304
3500	870608	Motor Carrier Safety	\$	7,351,660	\$	7,351,660	81305
3V30	870604	Commercial Vehicle	\$	100,000	\$	100,000	81306
		Information					
		Systems/Networks					
TOTAL FED		Federal Fund Group	\$	8,049,619	\$	8,049,619	81307
TOTAL ALL BUDGET FUND GROUPS			\$	53,254,528	\$	53,254,528	81308
<b>Section 363.20.</b>		TELECOMMUNICATIONS TRANSITION PLANNING					81310

The foregoing appropriation item 870622, Utility and Railroad Regulation, shall be used in part to plan for the transition, consistent with the directives and policies of the Federal Communications Commission, from the current public switched telephone network to an internet-protocol network that will stimulate investment in the internet-protocol network in Ohio and that will expand the availability of advanced telecommunications services to all Ohioans. The transition plan shall include a review of statutes or rules that may prevent or delay an appropriate transition. The Public Utilities Commission shall report to the General Assembly on any further action required to be taken by the General Assembly to ensure a successful and timely transition.

**Section 363.30.** (A) The Public Utilities Commission shall do both of the following not later than one hundred eighty days after the effective date of this section:

(1) Adopt rules to implement section 4927.10 of the Revised Code and the amendments to sections 4927.01, 4927.02, 4927.07, and 4927.11 of the Revised Code made by H.B. \_\_\_ of the 131st General Assembly;

(2) Bring its rules into conformity with this act.

(B) Rules adopted or amended under this section shall include provisions for reasonable customer notice of the steps to be taken during, and the actions resulting from, the transition plan described in Section 363.20 of H.B. \_\_\_ of the 131st General Assembly.

(C) Any rule adopted or amended under this section shall be consistent with the rules of the Federal Communications Commission.

(D) If the Public Utilities Commission fails to comply with

division (A) of this section before the Federal Communications 81341  
Commission adopts the order described in section 4927.10 of the 81342  
Revised Code, any rule of the Public Utilities Commission that is 81343  
inconsistent with that order shall not be enforced. 81344

**Section 365.10. PWC PUBLIC WORKS COMMISSION 81345**

General Revenue Fund 81346

GRF 150904 Conservation General \$ 34,674,900 \$ 39,225,700 81347  
Obligation Bond Debt  
Service

GRF 150907 Infrastructure \$ 229,437,400 \$ 232,803,200 81348  
Improvement General  
Obligation Bond Debt  
Service

TOTAL GRF General Revenue Fund \$ 264,112,300 \$ 272,028,900 81349

Capital Projects Fund Group 81350

7056 150403 Clean Ohio \$ 288,980 \$ 288,980 81351  
Conservation  
Operating

TOTAL CPF Capital Projects Fund \$ 288,980 \$ 288,980 81352

Group

TOTAL ALL BUDGET FUND GROUPS \$ 264,401,280 \$ 272,317,880 81353

**CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE 81354**

The foregoing appropriation item 150904, Conservation General 81355  
Obligation Bond Debt Service, shall be used to pay all debt 81356  
service and related financing costs during the period from July 1, 81357  
2015, through June 30, 2017, at the times they are required to be 81358  
made for obligations issued under sections 151.01 and 151.09 of 81359  
the Revised Code. 81360

**INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 81361**

**SERVICE 81362**

The foregoing appropriation item 150907, Infrastructure 81363  
Improvement General Obligation Bond Debt Service, shall be used to 81364  
pay all debt service and related financing costs during the period 81365  
from July 1, 2015, through June 30, 2017, at the times they are 81366  
required to be made for obligations issued under sections 151.01 81367  
and 151.08 of the Revised Code. 81368

CLEAN OHIO CONSERVATION OPERATING 81369

The foregoing appropriation item 150403, Clean Ohio 81370  
Conservation Operating, shall be used by the Ohio Public Works 81371  
Commission in administering Clean Ohio Conservation Fund (Fund 81372  
7056) projects pursuant to sections 164.20 to 164.27 of the 81373  
Revised Code. 81374

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 81375

The Director of the Public Works Commission is authorized to 81376  
create a District Administration Costs Program for districts 81377  
represented by natural resource assistance councils. This program 81378  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 81379  
This program shall be used by natural resource assistance councils 81380  
in order to provide for administration costs of the nineteen 81381  
natural resource assistance councils for the direct costs of 81382  
council administration. Councils choosing to participate in this 81383  
program may be eligible for up to \$15,000 per fiscal year from its 81384  
district allocation as provided in section 164.27 of the Revised 81385  
Code. The director shall define allowable and nonallowable costs 81386  
for the purpose of the District Administration Costs Program. 81387  
Nonallowable costs include indirect costs, elected official 81388  
salaries and benefits, and project-specific costs. 81389

**Section 367.10.** RAC STATE RACING COMMISSION 81390

Dedicated Purpose Fund Group 81391  
5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 81392

		Development					
5630	875602	Standardbred	\$	1,300,000	\$	1,300,000	81393
		Development					
5650	875604	Racing Commission	\$	3,335,000	\$	3,335,000	81394
		Operating					
5JK0	875610	Horse Racing	\$	8,500,000	\$	8,500,000	81395
		Development-Casino					
5NL0	875611	Revenue	\$	17,000,000	\$	17,000,000	81396
		Redistribution					
TOTAL DPF		Dedicated Purpose Fund	\$	31,535,000	\$	31,535,000	81397
		Group					
		Fiduciary Fund Group					81398
5C40	875607	Simulcast Horse	\$	12,000,000	\$	12,000,000	81399
		Racing Purse					
TOTAL FID		Fiduciary Fund Group	\$	12,000,000	\$	12,000,000	81400
		Holding Account Fund Group					81401
R021	875605	Bond Reimbursements	\$	100,000	\$	100,000	81402
TOTAL HLD		Holding Account Fund	\$	100,000	\$	100,000	81403
		Group					
TOTAL ALL BUDGET FUND GROUPS			\$	43,635,000	\$	43,635,000	81404
		<b>Section 369.10. BOR DEPARTMENT OF HIGHER EDUCATION</b>					81406
		General Revenue Fund					81407
GRF	235321	Operating Expenses	\$	5,763,876	\$	5,763,876	81408
GRF	235402	Sea Grants	\$	285,000	\$	285,000	81409
GRF	235406	Articulation and	\$	2,000,000	\$	2,000,000	81410
		Transfer					
GRF	235408	Midwest Higher	\$	115,000	\$	115,000	81411
		Education Compact					
GRF	235414	State Grants and	\$	830,180	\$	830,180	81412
		Scholarship					
		Administration					

GRF 235417	eStudent Services	\$	2,532,688	\$	2,532,688	81413
GRF 235428	Appalachian New Economy Partnership	\$	737,366	\$	737,366	81414
GRF 235438	Choose Ohio First Scholarship	\$	17,415,114	\$	17,415,114	81415
GRF 235443	Adult Basic and Literacy Education - State	\$	7,302,416	\$	7,302,416	81416
GRF 235444	Ohio Technical Centers	\$	16,817,547	\$	16,817,547	81417
GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000	81418
GRF 235483	Technology Integration and Professional Development	\$	378,598	\$	378,598	81419
GRF 235488	Higher Education Innovation Grants	\$	0	\$	20,000,000	81420
GRF 235492	Campus Safety and Training	\$	2,000,000	\$	0	81421
GRF 235501	State Share of Instruction	\$	1,857,752,007	\$	1,894,907,047	81422
GRF 235502	Student Support Services	\$	632,974	\$	632,974	81423
GRF 235504	War Orphans Scholarships	\$	6,835,710	\$	7,124,141	81424
GRF 235507	OhioLINK	\$	6,250,000	\$	6,400,000	81425
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803	81426
GRF 235510	Ohio Supercomputer Center	\$	5,818,900	\$	5,818,900	81427
GRF 235511	Cooperative Extension Service	\$	23,056,658	\$	23,056,658	81428
GRF 235514	Central State	\$	11,063,468	\$	11,063,468	81429

	Supplement					
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	81430
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	81431
GRF 235520	Shawnee State Supplement	\$	2,326,097	\$	2,326,097	81432
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	81433
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	81434
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	81435
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,629,970	\$	34,629,970	81436
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	81437
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	81438
GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	81439
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	81440
GRF 235540	Ohio University Clinical Teaching	\$	2,911,212	\$	2,911,212	81441
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,994,178	\$	2,994,178	81442
GRF 235552	Capital Component	\$	10,280,387	\$	6,350,817	81443
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342	81444

GRF 235556	Ohio Academic Resources Network	\$	3,172,519	\$	3,172,519	81445
GRF 235558	Long-term Care Research	\$	325,300	\$	325,300	81446
GRF 235563	Ohio College Opportunity Grant	\$	91,187,107	\$	92,187,107	81447
GRF 235572	The Ohio State University Clinic Support	\$	766,533	\$	766,533	81448
GRF 235599	National Guard Scholarship Program	\$	18,750,552	\$	18,900,003	81449
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	254,970,800	\$	261,789,500	81450
TOTAL GRF	General Revenue Fund	\$	2,428,257,219	\$	2,487,889,271	81451
	Dedicated Purpose Fund Group					81452
2200 235614	Program Approval and Reauthorization	\$	650,000	\$	650,000	81453
4560 235603	Sales and Services	\$	199,250	\$	199,250	81454
4E80 235602	Higher Educational Facility Commission Administration	\$	29,100	\$	29,100	81455
4X10 235674	Telecommunity and Distance Learning	\$	49,150	\$	49,150	81456
5D40 235675	Conferences/Special Purposes	\$	1,884,095	\$	1,884,095	81457
5JC0 235489	Competency Based Pilot Project	\$	4,000,000	\$	4,000,000	81458
5NH0 235684	OhioMeansJobs Workforce Development Revolving Loan Program	\$	16,000,000	\$	0	81459
5P30 235663	Variable Savings Plan	\$	8,028,685	\$	8,082,899	81460

5QF0	235695	Student Debt Reduction Program	\$	30,000,000	\$	30,000,000	81461
6450	235664	Guaranteed Savings Plan	\$	1,068,048	\$	1,061,886	81462
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320	81463
TOTAL DPF		Dedicated Purpose Fund Group	\$	62,799,648	\$	46,847,700	81464
Bond Research and Development Fund Group							81465
7011	235634	Research Incentive Third Frontier Fund	\$	8,000,000	\$	8,000,000	81466
TOTAL BRD		Bond Research and Development Fund Group	\$	8,000,000	\$	8,000,000	81467
Federal Fund Group							81468
3120	235611	Gear-up Grant	\$	3,050,600	\$	3,169,050	81469
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,350,000	\$	1,350,000	81470
3120	235617	Improving Teacher Quality Grant	\$	2,800,000	\$	2,800,000	81471
3120	235641	Adult Basic and Literacy Education - Federal	\$	15,207,359	\$	15,207,359	81472
3120	235672	H-1B Tech Skills Training	\$	2,100,000	\$	2,100,000	81473
3H20	235608	Human Services Project	\$	375,000	\$	375,000	81474
TOTAL FED		Federal Fund Group	\$	24,882,959	\$	25,001,409	81475
TOTAL ALL BUDGET		FUND GROUPS	\$	2,523,939,826	\$	2,567,738,380	81476

**Section 369.20. SEA GRANTS** 81478

The foregoing appropriation item 235402, Sea Grants, shall be 81479  
used to match federal dollars and leverage additional support by 81480

The Ohio State University's Sea Grant program, including Stone 81481  
Laboratory, for research, education, and outreach to enhance the 81482  
economic value, public utilization, and responsible management of 81483  
Lake Erie and Ohio's coastal resources. 81484

**Section 369.30. ARTICULATION AND TRANSFER** 81485

The foregoing appropriation item 235406, Articulation and 81486  
Transfer, shall be used by the Director of Higher Education to 81487  
maintain and expand the work of the Articulation and Transfer 81488  
Council to develop a system of transfer policies to ensure that 81489  
students at state institutions of higher education can transfer 81490  
and have coursework apply to their majors and degrees at any other 81491  
state institution of higher education without unnecessary 81492  
duplication or institutional barriers under sections 3333.16, 81493  
3333.161, and 3333.162 of the Revised Code. 81494

**Section 369.40. MIDWEST HIGHER EDUCATION COMPACT** 81495

The foregoing appropriation item 235408, Midwest Higher 81496  
Education Compact, shall be distributed by the Director of Higher 81497  
Education under section 3333.40 of the Revised Code. 81498

**Section 369.50. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION** 81499

The foregoing appropriation item 235414, State Grants and 81500  
Scholarship Administration, shall be used by the Director of 81501  
Higher Education to administer the following student financial aid 81502  
programs: Ohio College Opportunity Grant, Ohio War Orphans' 81503  
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 81504  
Officers College Memorial Fund, and any other student financial 81505  
aid programs created by the General Assembly. The appropriation 81506  
item also shall be used to support all state financial aid audits 81507  
and student financial aid programs created by Congress, and to 81508  
provide fiscal services for the Ohio National Guard Scholarship 81509

Program. 81510

**Section 369.60. ESTUDENT SERVICES** 81511

The foregoing appropriation item 235417, eStudent Services, 81512  
shall be used by the Director of Higher Education to support the 81513  
continued implementation of eStudent Services, a consortium 81514  
organized under division (T) of section 3333.04 of the Revised 81515  
Code to expand access to dual enrollment opportunities for high 81516  
school students, as well as adult and higher education 81517  
opportunities through technology. The funds shall be used by 81518  
eStudent Services to develop and promote learning and assessment 81519  
through the use of technology, to test and provide advice on 81520  
emerging learning-directed technologies, to support the distance 81521  
learning clearinghouse and platform created under section 3333.82 81522  
of the Revised Code, to facilitate cost-effectiveness through 81523  
shared educational technology investments, and for any other 81524  
priorities of the Director of Higher Education. 81525

**Section 369.70. APPALACHIAN NEW ECONOMY PARTNERSHIP** 81526

The foregoing appropriation item 235428, Appalachian New 81527  
Economy Partnership, shall be distributed to Ohio University to 81528  
continue a multi-campus and multi-agency coordinated effort to 81529  
link Appalachia to the new economy. Ohio University shall use 81530  
these funds to provide leadership in the development and 81531  
implementation of initiatives in the areas of entrepreneurship, 81532  
management, education, and technology. 81533

**Section 369.80. CHOOSE OHIO FIRST SCHOLARSHIP** 81534

The foregoing appropriation item 235438, Choose Ohio First 81535  
Scholarship, shall be used to operate the program prescribed in 81536  
sections 3333.60 to 3333.70 of the Revised Code. 81537

**Section 369.90.** ADULT BASIC AND LITERACY EDUCATION 81538

The foregoing appropriation item 235443, Adult Basic and 81539  
Literacy Education - State, shall be used to support the adult 81540  
basic and literacy education instructional grant program and state 81541  
leadership program. The supported programs shall satisfy the state 81542  
match and maintenance of effort requirements for the 81543  
state-administered grant program. 81544

**Section 369.100.** OHIO TECHNICAL CENTERS FUNDING 81545

The foregoing appropriation item 235444, Ohio Technical 81546  
Centers, shall be used by the Director of Higher Education to 81547  
support post-secondary adult career-technical education. 81548

(A)(1) As soon as possible in each fiscal year, in accordance 81549  
with instructions of the Director of Higher Education, each Ohio 81550  
Technical Center shall report its actual data, consistent with the 81551  
definitions in the Higher Education Information (HEI) system's 81552  
files, to the Director. 81553

(a) In defining the number of full-time equivalent students 81554  
for state subsidy purposes, the Director of Higher Education shall 81555  
exclude all students who are not residents of Ohio. 81556

(b) A full-time equivalent student shall be defined as a 81557  
student who completes 450 hours. Those students that complete some 81558  
portion of 450 hours shall be counted as a partial full-time 81559  
equivalent for funding purposes, while students that complete more 81560  
than 450 hours shall be counted as proportionally greater than one 81561  
full-time equivalent. 81562

(c) In calculating each Ohio Technical Center's full-time 81563  
equivalent students, the Director of Higher Education shall use a 81564  
three-year average. 81565

(2) In each fiscal year, twenty-five per cent of the 81566

allocation for Ohio Technical Centers shall be distributed based 81567  
on the proportion of each Center's full-time equivalent students 81568  
to the total full-time equivalent students who complete a 81569  
post-secondary workforce training program approved by the Director 81570  
with a grade of C or better or a grade of pass if the program is 81571  
evaluated on a pass/fail basis. 81572

(3) In each fiscal year, twenty per cent of the allocation 81573  
for Ohio Technical Centers shall be distributed based on the 81574  
proportion of each Center's full-time equivalent students to the 81575  
total full-time equivalent students who complete 50 per cent of a 81576  
program of study as a measure of student retention. 81577

(4) In each fiscal year, fifty per cent of the allocation for 81578  
Ohio Technical Centers shall be distributed based on the 81579  
proportion of each Center's full-time equivalent students to the 81580  
total full-time equivalent students who have found employment, 81581  
entered military service, or enrolled in additional post-secondary 81582  
education and training in accordance with the placement 81583  
definitions of the Carl D. Perkins Career and Technical Education 81584  
Act of 2006 (Perkins). The calculation for eligible full-time 81585  
equivalent students shall be based on the per cent of Perkins 81586  
placements for students who have completed at least 50 per cent of 81587  
a program of study. 81588

(5) In each fiscal year, five per cent of the allocation for 81589  
Ohio Technical Centers shall be distributed based on the 81590  
proportion of each Center's full-time equivalent students to the 81591  
total full-time equivalent students who have earned a credential 81592  
from an industry-recognized third party. 81593

(B) Of the foregoing appropriation item 235444, Ohio 81594  
Technical Centers, up to \$400,000 in each fiscal year shall be 81595  
distributed by the Director of Higher Education to the Ohio 81596  
Central School System, up to \$48,000 in each fiscal year shall be 81597  
utilized for assistance for Ohio Technical Centers, and up to 81598

\$975,000 in each fiscal year shall be distributed by the Director 81599  
to Ohio Technical Centers that provide business consultation with 81600  
matching local dollars. Centers meeting this requirement shall 81601  
receive an amount not to exceed \$25,000 per center. 81602

(C) The remainder of the foregoing appropriation item 235444, 81603  
Ohio Technical Centers, in each fiscal year shall be distributed 81604  
in accordance with division (A) of this section. 81605

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 81606  
CENTERS 81607

(1) No Ohio Technical Center shall receive performance 81608  
funding calculated under division (A) of this section, excluding 81609  
funding for third party credentials calculated under division 81610  
(A)(5) of this section, that is less than 96 per cent of the 81611  
average allocation the Center received, excluding funding for 81612  
third party credentials, in the three prior fiscal years. 81613

(2) In order to ensure that no Center receives less than 96 81614  
per cent of the prior three-year average allocation in accordance 81615  
with division (D)(1) of this section, funds shall be made 81616  
available to support the phase-in allocation by proportionally 81617  
reducing formula earnings from each Center not receiving phase-in 81618  
funding. 81619

**Section 369.110. AREA HEALTH EDUCATION CENTERS** 81620

The foregoing appropriation item 235474, Area Health 81621  
Education Centers Program Support, shall be used by the Director 81622  
of Higher Education to support the medical school regional area 81623  
health education centers' educational programs for the continued 81624  
support of medical and other health professions education and for 81625  
support of the Area Health Education Center Program. 81626

**Section 369.120. TECHNOLOGY INTEGRATION AND PROFESSIONAL 81627  
DEVELOPMENT** 81628

The foregoing appropriation item 235483, Technology 81629  
Integration and Professional Development, shall be used by the 81630  
Director of Higher Education for the provision of staff 81631  
development, hardware, software, telecommunications services, and 81632  
information resources to support educational uses of technology in 81633  
the classroom and at a distance and for professional development 81634  
for teachers, administrators, and technology staff on the use of 81635  
educational technology in qualifying public schools, including the 81636  
State School for the Blind, the School for the Deaf, and the 81637  
Department of Youth Services. 81638

**Section 369.130. HIGHER EDUCATION INNOVATION GRANTS** 81639

The foregoing appropriation item 235488, Higher Education 81640  
Innovation Grants, shall be used by the Director of Higher 81641  
Education to provide grants to state institutions of higher 81642  
education as defined in section 3345.011 of the Revised Code for 81643  
innovative administration redesign proposals, which result in cost 81644  
savings to students, including, but not limited to, project-based 81645  
approaches and reduction or reorganization of departments. The 81646  
grants shall provide matching funds to institutions for 81647  
efficiencies that result in sustainable, long-term cost savings 81648  
for students. 81649

**Section 369.140. CAMPUS SAFETY AND TRAINING** 81650

The foregoing appropriation item 235492, Campus Safety and 81651  
Training, shall be used by the Director of Higher Education for 81652  
the purpose of developing model best practices for preventing and 81653  
responding to sexual assault on campus. By September 1, 2015, the 81654  
Director of Higher Education, in consultation with state 81655  
institutions of higher education as defined in section 3345.011 of 81656  
the Revised Code, shall develop model best practices for 81657  
preventing and responding to sexual assault and protecting 81658

students and staff who are victims of sexual assault on campus. 81659  
The Director shall convene state institutions of higher education 81660  
in the training and implementation of best practices regarding 81661  
campus sexual assault. 81662

**Section 369.150. STATE SHARE OF INSTRUCTION FORMULAS** 81663

The Director of Higher Education shall establish procedures 81664  
to allocate the foregoing appropriation item 235501, State Share 81665  
of Instruction, based on the formulas detailed in this section 81666  
that utilize the enrollment, course completion, degree attainment, 81667  
and student achievement factors reported annually by each state 81668  
institution of higher education participating in the Higher 81669  
Education Information (HEI) system. 81670

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 81671  
COMPLETIONS 81672

(1) As soon as possible during each fiscal year of the 81673  
biennium ending June 30, 2017, in accordance with instructions of 81674  
the Department of Higher Education, each state institution of 81675  
higher education shall report its actual data, consistent with the 81676  
definitions in the Higher Education Information (HEI) system's 81677  
enrollment files, to the Director of Higher Education. 81678

(2) In defining the number of full-time equivalent students 81679  
for state subsidy instructional cost purposes, the Director of 81680  
Higher Education shall exclude all undergraduate students who are 81681  
not residents of Ohio, except those charged in-state fees in 81682  
accordance with reciprocity agreements made under section 3333.17 81683  
of the Revised Code or employer contracts entered into under 81684  
section 3333.32 of the Revised Code. 81685

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 81686

For purposes of calculating state share of instruction 81687  
allocations, the total instructional costs per full-time 81688

Model	Fiscal Year 2016	Fiscal Year 2017	
equivalent student shall be:			81689
Model	Fiscal Year 2016	Fiscal Year 2017	81690
ARTS AND HUMANITIES 1	\$7,773	\$7,920	81691
ARTS AND HUMANITIES 2	\$11,093	\$11,302	81692
ARTS AND HUMANITIES 3	\$14,209	\$14,477	81693
ARTS AND HUMANITIES 4	\$21,021	\$21,417	81694
ARTS AND HUMANITIES 5	\$35,834	\$36,509	81695
ARTS AND HUMANITIES 6	\$38,135	\$38,854	81696
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$7,311	\$7,449	81697
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$8,310	\$8,467	81698
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$10,805	\$11,009	81699
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$12,842	\$13,084	81700
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$19,879	\$20,254	81701
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$21,678	\$22,087	81702
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$31,806	\$32,406	81703
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$7,244	\$7,380	81704
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$10,041	\$10,231	81705
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	\$11,841	\$12,064	81706

3				
	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	\$14,170	\$14,437	81707
4				
	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	\$19,290	\$19,654	81708
5				
	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	\$20,814	\$21,206	81709
6				
	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	\$23,462	\$21,206	81710
7				
	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	\$36,983	\$37,680	81711
8				
	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	\$49,923	\$50,864	81712
9				
	Doctoral I and Doctoral II models shall be allocated in			81713
	accordance with division (D)(2) of this section.			81714
	Medical I and Medical II models shall be allocated in			81715
	accordance with divisions (D)(3) and (D)(4) of this section.			81716
	(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS			81717 81718
	For the purpose of implementing the recommendations of the			81719

2006 State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below:

Model	Fiscal Year 2016	Fiscal Year 2017	
			81720
			81721
			81722
			81723
			81724
			81725
			81726
ARTS AND HUMANITIES 1	1.0000	1.0000	81727
ARTS AND HUMANITIES 2	1.0000	1.0000	81728
ARTS AND HUMANITIES 3	1.0000	1.0000	81729
ARTS AND HUMANITIES 4	1.0000	1.0000	81730
ARTS AND HUMANITIES 5	1.0425	1.0425	81731
ARTS AND HUMANITIES 6	1.0425	1.0425	81732
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	81733
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	81734
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	81735
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	81736
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	81737
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	81738
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	81739
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	1.0000	1.0000	81740
1			
SCIENCE, TECHNOLOGY, ENGINEERING,	1.0017	1.0017	81741

MATHEMATICS, MEDICINE			
2			
SCIENCE, TECHNOLOGY,	1.6150	1.6150	81742
ENGINEERING,			
MATHEMATICS, MEDICINE			
3			
SCIENCE, TECHNOLOGY,	1.6920	1.6920	81743
ENGINEERING,			
MATHEMATICS, MEDICINE			
4			
SCIENCE, TECHNOLOGY,	1.4222	1.4222	81744
ENGINEERING,			
MATHEMATICS, MEDICINE			
5			
SCIENCE, TECHNOLOGY,	1.8798	1.8798	81745
ENGINEERING,			
MATHEMATICS, MEDICINE			
6			
SCIENCE, TECHNOLOGY,	1.4380	1.4380	81746
ENGINEERING,			
MATHEMATICS, MEDICINE			
7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	81747
ENGINEERING,			
MATHEMATICS, MEDICINE			
8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	81748
ENGINEERING,			
MATHEMATICS, MEDICINE			
9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			81749
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			81750
(1) Of the foregoing appropriation item 235501, State Share			81751

of Instruction, 50 per cent of the appropriation for universities, 81752  
as established in division (A)(2) of the section of this act 81753  
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 81754  
2017," in each fiscal year shall be reserved for support of 81755  
associate, baccalaureate, master's, and professional level degree 81756  
attainment. 81757

The degree attainment funding shall be allocated to 81758  
universities in proportion to each campus's share of the total 81759  
statewide degrees granted, weighted by the cost of the degree 81760  
programs. The degree cost calculations shall include the model 81761  
cost weights for the science, technology, engineering, 81762  
mathematics, and medicine models as established in division (C) of 81763  
this section. 81764

For degrees including credits earned at multiple 81765  
institutions, degree attainment funding shall be allocated to 81766  
universities in proportion to each campus's share of the cost of 81767  
earned credits for the degree. Each institution shall receive its 81768  
prorated share of degree funding for credits earned at that 81769  
institution. Cost of credits not earned at a university main or 81770  
regional campus shall be credited to the degree-granting 81771  
institution for the first degree earned by a student at each 81772  
degree level. The cost credited to the degree-granting institution 81773  
shall not be eligible for at-risk weights and shall be limited to 81774  
12.5 per cent of the degree costs. However, the 12.5 per cent 81775  
limitation shall not apply if the student transferred 12 or fewer 81776  
credits into the degree granting institution. 81777

In calculating the subsidy entitlements for degree attainment 81778  
for universities, the Director of Higher Education shall use the 81779  
following count of degrees and degree costs: 81780

(a) The subsidy eligible undergraduate degrees shall be 81781  
defined as follows: 81782

(i) The subsidy eligible degrees conferred to students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, shall be weighted by a factor of 1.

(ii) The subsidy eligible degrees conferred to students identified as out-of-state residents during all terms of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, who remain in the state of Ohio at least one year after graduation, as calculated based on the three-year average in-state residency rate for out-of-state graduates at each institution, shall be weighted by a factor of 50 per cent.

(iii) Subsidy eligible associate degrees are defined as those earned by students attending any state-supported university main or regional campus.

(b) In calculating each campus's count of degrees, the Director of Higher Education shall use the three-year average associate, baccalaureate, master's, and professional degrees awarded for the three-year period ending in the prior year.

(i) If a student is awarded an associate degree and, subsequently, is awarded a baccalaureate degree, the amount funded for the baccalaureate degree shall be limited to either the difference in cost between the cost of the baccalaureate degree and the cost of the associate degree paid previously, or if the associate degree has a higher cost than the baccalaureate degree, the cost of the credits earned by the student after the associate degree was awarded.

(ii) If a student earns an associate degree then, subsequently, earns a baccalaureate degree, the associate degree granting institution shall only receive the prorated share of the

baccalaureate degree funding for the credits earned at that 81814  
institution after the associate degree is awarded. 81815

(iii) If a student earns more than one degree at the same 81816  
institution at the same degree level in the same fiscal year, the 81817  
funding for the highest cost degree shall be prorated among 81818  
institutions based on where the credits were earned and additional 81819  
degrees shall be funded at 25 per cent of the cost of the degrees. 81820

(c) Associate degrees and baccalaureate degrees earned by a 81821  
student defined as at-risk based on academic underpreparation, 81822  
age, minority status, or financial status, shall be defined as 81823  
degrees earned by an at-risk student and shall be weighted by the 81824  
following: 81825

A student-specific degree completion weight, where the weight 81826  
is calculated based on the at-risk factors of the individual 81827  
student, determined by calculating the difference between the 81828  
percentage of students with each risk factor who earned a degree 81829  
and the percentage of non-at-risk students who earned a degree. 81830

(2) Of the foregoing appropriation item 235501, State Share 81831  
of Instruction, up to 11.78 per cent of the appropriation for 81832  
universities, as established in division (A)(2) of the section of 81833  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 81834  
2016 and 2017," in each fiscal year shall be reserved for support 81835  
of doctoral programs to implement the funding recommendations made 81836  
by representatives of the universities. The amount so reserved 81837  
shall be referred to as the doctoral set-aside. 81838

In fiscal year 2016, NEOMED shall receive \$150,000 and in 81839  
fiscal year 2017 NEOMED shall receive \$200,000 of the doctoral 81840  
set-aside funding allocation with the remaining doctoral set-aside 81841  
allocated to universities as follows: 81842

(a) 47.50 per cent of the remaining doctoral set-aside in 81843  
fiscal year 2016 and 40 per cent of the remaining doctoral 81844

set-aside in fiscal year 2017 shall be allocated to universities 81845  
in proportion to their share of the statewide total of each state 81846  
institution's three-year average Doctoral I equivalent FTEs as 81847  
calculated on an institutional basis using historical FTEs for the 81848  
period fiscal year 1994 through fiscal year 1998 with annualized 81849  
FTEs for fiscal years 1994 through 1997 and all-term FTEs for 81850  
fiscal year 1998 as adjusted to reflect the effects of doctoral 81851  
review and subsequent changes in Doctoral I equivalent 81852  
enrollments. For the purposes of this calculation, Doctoral I 81853  
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 81854  
times the sum of Doctoral II FTEs. 81855

(b) 35 per cent of the doctoral set-aside in fiscal year 2016 81856  
and 40 per cent of the doctoral set-aside in fiscal year 2017 81857  
shall be allocated to universities in proportion to each campus's 81858  
share of the total statewide doctoral degrees, weighted by the 81859  
cost of the doctoral discipline. In calculating each campus's 81860  
doctoral degrees the Director of Higher Education shall use the 81861  
three-year average doctoral degrees awarded for the three-year 81862  
period ending in the prior year. 81863

(c) 17.5 per cent of the doctoral set-aside in fiscal year 81864  
2016 and 20 per cent of the doctoral set-aside in fiscal year 2017 81865  
shall be allocated to universities in proportion to their share of 81866  
research grant activity. Funding for this component shall be 81867  
allocated to eligible universities in proportion to their share of 81868  
research grant activity published by the National Science 81869  
Foundation. Grant awards from the Department of Health and Human 81870  
Services shall be weighted at 50 per cent. 81871

(3) Of the foregoing appropriation item 235501, State Share 81872  
of Instruction, 6.41 per cent of the appropriation for 81873  
universities, as established in division (A)(2) of the section of 81874  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 81875  
2016 AND 2017," in each fiscal year shall be reserved for support 81876

of Medical II FTEs. The amount so reserved shall be referred to as 81877  
the medical II set-aside. 81878

The medical II set-aside shall be allocated to universities 81879  
in proportion to their share of the statewide total of each state 81880  
institution's three-year average Medical II FTEs as calculated in 81881  
division (A) of this section. 81882

In calculating the core subsidy entitlements for Medical II 81883  
models only, students repeating terms may be no more than five per 81884  
cent of current year enrollment. 81885

(4) Of the foregoing appropriation item 235501, State Share 81886  
of Instruction, 1.48 per cent of the appropriation for 81887  
universities, as established in division (A)(2) of the section of 81888  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 81889  
2016 AND 2017," in each fiscal year shall be reserved for support 81890  
of Medical I FTEs. The amount so reserved shall be referred to as 81891  
the medical I set-aside. 81892

The medical I set-aside shall be allocated to universities in 81893  
proportion to their share of the statewide total of each state 81894  
institution's three-year average Medical I FTEs as calculated in 81895  
division (A) of this section. 81896

(5) In calculating the course completion funding for 81897  
universities, the Director of Higher Education shall use the 81898  
following count of FTE students: 81899

(a) The subsidy eligible enrollments by model shall equal 81900  
only those FTE students who successfully complete the course as 81901  
defined and reported through the Higher Education Information 81902  
(HEI) system course enrollment file; 81903

(b) Those undergraduate FTE students with successful course 81904  
completions, identified in division (D)(5)(a) of this section, 81905  
that had an expected family contribution less than 2190 or were 81906  
determined to have been academically underprepared shall be 81907

defined as at-risk students and shall have their eligible 81908  
completions weighted by the following: 81909

(i) Campus-specific course completion indexes, where the 81910  
indexes are calculated based upon the number of at-risk students 81911  
enrolled during the 2012 - 2014 academic years; and 81912

(ii) A statewide average at-risk course completion weight 81913  
determined for each subsidy model. The statewide average at-risk 81914  
course completion weight shall be determined by calculating the 81915  
difference between the percentage of traditional students who 81916  
complete a course and the percentage of at-risk students who 81917  
complete the same course. 81918

(c) The course completion earnings shall be determined by 81919  
multiplying the amounts listed above in divisions (B) and (C) of 81920  
this section by the subsidy-eligible FTEs for the three-year 81921  
period ending in the prior year for all models except Medical I, 81922  
Medical II, Doctoral I, and Doctoral II. 81923

(d) For universities, the Director of Higher Education shall 81924  
compute the course completion earnings by dividing the 81925  
appropriation for universities, established in division (A)(2) of 81926  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 81927  
FISCAL YEARS 2016 AND 2017," and adjusted pursuant to division (B) 81928  
of that section, less the degree attainment funding as calculated 81929  
in division (D)(1) of this section, less the doctoral set-aside, 81930  
less the medical I set-aside, and less the medical II set-aside, 81931  
by the sum of all campuses' instructional costs as calculated in 81932  
division (D)(5) of this section. 81933

(6) In addition to the Access Challenge funding as described 81934  
in divisions (B)(1) and (B)(2) of the section of this act entitled 81935  
"STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," 81936  
doctoral set-aside, medical I set-aside, medical II set-aside, and 81937  
the degree attainment allocation determined in division (D)(1) of 81938

this section and the course completion earnings calculated in 81939  
division (D)(5) of this section, an allocation based on a 81940  
facility-based plant operations and maintenance (POM) subsidy 81941  
shall be made. 81942

(a) In fiscal year 2016, for each eligible university, the 81943  
amount of the POM allocation shall be two-thirds of the POM 81944  
distributed in fiscal year 2015 based on what each campus received 81945  
in the fiscal year 2009 POM allocation. 81946

(b) In fiscal year 2017, for each eligible university, the 81947  
amount of the POM allocation shall be one-third of the POM 81948  
distributed in fiscal year 2015 based on what each campus received 81949  
in the fiscal year 2009 POM allocation. 81950

(c) Any POM allocations required by this division shall be 81951  
funded by proportionately reducing formula earnings, including the 81952  
POM allocations, for all universities. 81953

(d) POM allocations shall expire on June 30, 2017. 81954

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 81955  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 81956

(1) Of the foregoing appropriation item 235501, State Share 81957  
of Instruction, 50 per cent of the appropriation for 81958  
state-supported community colleges, state community colleges, and 81959  
technical colleges as established in division (A)(1) of the 81960  
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 81961  
YEARS 2016 AND 2017," in each fiscal year shall be reserved for 81962  
course completion FTEs as aggregated by the subsidy models defined 81963  
in division (B) of this section. 81964

The course completion funding shall be allocated to campuses 81965  
in proportion to each campus's share of the total sector's course 81966  
completions, weighted by the instructional cost of the subsidy 81967  
models. 81968

To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and technical colleges, the Director of Higher Education shall use the following calculations:

(a) In calculating each campus's count of FTE course completions, the Director of Higher Education shall use a three-year average for course completions for the three year period ending in the prior year.

(b) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file.

(c) Those students with successful course completions, that are or have been Pell eligible at any time while enrolled at a state institution of higher education, meet the definition of minority status, are enrolled at a given institution after age 24, or are academically underprepared shall be defined as access students and shall have their eligible course completions weighted by a statewide access weight. The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved

for colleges in proportion to their share of college student 82000  
success factors as recommended in formal communication from 82001  
community college presidents to the Director of Higher Education 82002  
dated December 31, 2013, using a three year average. 82003

(3) Of the foregoing appropriation item 235501, State Share 82004  
of Instruction, 25 per cent of the appropriation for 82005  
state-supported community colleges, state community colleges, and 82006  
technical colleges shall be reserved for completion milestones as 82007  
identified in formal communication from community college 82008  
presidents to the Director of Higher Education dated December 31, 82009  
2013. 82010

Completion milestones shall include associate degrees, 82011  
certificates over 30 credit hours approved by the Department of 82012  
Higher Education, and students transferring to any four-year 82013  
institution with at least 12 credit hours earned at that community 82014  
college, state community college, or technical college. 82015

The completion milestone funding shall be allocated to 82016  
colleges in proportion to each institution's share of the sector's 82017  
total completion milestones, weighted by the instructional cost of 82018  
the associate degree, certificate, or transfer models. Costs for 82019  
certificates over 30 hours shall be weighted one-half of the 82020  
associate degree model costs and transfers with at least 12 credit 82021  
hours shall be weighted one-fourth of the average cost for all 82022  
associate degree model costs. 82023

(4) To calculate the subsidy entitlements for completions at 82024  
community colleges, state community colleges, and technical 82025  
colleges, the Director of Higher Education shall use the following 82026  
calculations: 82027

(a) In calculating each campus's count of completions, the 82028  
Director of Higher Education shall use a three-year average for 82029  
completion metrics. 82030

(b) The subsidy eligible completions by model shall equal 82031  
only those students who successfully complete an associate degree 82032  
or certificate over 30 credit hours, or transfer to any four-year 82033  
institution with at least 12 credit hours as defined and reported 82034  
in the Higher Education Information (HEI) system. 82035

(c) Those students with successful completions for associate 82036  
degrees, certificates over 30 credit hours, or transfer to any 82037  
four-year institution with at least 12 credit hours, identified in 82038  
division (E)(3) of this section, that are or have been Pell 82039  
eligible at any time while enrolled at a state institution of 82040  
higher education, meet the definition of minority status, first 82041  
enrolled at a given institution after age 24, or are academically 82042  
underprepared, shall be defined as access students and shall have 82043  
their eligible completions weighted by a statewide access weight. 82044  
The weight shall be 25 per cent for students with one access 82045  
factor, 66 per cent for students with two access factors, 150 per 82046  
cent for students with three access factors, and 200 per cent for 82047  
students with four access factors. 82048

(d) For those students who complete more than one completion 82049  
metric, funding for each additional associate degree or 82050  
certificate over 30 credit hours approved by the Department of 82051  
Higher Education shall be funded at 50 per cent of the model costs 82052  
as defined in division (3) of this section. 82053

(F) CAPITAL COMPONENT DEDUCTION 82054

After all other adjustments have been made, state share of 82055  
instruction earnings shall be reduced for each campus by the 82056  
amount, if any, by which debt service charged in Am. H.B. 748 of 82057  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 82058  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 82059  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 82060  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 82061  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 82062

562 of the 127th General Assembly for that campus exceeds that 82063  
campus's capital component earnings. The sum of the amounts 82064  
deducted shall be transferred to appropriation item 235552, 82065  
Capital Component, in each fiscal year. 82066

(G) EXCEPTIONAL CIRCUMSTANCES 82067

Adjustments may be made to the state share of instruction 82068  
payments and other subsidies distributed by the Director of Higher 82069  
Education to state colleges and universities for exceptional 82070  
circumstances. No adjustments for exceptional circumstances may be 82071  
made without the recommendation of the Director and the approval 82072  
of the Controlling Board. 82073

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 82074  
INSTRUCTION 82075

The standard provisions of the state share of instruction 82076  
calculation as described in the preceding sections of temporary 82077  
law shall apply to any reductions made to appropriation item 82078  
235501, State Share of Instruction, before the Director of Higher 82079  
Education has formally approved the final allocation of the state 82080  
share of instruction funds for any fiscal year. 82081

Any reductions made to appropriation item 235501, State Share 82082  
of Instruction, after the Director of Higher Education has 82083  
formally approved the final allocation of the state share of 82084  
instruction funds for any fiscal year, shall be uniformly applied 82085  
to each campus in proportion to its share of the final allocation. 82086

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 82087

The state share of instruction payments to the institutions 82088  
shall be in substantially equal monthly amounts during the fiscal 82089  
year, unless otherwise determined by the Director of Budget and 82090  
Management pursuant to section 126.09 of the Revised Code. 82091  
Payments during the first six months of the fiscal year shall be 82092  
based upon the state share of instruction appropriation estimates 82093

made for the various institutions of higher education and payments 82094  
during the last six months of the fiscal year shall be based on 82095  
the final data from the Director of Higher Education. 82096

**Section 369.160.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 82097  
2016 AND 2017 82098

(A) The foregoing appropriation item 235501, State Share of 82099  
Instruction, shall be distributed according to the section of this 82100  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 82101

(1) Of the foregoing appropriation item 235501, State Share 82102  
of Instruction, \$428,205,070 in fiscal year 2016 and \$436,769,171 82103  
in fiscal year 2017 shall be distributed to state-supported 82104  
community colleges, state community colleges, and technical 82105  
colleges. 82106

(2) Of the foregoing appropriation item 235501, State Share 82107  
of Instruction, \$1,429,546,937 in fiscal year 2016 and 82108  
\$1,458,137,876 in fiscal year 2017 shall be distributed to 82109  
state-supported university main and regional campuses. 82110

(B) Of the amounts earmarked in division (A)(2) of this 82111  
section: 82112

(1) In fiscal year 2016, two-thirds of \$3,923,764 shall be 82113  
distributed to university main campuses in proportion to each 82114  
campus' share of the appropriation item 235418, Access Challenge, 82115  
in fiscal year 2009. 82116

(2) In fiscal year 2017, one-third of \$3,923,764 shall be 82117  
distributed to university main campuses in proportion to each 82118  
campus' share of the appropriation item 235418, Access Challenge, 82119  
in fiscal year 2009. 82120

**Section 369.170.** RESTRICTION ON FEE INCREASES 82121

(A) In fiscal year 2016, the boards of trustees of state 82122

institutions of higher education shall restrain increases in 82123  
in-state undergraduate instructional and general fees. Each state 82124  
university and the Northeast Ohio Medical University shall not 82125  
increase its in-state undergraduate instructional and general fees 82126  
by more than 2.0 per cent or \$193, whichever is higher, over what 82127  
the institution charged for the preceding academic year. 82128

Each university regional campus shall not increase its 82129  
in-state undergraduate instructional and general fees by more than 82130  
2.0 per cent or \$116, whichever is higher, over what the 82131  
institution charged for the preceding academic year. 82132

Each community college, state community college, and 82133  
technical college shall not increase its in-state undergraduate 82134  
instructional and general fees by more than 2.0 per cent or \$83, 82135  
whichever is higher, over what the institution charged for the 82136  
preceding academic year. 82137

(B) In fiscal year 2017, the boards of trustees of state 82138  
institutions of higher education shall restrain increases in 82139  
in-state undergraduate instructional and general fees. For the 82140  
2016-2017 academic year, each state institution of higher 82141  
education shall not increase its in-state undergraduate 82142  
instructional and general fees over what the institution charged 82143  
for the 2015-2016 academic year. 82144

These limitations shall not apply to increases required to 82145  
comply with institutional covenants related to their obligations 82146  
or to meet unfunded legal mandates or legally binding obligations 82147  
incurred or commitments made prior to the effective date of this 82148  
section with respect to which the institution had identified such 82149  
fee increases as the source of funds. Any increase required by 82150  
such covenants and any such mandates, obligations, or commitments 82151  
shall be reported by the Director of Higher Education to the 82152  
Controlling Board. These limitations may also be modified by the 82153  
Director of Higher Education, with the approval of the Controlling 82154

Board, to respond to exceptional circumstances as identified by 82155  
the Director of Higher Education. 82156

These limitations shall not apply to institutions 82157  
participating in an undergraduate tuition guarantee program 82158  
pursuant to section 3345.48 of the Revised Code. 82159

**Section 369.180.** HIGHER EDUCATION - BOARD OF TRUSTEES 82160

(A) Funds appropriated for instructional subsidies at 82161  
colleges and universities may be used to provide such branch or 82162  
other off-campus undergraduate courses of study and such master's 82163  
degree courses of study as may be approved by the Director of 82164  
Higher Education. 82165

(B) In providing instructional and other services to 82166  
students, boards of trustees of state institutions of higher 82167  
education shall supplement state subsidies with income from 82168  
charges to students. Except as otherwise provided in this act, 82169  
each board shall establish the fees to be charged to all students, 82170  
including an instructional fee for educational and associated 82171  
operational support of the institution and a general fee for 82172  
noninstructional services, including locally financed student 82173  
services facilities used for the benefit of enrolled students. The 82174  
instructional fee and the general fee shall encompass all charges 82175  
for services assessed uniformly to all enrolled students. Each 82176  
board may also establish special purpose fees, service charges, 82177  
and fines as required; such special purpose fees and service 82178  
charges shall be for services or benefits furnished individual 82179  
students or specific categories of students and shall not be 82180  
applied uniformly to all enrolled students. A tuition surcharge 82181  
shall be paid by all students who are not residents of Ohio. 82182

The board of trustees of a state institution of higher 82183  
education shall not authorize a waiver or nonpayment of 82184  
instructional fees or general fees for any particular student or 82185

any class of students other than waivers specifically authorized 82186  
by law or approved by the Director. This prohibition is not 82187  
intended to limit the authority of boards of trustees to provide 82188  
for payments to students for services rendered the institution, 82189  
nor to prohibit the budgeting of income for staff benefits or for 82190  
student assistance in the form of payment of such instructional 82191  
and general fees. 82192

Each state institution of higher education in its statement 82193  
of charges to students shall separately identify the instructional 82194  
fee, the general fee, the tuition charge, and the tuition 82195  
surcharge. Fee charges to students for instruction shall not be 82196  
considered to be a price of service but shall be considered to be 82197  
an integral part of the state government financing program in 82198  
support of higher educational opportunity for students. 82199

(C) The boards of trustees of state institutions of higher 82200  
education shall ensure that faculty members devote a proper and 82201  
judicious part of their work week to the actual instruction of 82202  
students. Total class credit hours of production per academic term 82203  
per full-time faculty member is expected to meet the standards set 82204  
forth in the budget data submitted by the Director of Higher 82205  
Education. 82206

(D) The authority of government vested by law in the boards 82207  
of trustees of state institutions of higher education shall in 82208  
fact be exercised by those boards. Boards of trustees may consult 82209  
extensively with appropriate student and faculty groups. 82210  
Administrative decisions about the utilization of available 82211  
resources, about organizational structure, about disciplinary 82212  
procedure, about the operation and staffing of all auxiliary 82213  
facilities, and about administrative personnel shall be the 82214  
exclusive prerogative of boards of trustees. Any delegation of 82215  
authority by a board of trustees in other areas of responsibility 82216  
shall be accompanied by appropriate standards of guidance 82217

concerning expected objectives in the exercise of such delegated 82218  
authority and shall be accompanied by periodic review of the 82219  
exercise of this delegated authority to the end that the public 82220  
interest, in contrast to any institutional or special interest, 82221  
shall be served. 82222

**Section 369.190. STUDENT SUPPORT SERVICES** 82223

The foregoing appropriation item 235502, Student Support 82224  
Services, shall be distributed by the Director of Higher Education 82225  
to Ohio's state colleges and universities that incur 82226  
disproportionate costs in the provision of support services to 82227  
disabled students. 82228

**Section 369.200. WAR ORPHANS SCHOLARSHIPS** 82229

The foregoing appropriation item 235504, War Orphans 82230  
Scholarships, shall be used to reimburse state institutions of 82231  
higher education for waivers of instructional fees and general 82232  
fees provided by them, to provide grants to institutions that have 82233  
received a certificate of authorization from the Director of 82234  
Higher Education under Chapter 1713. of the Revised Code, in 82235  
accordance with the provisions of section 5910.04 of the Revised 82236  
Code, and to fund additional scholarship benefits provided by 82237  
section 5910.032 of the Revised Code. 82238

**Section 369.210. OHIOLINK** 82239

The foregoing appropriation item 235507, OhioLINK, shall be 82240  
used by the Director of Higher Education to support OhioLINK, a 82241  
consortium organized under division (T) of section 3333.04 of the 82242  
Revised Code to serve as the state's electronic library 82243  
information and retrieval system, which provides access statewide 82244  
to an extensive set of electronic databases and resources, the 82245  
library holdings of Ohio's public and participating private 82246

nonprofit colleges and universities, and the State Library of 82247  
Ohio. 82248

**Section 369.220. AIR FORCE INSTITUTE OF TECHNOLOGY 82249**

The foregoing appropriation item 235508, Air Force Institute 82250  
of Technology, shall be used to: (A) strengthen the research and 82251  
educational linkages between the Wright Patterson Air Force Base 82252  
and institutions of higher education in Ohio; and (B) support the 82253  
Dayton Area Graduate Studies Institute, an engineering graduate 82254  
consortium of Wright State University, the University of Dayton, 82255  
and the Air Force Institute of Technology, with the participation 82256  
of the University of Cincinnati and The Ohio State University. 82257

**Section 369.230. OHIO SUPERCOMPUTER CENTER 82258**

The foregoing appropriation item 235510, Ohio Supercomputer 82259  
Center, shall be used by the Director of Higher Education to 82260  
support the operation of the Ohio Supercomputer Center, a 82261  
consortium organized under division (T) of section 3333.04 of the 82262  
Revised Code, located at The Ohio State University. The Ohio 82263  
Supercomputer Center is a statewide resource available to Ohio 82264  
research universities both public and private. It is also intended 82265  
that the center be made accessible to private industry as 82266  
appropriate. 82267

Funds shall be used, in part, to support the Ohio 82268  
Supercomputer Center's Computational Science Initiative, which 82269  
includes its industrial outreach program, Blue Collar Computing, 82270  
and its School of Computational Science. These collaborations 82271  
between the Ohio Supercomputer Center and Ohio's colleges and 82272  
universities shall be aimed at making Ohio a leader in using 82273  
computer modeling to promote economic development. 82274

**Section 369.240. COOPERATIVE EXTENSION SERVICE 82275**

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Director of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

**Section 369.250. CENTRAL STATE SUPPLEMENT**

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Director of Higher Education to Central State University in accordance with the plan developed by the Director and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

The Director shall monitor the implementation of the plan and the use of funds. Central State University shall provide any information requested by the Director related to the implementation of the plan. If the Director determines that Central State University's use of supplemental funds is not in accordance with the plan or if the plan is not having the desired effect, the Director may notify Central State University that the plan is suspended. Upon receiving such notice, Central State University shall avoid all unnecessary expenditures under the plan. The Director shall notify the Controlling Board of the suspension of the plan and within sixty days prepare a new plan for the use of any remaining funds.

**Section 369.260. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE**

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western

Reserve University through the Director of Higher Education in 82306  
accordance with agreements entered into under section 3333.10 of 82307  
the Revised Code, provided that the state support per full-time 82308  
medical student shall not exceed that provided to full-time 82309  
medical students at state universities. 82310

**Section 369.270. FAMILY PRACTICE** 82311

The Director of Higher Education shall develop plans 82312  
consistent with existing criteria and guidelines as may be 82313  
required for the distribution of appropriation item 235519, Family 82314  
Practice. 82315

**Section 369.280. SHAWNEE STATE SUPPLEMENT** 82316

The foregoing appropriation item 235520, Shawnee State 82317  
Supplement, shall be disbursed by the Director of Higher Education 82318  
to Shawnee State University in accordance with the plan developed 82319  
by the Director and submitted to the Governor and the General 82320  
Assembly as directed by Am. Sub. H.B. 153 of the 129th General 82321  
Assembly. Funds shall be used in a manner consistent with the 82322  
goals of improving course completion, increasing the number of 82323  
degrees conferred, and furthering the university's mission of 82324  
service to the Appalachian region. 82325

The Director shall monitor the implementation of the plan and 82326  
the use of funds. Shawnee State University shall provide any 82327  
information requested by the Director related to the 82328  
implementation of the plan. If the Director determines that 82329  
Shawnee State University's use of supplemental funds is not in 82330  
accordance with the plan or if the plan is not having the desired 82331  
effect, the Director may notify Shawnee State University that the 82332  
plan is suspended. Upon receiving such notice, Shawnee State 82333  
University shall avoid all unnecessary expenditures under the 82334  
plan. The Director shall notify the Controlling Board of the 82335

suspension of the plan and within sixty days prepare a new plan 82336  
for the use of any remaining funds. 82337

**Section 369.290. POLICE AND FIRE PROTECTION** 82338

The foregoing appropriation item 235524, Police and Fire 82339  
Protection, shall be used for police and fire services in the 82340  
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 82341  
Portsmouth, Xenia Township (Greene County), Rootstown Township, 82342  
and the City of Nelsonville that may be used to assist these local 82343  
governments in providing police and fire protection for the 82344  
central campus of the state-affiliated university located therein. 82345

**Section 369.300. GERIATRIC MEDICINE** 82346

The Director of Higher Education shall develop plans 82347  
consistent with existing criteria and guidelines as may be 82348  
required for the distribution of appropriation item 235525, 82349  
Geriatric Medicine. 82350

**Section 369.310. PRIMARY CARE RESIDENCIES** 82351

The Director of Higher Education shall develop plans 82352  
consistent with existing criteria and guidelines as may be 82353  
required for the distribution of appropriation item 235526, 82354  
Primary Care Residencies. 82355

The foregoing appropriation item 235526, Primary Care 82356  
Residencies, shall be distributed in each fiscal year of the 82357  
biennium, based on whether or not the institution has submitted 82358  
and gained approval for a plan. If the institution does not have 82359  
an approved plan, it shall receive five per cent less funding per 82360  
student than it would have received from its annual allocation. 82361  
The remaining funding shall be distributed among those 82362  
institutions that meet or exceed their targets. 82363

**Section 369.320.** OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 82364  
CENTER 82365

The foregoing appropriation item 235535, Ohio Agricultural 82366  
Research and Development Center, shall be disbursed through the 82367  
Director of Higher Education to The Ohio State University in 82368  
monthly payments, unless otherwise determined by the Director of 82369  
Budget and Management under section 126.09 of the Revised Code. 82370  
The Ohio Agricultural Research and Development Center shall not be 82371  
required to remit payment to The Ohio State University during the 82372  
biennium ending June 30, 2017, for cost reallocation assessments. 82373  
The cost reallocation assessments include, but are not limited to, 82374  
any assessment on state appropriations to the Center. 82375

The Ohio Agricultural Research and Development Center, an 82376  
entity of the College of Food, Agricultural, and Environmental 82377  
Sciences of The Ohio State University, shall further its mission 82378  
of enhancing Ohio's economic development and job creation by 82379  
continuing to internally allocate on a competitive basis 82380  
appropriated funding of programs based on demonstrated 82381  
performance. Academic units, faculty, and faculty-driven programs 82382  
shall be evaluated and rewarded consistent with agreed-upon 82383  
performance expectations as called for in the College's 82384  
Expectations and Criteria for Performance Assessment. 82385

**Section 369.330.** STATE UNIVERSITY CLINICAL TEACHING 82386

The foregoing appropriation items 235536, The Ohio State 82387  
University Clinical Teaching; 235537, University of Cincinnati 82388  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 82389  
235539, Wright State University Clinical Teaching; 235540, Ohio 82390  
University Clinical Teaching; and 235541, Northeast Ohio Medical 82391  
University Clinical Teaching, shall be distributed through the 82392  
Director of Higher Education. 82393

**Section 369.340. CAPITAL COMPONENT** 82394

The foregoing appropriation item 235552, Capital Component, 82395  
shall be used by the Director of Higher Education to provide 82396  
funding for prior commitments made pursuant to the state's former 82397  
capital funding policy for state colleges and universities that 82398  
was originally established in Am. H.B. 748 of the 121st General 82399  
Assembly. Appropriations from this item shall be distributed to 82400  
all campuses for which the estimated campus debt service 82401  
attributable to qualifying capital projects was less than the 82402  
campus's formula-determined capital component allocation. Campus 82403  
allocations shall be determined by subtracting the estimated 82404  
campus debt service attributable to qualifying capital projects 82405  
from the campus's formula-determined capital component allocation. 82406  
Moneys distributed from this appropriation item shall be 82407  
restricted to capital-related purposes. 82408

Any campus for which the estimated campus debt service 82409  
attributable to qualifying capital projects is greater than the 82410  
campus's formula-determined capital component allocation shall 82411  
have the difference subtracted from its State Share of Instruction 82412  
allocation in each fiscal year. Appropriation equal to the sum of 82413  
all such amounts except that of the Ohio Agricultural Research and 82414  
Development Center shall be transferred from appropriation item 82415  
235501, State Share of Instruction, to appropriation item 235552, 82416  
Capital Component. Appropriation equal to any estimated Ohio 82417  
Agricultural Research and Development Center debt service 82418  
attributable to qualifying capital projects that is greater than 82419  
the Center's formula-determined capital component allocation shall 82420  
be transferred from appropriation item 235535, Ohio Agricultural 82421  
Research and Development Center, to appropriation item 235552, 82422  
Capital Component. 82423

**Section 369.350. LIBRARY DEPOSITORIES** 82424

The foregoing appropriation item 235555, Library Depositories, shall be distributed to the state's five regional depository libraries for the cost-effective storage of and access to lesser-used materials in university library collections. The depositories shall be administrated by the Director of Higher Education, or by OhioLINK at the discretion of the Director.

**Section 369.360. OHIO ACADEMIC RESOURCES NETWORK (OARNET)**

The foregoing appropriation item 235556, Ohio Academic Resources Network, shall be used by the Director of Higher Education to support the operations of the Ohio Academic Resources Network, a consortium organized under division (T) of section 3333.04 of the Revised Code, which shall include support for Ohio's colleges and universities in maintaining and enhancing network connections, using new network technologies to improve research, education, and economic development programs, and sharing information technology services. To the extent network capacity is available, OARnet shall support allocating bandwidth to eligible programs directly supporting Ohio's economic development.

**Section 369.370. LONG-TERM CARE RESEARCH**

The foregoing appropriation item 235558, Long-term Care Research, shall be disbursed to Miami University for long-term care research.

**Section 369.380. OHIO COLLEGE OPPORTUNITY GRANT**

(A) Except as provided in division (C) of this section:

Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, \$83,000,000 in fiscal year 2016 and \$84,000,000 in fiscal year 2017 shall be used by the Director of Higher Education to award need-based financial aid to students enrolled

in eligible public and private nonprofit institutions of higher 82454  
education, excluding early college high school and post-secondary 82455  
enrollment option participants. 82456

The remainder of the foregoing appropriation item 235563, 82457  
Ohio College Opportunity Grant, shall be used by the Director of 82458  
Higher Education to award needs-based financial aid to students 82459  
enrolled in eligible private for-profit career colleges and 82460  
schools. 82461

(B)(1) As used in this section: 82462

(a) "Eligible institution" means any institution described in 82463  
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 82464  
Code. 82465

(b) The three "sectors" of institutions of higher education 82466  
consist of the following: 82467

(i) State colleges and universities, community colleges, 82468  
state community colleges, university branches, and technical 82469  
colleges; 82470

(ii) Eligible private nonprofit institutions of higher 82471  
education; 82472

(iii) Eligible private for-profit career colleges and 82473  
schools. 82474

(2) Awards for students attending eligible nonprofit 82475  
institutions of higher education shall be determined at twice the 82476  
rate of the awards for students attending eligible public 82477  
institutions of higher education. 82478

(3) For students attending an eligible institution 82479  
year-round, awards may be distributed on an annual basis, once 82480  
Pell grants have been exhausted. 82481

(4) If the Director determines that the amounts appropriated 82482  
for support of the Ohio College Opportunity Grant program are 82483

inadequate to provide grants to all eligible students as 82484  
calculated under division (D) of section 3333.122 of the Revised 82485  
Code, the Director may create a distribution formula for fiscal 82486  
year 2016 and fiscal year 2017 based on the formula used in fiscal 82487  
year 2015, or may follow methods established in division (C)(1)(a) 82488  
or (b) of section 3333.122 of the Revised Code. The Director shall 82489  
notify the Controlling Board of the distribution method. Any 82490  
formula calculated under this division shall be complete and 82491  
established to coincide with the start of the 2015-2016 academic 82492  
year. 82493

(C) Prior to determining the amount of funds available to 82494  
award under this section and section 3333.122 of the Revised Code, 82495  
the Director shall use the foregoing appropriation item 235563, 82496  
Ohio College Opportunity Grant, to pay for renewals or partial 82497  
renewals of scholarships students receive under the Ohio Academic 82498  
Scholarship Program under sections 3333.21 and 3333.22 of the 82499  
Revised Code. In paying for scholarships under this division, the 82500  
Director shall deduct funds from the allocations made under 82501  
division (A) of this section. Deductions shall be proportionate to 82502  
the amounts allocated to each sector from the total amounts 82503  
appropriated for each sector under the foregoing appropriation 82504  
item 235563, Ohio College Opportunity Grant. 82505

In each fiscal year, with the exception of sections 3333.121 82506  
and 3333.124 of the Revised Code and Section 363.530 of this act, 82507  
the Director shall not distribute or obligate or commit to be 82508  
distributed an amount greater than what is appropriated under the 82509  
foregoing appropriation item 235563, Ohio College Opportunity 82510  
Grant. 82511

(D) The Director shall establish, and post on the Department 82512  
of Higher Education's web site, award tables based on any formulas 82513  
created under division (B) of this section. The Director shall 82514  
notify students and institutions of any reductions in awards under 82515

this section. 82516

On or before August 31, 2015, the Director of Higher 82517  
Education shall submit award tables to the Controlling Board for 82518  
the 2015-2016 academic year and allocations of Ohio College 82519  
Opportunity Grant awards not already specified in section 3333.122 82520  
of the Revised Code. 82521

(E) Notwithstanding section 3333.122 of the Revised Code, no 82522  
student shall be eligible to receive an Ohio College Opportunity 82523  
Grant for more than ten semesters, fifteen quarters, or the 82524  
equivalent of five academic years, less the number of semesters or 82525  
quarters in which the student received an Ohio Instructional 82526  
Grant. 82527

**Section 369.390. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 82528**

The foregoing appropriation item 235572, The Ohio State 82529  
University Clinic Support, shall be distributed through the 82530  
Director of Higher Education to The Ohio State University for 82531  
support of dental and veterinary medicine clinics. 82532

**Section 369.400. NATIONAL GUARD SCHOLARSHIP PROGRAM 82533**

The Director of Higher Education shall disburse funds from 82534  
appropriation item 235599, National Guard Scholarship Program. 82535  
During each fiscal year, the Director of Higher Education, as soon 82536  
as possible after cancellation, may certify to the Director of 82537  
Budget and Management the amount of canceled prior-year 82538  
encumbrances in appropriation item 235599, National Guard 82539  
Scholarship Program. Upon receipt of the certification, the 82540  
Director of Budget and Management may transfer cash in an amount 82541  
up to the amount certified from the General Revenue Fund to the 82542  
National Guard Scholarship Reserve Fund (Fund 5BM0). 82543

**Section 369.410. PLEDGE OF FEES 82544**

Any new pledge of fees, or new agreement for adjustment of 82545  
fees, made in the biennium ending June 30, 2017, to secure bonds 82546  
or notes of a state institution of higher education for a project 82547  
for which bonds or notes were not outstanding on the effective 82548  
date of this section shall be effective only after approval by the 82549  
Director of Higher Education, unless approved in a previous 82550  
biennium. 82551

**Section 369.420. HIGHER EDUCATION GENERAL OBLIGATION BOND 82552**  
DEBT SERVICE 82553

The foregoing appropriation item 235909, Higher Education 82554  
General Obligation Bond Debt Service, shall be used to pay all 82555  
debt service and related financing costs during the period from 82556  
July 1, 2015, through June 30, 2017, for obligations issued under 82557  
sections 151.01 and 151.04 of the Revised Code. 82558

**Section 369.430. SALES AND SERVICES 82559**

The Director of Higher Education is authorized to charge and 82560  
accept payment for the provision of goods and services. Such 82561  
charges shall be reasonably related to the cost of producing the 82562  
goods and services. Except as otherwise provided by law, no 82563  
charges may be levied for goods or services that are produced as 82564  
part of the routine responsibilities or duties of the Director. 82565  
All revenues received by the Director of Higher Education shall be 82566  
deposited into Fund 4560, and may be used by the Director of 82567  
Higher Education to pay for the costs of producing the goods and 82568  
services. 82569

**Section 369.440. HIGHER EDUCATIONAL FACILITY COMMISSION 82570**  
ADMINISTRATION 82571

The foregoing appropriation item 235602, Higher Educational 82572  
Facility Commission Administration, shall be used by the Director 82573

of Higher Education for operating expenses related to the Director 82574  
of Higher Education's support of the activities of the Ohio Higher 82575  
Educational Facility Commission. Upon the request of the Director 82576  
of Higher Education, the Director of Budget and Management may 82577  
transfer up to \$29,100 cash in each fiscal year from the HEFC 82578  
Operating Expenses Fund (Fund 4610) to the HEFC Administration 82579  
Fund (Fund 4E80). 82580

**Section 369.450. TELECOMMUNITY AND DISTANCE LEARNING** 82581

Of the foregoing appropriation item 235674, Telecommunity and 82582  
Distance Learning, up to \$25,000 in each fiscal year shall be 82583  
distributed by the Director of Higher Education on a grant basis 82584  
to eligible school districts to establish "distance learning" 82585  
through interactive video technologies in the school district. Per 82586  
agreements with eight Ohio local telephone companies, ALLTEL Ohio, 82587  
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 82588  
Cincinnati Bell Telephone Company, Orwell Telephone Company, 82589  
Sprint North Central Telephone, VERIZON, and Western Reserve 82590  
Telephone Company, school districts are eligible for funds if they 82591  
are within one of the listed telephone company service areas. 82592  
Funds to administer the program shall be expended by the Director 82593  
of Higher Education up to the amount specified in the agreements 82594  
with the listed telephone companies. 82595

Within thirty days after the effective date of this section, 82596  
the Director of Budget and Management shall transfer to Fund 4X10 82597  
in the Dedicated Purpose Fund Group any investment earnings from 82598  
moneys paid by any telephone company as part of any settlement 82599  
agreement between the listed companies and the Public Utilities 82600  
Commission in fiscal years 1996 and beyond. 82601

Of the foregoing appropriation item 235674, Telecommunity and 82602  
Distance Learning, up to \$24,150 in each fiscal year shall be 82603  
distributed by the Director of Higher Education on a grant basis 82604

to eligible school districts to establish "distance learning" in 82605  
the school district. Per an agreement with Ameritech, school 82606  
districts are eligible for funds if they are within an Ameritech 82607  
service area. Funds to administer the program shall be expended by 82608  
the Director of Higher Education up to the amount specified in the 82609  
agreement with Ameritech. 82610

Within thirty days after the effective date of this section, 82611  
the Director of Budget and Management shall transfer to Fund 4X10 82612  
in the Dedicated Purpose Fund Group any investment earnings from 82613  
moneys paid by any telephone company as part of a settlement 82614  
agreement between the company and the Public Utilities Commission 82615  
in fiscal year 1995. 82616

**Section 369.460. COMPETENCY BASED PILOT PROJECT** 82617

The foregoing appropriation item 235694, Competency Based 82618  
Pilot Project, shall be used by the Director of Higher Education 82619  
to work with state institutions of higher education as defined in 82620  
section 3345.011 of the Revised Code to develop competency based 82621  
education programs. Competency based education programs shall 82622  
measure student success based on competencies instead of credit 82623  
hours earned. If state institutions of higher education do not 82624  
submit plans for approval of competency based education programs 82625  
to the Department of Higher Education by December 31, 2015, the 82626  
Director shall establish, by directive, Western Governor's 82627  
University-Ohio. 82628

Of the foregoing appropriation item 235694, Competency Based 82629  
Pilot Project, \$250,000 in each fiscal year shall be used for 82630  
competency based certificates. 82631

Any unexpended and unencumbered portion of the foregoing 82632  
appropriation item 235694, Competency Based Pilot Project, at the 82633  
end of fiscal year 2016 is hereby reappropriated for the same 82634  
purpose in fiscal year 2017. 82635

**Section 369.470.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT 82636  
REVOLVING LOAN PROGRAM 82637

The foregoing appropriation item 235684, OhioMeansJobs 82638  
Workforce Development Revolving Loan Program, shall be used for 82639  
the OhioMeansJobs Workforce Development Revolving Loan Program to 82640  
provide loans to individuals for workforce training. 82641

Of the foregoing appropriation item 235684, OhioMeansJobs 82642  
Workforce Development Revolving Loan Program, up to \$250,000 in 82643  
fiscal year 2016 may be used by the Director of Higher Education 82644  
to administer the program, and up to \$250,000 in fiscal year 2016 82645  
may be used by the Treasurer of State to administer the program. 82646

Any unexpended and unencumbered portion of the foregoing 82647  
appropriation item 235684, OhioMeansJobs Workforce Development 82648  
Revolving Loan Program, at the end of fiscal year 2016 is hereby 82649  
reappropriated for the same purpose in fiscal year 2017. To the 82650  
extent that reappropriated funds are available, of the foregoing 82651  
appropriation item 235684, OhioMeansJobs Workforce Development 82652  
Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be 82653  
used by the Director of Higher Education to administer the 82654  
program, and up to \$250,000 in fiscal year 2017 may be used by the 82655  
Treasurer of State to administer the program. 82656

**Section 369.480.** STUDENT DEBT REDUCTION PROGRAM 82657

The foregoing appropriation item 235695, Student Debt 82658  
Reduction Program, shall be used by the Director of Higher 82659  
Education for the purpose of reducing debt and financial burdens 82660  
on students attending state institutions of higher education as 82661  
defined in section 3345.011 of the Revised Code. By September 30, 82662  
2015, the Director shall develop a plan to award up to \$30,000,000 82663  
in each fiscal year over the next four fiscal years. The plan 82664  
shall consider, at least, need based students, in-demand jobs, and 82665

the requirement for participating students to stay in Ohio for 82666  
five years after graduation. 82667

Any unexpended and unencumbered portion of the foregoing 82668  
appropriation item 235695, Student Debt Reduction Program, at the 82669  
end of fiscal year 2016 is hereby reappropriated for the same 82670  
purpose in fiscal year 2017. 82671

**Section 369.490. STATE NEED-BASED FINANCIAL AID 82672**  
RECONCILIATION 82673

By the first day of August in each fiscal year, or as soon as 82674  
possible thereafter, the Director of Higher Education shall 82675  
certify to the Director of Budget and Management the amount 82676  
necessary to pay any outstanding prior year obligations to higher 82677  
education institutions for the state's need-based financial aid 82678  
programs. The amounts certified are hereby appropriated to 82679  
appropriation item 235618, State Need-based Financial Aid 82680  
Reconciliation, from revenues received in the State Need-based 82681  
Financial Aid Reconciliation Fund (Fund 5Y50). 82682

**Section 369.500. NURSING LOAN PROGRAM 82683**

The foregoing appropriation item 235606, Nursing Loan 82684  
Program, shall be used to administer the nurse education 82685  
assistance program. Up to \$50,000 in each fiscal year may be used 82686  
for operating expenses associated with the program. Any additional 82687  
funds needed for the administration of the program are subject to 82688  
Controlling Board approval. 82689

**Section 369.510. RESEARCH INCENTIVE THIRD FRONTIER FUND 82690**

The foregoing appropriation item 235634, Research Incentive 82691  
Third Frontier Fund, shall be used by the Director of Higher 82692  
Education to advance collaborative research at institutions of 82693  
higher education. Of the foregoing appropriation item 235634, 82694

Research Incentive Third Frontier Fund, up to \$2,000,000 in each 82695  
fiscal year may be allocated toward research regarding the 82696  
improvement of water quality. Of the foregoing appropriation item 82697  
235634, Research Incentive Third Frontier Fund, up to \$1,000,000 82698  
in each fiscal year may be allocated toward research regarding the 82699  
reduction of infant mortality. 82700

**Section 369.520. VETERANS PREFERENCES** 82701

The Director of Higher Education shall work with the 82702  
Department of Veterans Services to develop specific veterans 82703  
preference guidelines for higher education institutions. These 82704  
guidelines shall ensure that the institutions' hiring practices 82705  
are in accordance with the intent of Ohio's veterans preference 82706  
laws. 82707

**Section 369.530. (A) As used in this section:** 82708

(1) "Board of trustees" includes the managing authority of a 82709  
university branch district. 82710

(2) "State institution of higher education" has the same 82711  
meaning as in section 3345.011 of the Revised Code. 82712

(B) The board of trustees of any state institution of higher 82713  
education, notwithstanding any rule of the institution to the 82714  
contrary, may adopt a policy providing for mandatory furloughs of 82715  
employees, including faculty, to achieve spending reductions 82716  
necessitated by institutional budget deficits. 82717

**Section 369.540. EFFICIENCY ADVISORY COMMITTEE** 82718

The Director of Higher Education shall maintain an efficiency 82719  
advisory committee for the purpose of generating optimal 82720  
efficiency plans for campuses, identifying shared services 82721  
opportunities, streamlining administrative operations, and sharing 82722  
best practices in efficiencies among public institutions of higher 82723

education. The committee shall meet at the call of the Director or 82724  
the Director's designee. Each state institution of higher 82725  
education shall designate an employee to serve as its efficiency 82726  
officer responsible for the evaluation and improvement of 82727  
operational efficiencies on campus. Each efficiency officer shall 82728  
serve on the efficiency advisory committee. 82729

By December 31 of each year, the Director of Higher Education 82730  
shall provide a report to the Office of Budget and Management, the 82731  
Governor, and the General Assembly compiling efficiency reports 82732  
from all public institutions of higher education and benchmarking 82733  
efficiency gains realized over the preceding year. The reports 82734  
from each institution shall identify efficiencies at each public 82735  
institution of higher education, and quantify revenue 82736  
enhancements, reallocation of resources, expense reductions, and 82737  
cost avoidance where possible in the areas of general operational 82738  
functions, academic program delivery, energy usage, and 82739  
information technology and procurement reforms. The reports shall 82740  
particularly emphasize areas where these reforms are demonstrating 82741  
savings or cost avoidance to students. The report shall also be 82742  
made available to the public on the Department of Higher 82743  
Education's web site. 82744

**Section 369.550. AGENCY AND DIRECTOR NAME CHANGE** 82745

On the effective date of this section, the office of the 82746  
Chancellor of the Board of Regents is renamed the Department of 82747  
Higher Education. The office of the Chancellor of the Board of 82748  
Regents' functions, and its assets and liabilities, are 82749  
transferred to the Department of Higher Education. The Department 82750  
of Higher Education is successor to, assumes the obligations and 82751  
authority of, and otherwise continues the office of the Chancellor 82752  
of the Board of Regents. No right, privilege, or remedy, and no 82753  
duty, liability, or obligation, accrued under the office of the 82754

Chancellor of the Board of Regents is impaired or lost by reason 82755  
of the renaming and shall be recognized, administered, performed, 82756  
or enforced by the Department of Higher Education. 82757

Business commenced but not completed by the office of the 82758  
Chancellor of the Board of Regents or by the Chancellor shall be 82759  
completed by the Department of Higher Education or the Director of 82760  
Higher Education in the same manner, and with the same effect, as 82761  
if completed by the office of the Chancellor of the Board of 82762  
Regents or the Chancellor. 82763

All of the office of the Chancellor of the Board of Regents' 82764  
rules, orders, and determinations continue in effect as rules, 82765  
orders, and determinations of the Department of Higher Education 82766  
until modified or rescinded by the Department of Higher Education. 82767

All employees of the office of the Chancellor of the Board of 82768  
Regents continue with the Department of Higher Education and 82769  
retain their positions and all benefits accruing thereto. 82770

Except as otherwise noted in law, whenever the Board of 82771  
Regents or the Chancellor of the Board of Regents is referred to 82772  
in a statute, contract, or other instrument, the reference is 82773  
deemed to refer to the Department of Higher Education or to the 82774  
Director of Higher Education, whichever is appropriate in context. 82775

No pending action or proceeding being prosecuted or defended 82776  
in court or before an agency by the office of the Chancellor of 82777  
the Board of Regents or by the Chancellor of the Board of Regents 82778  
is affected by the renaming and shall be prosecuted or defended in 82779  
the name of the Department of Higher Education or the Director of 82780  
Higher Education, whichever is appropriate. Upon application to 82781  
the court or agency, the Department of Higher Education or the 82782  
Director of Higher Education shall be substituted. 82783

**Section 369.560.** OHIO TASK FORCE ON AFFORDABILITY AND 82784

EFFICIENCY IN HIGHER EDUCATION REPORT 82785

Upon submission of the Ohio task force on affordability and 82786  
efficiency in higher education report as established by governor's 82787  
executive order, all boards of trustees for state institutions of 82788  
higher education as defined in section 3345.011 of the Revised 82789  
Code, shall complete, by July 1, 2016, an efficiency review based 82790  
on the report and recommendations of the task force, and provide a 82791  
report to the Director of Higher Education within 30 days of the 82792  
completion of the efficiency review that includes how each 82793  
institution will implement the recommendations and any other cost 82794  
savings measures. 82795

**Section 369.570. WORK EXPERIENCE STRATEGIES** 82796

By December 31, 2015, the Director of Higher Education, in 82797  
consultation with state institutions of higher education as 82798  
defined in section 3345.011 of the Revised Code, shall develop 82799  
implementation strategies to embed work experiences, including but 82800  
not limited to internships and cooperatives, into the curriculum 82801  
of degree programs starting in the 2016-2017 academic year, to 82802  
explore ways to increase student participation in in-demand 82803  
occupations, including computer sciences, and to create industry 82804  
clusters to develop curriculum that can be used for competency 82805  
based tests. These implementation strategies shall also include 82806  
the use of OhioMeansJobs.com as a central location for higher 82807  
education students to access information on work experiences and 82808  
career opportunities. By December 31, 2015, each state institution 82809  
of higher education as defined in section 3345.011 of the Revised 82810  
Code shall display a link to OhioMeansJobs.com in a prominent 82811  
location on the institution's web site. 82812

The Director shall work with state institutions of higher 82813  
education to have a career counseling program in place by December 82814

31, 2015.	82815
<b>Section 369.580.</b> TECHNOLOGY TRANSFER AND COMMERCIALIZATION	82816
RECOMMENDATIONS	82817
By July 1, 2016, the Director of Higher Education shall study	82818
and make recommendations regarding ways to improve technology	82819
transfer and commercialization, including the potential for	82820
intellectual property auctions after a set number of years.	82821
<b>Section 371.10.</b> DRC DEPARTMENT OF REHABILITATION AND	82822
CORRECTION	82823
General Revenue Fund	82824
GRF 501321 Institutional Operations	\$ 952,547,588 \$ 979,773,825 82825
GRF 501405 Halfway House	\$ 54,369,687 \$ 56,541,437 82826
GRF 501406 Adult Correctional Facilities Lease	\$ 82,595,700 \$ 79,702,800 82827
Rental Bond Payments	
GRF 501407 Community Nonresidential Programs	\$ 53,577,390 \$ 56,365,890 82828
GRF 501408 Community Misdemeanor Programs	\$ 14,356,800 \$ 14,356,800 82829
GRF 501501 Community Residential Programs - CBCF	\$ 72,391,705 \$ 75,329,955 82830
GRF 503321 Parole and Community Operations	\$ 73,346,119 \$ 75,149,295 82831
GRF 504321 Administrative Operations	\$ 21,475,332 \$ 21,999,343 82832
GRF 505321 Institution Medical Services	\$ 241,941,400 \$ 251,298,873 82833
GRF 506321 Institution Education	\$ 24,586,681 \$ 30,454,204 82834

Services				
TOTAL GRF General Revenue Fund		\$ 1,591,188,402	\$ 1,640,972,422	82835
Dedicated Purpose Fund Group				82836
4B00 501601 Sewer Treatment		\$ 2,393,506	\$ 2,420,848	82837
Services				
4D40 501603 Prisoner Programs		\$ 5,490,000	\$ 500,000	82838
4L40 501604 Transitional Control		\$ 700,000	\$ 700,000	82839
4S50 501608 Education Services		\$ 3,432,164	\$ 3,490,471	82840
5AF0 501609 State and Non-Federal		\$ 2,000,000	\$ 2,000,000	82841
Awards				
5H80 501617 Offender Financial		\$ 2,000,000	\$ 2,000,000	82842
Responsibility				
TOTAL DPF Dedicated Purpose Fund		\$ 16,015,670	\$ 11,111,319	82843
Group				
Internal Service Activity Fund Group				82844
1480 501602 Institutional		\$ 3,139,577	\$ 3,139,577	82845
Services				
2000 501607 Ohio Penal Industries		\$ 54,492,119	\$ 54,925,441	82846
4830 501605 Leased Property		\$ 467,844	\$ 469,540	82847
Maintenance & Operating				
5710 501606 Corrections Training		\$ 500,000	\$ 500,000	82848
Maintenance & Operating				
5L60 501611 Information		\$ 500,000	\$ 500,000	82849
Technology Services				
TOTAL ISA Internal Activity				82850
Fund Group		\$ 59,099,540	\$ 59,534,558	82851
Federal Fund Group				82852
3230 501619 Federal Grants		\$ 4,200,000	\$ 4,200,000	82853
3CW0 501622 Federal Equitable		\$ 400,000	\$ 400,000	82854
Sharing				

TOTAL FED Federal				82855	
Fund Group	\$	4,600,000	\$	4,600,000	82856
TOTAL ALL BUDGET FUND GROUPS	\$	1,670,903,612	\$	1,716,218,299	82857

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 82858

The foregoing appropriation item 501406, Adult Correctional 82859  
Facilities Lease Rental Bond Payments, shall be used to meet all 82860  
payments during the period from July 1, 2015, through June 30, 82861  
2017, by the Department of Rehabilitation and Correction under the 82862  
primary leases and agreements for those buildings made under 82863  
Chapters 152. and 154. of the Revised Code. These appropriations 82864  
are the source of funds pledged for bond service charges on 82865  
related obligations issued under Chapters 152. and 154. of the 82866  
Revised Code. 82867

OSU MEDICAL CHARGES 82868

Notwithstanding section 341.192 of the Revised Code, at the 82869  
request of the Department of Rehabilitation and Correction, The 82870  
Ohio State University Medical Center, including the Arthur G. 82871  
James Cancer Hospital and Richard J. Solove Research Institute and 82872  
the Richard M. Ross Heart Hospital, shall provide necessary care 82873  
to persons who are confined in state adult correctional 82874  
facilities. The provision of necessary inpatient care shall be 82875  
billed to the Department or the Department of Medicaid at a rate 82876  
not to exceed the authorized reimbursement rate for the same 82877  
service established by the Department of Medicaid under the 82878  
Medicaid Program. 82879

**Section 373.10.** RCB RESPIRATORY CARE BOARD 82880

Dedicated Purpose Fund Group				82881	
4K90 872609 Operating Expenses	\$	572,005	\$	570,123	82882
TOTAL DPF Dedicated Purpose				82883	
Fund Group	\$	572,005	\$	570,123	82884

TOTAL ALL BUDGET FUND GROUPS		\$	572,005	\$	570,123	82885
<b>Section 375.10. RDF STATE REVENUE DISTRIBUTIONS</b>						82887
General Revenue Fund Group						82888
GRF 110908	Property Tax	\$	664,740,000	\$	675,760,000	82889
	Reimbursement - Local Government					
GRF 200903	Property Tax	\$	1,181,760,000	\$	1,201,340,000	82890
	Reimbursement - Education					
TOTAL GRF General Revenue Fund Group		\$	1,846,500,000	\$	1,877,100,000	82891
Revenue Distribution Fund Group						82892
5JG0 110633	Gross Casino Revenue County Distribution	\$	123,500,000	\$	114,100,000	82893
5JH0 110634	Gross Casino Revenue County Student Distribution	\$	82,300,000	\$	76,100,000	82894
5JJ0 110636	Gross Casino Revenue Host City Distribution	\$	12,100,000	\$	11,100,000	82895
7047 200902	Property Tax Replacement Phase Out-Education	\$	360,873,101	\$	249,760,497	82896
7049 336900	Indigent Drivers Alcohol Treatment	\$	2,250,000	\$	2,250,000	82897
7050 762900	International Registration Plan Distribution	\$	20,000,000	\$	20,000,000	82898
7051 762901	Auto Registration Distribution	\$	345,000,000	\$	345,000,000	82899
7060 110960	Gasoline Excise Tax	\$	395,000,000	\$	395,000,000	82900

		Fund				
7065	110965	Public Library Fund	\$	379,520,000	\$	394,310,000 82901
7066	800966	Undivided Liquor	\$	14,100,000	\$	14,100,000 82902
		Permits				
7068	110968	State and Local	\$	196,000,000	\$	196,000,000 82903
		Government Highway				
		Distributions				
7069	110969	Local Government Fund	\$	383,520,000	\$	399,310,000 82904
7081	110907	Property Tax	\$	65,942,450	\$	40,188,766 82905
		Replacement Phase				
		Out-Local Government				
7082	110982	Horse Racing Tax	\$	100,000	\$	100,000 82906
7083	700900	Ohio Fairs Fund	\$	1,200,000	\$	1,200,000 82907
		TOTAL RDF Revenue Distribution				82908
		Fund Group	\$	2,381,405,551	\$	2,258,519,263 82909
		Fiduciary Fund Group				82910
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000 82911
		Improvement Fund				
6080	001699	Investment Earnings	\$	100,000,000	\$	120,000,000 82912
7001	110996	Horse-Racing Tax	\$	125,000	\$	125,000 82913
		Municipality Fund				
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000 82914
		Tax Distribution				
7063	110963	Permissive Tax	\$	2,356,000,000	\$	2,475,000,000 82915
		Distribution				
7067	110967	School District	\$	430,000,000	\$	453,000,000 82916
		Income Tax				
		Distribution				
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000 82917
		Dependents Fund				
7093	110640	Next Generation 9-1-1	\$	2,600,000	\$	2,600,000 82918
7094	110641	Wireless 9-1-1	\$	28,200,000	\$	28,200,000 82919
		Government Assistance				

7099 762902	Permissive Tax	\$ 184,000,000	\$ 184,000,000	82920
	Distribution - Auto			
	Registration			
TOTAL FID	Fiduciary Fund Group	\$ 3,105,525,000	\$ 3,267,525,000	82921
	Holding Account Fund Group			82922
R045 110617	International Fuel	\$ 40,000,000	\$ 40,000,000	82923
	Tax Distribution			
TOTAL HLD	Holding Account Fund	\$ 40,000,000	\$ 40,000,000	82924
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$ 7,373,430,551	\$ 7,443,144,263	82925
	ADDITIONAL APPROPRIATIONS			82926
	Appropriation items in this section shall be used for the			82927
	purpose of administering and distributing the designated revenue			82928
	distribution funds according to the Revised Code. If it is			82929
	determined that additional appropriations are necessary for this			82930
	purpose, such amounts are hereby appropriated.			82931
	GENERAL REVENUE FUND TRANSFERS			82932
	Notwithstanding any provision of law to the contrary, in			82933
	fiscal year 2016 and fiscal year 2017, the Director of Budget and			82934
	Management may transfer from the General Revenue Fund to the Local			82935
	Government Tangible Property Tax Replacement Fund (Fund 7081) and			82936
	the School District Tangible Property Tax Replacement Fund (Fund			82937
	7047) in the Revenue Distribution Fund Group, those amounts			82938
	necessary to reimburse local taxing units and school districts			82939
	under sections 5709.92 and 5709.93 of the Revised Code. Also, in			82940
	fiscal year 2016 and fiscal year 2017, the Director of Budget and			82941
	Management may make temporary transfers from the General Revenue			82942
	Fund to ensure sufficient balances in the Local Government			82943
	Tangible Property Tax Replacement Fund (Fund 7081) and the School			82944
	District Tangible Property Tax Replacement Fund (Fund 7047) and to			82945
	replenish the General Revenue Fund for such transfers.			82946

PROPERTY TAX REIMBURSEMENT - EDUCATION 82947

The Superintendent of Public Instruction shall not request, 82948  
and the Controlling Board shall not approve, the transfer of 82949  
appropriation from appropriation item 200903, Property Tax 82950  
Reimbursement - Education, to any other appropriation item. 82951

The foregoing appropriation item 200903, Property Tax 82952  
Reimbursement - Education, is appropriated to pay for the state's 82953  
costs incurred because of the homestead exemption, the property 82954  
tax rollback, and payments required under division (C) of section 82955  
5705.2110 of the Revised Code. In cooperation with the Department 82956  
of Taxation, the Department of Education shall distribute these 82957  
funds directly to the appropriate school districts of the state, 82958  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 82959  
which provide for payment of the homestead exemption and property 82960  
tax rollback by the Tax Commissioner to the appropriate county 82961  
treasurer and the subsequent redistribution of these funds to the 82962  
appropriate local taxing districts by the county auditor. 82963

Upon receipt of these amounts, each school district shall 82964  
distribute the amount among the proper funds as if it had been 82965  
paid as real or tangible personal property taxes. Payments for the 82966  
costs of administration shall continue to be paid to the county 82967  
treasurer and county auditor as provided for in sections 319.54, 82968  
321.26, and 323.156 of the Revised Code. 82969

Any sums, in addition to the amount specifically appropriated 82970  
in appropriation item 200903, Property Tax Reimbursement - 82971  
Education, for the homestead exemption and the property tax 82972  
rollback payments, and payments required under division (C) of 82973  
section 5705.2110 of the Revised Code, which are determined to be 82974  
necessary for these purposes, are hereby appropriated. 82975

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 82976

The foregoing appropriation item 110908, Property Tax 82977

Reimbursement-Local Government, is hereby appropriated to pay for 82978  
the state's costs incurred due to the Homestead Exemption, the 82979  
Manufactured Home Property Tax Rollback, and the Property Tax 82980  
Rollback. The Tax Commissioner shall distribute these funds 82981  
directly to the appropriate local taxing districts, except for 82982  
school districts, notwithstanding the provisions in sections 82983  
321.24 and 323.156 of the Revised Code, which provide for payment 82984  
of the Homestead Exemption, the Manufactured Home Property Tax 82985  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 82986  
appropriate county treasurer and the subsequent redistribution of 82987  
these funds to the appropriate local taxing districts by the 82988  
county auditor. 82989

Upon receipt of these amounts, each local taxing district 82990  
shall distribute the amount among the proper funds as if it had 82991  
been paid as real property taxes. Payments for the costs of 82992  
administration shall continue to be paid to the county treasurer 82993  
and county auditor as provided for in sections 319.54, 321.26, and 82994  
323.156 of the Revised Code. 82995

Any sums, in addition to the amounts specifically 82996  
appropriated in appropriation item 110908, Property Tax Allocation 82997  
- Local Government, for the Homestead Exemption, the Manufactured 82998  
Home Property Tax Rollback, and the Property Tax Rollback 82999  
payments, which are determined to be necessary for these purposes, 83000  
are hereby appropriated. 83001

**Section 377.10. SAN BOARD OF SANITARIAN REGISTRATION** 83002

Dedicated Purpose Fund Group				83003
4K90 893609 Operating Expenses	\$	158,250	\$ 153,650	83004
TOTAL DPF Dedicated Purpose				83005
Fund Group	\$	158,250	\$ 153,650	83006
TOTAL ALL BUDGET FUND GROUPS	\$	158,250	\$ 153,650	83007

<b>Section 379.10. OSB OHIO STATE SCHOOL FOR THE BLIND</b>				83009
General Revenue Fund				83010
GRF 226321	Operations	\$ 8,242,799	\$ 8,488,609	83011
TOTAL GRF General Revenue Fund				83012
Dedicated Purpose Fund Group				83013
4H80 226602	Education Reform	\$ 27,000	\$ 27,000	83014
Grants				
4M50 226601	Work Study and	\$ 461,521	\$ 461,521	83015
Technology Investment				
5NJ0 226622	Food Service Program	\$ 9,000	\$ 9,000	83016
TOTAL DPF Dedicated Purpose				83017
Fund Group				83018
Federal Fund Group				83019
3100 226626	Coordinating Unit	\$ 2,527,104	\$ 2,527,104	83020
3DT0 226621	Ohio Transition	\$ 650,000	\$ 650,000	83021
Collaborative				
3P50 226643	Medicaid Professional	\$ 50,000	\$ 50,000	83022
Services				
Reimbursement				
TOTAL FED Federal Fund Group				83023
TOTAL ALL BUDGET FUND GROUPS				83024
<b>Section 381.10. OSD OHIO SCHOOL FOR THE DEAF</b>				83026
General Revenue Fund				83027
GRF 221321	Operations	\$ 10,254,435	\$ 10,678,878	83028
TOTAL GRF General Revenue Fund				83029
Dedicated Purpose Fund Group				83030
4M00 221601	Educational Program	\$ 95,000	\$ 95,000	83031
Expenses				
4M10 221602	Education Reform	\$ 35,000	\$ 35,000	83032
Grants				

5H60	221609	Even Start Fees and Gifts	\$	35,000	\$	35,000	83033
5NK0	221610	Food Service Program	\$	9,000	\$	9,000	83034
TOTAL DPF Dedicated Purpose							83035
Fund Group			\$	174,000	\$	174,000	83036
Federal Fund Group							83037
3110	221625	Coordinating Unit	\$	2,153,246	\$	2,153,246	83038
3R00	221684	Medicaid Professional Services Reimbursement	\$	160,000	\$	160,000	83039
TOTAL FED Federal Fund Group			\$	2,313,246	\$	2,313,246	83040
TOTAL ALL BUDGET FUND GROUPS			\$	12,741,681	\$	13,166,124	83041
 <b>Section 383.10. SOS SECRETARY OF STATE</b>							83043
General Revenue Fund							83044
GRF	050321	Operating Expenses	\$	2,144,030	\$	2,144,030	83045
GRF	050407	Poll Workers Training	\$	234,196	\$	234,196	83046
TOTAL GRF General Revenue Fund			\$	2,378,226	\$	2,378,226	83047
Dedicated Purpose Fund Group							83048
4120	050609	Notary Commission	\$	475,000	\$	475,000	83049
5990	050603	Business Services Operating Expenses	\$	14,385,400	\$	14,385,400	83050
TOTAL DPF Dedicated Purpose Fund Group			\$	14,860,400	\$	14,860,400	83051
Internal Service Activity Fund Group							83052
4S80	050610	Board of Voting Machine Examiners	\$	7,200	\$	7,200	83053
5FG0	050620	BOE Reimbursement and Education	\$	80,000	\$	80,000	83054
TOTAL ISA Internal Service Activity Fund Group			\$	87,200	\$	87,200	83055
Holding Account Fund Group							83056

R001	050605	Uniform Commercial Code Refunds	\$	30,000	\$	30,000	83057
R002	050606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000	83058
TOTAL HLD		Holding Account Fund Group	\$	115,000	\$	115,000	83059
		Federal Fund Group					83060
3AS0	050616	Help America Vote Act (HAVA)	\$	502,000	\$	0	83061
TOTAL FED		Federal Fund Group	\$	502,000	\$	0	83062
TOTAL ALL		BUDGET FUND GROUPS	\$	17,942,826	\$	17,440,826	83063
		POLL WORKERS TRAINING					83064
		The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections for poll worker training pursuant to section 3501.27 of the Revised Code. At the end of fiscal year 2016, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training, is hereby reappropriated in fiscal year 2017 for the same purpose.					83065 83066 83067 83068 83069 83070 83071
		BOARD OF VOTING MACHINE EXAMINERS					83072
		The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.					83073 83074 83075 83076 83077 83078 83079 83080 83081
		HOLDING ACCOUNT FUND GROUP					83082
		The foregoing appropriation items 050605, Uniform Commercial					83083

Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 83084  
be used to hold revenues until they are directed to the 83085  
appropriate accounts or until they are refunded. If it is 83086  
determined that additional appropriations are necessary, such 83087  
amounts are hereby appropriated. 83088

HAVA FUNDS 83089

At the end of fiscal year 2015, an amount equal to the 83090  
unexpended, unencumbered portion of the foregoing appropriation 83091  
item 050616, Help America Vote Act (HAVA) is hereby reappropriated 83092  
in fiscal year 2016 for the same purpose. 83093

At the end of fiscal year 2016, an amount equal to the 83094  
unexpended, unencumbered portion of the foregoing appropriation 83095  
item 050616, Help America Vote Act (HAVA), is hereby 83096  
reappropriated in fiscal year 2017 for the same purpose. 83097

**Section 385.10.** SEN THE OHIO SENATE 83098

General Revenue Fund 83099

GRF 020321	Operating Expenses	\$	12,518,143	\$	12,518,143	83100
TOTAL GRF	General Revenue Fund	\$	12,518,143	\$	12,518,143	83101

Internal Service Activity Fund Group 83102

1020 020602	Senate Reimbursement	\$	425,800	\$	425,800	83103
4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	83104
TOTAL ISA	Internal Service Activity					83105
Fund Group		\$	460,297	\$	460,297	83106
TOTAL ALL BUDGET FUND GROUPS		\$	12,978,440	\$	12,978,440	83107

OPERATING EXPENSES 83108

On July 1, 2015, or as soon as possible thereafter, the Clerk 83109  
of the Senate may certify to the Director of Budget and Management 83110  
the amount of the unexpended, unencumbered balance of the 83111  
foregoing appropriation item 020321, Operating Expenses, at the 83112  
end of fiscal year 2015 to be reappropriated to fiscal year 2016. 83113

The amount certified is hereby reappropriated to the same 83114  
appropriation item for fiscal year 2016. 83115

On July 1, 2016, or as soon as possible thereafter, the Clerk 83116  
of the Senate may certify to the Director of Budget and Management 83117  
the amount of the unexpended, unencumbered balance of the 83118  
foregoing appropriation item 020321, Operating Expenses, at the 83119  
end of fiscal year 2016 to be reappropriated to fiscal year 2017. 83120  
The amount certified is hereby reappropriated to the same 83121  
appropriation item for fiscal year 2017. 83122

**Section 387.10.** CSV COMMISSION ON SERVICE AND VOLUNTEERISM 83123

General Revenue Fund 83124

GRF 866321	CSV Operations	\$	305,834	\$	304,547	83125
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TOTAL GRF	General Revenue Fund	\$	305,834	\$	304,547	83126
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Dedicated Purpose Fund Group 83127

5GN0 866605	Serve Ohio Support	\$	30,000	\$	30,000	83128
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TOTAL DPF	Dedicated Purpose Fund	\$	30,000	\$	30,000	83129
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Group

Federal Fund Group 83130

3R70 866617	AmeriCorps Programs	\$	7,182,899	\$	7,178,630	83131
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TOTAL FED	Federal Fund Group	\$	7,182,899	\$	7,178,630	83132
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TOTAL ALL BUDGET FUND GROUPS		\$	7,518,733	\$	7,513,177	83133
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**Section 389.10.** CSF COMMISSIONERS OF THE SINKING FUND 83135

Debt Service Fund Group 83136

7070 155905	Third Frontier	\$	79,091,400	\$	98,712,000	83137
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Research and  
Development Bond  
Retirement Fund

7072 155902	Highway Capital	\$	119,937,500	\$	134,101,700	83138
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Improvement Bond

		Retirement Fund					
7073	155903	Natural Resources Bond	\$	27,079,900	\$	26,074,400	83139
		Retirement Fund					
7074	155904	Conservation Projects	\$	34,674,900	\$	39,225,700	83140
		Bond Retirement Fund					
7076	155906	Coal Research and	\$	5,991,400	\$	5,038,700	83141
		Development Bond					
		Retirement Fund					
7077	155907	State Capital	\$	234,437,400	\$	235,303,200	83142
		Improvement Bond					
		Retirement Fund					
7078	155908	Common Schools Bond	\$	375,706,700	\$	386,754,800	83143
		Retirement Fund					
7079	155909	Higher Education Bond	\$	254,970,800	\$	261,789,500	83144
		Retirement Fund					
7080	155901	Persian Gulf,	\$	9,083,700	\$	23,343,400	83145
		Afghanistan, and Iraq					
		Conflicts Bond					
		Retirement Fund					
7090	155912	Job Ready Site	\$	19,384,000	\$	15,735,900	83146
		Development Bond					
		Retirement Fund					
TOTAL	DSF	Debt Service Fund Group	\$	1,160,357,700	\$	1,226,079,300	83147
TOTAL	ALL BUDGET FUND GROUPS		\$	1,160,357,700	\$	1,226,079,300	83148
		ADDITIONAL APPROPRIATIONS					83149
		Appropriation items in this section are for the purpose of					83150
		paying debt service and financing costs during the period from					83151
		July 1, 2015 through June 30, 2017 on bonds or notes of the state					83152
		issued under the Ohio Constitution and acts of the General					83153
		Assembly. If it is determined that additional amounts are					83154
		necessary for this purpose, such amounts are hereby appropriated.					83155
		<b>Section 391.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY					83156

DEVELOPMENT FOUNDATION				83157
Dedicated Purpose Fund Group				83158
5M90 945601 Operating Expenses	\$	426,800	\$ 426,800	83159
TOTAL DPF Dedicated Purpose Fund Group	\$	426,800	\$ 426,800	83160
TOTAL ALL BUDGET FUND GROUPS	\$	426,800	\$ 426,800	83161
<b>Section 393.10.</b> SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY				83163
Dedicated Purpose Fund Group				83164
4K90 886609 Operating Expenses	\$	508,660	\$ 508,660	83165
TOTAL DPF Dedicated Purpose Fund Group	\$	508,660	\$ 508,660	83166
TOTAL ALL BUDGET FUND GROUPS	\$	508,660	\$ 508,660	83167
<b>Section 395.10.</b> BTA BOARD OF TAX APPEALS				83168
General Revenue Fund				83170
GRF 116321 Operating Expenses	\$	1,925,001	\$ 1,925,001	83171
TOTAL GRF General Revenue Fund	\$	1,925,001	\$ 1,925,001	83172
TOTAL ALL BUDGET FUND GROUPS	\$	1,925,001	\$ 1,925,001	83173
<b>Section 397.10.</b> TAX DEPARTMENT OF TAXATION				83174
General Revenue Fund				83176
GRF 110321 Operating Expenses	\$	69,405,605	\$ 69,405,605	83177
GRF 110404 Tobacco Settlement Enforcement	\$	160,380	\$ 160,380	83178
TOTAL GRF General Revenue Fund	\$	69,565,985	\$ 69,565,985	83179
Dedicated Purpose Fund Group				83180
2280 110628 CAT Administration	\$	16,100,000	\$ 16,100,000	83181
4330 110602 Municipal Data Exchange	\$	175,000	\$ 175,000	83182

		Administration					
4350	110607	Local Tax	\$	20,300,000	\$	20,300,000	83184
		Administration					
4360	110608	Motor Vehicle Audit	\$	1,459,609	\$	1,459,609	83185
		Administration					
4370	110606	Income Tax Refund	\$	38,800	\$	38,800	83186
		Contribution					
		Administration					
4380	110609	School District	\$	5,402,044	\$	5,402,044	83187
		Income Tax					
		Administration					
4C60	110616	International	\$	682,415	\$	682,415	83188
		Registration Plan					
		Administration					
4R60	110610	Tire Tax	\$	244,193	\$	244,193	83189
		Administration					
5BP0	110639	Wireless 9-1-1	\$	290,000	\$	290,000	83190
		Administration					
5JM0	110637	Casino Tax	\$	75,000	\$	75,000	83191
		Administration					
5MN0	110638	STARS Development and	\$	3,000,000	\$	3,000,000	83192
		Implementation					
5N50	110605	Municipal Income Tax	\$	150,000	\$	150,000	83193
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	83194
		Administration					
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000	83195
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	5,035,374	\$	5,035,374	83196
		Administration					
5V80	110623	Property Tax	\$	11,178,310	\$	11,178,310	83197
		Administration					
5W70	110627	Exempt Facility	\$	49,500	\$	49,500	83198

		Administration				
6390	110614	Cigarette Tax	\$	1,750,000	\$	1,750,000 83199
		Enforcement				
6880	110615	Local Excise Tax	\$	775,015	\$	775,015 83200
		Administration				
TOTAL DPF		Dedicated Purpose Fund	\$	67,805,260	\$	67,805,260 83201
Group						
Fiduciary Fund Group						83202
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000 83203
5CZ0	110631	Vendor's License	\$	340,000	\$	340,000 83204
		Application				
6420	110613	Ohio Political Party	\$	267,500	\$	265,000 83205
		Distributions				
7095	110995	Municipal Income Tax	\$	8,100,000	\$	7,900,000 83206
TOTAL FID		Fiduciary Fund Group	\$	1,555,507,500	\$	1,555,305,000 83207
Holding Account Fund Group						83208
R010	110611	Tax Distributions	\$	230,000	\$	230,000 83209
R011	110612	Miscellaneous Income	\$	50,000	\$	50,000 83210
		Tax Receipts				
TOTAL HLD		Holding Account Fund	\$	280,000	\$	280,000 83211
Group						
TOTAL ALL BUDGET FUND GROUPS			\$	1,693,158,745	\$	1,692,956,245 83212
MUNICIPAL INCOME TAX						83213
The foregoing appropriation item 110995, Municipal Income						83214
Tax, shall be used to make payments to municipal corporations						83215
under section 5745.05 of the Revised Code. If it is determined						83216
that additional appropriations are necessary to make such						83217
payments, such amounts are hereby appropriated.						83218
TAX REFUNDS						83219
The foregoing appropriation item 110635, Tax Refunds, shall						83220
be used to pay refunds under section 5703.052 of the Revised Code.						83221

If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.	83222 83223
VENDOR'S LICENSE PAYMENTS	83224
The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors under section 5739.17 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.	83225 83226 83227 83228 83229
INTERNATIONAL REGISTRATION PLAN ADMINISTRATION	83230
The foregoing appropriation item 110616, International Registration Plan Administration, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.	83231 83232 83233 83234
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	83235
Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	83236 83237 83238 83239 83240 83241 83242
TOBACCO SETTLEMENT ENFORCEMENT	83243
The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.	83244 83245 83246 83247
STARS DEVELOPMENT AND IMPLEMENTATION FUND	83248
The foregoing appropriation item 110638, STARS Development and Implementation, shall be used to pay costs incurred in the development and implementation of the department's State Tax	83249 83250 83251

Accounting and Revenue System. The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Revenue Enhancement Fund, Local Tax Administration Fund, School District Income Tax Fund, Motor Vehicle Sales Audit Fund, Property Tax Administration Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed \$6,000,000 in the biennium.

<b>Section 399.10. DOT DEPARTMENT OF TRANSPORTATION</b>				83261
General Revenue Fund				83262
GRF 775451	Public Transportation	\$ 8,300,000	\$ 8,300,000	83263
	- State			
GRF 776465	Rail Development	\$ 2,000,000	\$ 2,000,000	83264
GRF 777471	Airport Improvements	\$ 750,000	\$ 750,000	83265
	- State			
TOTAL GRF	General Revenue Fund	\$ 11,050,000	\$ 11,050,000	83266
TOTAL ALL BUDGET FUND GROUPS		\$ 11,050,000	\$ 11,050,000	83267

<b>Section 401.10. TOS TREASURER OF STATE</b>				83269
General Revenue Fund				83270
GRF 090321	Operating Expenses	\$ 7,743,553	\$ 7,743,553	83271
GRF 090401	Office of the Sinking Fund	\$ 502,304	\$ 502,304	83272
GRF 090402	Continuing Education	\$ 377,702	\$ 377,702	83273
GRF 090406	Treasury Management System Lease Rental Payments	\$ 1,117,400	\$ 1,116,800	83274
GRF 090524	Police and Fire Disability Pension Fund	\$ 5,000	\$ 5,000	83275

GRF 090534	Police and Fire Ad Hoc	\$	55,000	\$	55,000	83276
	Cost of Living					
GRF 090554	Police and Fire	\$	443,000	\$	443,000	83277
	Survivor Benefits					
GRF 090575	Police and Fire Death	\$	20,000,000	\$	20,000,000	83278
	Benefits					
TOTAL GRF	General Revenue Fund	\$	30,243,959	\$	30,243,359	83279
	Dedicated Purpose Fund Group					83280
4E90 090603	Securities Lending	\$	4,200,000	\$	4,200,000	83281
	Income					
5770 090605	Investment Pool	\$	550,000	\$	550,000	83282
	Reimbursement					
5C50 090602	County Treasurer	\$	170,057	\$	170,057	83283
	Education					
6050 090609	Treasurer of State	\$	700,000	\$	700,000	83284
	Administrative Fund					
TOTAL DPF	Dedicated Purpose					83285
Fund Group		\$	5,620,057	\$	5,620,057	83286
	Fiduciary Fund Group					83287
4250 090635	Tax Refunds	\$	6,000,000	\$	6,000,000	83288
TOTAL FID	Fiduciary Fund Group	\$	6,000,000	\$	6,000,000	83289
TOTAL ALL BUDGET FUND GROUPS		\$	41,864,016	\$	41,863,416	83290

**Section 401.20. OFFICE OF THE SINKING FUND** 83292

The foregoing appropriation item 090401, Office of the 83293  
Sinking Fund, shall be used for costs incurred by or on behalf of 83294  
the Commissioners of the Sinking Fund and the Ohio Public 83295  
Facilities Commission with respect to State of Ohio general 83296  
obligation bonds or notes, and the Treasurer of State with respect 83297  
to State of Ohio general obligation and special obligation bonds 83298  
or notes, including, but not limited to, printing, advertising, 83299  
delivery, rating fees and the procurement of ratings, professional 83300

publications, membership in professional organizations, and other 83301  
services referred to in division (D) of section 151.01 of the 83302  
Revised Code. The General Revenue Fund shall be reimbursed for 83303  
such costs relating to the issuance and administration of Highway 83304  
Capital Improvement bonds or notes authorized under Ohio 83305  
Constitution, Article VIII, Section 2m and Chapter 151. of the 83306  
Revised Code. That reimbursement shall be made from appropriation 83307  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 83308  
intrastate transfer voucher pursuant to a certification by the 83309  
Office of the Sinking Fund of the actual amounts used. The amounts 83310  
necessary to make such a reimbursement are hereby appropriated 83311  
from the Highway Capital Improvement Bond Retirement Fund created 83312  
in section 151.06 of the Revised Code. 83313

POLICE AND FIRE DEATH BENEFIT FUND 83314

The foregoing appropriation item 090575, Police and Fire 83315  
Death Benefits, shall be disbursed quarterly by the Treasurer of 83316  
State at the beginning of each quarter of each fiscal year to the 83317  
Board of Trustees of the Ohio Police and Fire Pension Fund. The 83318  
Treasurer of State shall certify such amounts quarterly to the 83319  
Director of Budget and Management. By the twentieth day of June of 83320  
each fiscal year, the Board of Trustees of the Ohio Police and 83321  
Fire Pension Fund shall certify to the Treasurer of State the 83322  
amount disbursed in the current fiscal year to make the payments 83323  
required by section 742.63 of the Revised Code and shall return to 83324  
the Treasurer of State moneys received from this appropriation 83325  
item but not disbursed. 83326

TAX REFUNDS 83327

The foregoing appropriation item 090635, Tax Refunds, shall 83328  
be used to pay refunds under section 5703.052 of the Revised Code. 83329  
If the Director of Budget and Management determines that 83330  
additional amounts are necessary for this purpose, such amounts 83331  
are hereby appropriated. 83332

<b>Section 401.30.</b>	TREASURY MANAGEMENT SYSTEM LEASE RENTAL				83333
	PAYMENTS				83334
	The foregoing appropriation item 090406, TMS Lease Rental				83335
	Payments, shall be used for payments during the period from July				83336
	1, 2015, through June 30, 2017, pursuant to leases and agreements				83337
	entered into under Section 701.20 of Am. Sub. H.B. 497 of the				83338
	130th General Assembly with respect to financing the costs				83339
	associated with the acquisition and implementation of the Treasury				83340
	Management System. If it is determined that additional				83341
	appropriations are necessary for this purpose, the amounts are				83342
	hereby appropriated.				83343
<b>Section 403.10.</b>	VTO VETERANS' ORGANIZATIONS				83344
	General Revenue Fund				83345
	VAP AMERICAN EX-PRISONERS OF WAR				83346
GRF	743501 State Support	\$	28,910	\$	28,910
	VAN ARMY AND NAVY UNION, USA, INC.				83348
GRF	746501 State Support	\$	63,539	\$	63,539
	VKW KOREAN WAR VETERANS				83350
GRF	747501 State Support	\$	57,118	\$	57,118
	VJW JEWISH WAR VETERANS				83352
GRF	748501 State Support	\$	34,321	\$	34,321
	VCW CATHOLIC WAR VETERANS				83354
GRF	749501 State Support	\$	66,978	\$	66,978
	VPH MILITARY ORDER OF THE PURPLE HEART				83356
GRF	750501 State Support	\$	65,116	\$	65,116
	VVV VIETNAM VETERANS OF AMERICA				83358
GRF	751501 State Support	\$	214,776	\$	214,776
	VAL AMERICAN LEGION OF OHIO				83360
GRF	752501 State Support	\$	349,189	\$	349,189
	VII AMVETS				83362

GRF	753501	State Support	\$	332,547	\$	332,547	83363
		VAV DISABLED AMERICAN VETERANS					83364
GRF	754501	State Support	\$	249,836	\$	249,836	83365
		VMC MARINE CORPS LEAGUE					83366
GRF	756501	State Support	\$	133,947	\$	133,947	83367
		V37 37TH DIVISION VETERANS' ASSOCIATION					83368
GRF	757501	State Support	\$	6,868	\$	6,868	83369
		VFW VETERANS OF FOREIGN WARS					83370
GRF	758501	State Support	\$	284,841	\$	284,841	83371
TOTAL GRF		General Revenue Fund	\$	1,887,986	\$	1,887,986	83372
TOTAL ALL BUDGET FUND GROUPS			\$	1,887,986	\$	1,887,986	83373
		RELEASE OF FUNDS					83374
		The Director of Budget and Management may release the					83375
		foregoing appropriation items 743501, 746501, 747501, 748501,					83376
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,					83377
		and 758501, State Support.					83378
		<b>Section 405.10.</b> DVS DEPARTMENT OF VETERANS SERVICES					83379
		General Revenue Fund					83380
GRF	900321	Veterans' Homes	\$	26,992,608	\$	26,992,608	83381
GRF	900402	Hall of Fame	\$	107,075	\$	107,075	83382
GRF	900408	Department of	\$	2,521,738	\$	2,521,738	83383
		Veterans Services					
GRF	900901	Veterans Compensation	\$	9,083,700	\$	23,343,400	83384
		General Obligation					
		Bond Debt Service					
TOTAL GRF		General Revenue Fund	\$	38,705,121	\$	52,964,821	83385
		Dedicated Purpose Fund Group					83386
4840	900603	Veterans' Homes	\$	883,523	\$	985,523	83387
		Services					
4E20	900602	Veterans' Homes	\$	12,804,826	\$	13,139,648	83388
		Operating					

5DB0 900643	Military Injury Relief Program	\$	2,000,000	\$	2,000,000	83389
5PH0 900642	Veterans Initiatives	\$	50,000	\$	50,000	83390
TOTAL DPF Dedicated Purpose Fund Group		\$	15,738,349	\$	16,175,171	83391
Debt Service Fund Group						83392
7041 900615	Veteran Bonus Program - Administration	\$	359,173	\$	359,173	83393
7041 900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$	2,173,139	\$	942,754	83394
TOTAL DSF Debt Service Fund Group		\$	2,532,312	\$	1,301,927	83395
Federal Fund Group						83397
3680 900614	Veterans Training	\$	730,000	\$	740,000	83398
3740 900606	Troops to Teachers	\$	150,000	\$	150,000	83399
3BX0 900609	Medicare Services	\$	2,475,000	\$	2,846,250	83400
3L20 900601	Veterans' Homes Operations - Federal	\$	28,110,159	\$	29,245,411	83401
TOTAL FED Federal Fund Group		\$	31,465,159	\$	32,981,661	83402
TOTAL ALL BUDGET FUND GROUPS		\$	88,440,941	\$	103,423,580	83403
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE						83404
The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.12 of the Revised Code.						83405 83406 83407 83408 83409
<b>Section 405.20.</b> Effective July 1, 2015, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 600637, Military Injury Relief Subsidies, and reestablish them against appropriation item 900643,						83410 83411 83412 83413

Military Injury Relief Subsidies. The reestablished encumbrance 83414  
amounts are hereby appropriated. Any business commenced but not 83415  
completed under appropriation item 600637 by July 1, 2015, shall 83416  
be completed under appropriation item 900643 in the same manner 83417  
and with the same effect as if it were completed with regard to 83418  
appropriation item 600637. 83419

**Section 407.10.** DVM STATE VETERINARY MEDICAL LICENSING BOARD 83420

Dedicated Purpose Fund Group 83421

4K90 888609 Operating Expenses \$ 352,195 \$ 358,195 83422

TOTAL DPF Dedicated Purpose 83423

Fund Group \$ 352,195 \$ 358,195 83424

Internal Service Activity Fund Group 83425

5BU0 888602 Veterinary Student \$ 30,000 \$ 30,000 83426

Loan Program

TOTAL ISA Internal Service Activity 83427

Fund Group \$ 30,000 \$ 30,000 83428

TOTAL ALL BUDGET FUND GROUPS \$ 382,195 \$ 388,195 83429

**Section 409.10.** DYS DEPARTMENT OF YOUTH SERVICES 83431

General Revenue Fund 83432

GRF 470401 RECLAIM Ohio \$ 153,087,537 \$ 153,087,537 83433

GRF 470412 Juvenile Correctional \$ 25,407,400 \$ 21,137,700 83434

Facilities Lease

Rental Bond Payments

GRF 470510 Youth Services \$ 16,702,728 \$ 16,702,728 83435

GRF 472321 Parole Operations \$ 10,950,100 \$ 10,950,100 83436

GRF 477321 Administrative \$ 10,855,389 \$ 10,855,389 83437

Operations

TOTAL GRF General Revenue Fund \$ 217,003,154 \$ 212,733,454 83438

Dedicated Purpose Fund Group 83439



For purposes of implementing juvenile sentencing reforms, and 83462  
notwithstanding any provision of law to the contrary, the 83463  
Department of Youth Services may use up to forty-five per cent of 83464  
the unexpended, unencumbered balance of the portion of 83465  
appropriation item 470401, RECLAIM Ohio, that is allocated to 83466  
juvenile correctional facilities in each fiscal year to expand 83467  
Targeted RECLAIM, the Behavioral Health Juvenile Justice 83468  
Initiative, and other evidence-based community programs. 83469

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 83470

The foregoing appropriation item 470412, Juvenile 83471  
Correctional Facilities Lease Rental Bond Payments, shall be used 83472  
to meet all payments during the period from July 1, 2015, through 83473  
June 30, 2017, by the Department of Youth Services under the 83474  
leases and agreements for facilities made under Chapters 152. and 83475  
154. of the Revised Code. This appropriation is the source of 83476  
funds pledged for bond service charges on related obligations 83477  
issued under Chapters 152. and 154. of the Revised Code. 83478

EDUCATION REIMBURSEMENT 83479

The foregoing appropriation item 470613, Education 83480  
Reimbursement, shall be used to fund the operating expenses of 83481  
providing educational services to youth supervised by the 83482  
Department of Youth Services. Operating expenses include, but are 83483  
not limited to, teachers' salaries, maintenance costs, and 83484  
educational equipment. This appropriation item may be used for 83485  
capital expenses related to the education program. 83486

EMPLOYEE FOOD SERVICE AND EQUIPMENT 83487

Notwithstanding section 125.14 of the Revised Code, the 83488  
foregoing appropriation item 470609, Employee Food Service, may be 83489  
used to purchase any food operational items with funds received 83490  
into the fund from reimbursements for state surplus property. 83491

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 83492

In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section of Am. Sub. H.B. 153 of the 129th General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

**Section 405.30.** (A) The Director of Veterans Services shall adopt rules as required by section 5101.98 (5902.05) of the Revised Code as it results from this act. Upon the taking effect of those rules, rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code are void.

(B) Pending the taking effect of rules adopted by the Director of Veterans Services as contemplated by division (A) of this section, rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code remain in effect, but the Director and Department of Veterans Services, rather than the Director and Department of Job and Family Services, shall administer the rules, and references in the rules to the Director or Department of Job and Family Services shall be read as if they referred to the Director or Department of Veterans Services. In applying the rules, the Director of Veterans Services shall read the eligibility of an individual for a grant from the Military Injury Relief Fund as if it had been expanded to include individuals who served after October 7, 2001.

**Section 501.10.** All items set forth in this section are hereby appropriated for the biennium ending on June 30, 2016, out of any moneys in the state treasury to the credit of the Public School Building Fund (Fund 7021) that are not otherwise appropriated.

		Appropriations	
	FCC OHIO FACILITIES CONSTRUCTION COMMISSION		83524
C230W4	Community School Classroom Facilities	\$ 25,000,000	83525
	Grants		
TOTAL	Public School Building Fund	\$ 25,000,000	83526
	COMMUNITY SCHOOL CLASSROOM FACILITIES GRANTS		83527
	The foregoing appropriation item C230W4, Community School		83528
	Classroom Facilities Grants, may be used by the School Facilities		83529
	Commission to provide grant funding to an eligible community		83530
	school established under Chapter 3314. of the Revised Code, except		83531
	for internet- or computer-based community schools, as defined in		83532
	division (A)(7) of section 3314.02 of the Revised Code, that is		83533
	sponsored by a sponsor that has been rated "exemplary" in		83534
	accordance with section 3314.016 of the Revised Code for the		83535
	purchase, construction, reconstruction, renovation, remodeling, or		83536
	addition to classroom facilities. A grant may be awarded to an		83537
	eligible community school that demonstrates that the funds will be		83538
	used to purchase or support classroom facilities construction or		83539
	modifications that increase the supply of seats in effective		83540
	schools, service specific unmet student needs through community		83541
	school education, and show innovation in design and potential as a		83542
	successful, replicable school model. The School Facilities		83543
	Commission may award a grant to an eligible community school upon		83544
	the approval of a grant application by the Executive Director of		83545
	the Commission and the Superintendent of Public Instruction. A		83546
	facility that is purchased, constructed, or modified by the grant		83547
	funds shall be used for educational purposes for a minimum of ten		83548
	years after receiving the grant funds. The School Facilities		83549
	Commission, in consultation with the Superintendent of Public		83550
	Instruction, shall develop guidelines and may adopt rules under		83551
	Chapter 111. of the Revised Code for the administration of the		83552
	grants. Notwithstanding any provision of law to the contrary, all		83553

Revised Code exemptions applicable to grants awarded and projects 83554  
administered by the School Facilities Commission or Facilities 83555  
Construction Commission shall apply to the grants pursuant to this 83556  
section. 83557

**Section 503.10. PERSONAL SERVICE EXPENSES** 83558

Unless otherwise prohibited by law, any appropriation from 83559  
which personal service expenses are paid shall bear the employer's 83560  
share of public employees' retirement, workers' compensation, 83561  
disabled workers' relief, and insurance programs; and the costs of 83562  
centralized financial services, centralized payroll processing, 83563  
and related reports and services; centralized human resources 83564  
services, including affirmative action and equal employment 83565  
opportunity programs; the Office of Collective Bargaining; 83566  
centralized information technology management services; 83567  
administering the enterprise resource planning system; and 83568  
administering the state employee merit system as required by 83569  
section 124.07 of the Revised Code. These costs shall be 83570  
determined in conformity with the appropriate sections of law and 83571  
paid in accordance with procedures specified by the Office of 83572  
Budget and Management. Expenditures from appropriation item 83573  
070601, Public Audit Expense - Intra-State, may be exempted from 83574  
the requirements of this section. 83575

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 83576  
**AGAINST THE STATE** 83577

Except as otherwise provided in this section, an 83578  
appropriation in this act or any other act may be used for the 83579  
purpose of satisfying judgments, settlements, or administrative 83580  
awards ordered or approved by the Court of Claims or by any other 83581  
court of competent jurisdiction in connection with civil actions 83582  
against the state. This authorization does not apply to 83583

appropriations to be applied to or used for payment of guarantees 83584  
by or on behalf of the state, or for payments under lease 83585  
agreements relating to, or debt service on, bonds, notes, or other 83586  
obligations of the state. Notwithstanding any other statute to the 83587  
contrary, this authorization includes appropriations from funds 83588  
into which proceeds of direct obligations of the state are 83589  
deposited only to the extent that the judgment, settlement, or 83590  
administrative award is for, or represents, capital costs for 83591  
which the appropriation may otherwise be used and is consistent 83592  
with the purpose for which any related obligations were issued or 83593  
entered into. Nothing contained in this section is intended to 83594  
subject the state to suit in any forum in which it is not 83595  
otherwise subject to suit, and is not intended to waive or 83596  
compromise any defense or right available to the state in any suit 83597  
against it. 83598

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 83599

This section specifies an additional and supplemental 83600  
procedure to provide for payments of judgments and settlements if 83601  
the Director of Budget and Management determines, pursuant to 83602  
division (C)(4) of section 2743.19 of the Revised Code, that 83603  
sufficient unencumbered moneys do not exist in the fund to support 83604  
a particular appropriation to pay the amount of a final judgment 83605  
rendered against the state or a state agency, including the 83606  
settlement of a claim approved by a court, in an action upon and 83607  
arising out of a contractual obligation for the construction or 83608  
improvement of a capital facility if the costs under the contract 83609  
were payable in whole or in part from a state capital projects 83610  
appropriation. In such a case, the Director may either proceed 83611  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 83612  
or apply to the Controlling Board to increase an appropriation or 83613  
create an appropriation out of any unencumbered moneys in the 83614  
state treasury to the credit of the capital projects fund from 83615

which the initial state appropriation was made. The amount of an 83616  
increase in appropriation or new appropriation approved by the 83617  
Controlling Board is hereby appropriated from the applicable 83618  
capital projects fund and made available for the payment of the 83619  
judgment or settlement. 83620

If the Director does not make the application authorized by 83621  
this section or the Controlling Board disapproves the application, 83622  
and the Director does not make application under division (C)(4) 83623  
of section 2743.19 of the Revised Code, the Director shall for the 83624  
purpose of making that payment make a request to the General 83625  
Assembly as provided for in division (C)(5) of that section. 83626

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 83627

In order to provide funds for the reissuance of voided 83628  
warrants under section 126.37 of the Revised Code, there is hereby 83629  
appropriated, out of moneys in the state treasury from the fund 83630  
credited as provided in section 126.37 of the Revised Code, that 83631  
amount sufficient to pay such warrants when approved by the Office 83632  
of Budget and Management. 83633

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 83634  
**BALANCES OF OPERATING APPROPRIATIONS** 83635

(A) An unexpended balance of an operating appropriation or 83636  
reappropriation that a state agency lawfully encumbered prior to 83637  
the close of a fiscal year is hereby reappropriated on the first 83638  
day of July of the following fiscal year from the fund from which 83639  
it was originally appropriated or reappropriated for the following 83640  
period and shall remain available only for the purpose of 83641  
discharging the encumbrance: 83642

(1) For an encumbrance for personal services, maintenance, 83643  
equipment, or items for resale, other than an encumbrance for an 83644  
item of special order manufacture not available on term contract 83645

or in the open market or for reclamation of land or oil and gas wells, for a period of not more than five months from the end of the fiscal year;

(2) For an encumbrance for an item of special order manufacture not available on term contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended or for a period of two years, whichever is less;

(4) For an encumbrance for any other expense, for such period as the Director approves, provided such period does not exceed two years.

(B) Any operating appropriations for which unexpended balances are reappropriated beyond a five-month period from the end of the fiscal year by division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report on each such item shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses, and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

(D) Notwithstanding division (C) of this section, with the approval of the Director of Budget and Management, an unexpended

balance of an encumbrance that was reappropriated on the first day 83677  
of July by this section for a period specified in division (A)(3) 83678  
or (4) of this section and that remains encumbered at the close of 83679  
the fiscal biennium is hereby reappropriated on the first day of 83680  
July of the following fiscal biennium from the fund from which it 83681  
was originally appropriated or reappropriated for the applicable 83682  
period specified in division (A)(3) or (4) of this section and 83683  
shall remain available only for the purpose of discharging the 83684  
encumbrance. 83685

(E) The Director of Budget and Management may correct 83686  
accounting errors committed by the staff of the Office of Budget 83687  
and Management, such as reestablishing encumbrances or 83688  
appropriations cancelled in error, during the cancellation of 83689  
operating encumbrances in November and of nonoperating 83690  
encumbrances in December. 83691

(F) The Director of Budget and Management may at any time 83692  
correct accounting errors committed by the staff of a state agency 83693  
or state institution of higher education, as defined in section 83694  
3345.011 of the Revised Code, such as reestablishing prior year 83695  
nonoperating encumbrances canceled or modified in error. The 83696  
reestablished encumbrance amounts are hereby appropriated. 83697

(G) If the Controlling Board approved a purchase, that 83698  
approval remains in effect so long as the appropriation used to 83699  
make that purchase remains encumbered. 83700

**Section 503.60. RE-ESTABLISHING ENCUMBRANCES THAT USE 83701**  
OUTDATED EXPENSE ACCOUNT CODES 83702

On or after January 1, 2015, the Director of Budget and 83703  
Management may cancel any existing operating or capital 83704  
encumbrances from prior fiscal years that reference outdated 83705  
expense account codes and, if needed, reestablish them against the 83706  
same appropriation items referencing updated expense account 83707

codes. The reestablished encumbrance amounts are hereby 83708  
appropriated. Any business commenced but not completed under the 83709  
prior encumbrances by January 1, 2015, shall be completed under 83710  
the new encumbrances in the same manner and with the same effect 83711  
as if it was completed with regard to the old encumbrances. 83712

**Section 503.70.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 83713  
RE-ESTABLISHMENT OF ENCUMBRANCES 83714

Any cash transferred by the Director of Budget and Management 83715  
under section 126.15 of the Revised Code is hereby appropriated. 83716  
Any amounts necessary to re-establish appropriations or 83717  
encumbrances under section 126.15 of the Revised Code are hereby 83718  
appropriated. 83719

**Section 503.80.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 83720

The Director of Budget and Management may transfer 83721  
appropriations between the Third Frontier Research and Development 83722  
Fund (Fund 7011) and Third Frontier Research and Development 83723  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 83724  
exclusion from the calculation of gross income for federal income 83725  
taxation purposes under the "Internal Revenue Code of 1986," 100 83726  
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 83727  
issued to fund projects appropriated from the Third Frontier 83728  
Research and Development Fund (Fund 7011). 83729

The Director may also create new appropriation items within 83730  
the Third Frontier Research and Development Taxable Bond Fund 83731  
(Fund 7014) and make transfers of appropriations to them for 83732  
projects originally funded from appropriations made from the Third 83733  
Frontier Research and Development Fund (Fund 7011). 83734

**Section 503.90.** INCOME TAX DISTRIBUTION TO COUNTIES 83735

There are hereby appropriated out of any moneys in the state 83736

treasury to the credit of the General Revenue Fund, which are not 83737  
 otherwise appropriated, funds sufficient to make any payment 83738  
 required by division (B)(2) of section 5747.03 of the Revised 83739  
 Code. 83740

**Section 503.100.** EXPENDITURES AND APPROPRIATION INCREASES 83741  
 APPROVED BY THE CONTROLLING BOARD 83742

Any money that the Controlling Board approves for expenditure 83743  
 or any increase in appropriation that the Controlling Board 83744  
 approves under sections 127.14, 131.35, and 131.39 of the Revised 83745  
 Code or any other provision of law is hereby appropriated for the 83746  
 period ending June 30, 2017. 83747

**Section 503.110.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 83748  
 RESIDENCE 83749

If the Governor's Residence Fund (Fund 4H20) receives payment 83750  
 for use of the residence pursuant to section 107.40 of the Revised 83751  
 Code, the amounts so received are hereby appropriated to 83752  
 appropriation item 100604, Governor's Residence Gift. 83753

**Section 506.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 83754

Unless the agency and nuclear electric utility mutually agree 83755  
 to a higher amount by contract, the maximum amounts that may be 83756  
 assessed against nuclear electric utilities under division (B)(2) 83757  
 of section 4937.05 of the Revised Code and deposited into the 83758  
 specified funds are as follows: 83759

<u>Fund</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
Utility	Department of	\$ 125,000	\$ 125,000	83761
Radiological	Agriculture			
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$1,086,098	\$ 1,086,098	83762

Emergency Health

Response Fund

(Fund 6100)

ER Radiological Environmental \$ 298,304 \$ 303,174 83763

Safety Fund Protection Agency

(Fund 6440)

Emergency Department of \$1,200,000 \$ 1,200,000 83764

Response Plan Public Safety

Fund (Fund 6570)

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF 83765  
INTEREST EARNED 83766

Notwithstanding any provision of law to the contrary, the 83767  
Director of Budget and Management, through June 30, 2017, may 83768  
transfer interest earned by any state fund to the General Revenue 83769  
Fund. This section does not apply to funds whose source of revenue 83770  
is restricted or protected by the Ohio Constitution, federal tax 83771  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 83772  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 83773

**Section 512.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND 83774  
FROM NON-GRF FUNDS 83775

Notwithstanding any provision of law to the contrary, the 83776  
Director of Budget and Management may transfer up to \$60,000,000 83777  
in each fiscal year in cash from non-General Revenue Funds that 83778  
are not constitutionally restricted to the General Revenue Fund in 83779  
order to ensure that available General Revenue Fund receipts and 83780  
balances are sufficient to support General Revenue Fund 83781  
appropriations in each fiscal year. 83782

**Section 512.30.** FISCAL YEAR 2015 GENERAL REVENUE FUND ENDING 83783  
BALANCE 83784

Notwithstanding divisions (B) and (C) of section 131.44 of 83785

the Revised Code, the Director of Budget and Management shall 83786  
determine the surplus General Revenue Fund revenue that existed on 83787  
June 30, 2015, in excess of the amount required under division 83788  
(A)(3) of section 131.44 of the Revised Code, and allocate that 83789  
amount, to the extent of the amount so determined, as follows: 83790

(A) First, the Director of Budget and Management shall 83791  
reserve in the General Revenue Fund a cash amount of up to 83792  
\$200,000,000 to support personal income tax reductions; 83793

(B) Second, the Director shall transfer a cash amount of up 83794  
to \$375,000,000 to the Budget Stabilization Fund to increase the 83795  
balance of that fund to an amount equal to five per cent of 83796  
estimated fiscal year 2017 General Revenue Fund revenue; 83797

(C) Third, the Director shall transfer a cash amount of up to 83798  
\$120,000,000 to the Student Debt Reduction Fund (Fund 5QF0); 83799

(D) Fourth, the Director shall transfer a cash amount of up 83800  
to \$40,000,000 to the Unemployment Compensation Interest 83801  
Contingency Fund (Fund 5HC0) for payment to the United States 83802  
Secretary of the Treasury of accrued interest costs related to 83803  
federal unemployment account borrowing; 83804

(E) Fifth, the Director shall transfer a cash amount of up to 83805  
\$20,000,000 to the Disaster Services Fund (Fund 5E20); 83806

(F) Sixth, the Director shall transfer a cash amount of up to 83807  
\$25,000,000 to the Systems Transformation Support Fund (Fund 83808  
5QM0); 83809

(G) Seventh, the Director shall transfer a cash amount of up 83810  
to \$12,000,000 to the Natural Resources Special Purposes Fund 83811  
(Fund 5MW0), which is hereby created in the state treasury; 83812

(H) Eighth, the Director shall transfer a cash amount of up 83813  
to \$10,000,000 to the Local Government Innovation Fund (Fund 83814  
5KN0). 83815

**Section 512.40.** CASINO OPERATOR SETTLEMENT FUND 83816

On July 1, 2015, or as soon as possible thereafter, the 83817  
Director of Budget and Management shall transfer \$4,701,620 cash 83818  
from the Casino Operator Settlement Fund (Fund 5KT0) to the State 83819  
Lottery Fund (Fund 7044). 83820

The Director of Budget and Management, in consultation with 83821  
the Executive Director of the Casino Control Commission, shall 83822  
establish a schedule of transfers totaling \$4,701,620 to the 83823  
Casino Operator Settlement Fund (Fund 5KT0) from the Casino 83824  
Control Commission Operating Fund (Fund 5HS0). 83825

**Section 512.50.** DIESEL EMISSIONS REDUCTION GRANT PROGRAM 83826

There is hereby established in the Highway Operating Fund 83827  
(Fund 7002), used by the Department of Transportation, a Diesel 83828  
Emissions Reduction Grant Program. The Director of Environmental 83829  
Protection shall administer the program and shall solicit, 83830  
evaluate, score, and select projects submitted by public and 83831  
private entities that are eligible for the federal Congestion 83832  
Mitigation and Air Quality (CMAQ) Program. The Director of 83833  
Transportation shall process Federal Highway 83834  
Administration-approved projects as recommended by the Director of 83835  
Environmental Protection. 83836

In addition to the allowable expenditures set forth in 83837  
section 122.861 of the Revised Code, Diesel Emissions Reduction 83838  
Grant Program funds also may be used to fund projects involving 83839  
the purchase or use of hybrid and alternative fuel vehicles that 83840  
are allowed under guidance developed by the Federal Highway 83841  
Administration for the CMAQ Program. 83842

Public entities eligible to receive funds under section 83843  
122.861 of the Revised Code and CMAQ shall be reimbursed from 83844  
moneys in Fund 7002 designated for the Department of 83845

Transportation's Diesel Emissions Reduction Grant Program. 83846

Private entities eligible to receive funds under section 83847  
122.861 of the Revised Code and CMAQ shall be reimbursed at the 83848  
direction of the local public agency sponsor and upon approval of 83849  
the Department of Transportation, through direct payments to the 83850  
vendor in the prorated share of federal/state participation. These 83851  
reimbursements shall be made from moneys in Fund 7002 designated 83852  
for the Department of Transportation's Diesel Emissions Reduction 83853  
Grant Program. There shall be no new appropriations from Fund 7002 83854  
for the Diesel Emissions Reduction Grant Program in fiscal year 83855  
2016. New appropriations from Fund 7002 for the Diesel Emissions 83856  
Reduction Grant Program shall not exceed \$5,000,000 in fiscal year 83857  
2017. 83858

Any allocations under this section represent CMAQ program 83859  
moneys within the Department of Transportation for use by the 83860  
Diesel Emissions Reduction Grant Program by the Environmental 83861  
Protection Agency. These allocations shall not reduce the amount 83862  
of such moneys designated for metropolitan planning organizations. 83863

The Director of Environmental Protection, in consultation 83864  
with the Director of Transportation, shall develop guidance for 83865  
the distribution of funds and for the administration of the Diesel 83866  
Emissions Reduction Grant Program. The guidance shall include a 83867  
method of prioritization for projects, acceptable technologies, 83868  
and procedures for awarding grants. 83869

**Section 512.60.** CASH TRANSFERS AND ABOLISHMENT OF FUNDS 83870

(A) On July 1, 2015, or as soon as possible thereafter, the 83871  
Director of Budget and Management shall transfer the cash balance 83872  
from each of the funds as indicated in the table below to the fund 83873  
also indicated in the table below. Upon completion of each 83874  
transfer and on the effective date of its repeal by this act, 83875  
where applicable, the fund from which the cash balance was 83876

transferred is hereby abolished.					83877
User	Transfer from:			Transfer to:	83878
Agency	Fund			Fund	83879
Code	Code	Fund Name	Code	Fund Name	83880
AGR	5750	Agricultural Financing Commission Administration	GRF	General Revenue Fund	83881
DAS	5HU0	Construction Reform Demonstration Compliance	1880	Equal Opportunity Division - Operating	83882
DAS	4P30	Departmental MIS	1330	Information Technology	83883
DAS	5LA0	Building Operation	1320	Building Management	83884
DPS	5CM0	Investigative Unit - Treasury Contraband	3GT0	Investigative Unit - Treasury Contraband	83885
DSA	5HJ0	Motion Picture Tax Credit Program Operating	4510	Business Assistance	83886
DSA	5S80	Rural Development Initiative Program	7037	Facilities Establishment	83887
DSA	5AR0	Industrial Sites Improvements Program	5M50	Advanced Energy Loan Program	83888
DSA	4Z60	Rural Industrial Park Loan	7037	Facilities Establishment	83889
EPA	4U70	Construction and Demolition Debris	4K30	Solid Waste	83890
EPA	6600	Infectious Waste Management	4K30	Solid Waste	83891
FCC	4T80	Cultural Facilities Administration Fund	7030	School Building Assistance	83892
FCC	N087	Education Facilities Trust	7021	Public School Building	83893
FCC	5E30	Ohio School Facilities Commission Fund	7021	Public School Building	83894
LOT	2310	Charitable Gaming Oversight	7044	State Lottery	83895

MCD	5Q90	Supplemental Inpatient Hospital	5GF0	Hospital Assessment Fund	83896
MCD	5CR0	Children's Hospital - State	GRF	General Revenue Fund	83897
MCD	5HA0	Health Care Services - Other	GRF	General Revenue Fund	83898
MHA	5DG0	Recovery Assistance	4P90	Mental Health Trust	83899
MHA	4C50	Revolving Loans for Recovery Homes	4P90	Mental Health Trust	83900
MHA	5BR0	Tobacco Use Prevention and Control	4P90	Mental Health Trust	83901
MHA	5DV0	Criminal Justice Prevention and Treatment Collaborative	4P90	Mental Health Trust	83902
MHA	5V20	Non-Federal Grant	4P90	Mental Health Trust	83903
MHA	5JW0	Board Match Reimbursement	4P90	Mental Health Trust	83904
MHA	6920	Mental Health Board Risk	4P90	Mental Health Trust	83905
MHA	3J80	Medicaid Legacy Costs Support	3B10	Community Medicaid	83906
PAY	8140	Cost Savings	8060	Accrued Leave	83907
RAC	5640	Quarter Horse Development	5620	Thoroughbred Race Fund	83908
SOS	4130	Information Systems	5990	Corporate and Uniform Commercial Code Filing	83909

(B) On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against each appropriation item as indicated in the table below and reestablish them against the appropriation item also indicated in the table below. In addition, if any other existing encumbrances must be cancelled and reestablished to properly close out the funds identified in division (A) of this section, the Director is hereby authorized to carry out those

necessary transactions. These amounts are hereby appropriated.				83918
Cancel existing encumbrances		Reestablish encumbrances		83919
against:		against:		
Fund		Fund		83920
Code	Appropriation Item	Code	Appropriation Item	83921
5CM0	767691 - Equitable Share	3GT0	767691 - Equitable Share	83922
	Account		Account	
5HU0	100655 - Construction	1880	100649 - Equal	83923
	Reform Demo Compliance		Opportunity Division -	
			Operating	
4T80	230603 - Community Project	GRF	230458 - State	83924
	Administration		Construction Management	
			Services	
4P30	100603 - DAS Information	1330	100607 - IT Services	83925
	Services		Delivery	
5LA0	100660 - Building Operation	1320	100631 - DAS Building	83926
			Management	
6600	715629 - Infectious Waste	4K30	715649 - Solid Waste	83927
	Management			
4U70	715660 - Construction and	4K30	715649 - Solid Waste	83928
	Demolition Debris			
5E30	230644 - Operating Expenses	GRF	230321 - Operating	83929
			Expenses	
4130	050601 - Information	5990	050603 - Business	83930
	Systems		Services Operating	
			Expenses	

(C) The following funds, used by the Department of Rehabilitation and Corrections, shall be abolished on the effective date of their repeal by this act: the Laboratory Services Fund (Fund 5930), the Adult Parole/Probation Service Fund (Fund 5A30), the Sex Offender Supervision Fund (Fund 5CL0), and the Confinement Cost Reimbursement Fund (Fund 5D50).

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(D) The following funds, used by the Department of Public Safety shall be abolished on the effective date of their repeal by this act: the Justice Assistance Grant - FFY06 Fund (Fund 3CB0), the Justice Assistance Grant - FFY07 Fund (Fund 3CC0), the Justice Assistance Grant - FFY08 Fund (Fund 3CD0), the Justice Assistance Grant - FFY09 Fund (Fund 3CE0), the Justice Assistance Supplemental FFY08 Fund (Fund 3CV0), the Justice Assistance Grant Fund (Fund 3DE0), and the Federal Stimulus Justice Programs Fund (Fund 3DH0).

**Section 512.70. MEDICAID RESERVE FUND BALANCE**

Notwithstanding any provision of law to the contrary, the balance of the Medicaid Reserve Fund (Fund 5Y80) in fiscal year 2016 shall be the same balance as of June 30, 2015. The Director of Budget and Management shall take any action necessary to effectuate this section.

**Section 512.80.** Notwithstanding division (B)(7)(a)(ii) of section 5749.02 of the Revised Code, the Director of Budget and Management shall make the first transfer required under that division on or before December 15, 2015, and that transfer shall be for the amount listed on the schedule certified under division (B)(7)(a)(i) of that section for November 2015.

**Section 515.10.** (A) On the effective date of the enactment of section 3734.49 of the Revised Code by this act, the functions, together with the assets and liabilities, of the Solid Waste Management Advisory Council created in section 3734.51 of the Revised Code, as repealed by this act, and the Recycling and Litter Prevention Advisory Council created in section 3736.04 of the Revised Code, as repealed by this act, are transferred to the Materials Management Advisory Council created in section 3734.49 of the Revised Code, as enacted by this act.

(B) Any business commenced but not completed by the Solid Waste Management Advisory Council and the Recycling and Litter Prevention Advisory Council on the effective date of the transfer shall be completed by the Materials Management Advisory Council. Any validation, cure, right, privilege, remedy, obligation, or liability is not lost or impaired solely by reason of the transfer required by this section and shall be administered by the Materials Management Advisory Council in accordance with this act.

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(C) All of the determinations of the Solid Waste Management Advisory Council and the Recycling and Litter Prevention Advisory Council in relation to those Advisory Councils continue in effect as determinations of the Materials Management Advisory Council until modified or rescinded by the Materials Management Advisory Council.

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(D) Whenever the Solid Waste Management Advisory Council or the Recycling and Litter Prevention Advisory Council or the chairperson of the applicable Advisory Council is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Materials Management Advisory Council or to the chairperson of the Materials Management Advisory Council, whichever is appropriate in context.

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(E) Any action or proceeding pending on the effective date of the enactment of section 3734.49 of the Revised Code by this act is not affected by the transfer of the functions of the Solid Waste Management Advisory Council and the Recycling and Litter Prevention Advisory Council by this act and shall be prosecuted or defended in the name of the Materials Management Advisory Council. In all such actions and proceedings, the Materials Management Advisory Council, upon application to the court, shall be substituted as a party.

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**Section 518.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 83997

Certain appropriations are in this act for the purpose of 83998  
paying debt service and financing costs on general obligation 83999  
bonds or notes of the state issued pursuant to the Ohio 84000  
Constitution and acts of the General Assembly. If it is determined 84001  
that additional appropriations are necessary for this purpose, 84002  
such amounts are hereby appropriated. 84003

**Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE** 84004

Certain appropriations are in this act for the purpose of 84005  
making lease rental payments pursuant to leases and agreements 84006  
relating to bonds or notes issued by the Treasurer of State, or 84007  
previously by the Ohio Building Authority, pursuant to the Ohio 84008  
Constitution and acts of the General Assembly. If it is determined 84009  
that additional appropriations are necessary for this purpose, 84010  
such amounts are hereby appropriated. 84011

**Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM** 84012  
**TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS** 84013

The Office of Budget and Management shall process payments 84014  
from general obligation and lease rental payment appropriation 84015  
items during the period from July 1, 2015, through June 30, 2017, 84016  
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 84017  
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 84018  
and Chapters 151., 152., and 154. of the Revised Code. Payments 84019  
shall be made upon certification by the Treasurer of State of the 84020  
dates and the amounts due on those dates. 84021

**Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION** 84022

There is hereby appropriated, from those funds designated by 84023  
or pursuant to the applicable proceedings authorizing the issuance 84024  
of state obligations, amounts computed at the time to represent 84025  
the portion of investment income to be rebated or amounts in lieu 84026

of or in addition to any rebate amount to be paid to the federal 84027  
government in order to maintain the exclusion from gross income 84028  
for federal income tax purposes of interest on those state 84029  
obligations under section 148(f) of the Internal Revenue Code. 84030

Rebate payments shall be approved and vouchered by the Office 84031  
of Budget and Management. 84032

**Section 521.20. STATEWIDE INDIRECT COST RECOVERY** 84033

Whenever the Director of Budget and Management determines 84034  
that an appropriation made to a state agency from a fund of the 84035  
state is insufficient to provide for the recovery of statewide 84036  
indirect costs under section 126.12 of the Revised Code, the 84037  
amount required for such purpose is hereby appropriated from the 84038  
available receipts of such fund. 84039

**Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT** 84040  
**COST ALLOCATION PLAN** 84041

The total transfers made from the General Revenue Fund by the 84042  
Director of Budget and Management under this section shall not 84043  
exceed the amounts transferred into the General Revenue Fund under 84044  
section 126.12 of the Revised Code. 84045

The director of an agency may certify to the Director of 84046  
Budget and Management the amount of expenses not allowed to be 84047  
included in the Statewide Indirect Cost Allocation Plan under 84048  
federal regulations, from any fund included in the Statewide 84049  
Indirect Cost Allocation Plan, prepared as required by section 84050  
126.12 of the Revised Code. 84051

Upon determining that no alternative source of funding is 84052  
available to pay for such expenses, the Director of Budget and 84053  
Management may transfer cash from the General Revenue Fund into 84054  
the fund for which the certification is made, up to the amount of 84055  
the certification. The director of the agency receiving such funds 84056

shall include, as part of the next budget submission prepared 84057  
under section 126.02 of the Revised Code, a request for funding 84058  
for such activities from an alternative source such that further 84059  
federal disallowances would not be required. 84060

The director of an agency may certify to the Director of 84061  
Budget and Management the amount of expenses paid in error from a 84062  
fund included in the Statewide Indirect Cost Allocation Plan. The 84063  
Director of Budget and Management may transfer cash from the fund 84064  
from which the expenditure should have been made into the fund 84065  
from which the expenses were erroneously paid, up to the amount of 84066  
the certification. 84067

The director of an agency may certify to the Director of 84068  
Budget and Management the amount of expenses or revenues not 84069  
allowed to be included in the Statewide Indirect Cost Allocation 84070  
Plan under federal regulations, for any fund included in the 84071  
Statewide Indirect Cost Allocation Plan, for which the federal 84072  
government requires payment. If the Director of Budget and 84073  
Management determines that an appropriation made to a state agency 84074  
from a fund of the state is insufficient to pay the amount 84075  
required by the federal government, the amount required for such 84076  
purpose is hereby appropriated from the available receipts of such 84077  
fund, up to the amount of the certification. 84078

**Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 84079

Notwithstanding any provision of law to the contrary, on or 84080  
before the first day of September of each fiscal year, the 84081  
Director of Budget and Management, in order to reduce the payment 84082  
of adjustments to the federal government, as determined by the 84083  
plan prepared under division (A) of section 126.12 of the Revised 84084  
Code, may designate such funds as the Director considers necessary 84085  
to retain their own interest earnings. 84086

**Section 521.50.** FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 84087

Pursuant to the plan for compliance with the Federal Cash 84088  
Management Improvement Act required by section 131.36 of the 84089  
Revised Code, the Director of Budget and Management may cancel and 84090  
re-establish all or part of encumbrances in like amounts within 84091  
the funds identified by the plan. The amounts necessary to 84092  
re-establish all or part of encumbrances are hereby appropriated. 84093

**Section 521.60.** FISCAL STABILIZATION AND RECOVERY 84094

To ensure the level of accountability and transparency 84095  
required by federal law, the Director of Budget and Management may 84096  
issue guidelines to any agency applying for federal money made 84097  
available to this state for fiscal stabilization and recovery 84098  
purposes, and may prescribe the process by which agencies are to 84099  
comply with any reporting requirements established by the federal 84100  
government. 84101

**Section 610.10.** That Sections 125.10 and 125.11 of Am. Sub. 84102  
H.B. 59 of the 130th General Assembly be amended to read as 84103  
follows: 84104

**Sec. 125.10.** (A) Sections 5168.01, 5168.02, 5168.03, 5168.04, 84105  
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 84106  
~~5168.12,~~ 5168.13, 5168.99, and 5168.991 of the Revised Code are 84107  
hereby repealed, effective October 16, ~~2015~~ 2017. 84108

(B) ~~Any Notwithstanding the repeal by this act of section~~ 84109  
~~5168.12 of the Revised Code, any~~ money remaining in the 84110  
Legislative Budget Services Fund on ~~October 16, 2015,~~ the 84111  
~~effective date of the repeal of that section 5168.12 of the~~ 84112  
~~Revised Code is repealed by division (A) of this section,~~ shall be 84113  
used solely for the purposes stated in then former section 5168.12 84114  
of the Revised Code. When all money in the Legislative Budget 84115

Services Fund has been spent after then former section 5168.12 of 84116  
the Revised Code is repealed ~~under division (A) of this section,~~ 84117  
the fund shall cease to exist. 84118

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 84119  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 84120  
Code are hereby repealed, effective October 1, ~~2015~~ 2017. 84121

**Section 610.11.** That existing Sections 125.10 and 125.11 of 84122  
Am. Sub. H.B. 59 of the 130th General Assembly are hereby 84123  
repealed. 84124

**Section 610.20.** That Section 235.10 of Am. H.B. 497 of the 84125  
130th General Assembly be amended to read as follows: 84126

**Sec. 235.10.** DEV DEVELOPMENT SERVICES AGENCY 84127

Coal Research and Development Fund (Fund 7046) 84128

C19505	Coal Research and Development	\$	3,000,000	84129
TOTAL	Coal Research and Development Fund	\$	3,000,000	84130

Service Station Cleanup Fund (Fund 7100) 84131

<u>C19507</u>	<u>Service Station Cleanup</u>	<u>\$</u>	<u>20,000,000</u>	84132
<u>TOTAL</u>	<u>Service Station Cleanup Fund</u>	<u>\$</u>	<u>20,000,000</u>	84133

TOTAL ALL FUNDS \$ 3,000,000 84134

23,000,000

SERVICE STATION CLEANUP FUND 84135

(A) For purposes of this section: 84136

(1) "Political subdivision" means a county, municipal 84137  
corporation, township, or port authority. 84138

(2) "Class C release" has the same meaning as in section 84139  
3737.87 of the Revised Code. 84140

(3) "Property Assessment" means a property assessment 84141

conducted in accordance with section 3746.04 of the Revised Code 84142  
or a corrective action process or source investigation process 84143  
under section 1301:7-9-13 of the Ohio Administrative Code. 84144

(4) "Property owner" means a political subdivision as defined 84145  
in this section. 84146

(5) "Cleanup or remediation" means any action at a Class C 84147  
release site to contain, remove, or dispose of petroleum or other 84148  
hazardous substances or remove underground storage tanks used to 84149  
store petroleum or other hazardous substances. 84150

(B) The Abandoned Gas Station Cleanup Grant Program is 84151  
established in the Development Services Agency for the purpose of 84152  
cleanup and remediation of Class C release sites to provide for 84153  
and enable the environmentally safe and productive reuse of 84154  
publicly owned lands by the remediation or cleanup, or planning 84155  
and assessment for that remediation or cleanup, of contamination 84156  
or by addressing property conditions or circumstances that may be 84157  
deleterious to public health and safety or the environment or that 84158  
preclude or inhibit environmentally sound or economic reuse of the 84159  
property as authorized by Section 2o of Article VIII of the Ohio 84160  
Constitution. Under this program, the Director of Development 84161  
Services may do either or both of the following: 84162

(1) Award a grant of up to \$500,000 to a political 84163  
subdivision for purposes of a property assessment on a Class C 84164  
release site; 84165

(2) Award a grant of up to \$2,000,000 to a political 84166  
subdivision for purposes of cleanup or remediation of a Class C 84167  
release site. 84168

Grants under divisions (B)(1) and (2) of this section shall 84169  
be used by a property owner to create a site that provides 84170  
opportunities for economic impact through redevelopment. The 84171  
Director of Development Services may consult with the 84172

Environmental Protection Agency, the State Fire Marshal, the Ohio  
Water Development Authority, and the Ohio Public Works Commission  
in connection with this program and the awarding of these grants.  
Sections 122.651 to 122.658 of the Revised Code do not apply to  
this program.

(C) A property owner applying for a grant under division  
(B)(1) or (2) of this section shall submit an application for the  
grant on a form prescribed by the Director of Development  
Services.

An authorized representative of the property owner shall sign  
and submit an affidavit with the application certifying that the  
property owner did not cause or contribute to any prior release of  
petroleum or other hazardous substances on the site.

Upon receipt of an application, the Director shall examine  
the application and all accompanying information to determine if  
the application is complete. If the Director determines that the  
application is not complete, the Director shall promptly notify  
the property owner that the application is not complete, provide a  
description of the information that is missing from the  
application, and return the application and all accompanying  
information to the property owner. The property owner may resubmit  
the application.

If the Director approves an application under this section,  
the Director may enter into an agreement with the property owner  
to award a grant to the property owner. The agreement shall be  
executed prior to paying or disbursing any grant funds approved by  
the Director under this section.

(D) The Service Station Cleanup Fund (Fund 7100) is hereby  
created in the state treasury. The fund shall consist of moneys  
transferred to it pursuant to this section from the Clean Ohio  
Revitalization Fund (Fund 7003) created in section 122.658 of the

Revised Code. Investment earnings of the fund shall be credited to 84204  
the fund. Moneys in the fund shall be used to award grants 84205  
pursuant to the Abandoned Gas Station Cleanup Grant Program 84206  
established in this section. 84207

(E) At the request of the Director of Development Services 84208  
the Director of Budget and Management may transfer up to 84209  
\$20,000,000 cash from the Clean Ohio Revitalization Fund (Fund 84210  
7003) to the Service Station Cleanup Fund (Fund 7100) as needed to 84211  
provide for grants awarded by the Director of Development Services 84212  
under this section. 84213

**Section 610.21.** That existing Section 235.10 of Am. H.B. 497 84214  
of the 130th General Assembly is hereby repealed. 84215

**Section 610.30.** That Section 245.10 of Am. H.B. 497 of the 84216  
130th General Assembly be amended to read as follows: 84217

**Sec. 245.10.** PWC PUBLIC WORKS COMMISSION 84218

State Capital Improvements Fund (Fund 7038) 84219

C15000 Local Public Infrastructure/State CIP \$ 300,000,000 84220

TOTAL State Capital Improvements Fund \$ 300,000,000 84221

State Capital Improvements Revolving Loan Fund (Fund 7040) 84222

C15030 Revolving Loan \$ 69,000,000 84223

TOTAL State Capital Improvements Revolving Loan \$ 69,000,000 84224

Fund

Clean Ohio Conservation Fund (Fund 7056) 84225

C15060 Clean Ohio Conservation Program \$ 75,000,000 84226

TOTAL Clean Ohio Conservation Fund \$ 75,000,000 84227

TOTAL ALL FUNDS \$ 444,000,000 84228

LOCAL PUBLIC INFRASTRUCTURE 84229

The foregoing appropriation item C15000, Local Public 84230

Infrastructure/State CIP, shall be used in accordance with 84231  
sections 164.01 to 164.12 of the Revised Code. The Director of the 84232  
Public Works Commission may certify to the Director of Budget and 84233  
Management that a need exists to appropriate investment earnings 84234  
to be used in accordance with sections 164.01 to 164.12 of the 84235  
Revised Code. If the Director of Budget and Management determines 84236  
pursuant to division (D) of section 164.08 and section 164.12 of 84237  
the Revised Code that investment earnings are available to support 84238  
additional appropriations, such amounts are hereby appropriated. 84239

If the Public Works Commission receives refunds due to 84240  
project overpayments that are discovered during a post-project 84241  
audit, the Director of the Public Works Commission may certify to 84242  
the Director of Budget and Management that refunds have been 84243  
received. In certifying the refunds, the Director of the Public 84244  
Works Commission shall provide the Director of Budget and 84245  
Management information on the project refunds. The certification 84246  
shall detail by project the source and amount of project 84247  
overpayments received and include any supporting documentation 84248  
required or requested by the Director of Budget and Management. 84249  
Upon receipt of the certification, the Director of Budget and 84250  
Management shall determine if the project refunds are necessary to 84251  
support existing appropriations. If the project refunds are 84252  
available to support additional appropriations, these amounts are 84253  
hereby appropriated to appropriation item C15030, Revolving Loan. 84254

REVOLVING LOAN 84255

The foregoing appropriation item C15030, Revolving Loan, 84256  
shall be used in accordance with sections 164.01 to 164.12 of the 84257  
Revised Code. 84258

If the Public Works Commission receives refunds due to 84259  
project overpayments that are discovered during a post-project 84260  
audit, the Director of the Public Works Commission may certify to 84261  
the Director of Budget and Management that refunds have been 84262

received. In certifying the refunds, the Director of the Public Works Commission shall provide the Director of Budget and Management information on the project refunds. The certification shall detail by project the source and amount of project overpayments received and include any supporting documentation required or requested by the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item C15030, Revolving Loan.

STATE CAPITAL IMPROVEMENTS REVOLVING LOAN FUND

Revenues to the State Capital Improvements Revolving Loan Fund (Fund 7040) shall consist of all repayments of loans made to local subdivisions for capital improvements, investment earnings on moneys in the fund, and moneys obtained from federal or private grants or from other sources for the purpose of making loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions.

If the Public Works Commission receives refunds due to project overpayments that are discovered during the post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. If the Director of Budget and Management determines that the project refunds are available to support additional appropriations, such amounts are hereby appropriated.

CLEAN OHIO CONSERVATION GRANT REPAYMENTS

Any amount in grant repayments received by the Public Works Commission and deposited into the Clean Ohio Conservation Fund pursuant to section 164.261 of the Revised Code is hereby appropriated through the foregoing appropriation item C15060,

Clean Ohio Conservation. 84294

**Section 610.31.** That existing Section 245.10 of Am. H.B. 497 84295  
of the 130th General Assembly is hereby repealed. 84296

**Section 610.33.** That Section 5 of Am. Sub. S.B. 314 of the 84297  
129th General Assembly be amended to read as follows: 84298

**Sec. 5.** (A) There is hereby established a five-year pilot 84299  
program to test a new funding mechanism for the state's travel and 84300  
tourism marketing. The funding mechanism shall begin operation in 84301  
fiscal year 2014 and be calculated as follows: 84302

(1)(a) Not later than the twentieth day of October of each 84303  
year, starting in 2013 and ending in 2017, the Tax Commissioner 84304  
shall calculate the growth in fiscal year sales tax revenue from 84305  
certain defined categories that are related to tourism and certify 84306  
that amount to the Director of Budget and Management. 84307

(b) Not later than the twentieth day of October of each year, 84308  
starting in 2013 and ending in 2017, the Commissioner shall 84309  
calculate and certify to the Director the difference, if greater 84310  
than zero, between the revenue collected from the tax imposed 84311  
under section 5739.02 of the Revised Code during the twelve-month 84312  
period ending on the last day of the preceding June and the 84313  
revenue collected during the same twelve-month period one year 84314  
earlier, for all vendors classified under the industry codes 84315  
identified in division (A)(2) of this section. On or before the 84316  
last day of October of each year, starting in 2013 and ending in 84317  
2017, the Director of Budget and Management shall transfer from 84318  
the General Revenue Fund to the Tourism Fund created in section 84319  
122.072 of the Revised Code the amount certified by the 84320  
Commissioner under this division, except that the transfer shall 84321  
not exceed ten million dollars for any fiscal year. 84322

(c) Each fiscal year, beginning in fiscal year 2015, the Tax Commissioner shall adjust the ten million annual dollar limit on transfers to the Tourism Fund. The adjustment shall be made by ~~adding to the annual limit the product of~~ multiplying the limit for the preceding fiscal year by the sum of one plus the percentage ~~increase~~ change in the Consumer Price Index for all urban consumers for the Midwest region, as determined by the United States Bureau of Labor Statistics, for the twelve-month period corresponding to the preceding fiscal year. The result shall be rounded to the nearest one thousand dollars. The calculation of the percentage increase in the Consumer Price Index shall be done by taking the average index value over the twelve months of the last completed fiscal year and comparing that to the average index value over the twelve months of the immediately preceding fiscal year.

(2) The following industries included in the industrial classification system used by the Tax Commissioner shall be used in the computations under division (A)(1) of this section: air transportation; water transportation; interurban and rural bus transportation; taxi service; limousine service; other transit and ground passenger transportation; scenic and sightseeing transportation; support activities for air transportation; automotive equipment rental and leasing; travel arrangement and reservation services; performing arts companies; spectator sports; independent artists, writers, and performers; museums, historical sites, and similar institutions; amusement parks and arcades; gambling industries; hotels and motels; casino hotels; bed-and-breakfast inns; other travel accommodations; recreational vehicle parks and recreational camps; full-service restaurants; limited-service eating places; drinking places (alcoholic beverages).

(B) The pilot program shall terminate when the last transfer

of funds made in accordance with division (A)(1)(b) of this 84355  
section occurs in fiscal year 2018, specifically in October 2017. 84356  
At that time, the Director of Development Services, the Director 84357  
of Budget and Management, and the Tax Commissioner shall jointly 84358  
review the pilot program and make recommendations to the Governor 84359  
and the General Assembly on whether to make the funding mechanism 84360  
permanent and, if so, whether any changes should be made to it. If 84361  
the recommendation is to make the funding mechanism permanent, the 84362  
Director of Development Services, the Director of Budget and 84363  
Management, and the Tax Commissioner shall also study and make 84364  
recommendations to the Governor and the General Assembly as to 84365  
whether the Office of TourismOhio and its functions should be 84366  
removed from the Development Services Agency and established as a 84367  
private nonprofit corporation or a subsidiary corporation of 84368  
JobsOhio. 84369

**Section 610.34.** That existing Section 5 of Am. Sub. S.B. 314 84370  
of the 129th General Assembly is hereby repealed. 84371

**Section 610.40.** That Section 20.15 of H.B. 215 of the 122nd 84372  
General Assembly be amended to read as follows: 84373

**Sec. 20.15. Departmental MIS** 84374

The foregoing appropriation item 100-603, Departmental MIS 84375  
Services, may be used to pay operating expenses of Management 84376  
Information Systems activities in the Department of Administrative 84377  
Services. 84378

Notwithstanding any other language to the contrary, the 84379  
Director of Budget and Management may transfer in total up to 84380  
\$683,000 cash from any fund administered by the Department of 84381  
Administrative Services in the General Services Fund Group or 84382  
Intragovernmental Service Fund Group to the Departmental MIS 84383  
Services Fund (Fund 4P3) to pay operating costs of the 84384

Departmental MIS program. 84385

After final payments are made from fiscal year 1997 84386  
encumbrances in the Computer Services Fund, the Department of 84387  
Administrative Services shall reconcile fiscal year 1997 financial 84388  
activity in the Computer Services Fund and determine the amount of 84389  
the fund cash balance due to Management Information System program 84390  
operations. 84391

Not later than June 30, 1998, the Director of Administrative 84392  
Services shall make a determination of any cash transfer which is 84393  
required to finalize the transfer of Management Information 84394  
Systems program operations from the Computer Services Fund to the 84395  
Departmental MIS Services Fund. Upon concurrence with this 84396  
determination, the Director of Budget and Management may transfer 84397  
this amount between the Computer Services Fund and the 84398  
Departmental MIS Fund. 84399

Notwithstanding any other language to the contrary, the 84400  
Director of Budget and Management may transfer up to \$1,530,643 of 84401  
fiscal year 1998 appropriations and up to \$1,837,860 of fiscal 84402  
year 1999 appropriations from appropriation item 100-603 to any 84403  
Department of Administrative Services appropriation item in the 84404  
General Services or Intragovernmental Service Fund Groups. The 84405  
appropriations transferred shall be used to make payments for 84406  
Management Information Systems services. 84407

Notwithstanding any other language to the contrary, the 84408  
Director of Budget and Management may transfer up to \$696,104 of 84409  
fiscal year 1998 appropriations and up to \$715,287 of fiscal year 84410  
1999 appropriations from appropriation item 100-409, Departmental 84411  
Information Services, to any Department of Administrative Services 84412  
appropriation item in the General Revenue Fund. The appropriations 84413  
transferred shall be used to make payments for Management 84414  
Information Systems services. The Department of Administrative 84415  
Services shall establish charges for recovering the costs of 84416

Management Information Systems activities. These charges shall be 84417  
deposited to the credit of the ~~Departmental MIS Information~~ 84418  
~~Technology~~ Fund (Fund ~~4P3 1330~~), ~~which is hereby~~ created in 84419  
section 125.15 of the Revised Code. 84420

**Section 610.41.** That existing Section 20.15 of H.B. 215 of 84421  
the 122nd General Assembly is hereby repealed. 84422

**Section 690.10.** That Sections 701.10 and 701.61 of Am. Sub. 84423  
H.B. 59 of the 130th General Assembly and Section 733.20 of Am. 84424  
Sub. H.B. 483 of the 130th General Assembly are hereby repealed. 84425

**Section 701.20.** CLASSIFICATION PLAN RULE RESCISSION 84426

The following Ohio Administrative Code rules in effect on 84427  
June 30, 2015, are hereby permanently rescinded upon the effective 84428  
date of the amendments to sections 124.14 and 124.15 of the 84429  
Revised Code: 84430

Ohio Administrative Code rule 123:1-7-15 (State managerial 84431  
and supervisory classifications); 84432

Ohio Administrative Code rule 123:1-7-21 (Classifications for 84433  
the office of the Attorney General); 84434

Ohio Administrative Code rule 123:1-7-24 (Classifications for 84435  
the office of the Secretary of State); 84436

Ohio Administrative Code rule 123:1-7-25 (Classifications for 84437  
the Auditor of State); 84438

Ohio Administrative Code rule 123:1-7-26 (Classifications for 84439  
the office of the Treasurer of State). 84440

**Section 701.30.** TORT LIABILITY SELF-INSURANCE STUDY 84441

The Department of Administrative Services shall conduct a 84442  
study of the state's current liability insurance program to 84443

determine, generally, whether its statutory framework is 84444  
protecting and maintaining the financial integrity of the state's 84445  
assets compared to similar programs in other states. The study 84446  
shall examine the possibility of expanding the state's 84447  
self-insurance program to include non-vehicle tort liability 84448  
claims, including those for which private insurance is either 84449  
unavailable or is cost-prohibitive, in addition to identifying 84450  
which types of claims should be covered by a self-insured tort 84451  
liability program. The study may include an analysis of the 84452  
current practice by which state agencies pay for unplanned losses 84453  
from operating funds. Additionally, the study shall include an 84454  
actuarial analysis of the Risk Management Reserve Fund to 84455  
determine required reserves should additional tort liability 84456  
claims be investigated, settled, and paid through the fund. The 84457  
analysis shall include estimated premium allocations to be paid by 84458  
state agencies based on each agency's history of paid losses. The 84459  
study may recommend changes to the current statutory framework to 84460  
allow the Office of Risk Management to settle or compromise 84461  
non-vehicle tort liability claims. 84462

**Section 701.40.** The Ohio Geographically Referenced 84463  
Information Program Council, as revised by the amendments of this 84464  
act to section 125.901 of the Revised Code, constitutes a 84465  
continuation of the Ohio Geographically Referenced Information 84466  
Program Council established by section 125.901 of the Revised Code 84467  
as that section existed prior to the effective date of those 84468  
amendments. 84469

**Section 709.10.** Not later than four years after the effective 84470  
date of this section, the committees of the House of 84471  
Representatives and the Senate that are primarily responsible for 84472  
agriculture and natural resources matters jointly shall review the 84473  
effectiveness of sections 905.326, 905.327, 1511.10, and 1511.11 84474

of the Revised Code, as enacted by this act, in order to determine 84475  
whether to recommend legislation repealing those sections. The 84476  
committees jointly shall issue a report to the Governor containing 84477  
their findings and recommendation. If the committees do not 84478  
recommend repealing the sections, the committees may include in 84479  
the report additional recommendations for revisions to them. 84480

**Section 715.10.** Section 1509.211 of the Revised Code, as 84481  
enacted by this act, becomes operative on the effective date of 84482  
the rules adopted under that section. 84483

**Section 733.10.** Not later than six months after the effective 84484  
date of this section, the Department of Higher Education and the 84485  
Ohio Department of Health shall develop a model policy regarding 84486  
the use of tobacco at state institutions of higher education as 84487  
defined in section 3345.011 of the Revised Code. Not later than 84488  
twelve months after the model policy is developed, each state 84489  
institution of higher education shall adopt policies that are not 84490  
less stringent than the model policy. 84491

**Section 749.10.** (A) Not later than ninety days after the 84492  
effective date of this section, the Public Utilities Commission 84493  
shall establish a collaborative process with all of the following, 84494  
to address the internet-protocol-network transition: 84495

(1) Incumbent local exchange carriers; 84496

(2) Any competitive local exchange carriers that provide 84497  
basic local exchange service and that are affected by the 84498  
transition; 84499

(3) The Office of the Ohio Consumers' Counsel; 84500

(4) At the invitation of the Commission, other interested 84501  
parties and members of the General Assembly. 84502

(B) The collaborative process shall focus on the 84503  
internet-protocol-network transition processes underway at the 84504  
Federal Communications Commission and the issues of universal 84505  
connectivity, consumer protection, public safety, reliability, 84506  
expanded availability of advanced services, affordability, and 84507  
competition. The collaborative process shall ensure that public 84508  
education concerning the transition is thorough. 84509

(C) The collaborative process shall include a review of the 84510  
number and characteristics of basic-local-exchange-service 84511  
customers in Ohio, an evaluation of what alternatives are 84512  
available to them, including both wireline and wireless 84513  
alternatives, and the prospect for the availability of 84514  
alternatives where none currently exist. The collaborative process 84515  
shall embark on an education campaign plan for those customers' 84516  
eventual transition to advanced services. If the collaborative 84517  
process identifies residential basic-local-exchange-service 84518  
customers who will be unable to obtain voice service upon the 84519  
withdrawal or abandonment of basic local exchange service, the 84520  
Public Utilities Commission may find those customers to be 84521  
eligible for the process under division (B) of section 4927.10 of 84522  
the Revised Code, regardless of whether they have filed petitions 84523  
under that division. 84524

(D) The collaborative process shall, pursuant to the rules of 84525  
the Public Utilities Commission, respect the confidentiality of 84526  
any data shared with those involved in the process. 84527

(E) All officers, boards, or commissions of this state and 84528  
any political subdivision of this state shall furnish to the 84529  
Public Utilities Commission, upon request, any data or information 84530  
that will assist the commission in carrying out this section. 84531

**Section 757.10.** For the purpose of division (A)(18)(d) of 84532  
section 5709.93 of the Revised Code as enacted by this act, the 84533

county auditor of each county shall certify to the Tax 84534  
Commissioner not later than July 31, 2015, the amount distributed 84535  
from the county library fund in 2014 to each public library that 84536  
received a distribution under section 5727.86 or 5751.21 of the 84537  
Revised Code in 2014. 84538

**Section 757.20.** For the purpose of sections 5709.92 and 84539  
5709.93 of the Revised Code as enacted by this act, a school 84540  
district, joint vocational school district, public library, or 84541  
local taxing unit may appeal a levy classification or any amount 84542  
used in the calculation of total resources as defined under those 84543  
sections. Such an appeal shall be filed in writing, including via 84544  
electronic mail, with the Tax Commissioner. Upon receiving such an 84545  
appeal, the Tax Commissioner shall make a determination of the 84546  
merits of the appeal and, if the appeal is upheld, make necessary 84547  
changes within the classifications or calculations. The 84548  
determination of the Tax Commissioner is final and not subject to 84549  
appeal. After June 30, 2016, no changes shall be made in the 84550  
classifications or calculations. 84551

**Section 757.30.** (A) As used in this section, "net additional 84552  
tax" means, in the case of a wholesale dealer, the net additional 84553  
amount of tax resulting from the amendment by this act of section 84554  
5743.02 of the Revised Code, less the discount allowed under 84555  
section 5743.05 of the Revised Code as a commission for affixing 84556  
stamps, that is due on all packages of Ohio stamped cigarettes and 84557  
on all unaffixed Ohio cigarette tax stamps that the wholesale 84558  
dealer has on hand as of the beginning of business on July 1, 84559  
2015, and, in the case of a retail dealer, means the net 84560  
additional amount of tax resulting from the amendment by this act 84561  
of section 5743.02 of the Revised Code that is due on all packages 84562  
of Ohio stamped cigarettes that the retail dealer has on hand as 84563

of the beginning of business on July 1, 2015. 84564

(B) In addition to the return required under section 5743.03 84565  
of the Revised Code, each wholesale dealer and each retail dealer 84566  
shall make and file a return on forms prescribed by the Tax 84567  
Commissioner showing the net additional tax due and any other 84568  
information that the commissioner considers necessary to apply 84569  
sections 5743.01 to 5743.20 of the Revised Code in the 84570  
administration of the net additional tax. On or before September 84571  
30, 2015, each wholesale dealer and each retail dealer shall 84572  
deliver the return to the Commissioner, together with remittance 84573  
of the net additional tax. 84574

(C) Any wholesale or retail dealer who fails to file a return 84575  
or remit net additional tax as required under this section shall 84576  
forfeit and pay into the state treasury a late charge equal to 84577  
fifty dollars or ten per cent of the net additional tax due, 84578  
whichever is greater. 84579

(D) Unpaid or unreported net additional taxes and late 84580  
charges may be collected by assessment in the manner prescribed 84581  
under sections 5743.081 and 5743.082 of the Revised Code. 84582

(E) All amounts collected under this section shall be 84583  
considered revenue arising from the tax imposed by section 5743.02 84584  
of the Revised Code. 84585

**Section 759.10.** (A) The Director of Veterans Services shall 84586  
adopt rules as required by section 5101.98 (5902.05) of the 84587  
Revised Code as amended by this act. Upon the taking effect of 84588  
those rules, rules 5101:10-2-01 and 5101:10-2-02 of the 84589  
Administrative Code are void. 84590

(B) Pending the taking effect of rules adopted by the 84591  
Director of Veterans Services under division (A) of this section, 84592  
rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code 84593

remain in effect, but the Director and Department of Veterans 84594  
Services, rather than the Director and Department of Job and 84595  
Family Services, shall administer the rules, and references in the 84596  
rules to the Director of Job and Family Services shall be read as 84597  
if they referred to the Director or Department of Veterans 84598  
Services. In applying the rules, the Director of Veterans Services 84599  
shall read the eligibility of an individual for a grant from the 84600  
Military Injury Relief Fund as if it had been expanded to include 84601  
individuals who served after October 7, 2001. 84602

**Section 803.10.** Orders issued under section 1509.28 of the 84603  
Revised Code as it existed prior to its repeal by this act 84604  
continue in effect notwithstanding the repeal and subsequent 84605  
reenactment of that section. 84606

**Section 803.20.** The amendment by this act of sections 4301.42 84607  
and 4303.33 of the Revised Code applies on and after July 1, 2015. 84608

**Section 803.30.** The amendment by this act of section 5739.12 84609  
of the Revised Code applies to returns due on and after October 1, 84610  
2015. 84611

**Section 803.40.** The amendment by this act of sections 5743.52 84612  
and 5743.62 of the Revised Code applies to reporting periods 84613  
beginning on or after July 1, 2015. 84614

**Section 803.50.** The amendment by this act of sections 5743.02 84615  
and 5743.32 of the Revised Code applies on and after July 1, 2015. 84616

**Section 803.60.** The amendment by this act of sections 84617  
5743.01, 5743.51, 5743.62, and 5743.63 of the Revised Code applies 84618  
to invoices dated on or after July 1, 2015. 84619

**Section 803.70.** The amendment by this act of sections 84620

5747.05, 5747.055, 5747.08, 5747.71, and 5747.98 of the Revised Code applies to taxable years beginning on or after January 1, 2015.

**Section 803.90.** The amendment by this act of section 5751.03 of the Revised Code applies to tax periods beginning on or after July 1, 2015.

**Section 803.100.** The amendment by this act of division (B) of section 5751.03 of the Revised Code applies to tax periods beginning on or after January 1, 2016.

**Section 803.110.** The amendment by this act of sections 5733.40 and 5747.01 of the Revised Code applies to taxable years beginning on or after January 1, 2015.

**Section 803.120.** The amendment by this act of division (A)(5) of section 5747.01 of the Revised Code applies to taxable years beginning on or after January 1, 2015.

**Section 806.10.** The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

**Section 812.10.** Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

**Section 812.20.** The amendment, enactment, or repeal by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

Sections 141.04, 715.013, 4301.42, 4301.43, 4303.33, 5703.052, 5703.70, 5739.01, 5739.011, 5739.02, 5739.03, 5739.10, 5741.02, 5743.02, 5743.32, 5743.45, 5743.51, 5743.62, 5743.63, 5744.01, 5744.02, 5744.03, 5744.04, 5744.05, 5744.06, 5744.07, 5744.08, 5744.09, 5744.10, 5744.11, 5744.12, 5744.13, 5744.14, 5744.15, 5744.97, 5744.99, 5747.02, and 5751.01 of the Revised Code.

Sections 190.01, 190.02, 190.03, 190.04, 321.50, 1333.11, 1333.12, 1333.14, 1333.15, 1333.16, 1333.17, 1333.18, 1333.19, 1333.20, 1333.21, 1333.211, 1333.99, 1509.02, 1509.34, 1509.50, 5703.19, 5709.92, 5709.93, 5727.84, 5727.85, 5727.86, 5743.01, 5743.05, 5743.15, 5743.20, 5743.36, 5743.361, 5743.362, 5743.363, 5743.364, 5743.365, 5749.01, 5749.02, 5749.03, 5749.04, 5749.06, 5749.07, 5749.08, 5749.10, 5749.12, 5749.13, 5749.14, 5749.15, 5749.17, 5751.20, 5751.21, and 5751.22 of the Revised Code and Sections 512.80, 757.10, and 757.20 of this act take effect July 1, 2015.

Section 5747.025 of the Revised Code takes effect 90 days after the effective date of this section.

Sections of this act prefixed with section numbers in the 200s, 300s, 400s, 500s, and 600s, except for section 259.260 of this act.

**Section 812.30.** The sections that are listed in the left-hand column of the following table combine amendments by this act that

are and that are not exempt from the referendum under Ohio 84678  
Constitution, Article II, sections 1c and 1d and section 1.471 of 84679  
the Revised Code. 84680

The middle column identifies the amendments to the listed 84681  
sections that are subject to the referendum under Ohio 84682  
Constitution, Article II, section 1c and therefore take effect on 84683  
the ninety-first day after this act is filed with the Secretary of 84684  
State or, if a later effective date is specified, on that date. 84685

The right-hand column identifies the amendments to the listed 84686  
sections that are exempt from the referendum under Ohio 84687  
Constitution, Article II, section 1d and section 1.471 of the 84688  
Revised Code and therefore take effect immediately when this act 84689  
becomes law or, if a later effective date is specified, on that 84690  
date. 84691

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
1509.01	All amendments except as described in the right-hand column	The amendments to division (D) take effect July 1, 2015	84693
1509.11	The amendments to divisions (A)(1)(a) and (A)(2)	All amendments except as described in the middle column take effect July 1, 2015	84694
5743.62	The amendments to division (C)	All amendments except as described in the middle column	84695

**Section 812.40.** Sections 340.033, 340.034, and 5119.362 of 84696  
the Revised Code take effect September 15, 2016. 84697

**Section 812.50.** All amendments to section 5743.01 of the 84698  
Revised Code take effect July 1, 2015, except that amendments to 84699

division (P) take effect immediately. 84700

All amendments to section 5751.03 of the Revised Code take 84701  
effect January 1, 2016, except that amendments to division (A) 84702  
take effect July 1, 2015. 84703

**Section 812.60.** The amendment by this act of sections 84704  
5739.01, 5739.011, 5739.02, 5739.03, 5739.10, and 5741.02 of the 84705  
Revised Code is exempted from the referendum under Ohio 84706  
Constitution, Article II, Section 1d and section 1.471 of the 84707  
Revised Code and therefore takes effect immediately when this act 84708  
becomes law or, if a later date is specified below, on that date. 84709

Sections 5739.01, 5739.011, 5739.02, 5739.03, 5739.10, and 84710  
5741.02 of the Revised Code apply on and after October 1, 2015. 84711

**Section 815.10.** The General Assembly, applying the principle 84712  
stated in division (B) of section 1.52 of the Revised Code that 84713  
amendments are to be harmonized if reasonably capable of 84714  
simultaneous operation, finds that the following sections, 84715  
presented in this act as composites of the sections as amended by 84716  
the acts indicated, are the resulting versions of the sections in 84717  
effect prior to the effective date of the sections as presented in 84718  
this act: 84719

Section 109.572 of the Revised Code as amended by both Am. 84720  
Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th General Assembly. 84721

Section 122.85 of the Revised Code as amended by both Am. 84722  
Sub. H.B. 508 and Am. Sub. H.B. 510 of the 129th General Assembly. 84723

Section 124.181 of the Revised Code as amended by both Am. 84724  
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly. 84725

Section 124.392 of the Revised Code as amended by both Am. 84726  
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly. 84727

Section 125.48 of the Revised Code as amended by both Am. 84728

Sub. H.B. 649 and Am. Sub. S.B. 144 of the 122nd General Assembly.	84729
Section 2151.421 of the Revised Code as amended by both Am.	84730
Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly.	84731
Section 3301.57 of the Revised Code as amended by both Am.	84732
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	84733
Section 3314.03 of the Revised Code as amended by Sub. H.B.	84734
264, Sub. H.B. 362, Sub. H.B. 393, and Am. Sub. H.B. 487, all of	84735
the 130th General Assembly.	84736
Section 3314.08 of the Revised Code as amended by both Am.	84737
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly.	84738
Section 3319.22 of the Revised Code as amended by both Am.	84739
Sub. H.B. 487 and Am. Sub. S.B. 3 of the 130th General Assembly.	84740
Section 3326.11 of the Revised Code as amended by Sub. H.B.	84741
264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	84742
General Assembly.	84743
Section 3328.24 of the Revised Code as amended by Sub. H.B.	84744
264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	84745
General Assembly.	84746
Section 3333.048 of the Revised Code as amended by both Sub.	84747
H.B. 484 and Am. Sub. S.B. 3 of the 130th General Assembly.	84748
Section 3333.0411 of the Revised Code as amended by both Am.	84749
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	84750
Section 5104.09 of the Revised Code as amended by both Am.	84751
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	84752
Section 5104.38 of the Revised Code as amended by both Am.	84753
Sub. S.B. 316 of the 129th General Assembly and Am. Sub. H.B. 483	84754
of the 130th General Assembly.	84755
Section 5747.113 of the Revised Code as amended by both Am.	84756
Sub. H.B. 59 and Am. H.B. 112 of the 130th General Assembly.	84757