moved to amend as follows:

1 Engross the bill as directed by the commands in the amendments attached hereto, ignoring matter extraneous to those commands.

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6 The motion was ________ agreed to.
moved to amend as follows:

In line 7 of the title, after "125.25," insert "125.66, 125.661,"

In line 109 of the title, after "sections" insert "125.66 (113.60), 125.661 (113.61),"

In line 117 of the title, after "9.71," insert "113.62,"

In line 117 of the title, after the comma insert "to amend Section 207.71 of Am. Sub. H.B. 49 of the 132nd General Assembly,"

In line 196, after "125.25," insert "125.66, 125.661,"

In line 270, after "sections" insert "125.66 (113.60), 125.661 (113.61),"

In line 278, after "9.71," insert "113.62,"

After line 1643, insert:

"Sec. 125.66 113.60. (A) As used in this section and section 125.661 sections 113.61 and 113.62 of the Revised Code:

(1) "Social service Service intermediary" means a nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a wholly-owned subsidiary of a nonprofit organization, that delivers or contracts for the delivery of social services, raises capital
to finance the delivery of social services, and provides ongoing project management and investor relations for these activities. A person or entity that enters into a pay for success contract with the treasurer of state under this section and sections 113.61 and 113.62 of the Revised Code. The service intermediary may act as the service provider that delivers the services specified in the contract or may contract with a separate service provider to deliver those services.

(2) "State agency" has and "political subdivision" have the same meaning as in section 9.23 of the Revised Code.

(B) There is hereby established The treasurer of state shall administer the pay for success contracting program. Under the program, the director of administrative services treasurer of state may enter into multi-year contracts a pay for success contract with social service intermediaries to achieve certain social goals in this state intermediary for the delivery of specified services that benefit the state, a political subdivision, or a group of political subdivisions, such as programs addressing education, public health, criminal justice, or natural resource management. The treasurer of state may enter into a pay for success contract under any of the following circumstances:

(1) Upon receiving an appropriation from the general assembly for the purpose of entering into a pay for success contract;

(2) Upon receiving federal grant moneys for the purpose of entering into a pay for success contract;

(3) At the request of a state agency, a political subdivision, or a group of state agencies or political subdivisions that the treasurer of state enter into a pay for success contract on behalf of the requesting state agency,
political subdivision, or group. The requesting state agency, political subdivision, or group shall deposit the cost of the contract with the treasurer of state in the appropriate fund established in section 113.62 of the Revised Code.

(C) A contract entered into under the program shall include provisions that do all of the following:

(1) Require the department of administrative services, in consultation with an agency of this state that administers programs or services related to the contract's subject matter, to specify performance targets to be met by the social service intermediary;

(2) Specify the process or methodology that an independent evaluator contracted by the department of administrative services under section 125.661 of the Revised Code must use to evaluate the social service intermediary's progress toward meeting each performance target;

(3) Require the department of administrative services to pay the social service intermediary in installments at times determined by the director of administrative services that are specified in the contract and are consistent with applicable state law;

(4) Require the installment payments to the social service intermediary to be based on the social service intermediary's progress toward achieving each performance target, as determined by the independent evaluator contracted by the department of administrative services under section 125.661 of the Revised Code;

(5) Specify the maximum amount a social service intermediary may earn for its progress toward achieving performance targets specified under division (C)(1) of this section;
(6) Require the department of administrative services to ensure, in accordance with applicable state and federal laws, that the social service intermediary has access to any data in the possession of a state agency, including historical data, that the social service intermediary requests for the purpose of performing contractual duties. The treasurer of state shall adopt rules in accordance with Chapter 119. of the Revised Code to administer the pay for success contracting program, including rules concerning all of the following:

(1) The procedure for a state agency, political subdivision, or group of state agencies or political subdivisions to request the treasurer of state to enter into a pay for success contract and to deposit the cost of the contract with the treasurer of state;

(2) The types of services that are appropriate for a service provider to provide under a pay for success contract;

(3) The processes by which the treasurer of state may award and administer a pay for success contract;

(4) A requirement that for not less than seventy-five percent of the pay for success contracts entered into under this section, the performance targets specified in the contract require that, based on available regional or national data, the improvement in the status of this state or the relevant area of this state with respect to the issue the contract is meant to address be greater than the average improvement in status with respect to that issue in other geographical areas during the period of the contract;

(5) A process to ensure that any regional or national data used to determine whether a service provider has met its performance targets under a pay for success contract are
scientifically valid.

Sec. 125.661 113.61. ☞ (A) A pay for success contract entered into under section 113.60 of the Revised Code shall include provisions that do all of the following:

(1) Require the treasurer of state, in consultation with the requesting state agency, political subdivision, or group of state agencies or political subdivisions, to specify performance targets to be met by the service provider. If scientifically valid regional or national data are available to compare the status of this state or the relevant area of this state with respect to the issue the contract is meant to address against the status of other geographical areas with respect to that issue, the performance targets shall require the improvement in the status of this state or the relevant area of this state with respect to that issue to be greater than the average improvement in status with respect to that issue in other geographical areas during the period of the contract.

(2) Specify the process or methodology that an independent evaluator contracted by the treasurer of state under division (B) of this section must use to evaluate the service provider's progress toward meeting each performance target;

(3) Require the treasurer of state to pay the service intermediary in installments at times determined by the treasurer that are specified in the contract and are consistent with applicable state law;

(4) Require the installment payments to the service intermediary to be based on the service provider's progress toward achieving each performance target, as determined by the independent evaluator;
(5) Specify the maximum amount a service intermediary may earn for the service provider's progress toward achieving the performance targets;

(6) Require a state agency, political subdivision, or group that requested the treasurer of state to enter into the contract to ensure, in accordance with applicable laws, that the service intermediary has access to any data in the possession of the state agency, political subdivision, or group, including historical data, that the service intermediary requests for the purpose of fulfilling the contract.

(B) When the director of administrative services treasurer of state contracts with a social service intermediary under section 125.66 113.60 of the Revised Code, the director treasurer also shall contract with a person or government entity, other than a state agency, a political subdivision, or a group of state agencies or political subdivisions that requested the treasurer to enter into the contract, to evaluate the social service intermediary's provider's progress toward meeting each performance target specified in the contract pursuant to division (C)(1) of section 125.66 of the Revised Code. The director treasurer shall choose an evaluator that is independent from the social service intermediary and the service provider, ensuring that both parties do the evaluator does not have common owners or administrators, managers, or employees with the service intermediary or the service provider.

Sec. 113.62. (A) There is in the state treasury the state pay for success contract fund. The fund shall consist of any moneys transferred to the treasurer of state by state agencies for the purpose of making payments to service intermediaries under pay for success contracts the treasurer of state enters into on behalf of
the state agencies and any moneys appropriated to the fund. Any
investment earnings on the fund shall be credited to it. The
treasurer shall use the moneys in the fund for the purpose of
making those payments to service intermediaries, provided that the
treasurer may use any investment earnings on the fund to pay the
costs of administering the pay for success contracting program.
When the term of a pay for success contract expires, the treasurer
of state shall transfer any remaining unencumbered funds received
from a state agency or group of state agencies for the purpose of
making payments under the contract to that agency or group.

(B) There is in the state treasury the federal pay for
success contract fund. The fund shall consist of any moneys the
treasurer receives from federal agencies pursuant to grant
agreements that require the treasurer to enter into pay for
success contracts. Any investment earnings on the fund shall be
credited to it. The treasurer shall use the moneys in the fund for
the purpose of making payments to service intermediaries under pay
for success contracts the treasurer enters into pursuant to those
grant agreements, provided that the treasurer may use any
investment earnings on the fund to pay the costs of administering
the pay for success contracting program. When the term of a pay
for success contract expires, the treasurer of state shall
transfer any remaining unencumbered funds received from a federal
agency pursuant to a grant agreement that required the treasurer
of state to enter into the contract in accordance with the grant
agreement.

(C) There is in the state treasury the local government pay
for success contract fund. The fund shall consist of any moneys
paid to the treasurer of state by political subdivisions for the
purpose of making payments to service intermediaries under pay for
success contracts the treasurer enters into on behalf of the
political subdivisions. Any investment earnings on the fund shall be credited to it. The treasurer shall use the moneys in the fund for the purpose of making those payments to service intermediaries, provided that the treasurer may use any investment earnings on the fund to pay the costs of administering the pay for success contracting program. When the term of a pay for success contract expires, the treasurer of state shall transfer any remaining unencumbered funds received from a political subdivision or group of political subdivisions for the purpose of making payments under the contract to that political subdivision or group."

In line 63397, after "125.25," insert "125.66, 125.661,"

After line 82229, insert:

"Section 601.___. That Section 207.71 of Am. Sub. H.B. 49 of the 132nd General Assembly be amended to read as follows:

Sec. 207.71. PAY FOR SUCCESS CONTRACTING PROGRAM

(A) As used in this section, "social service intermediary" has the same meaning as in section 125.66 of the Revised Code, as enacted by Am. Sub. H.B. 49 of the 132nd General Assembly.

(B) Not later than six months after the effective date of this section, June 29, 2017, the Director of Administrative Services shall, in consultation with the Department of Health and as part of the Pay for Success Contracting Program established under section 125.66 of the Revised Code, as enacted by Am. Sub. H.B. 49 of the 132nd General Assembly, contract with one or more social service intermediaries to administer one or two pilot projects intended to do both of the following:

(1) Reduce the incidence of infant mortality, low-birthweight
births, premature births, and stillbirths in the urban and rural communities of this state that are specified by the Director of Health under section 3701.142 of the Revised Code;

(2) Promote equity in birth outcomes among infants of different races in this state.

(C) The Director of Administrative Services may request that the Director of Health pay the costs of the Pay for Success Contracting Program under appropriations to the Department of Health. Upon approval of the Director of Health, these costs shall be paid from General Revenue Fund appropriation item 440474, Infant Vitality.

(D) Notwithstanding any contrary provision of sections 113.60 to 113.62 of the Revised Code, the Director of Administrative Services and the Department of Health may continue to contract with social service intermediaries to administer the pilot projects described in division (B) of this section in accordance with this section and sections 125.66 and 125.661 of the Revised Code, as enacted by Am. Sub. H.B. 49 of the 132nd General Assembly, on and after the effective date of this amendment.

Section 601.___. That existing Section 207.71 of Am. Sub. H.B. 49 of the 132nd General Assembly is hereby repealed.”

The motion was __________ agreed to.

SYNOPSIS

Pay for Success Contracting Program

R.C. 125.66 (113.60), 125.661 (113.61), and 113.62; Sections 601.___ and 601.___
Expands the current Pay for Success Contracting Program and requires the Treasurer of State to administer it.

Allows the Treasurer to enter into pay for success contracts with service intermediaries for the delivery of services that benefit the state or political subdivisions, such as programs addressing education, public health, criminal justice, or natural resource management.

Specifies required terms for a pay for success contract, including a requirement that the service intermediary be paid only if the performance targets are met.

Requires the Treasurer to adopt certain administrative rules to administer the Program and establishes funds for the operation of the Program.

Continues the current Pay for Success Contracting Program administered by the Director of Administrative Services in order to allow the Director and the Department of Health to continue to administer certain pilot projects intended to reduce infant mortality.
moved to amend as follows:

In line 23649, after "children" insert ";

(8) A public hospital agency"

The motion was ______ agreed to.

SYNOPSIS

Student wellness and success funds – community partners

R.C. 3317.26

Adds a public hospital agency to the list of community partners with which a school district, community school, or STEM school must coordinate with in developing a plan for using student wellness and success funds. (A district or school is required to coordinate with at least one community partner.)
moved to amend as follows:

In line 30 of the title, delete "3118.036," and insert "3318.036, 3318.36,"

In line 213, after "3318.036," insert "3318.36,"

After line 23834, insert:

"Sec. 3318.36. (A)(1) As used in this section:

(a) "Ohio facilities construction commission," "classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.
(2) For purposes of determining the required level of indebtedness, the required percentage of the basic project costs under division (C)(1) of this section, and priority for assistance under sections 3318.01 to 3318.20 of the Revised Code, the percentile ranking of a school district with which the commission has entered into an agreement under this section between the first day of July and the thirty-first day of August in each fiscal year is the percentile ranking calculated for that district for the immediately preceding fiscal year, and the percentile ranking of a school district with which the commission has entered into such agreement between the first day of September and the thirtieth day of June in each fiscal year is the percentile ranking calculated for that district for the current fiscal year.

(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio facilities construction commission may enter into an agreement with the board of any school district under which the board may proceed with the new construction or major repairs of a part of the district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code, through the expenditure of local resources prior to the school district's eligibility for state assistance under those sections, and may apply that expenditure toward meeting the school district's portion of the basic project cost of the total of the district's classroom facilities needs, as recalculated under division (E) of this section, when the district becomes eligible for state assistance under sections 3318.01 to 3318.20 or section 3318.364 of the Revised Code. Any school district that is reasonably expected to receive assistance under sections 3318.01 to 3318.20 of the Revised Code within two fiscal years from the date the school district adopts
its resolution under division (B) of this section shall not be eligible to participate in the program established under this section unless that school district divides its project under those sections into segments as authorized by section 3318.034 of the Revised Code. In the case of a school district that has segmented its project as authorized in section 3318.034 of the Revised Code, the district shall select a discrete portion of one or more future segments of its project, to which the district may apply local resources under an agreement under this section prior to further state assistance for those future segments under sections 3318.01 to 3318.20 of the Revised Code.

(2) To participate in the program, a school district board shall first adopt a resolution certifying to the commission the board's intent to participate in the program. The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local resources to use to pay the cost of classroom facilities to be constructed under this section. The resolution may specify the application of local resources or elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than September 14, 2000.
(3) For purposes of determining when a district that enters into an agreement under this section becomes eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code or priority for assistance under section 3318.364 of the Revised Code, the commission shall use the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section.

(4) Any project under this section shall comply with section 3318.03 of the Revised Code and with any specifications for plans and materials for classroom facilities adopted by the commission under section 3318.04 of the Revised Code.

(5) If a school district that enters into an agreement under this section has not begun a project applying local resources as provided for under that agreement at the time the district is notified by the commission that it is eligible to receive state assistance for its project under sections 3318.01 to 3318.20 of the Revised Code or for a segment of its project, if the district previously segmented its project as authorized in section 3318.034 of the Revised Code, all assessment and agreement documents entered into under this section are void.

(6) Only construction of or repairs to classroom facilities that have been approved by the commission and have been therefore included as part of a district's basic project cost qualify for application of local resources under this section.

(C) Based on the results of on-site visits and assessment, the commission shall determine the basic project cost of the school district's classroom facilities needs. The commission shall determine the school district's portion of such basic project cost, which shall be the greater of:
(1) The required percentage of the basic project costs, determined based on the school district's percentile ranking;

(2) An amount necessary to raise the school district's net bonded indebtedness, as of the fiscal year the commission and the school district enter into the agreement under division (B) of this section, to within five thousand dollars of the required level of indebtedness.

(D)(1) When the commission determines the basic project cost of the classroom facilities needs of a school district and the school district's portion of that basic project cost under division (C) of this section, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, and the amount of the state's portion of the basic project cost; however, no state funds shall be encumbered under this section. Upon approval by the controlling board, the school district board may identify a discrete part of its classroom facilities needs, which shall include only new construction of or additions or major repairs to a particular building, to address with local resources. Upon identifying a part of the school district's basic project cost to address with local resources, the school district board may allocate any available school district moneys to pay the cost of that identified part, including the proceeds of an issuance of bonds if approved by the electors of the school district.

All local resources utilized under this division shall first be deposited in the project construction account required under section 3318.08 of the Revised Code.

(2) Unless the school district board exercises its option
under division (D)(3) of this section, for a school district to qualify for participation in the program authorized under this section, one of the following conditions shall be satisfied:

(a) The electors of the school district by a majority vote shall approve the levy of taxes outside the ten-mill limitation for a period of twenty-three years at the rate of not less than one-half mill for each dollar of valuation to be used to pay the cost of maintaining the classroom facilities included in the basic project cost as determined by the commission. The form of the ballot to be used to submit the question whether to approve the tax required under this division to the electors of the school district shall be the form for an additional levy of taxes prescribed in section 3318.361 of the Revised Code, which may be combined in a single ballot question with the questions prescribed under section 5705.218 of the Revised Code.

(b) As authorized under division (C) of section 3318.05 of the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 5705.21 of the Revised Code, an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(c) As authorized under section 3318.051 of the Revised Code, the school district board shall, if approved by the commission, annually transfer into the maintenance fund required under section 3318.05 of the Revised Code the amount prescribed in section 3318.051 of the Revised Code in lieu of the tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.
(d) If the school district board has rescinded the agreement to make transfers under section 3318.051 of the Revised Code, as provided under division (F) of that section, the electors of the school district, in accordance with section 3318.063 of the Revised Code, first shall approve the levy of taxes outside the ten-mill limitation for the period specified in that section at a rate of not less than one-half mill for each dollar of valuation.

(e) The school district board shall apply the proceeds of a tax to leverage bonds as authorized under section 3318.052 of the Revised Code or dedicate a local donated contribution in the manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(3) A school district board may opt to delay taking any of the actions described in division (D)(2) of this section until the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise this option, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code
if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board that adopts and certifies a resolution under division (D) of this section also demonstrates to the satisfaction of the commission compliance with the provisions of division (D)(2) of this section.

Any amount required for maintenance under division (D)(2) of this section shall be deposited into a separate fund as specified in division (B) of section 3318.05 of the Revised Code.

(E)(1) If the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code for its entire project or for future segments, if the district previously segmented its project as authorized in section 3318.034 of the Revised Code, based on its percentile ranking under division (B)(3) of this section or is offered assistance under section 3318.364 of the Revised Code, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be the percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section. The commission shall deduct the expenditure of school district moneys made under division (D)(1) of this section from the school district's portion of the basic project cost as recalculated under this division. If the amount of school district resources applied by the school...
district board to the school district's portion of the basic project cost under this section is less than the total amount of such portion as recalculated under this division, the school district board by a majority vote of all of its members shall, if it desires to seek state assistance under sections 3318.01 to 3318.20 of the Revised Code, adopt a resolution as specified in section 3318.06 of the Revised Code to submit to the electors of the school district the question of approval of a bond issue in order to pay any additional amount of school district portion required for state assistance. Any tax levy approved under division (D) of this section satisfies the requirements to levy the additional tax under section 3318.06 of the Revised Code.

(2) If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is more than the total amount of such portion as recalculated under this division, within one year after the school district's portion is recalculated under division (E)(1) of this section the commission may grant to the school district the difference between the two calculated portions, but at no time shall the commission expend any state funds on a project in an amount greater than the state's portion of the basic project cost as recalculated under this division.

Any reimbursement under this division shall be only for local resources the school district has applied toward construction cost expenditures for the classroom facilities approved by the commission, which shall not include any financing costs associated with that construction.

The school district board shall use any moneys reimbursed to the district under this division to pay off any debt service the district owes for classroom facilities constructed under its project under this section before such moneys are applied to any
other purpose. However, the district board first may deposit moneys reimbursed under this division into the district's general fund or a permanent improvement fund to replace local resources the district withdrew from those funds, as long as, and to the extent that, those local resources were used by the district for constructing classroom facilities included in the district's basic project cost."

In line 63414, after "3318.036," insert "3318.36,"

The motion was ________ agreed to.

SYNOPSIS

Participation in Expedited Local Partnership Program

R.C. 3318.36

Permits a school district that has already received assistance under the Classroom Facilities Assistance Program (CFAP) and has divided its CFAP project into segments to participate in the Expedited Local Partnership Program (ELPP).

Currently, a district may not participate in ELPP if it is reasonably expected to receive CFAP assistance within two fiscal years. (CFAP is a graduated, cost-sharing program that provides each city, local, and exempted village school district with partial funding to address all of its classroom facilities needs. ELPP is a program that permits most school districts that have not been served under CFAP to apply the advance expenditure of district money on approved parts of their districtwide needs toward their shares of their CFAP projects when they become eligible for CFAP.)
moved to amend as follows:

In line 122 of the title, after "2151.455," insert "2305.011,"

In line 281, after "2151.455," insert "2305.011,"

After line 12268, insert:

"Sec. 2305.011. (A) As used in this section:

(1) "Nature" means the phenomena of the physical world collectively, including plants, animals, the landscape, other features and products of the earth, the natural environment or wilderness, and generally areas that are not human or human creations, have not been substantially altered by humans, or that persist despite human intervention.

(2) "Ecosystem" means a complex community of living organisms in conjunction with their physical environments, all interacting and linked together as a system through nutrient cycles and energy flows in a particular unit of space.

(B) Nature or any ecosystem does not have standing to participate in or bring an action in any court of common pleas.

(C)(1) No person, on behalf of or representing nature or an ecosystem, shall bring an action in any court of common pleas.
(2) No person shall bring an action in any court of common pleas against a person who is acting on behalf of or representing nature or an ecosystem.

(3) No person, on behalf of or representing nature or an ecosystem, shall intervene in any manner, such as by filing a counterclaim, cross-claim, or third-party complaint, in any action brought in any court of common pleas.

(D) Nothing in this section shall be construed to prevent the state or any of its agencies from enforcing the laws pertaining to environmental pollution, conservation, wild animals, or other natural communities or ecosystems."

The motion was ________ agreed to.

SYNOPSIS

Prohibition against court action by nature or ecosystem

R.C. 2305.011

Provides that nature or any ecosystem does not have standing to participate or bring an action in a common pleas court; prohibits any person, on behalf of nature or an ecosystem, from bringing, or intervening in, an action in such court; and prohibits any person from bringing an action against a person who is acting on behalf of nature or an ecosystem.
In line 32 of the title, after "3328.24," insert "3333.26," 1

In line 106 of the title, delete "and" 2

In line 107 of the title, after "5903.12" insert ", 5910.01, 3
5910.02, 5910.031, 5910.032, 5910.04, 5910.05, 5910.06, 5910.07, 4
and 5910.08"

In line 215, after "3328.24," insert "3333.26," 6

In line 269, delete "and"; after "5903.12" insert ", 5910.01, 7
5910.02, 5910.031, 5910.032, 5910.04, 5910.05, 5910.06, 5910.07, 8
and 5910.08"

After line 24526, insert:

"Sec. 3333.26. (A) Any citizen of this state who has resided 11
within the state for one year, who was in the active service of 12
the United States as a soldier, sailor, nurse, or marine between 13
April 6, 1917, and November 11, 1918, and who has been honorably 14
discharged from that service, shall be admitted to any school, 15
college, or university that receives state funds in support 16
thereof, without being required to pay any tuition or 17
matriculation fee, but is not relieved from the payment of 18
laboratory or similar fees.

(B)(1) As used in this division:
(a) "Volunteer firefighter" has the meaning as in division (B)(1) of section 146.01 of the Revised Code.

(b) "Public service officer" means an Ohio firefighter, volunteer firefighter, police officer, member of the state highway patrol, employee designated to exercise the powers of police officers pursuant to section 1545.13 of the Revised Code, or other peace officer as defined by division (B) of section 2935.01 of the Revised Code, or a person holding any equivalent position in another state.

(c) "Qualified former spouse" means the former spouse of a public service officer, or of a member of the armed services of the United States, who is the custodial parent of a minor child of that marriage pursuant to an order allocating the parental rights and responsibilities for care of the child issued pursuant to section 3109.04 of the Revised Code.

(d) "Operation enduring freedom" means that period of conflict which began October 7, 2001, and ends on a date declared by the president of the United States or the congress.

(e) "Operation Iraqi freedom" means that period of conflict which began March 20, 2003, and ends on a date declared by the president of the United States or the congress.

(f) "Combat zone" means an area that the president of the United States by executive order designates, for purposes of 26 U.S.C. 112, as an area in which armed forces of the United States are or have engaged in combat.

(2) Any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, who is the child of a public service officer killed in the line of
duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, 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 academic years of education, which shall be at the undergraduate level.

A child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom is eligible for a waiver of tuition and student fees under this division only if the student is not eligible for a war orphans and severely disabled veterans' children scholarship authorized by Chapter 5910. of the Revised Code. In any year in which the war orphans and severely disabled veterans' children scholarship board reduces the percentage of tuition covered by a war orphans and severely disabled veterans' children scholarship below one hundred per cent pursuant to division (A) of section 5910.04 of the Revised Code, the waiver of tuition and student fees under this division for a child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom shall be reduced by the same percentage.

(3) Any resident of this state who is the spouse or qualified former spouse of a public service officer killed in the line of duty, 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 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 higher education shall be eligible to receive a grant in that amount from the chancellor.

Each institution that enrolls students under division (B) of this section shall report to the chancellor, by the first day of July of each year, the number of students who were so enrolled and
the average amount of all such tuition and student fees waived during the preceding year. The chancellor shall determine the average amount of all such tuition and student fees waived during the preceding year. The average amount of the tuition and student fees waived under division (B) of this section during the preceding year shall be the amount of grants that participating institutions shall receive under this division during the current year, but no grant under this division shall exceed the tuition and student fees due and payable by the student prior to the reduction referred to in this division. The grants shall be made for four years of undergraduate education of an eligible student."

After line 63391, insert:

"Sec. 5910.01. As used in this chapter and section 5919.34 of the Revised Code:

(A) "Child" includes natural and adopted children and stepchildren who have not been legally adopted by the veteran parent provided that the relationship between the stepchild and the veteran parent meets the following criteria:

(1) The veteran parent is married to the child's natural or adoptive parent at the time application for a scholarship granted under this chapter is made; or if the veteran parent is deceased, the child's natural or adoptive parent was married to the veteran parent at the time of the veteran parent's death;

(2) The child resided with the veteran parent for a period of not less than ten consecutive years immediately prior to making application for the scholarship; or if the veteran parent is deceased, the child resided with the veteran parent for a period of not less than ten consecutive years immediately prior to the veteran parent's death;
(3) The child received financial support from the veteran parent for a period of not less than ten consecutive years immediately prior to making application for the scholarship; or if the veteran parent is deceased, the child received financial support from the veteran parent for a period of not less than ten consecutive years immediately prior to the veteran parent's death.

(B) "Veteran" includes any of the following:

(1) Any person who was a member of the armed services of the United States for a period of ninety days or more, or who was discharged from the armed services due to a disability incurred while a member with less than ninety days' service, or who died while a member of the armed services; provided that such service, disability, or death occurred during one of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to May 7, 1975; August 2, 1990, to the end of operations conducted as a result of the invasion of Kuwait by Iraq, including support for operation desert shield and operation desert storm, as declared by the president of the United States or the congress; October 7, 2001, to the end of operation enduring freedom as declared by the president of the United States or the congress; March 20, 2003, to the end of operation Iraqi freedom as declared by the president of the United States or the congress; or any other period of conflict established by the United States department of veterans affairs for pension purposes;

(2) Any person who was a member of the armed services of the United States and participated in an operation for which the armed forces expeditionary medal was awarded;

(3) Any person who served as a member of the United States merchant marine and to whom either of the following applies:
(a) The person has an honorable report of separation from the active duty military service, form DD214 or DD215.

(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

(C) "Armed services of the United States" or "United States armed forces" includes the army, air force, navy, marine corps, coast guard, and such other military service branch as may be designated by congress as a part of the armed forces of the United States.

(D) "Board" means the Ohio war orphans and severely disabled veterans' children scholarship board created by section 5910.02 of the Revised Code.

(E) "Disabled" means having a sixty per cent or greater service-connected disability or receiving benefits for permanent and total nonservice-connected disability, as determined by the United States department of veterans affairs.

(F) "United States merchant marine" includes the United States army transport service and the United States naval transport service.

Sec. 5910.02. There is hereby created an Ohio war orphans and severely disabled veterans' children scholarship board as part of the department of veterans services. The board consists of eight members as follows: the chancellor of the Ohio board of regents or the chancellor's designee; the director of veterans services or the director's designee; one member of the house of representatives, appointed by the speaker; one member of the senate, appointed by the president of the senate; and four members
appointed by the governor, one of whom shall be a representative of the American Legion, one of whom shall be a representative of the Veterans of Foreign Wars, one of whom shall be a representative of the Disabled American Veterans, and one of whom shall be a representative of the AMVETS. At least ninety days prior to the expiration of the term of office of the representative of a veterans organization appointed by the governor, the governor shall notify the state headquarters of the affected organization of the need for an appointment and request the organization to make at least three nominations. Within sixty days after making the request for nominations, the governor may make the appointment from the nominations received, or may reject all the nominations and request at least three new nominations, from which the governor shall make an appointment within thirty days after making the request for the new nominations. If the governor receives no nominations during this thirty-day period, the governor may appoint any veteran.

Terms of office for the four members appointed by the governor shall be for four years, commencing on the first day of January and ending on the thirty-first day of December, except that the term of the AMVETS representative shall expire December 31, 1998, and the new term that succeeds it shall commence on January 1, 1999, and end on December 31, 2002. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. The other members shall serve during their terms of office. Any vacancy shall be filled by appointment in the same manner as by original appointment. 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 appointed 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. The members of the board shall serve without pay but shall be reimbursed for travel expenses and for other actual and necessary expenses incurred in the performance of their duties, not to exceed ten dollars per day for ten days in any one year to be appropriated out of any moneys in the state treasury to the credit of the general revenue fund.

The chancellor of the board of regents shall act as secretary to the board and shall furnish such clerical and other assistance as may be necessary to the performance of the duties of the board.

The board shall determine the number of scholarships to be made available, receive applications for scholarships, pass upon the eligibility of applicants, decide which applicants are to receive scholarships, and do all other things necessary for the proper administration of this chapter.

The board may apply for, and may receive and accept, grants, and may receive and accept gifts, bequests, and contributions, from public and private sources, including agencies and instrumentalities of the United States and this state, and shall deposit the grants, gifts, bequests, or contributions into the Ohio war orphans and severely disabled veterans' children scholarship donation fund.

Sec. 5910.031. War orphans and severely disabled veterans' children scholarships provided in sections 5910.01 to 5910.06 of the Revised Code, shall be granted to children of members of the Ohio national guard and the reserve components of any of the armed services of the United States who are killed or permanently and totally disabled while on active duty pursuant to bona fide orders
of the governor or the president of the United States, or who are killed or permanently and totally disabled while at a scheduled training assembly, a field training period of any duration or length, or active duty for training, pursuant to bona fide orders issued by a competent authority. Such scholarships shall be granted within the total number of scholarships provided under section 5910.05 of the Revised Code and are available only to children who further qualify pursuant to divisions (A), (B), and (C) of section 5910.03 of the Revised Code.

As used in this section, "permanently and totally disabled" means having a disability which renders the person incapable of engaging in substantially gainful employment and which is presumed to be permanent, as determined by a special board of three officers of the Ohio national guard named by the governor, one of whom shall be a medical officer licensed to practice in this state.

Sec. 5910.032. (A) A war orphans and severely disabled veterans' children scholarship, as provided under sections 5910.01 to 5910.06 of the Revised Code, shall be granted to the child of any person who, in the course of honorable service in the armed services of the United States, was declared by the United States department of defense to be a prisoner of war or missing in action as a result of the United States' participation in armed conflict on or after January 1, 1960, if either of the following apply:

(1) The parent, at the time of entry into the armed services of the United States, or at the time the parent was declared to be a prisoner of war or missing in action, was a resident of Ohio;

(2) If the parent did not enter the armed services as a resident of Ohio and was not a resident of Ohio when declared a prisoner of war or missing in action, the child has resided in
Ohio for the year immediately preceding the year in which the application for the scholarship is made and any four of the last ten years.

The scholarships shall be in addition to the total number of scholarships provided under section 5910.05 of the Revised Code. Notwithstanding section 5910.03 of the Revised Code, scholarships provided under this section shall be made to any such child who, at the time of application, has attained the sixteenth, but not the twenty-first, birthday. The termination of a child's parent or guardian's status as a prisoner of war or being missing in action does not affect such child's eligibility for the benefit provided by this section.

(B) Scholarships provided under this section shall consist of either of the following:

(1) A scholarship of the type described in division (A) of section 5910.04 of the Revised Code together with reasonable and necessary expenses for room, board, books, and laboratory fees. The additional amount for such expenses shall be paid from moneys appropriated by the general assembly for such purpose.

(2) A scholarship of the type described in division (B) of section 5910.04 of the Revised Code together with an additional grant equal to the average value of the reasonable and necessary expenses granted under division (B)(1) of this section during the preceding year for room, board, books, and laboratory fees. The additional grant shall be paid from moneys appropriated by the general assembly for such purpose, and shall be paid to the child through the institution in which the child is enrolled. In no case shall the additional grant exceed the amount actually expended by the child for room, board, books, and laboratory fees.
Sec. 5910.04. Scholarships granted under sections 5910.01 to 5910.06 of the Revised Code shall consist of either of the following:

(A) An exemption from the payment of one hundred per cent of the general and instructional fees at colleges and universities which receive support from the state of Ohio and are approved by the chancellor of the board of regents, except that the percentage may be reduced by the war orphans and severely disabled veterans' children scholarship board in any year that insufficient funds are appropriated to fully fund scholarships for all eligible students;

(B) A grant to an eligible child who is enrolled in an institution that has received a certificate of authorization from the board of regents under Chapter 1713. of the Revised Code, or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or an institution that has received a certificate of registration from the state board of proprietary school registration career colleges and schools. Students who attend an institution that holds a certificate of registration shall be enrolled in either a program leading to an associate degree or a program leading to a bachelor's degree for which associate or bachelor's degree program the institution has received program authorization issued under section 3332.05 of the Revised Code to offer such degree program. The grant shall be paid to the child through the institution in which the child is enrolled, and shall equal one hundred per cent of the average value of all scholarships granted under division (A) of this section during the preceding year, except that the percentage may be reduced by the war orphans and severely disabled veterans' children scholarship board in any year that insufficient funds are appropriated to
fully fund scholarships for all eligible students. In no case shall the grant exceed the total general and instructional charges of the institution.

The board shall not reduce the percentage to be paid for scholarships awarded pursuant to section 5910.032 of the Revised Code below one hundred per cent.

**Sec. 5910.05.** The Ohio war orphans and severely disabled veterans' children scholarship board shall determine how many scholarships are to be granted based upon available funds provided by the Ohio general assembly. If funds are available all eligible applicants shall be granted a scholarship. There shall be no limitation on the number of scholarships granted under section 5910.032 of the Revised Code, nor any limitation on the number of scholarships granted to any college or university under such section. No person shall be granted a scholarship for more than five academic years of education, which shall be at the undergraduate level. The board shall provide minimum scholastic requirements for recipients and shall withdraw the aid from any person who fails to maintain such requirements.

**Sec. 5910.06.** The Ohio war orphans and severely disabled veterans' children scholarship board shall make a complete report of its administration of this chapter, to each first regular session of the general assembly.

**Sec. 5910.07.** The Ohio war orphans and severely disabled veterans' children scholarship donation fund is created in the state treasury. The fund shall consist of gifts, bequests, grants, and contributions made to the fund under section 5910.02 of the Revised Code. Investment earnings of the fund shall be deposited
into the fund. The fund shall be used to operate the war orphans and severely disabled veterans' children scholarship program and to provide grants under sections 5910.01 to 5910.06 of the Revised Code.

Sec. 5910.08. There is hereby created in the state treasury the war orphans and severely disabled veterans' children scholarship reserve fund. As soon as possible following the end of each fiscal year, the chancellor of higher education shall certify to the director of budget and management the unencumbered balance of the general revenue fund appropriations made in the immediately preceding fiscal year for purposes of the war orphans and severely disabled veterans' children scholarship program created in Chapter 5910. of the Revised Code. Upon receipt of the certification, the director of budget and management may transfer an amount not exceeding the certified amount from the general revenue fund to the war orphans and severely disabled veterans' children scholarship reserve fund. Moneys in the war orphans and severely disabled veterans' children scholarship reserve fund shall be used to pay scholarship obligations in excess of the general revenue fund appropriations made for that purpose.

The director of budget and management may transfer any unencumbered balance from the war orphans and severely disabled veterans' children scholarship reserve fund to the general revenue fund.

If it is determined that general revenue fund appropriations are insufficient to meet the obligations of the war orphans and severely disabled veterans' children scholarship in a fiscal year, the director of budget and management may transfer funds from the war orphans and severely disabled veterans' children scholarship
reserve fund to the general revenue fund in order to meet those obligations. The amount transferred is hereby appropriated. If the funds transferred from the war orphans and severely disabled veterans' children scholarship reserve fund are not needed, the director of budget and management may transfer the unexpended balance from the general revenue fund back to the war orphans and severely disabled veterans' children scholarship reserve fund."

In line 63415, after "3328.24," insert "3333.26,"

In line 63470, delete "and"; after "5903.12" insert ", 5910.01, 5910.02, 5910.031, 5910.032, 5910.04, 5910.05, 5910.06, 5910.07, and 5910.08"

In line 78941, after "Orphans" insert "and Severely Disabled Veterans' Children"

In line 79814, after "ORPHANS" insert "AND SEVERELY DISABLED VETERANS' CHILDREN"

In line 79815, after "Orphans" insert "and Severely Disabled Veterans' Children"

In line 79827, after "Orphans" insert "and Severely Disabled Veterans' Children"

In line 79830, after "Orphans" insert "and Severely Disabled Veterans' Children"

The motion was __________ agreed to.

SYNOPSIS

Ohio War Orphans and Severely Disabled Veterans' Children Scholarship
R.C. 3333.26, 5910.01, 5910.02, 5910.031, 5910.032, 5910.04,
5910.05, 5910.06, 5910.07, and 5910.08; Sections 381.10 and
381.180

Changes the name of the Ohio War Orphans Scholarship to the
Ohio War Orphans and Severely Disabled Veterans' Children
Scholarship (Does not affect the administration, eligibility, or
distribution of the scholarships).
moved to amend as follows:

1. In line 77137, after "DETERMINATION", insert " AND LOCAL PROGRAM SUPPORT"
2. Delete line 77155
3. In line 77156, delete "operating expenses."

The motion was ______ agreed to.

SYNOPSIS

Department of Medicaid

Section 333.140

Renames a section title from "Public Assistance Eligibility Determination" to "Public Assistance Eligibility Determination and Local Program Support." Removes language stating that the funds (the $5.0 million allowed to be transferred to counties for the eligibility system support) are not to be used for existing and ongoing program support.
moved to amend as follows:

In line 98 of the title, after "5705.091," insert "5705.21,"

In line 263, after "5705.091," insert "5705.21,"

After line 53804, insert:

"Sec. 5705.21. (A) At any time, the board of education of any city, local, exempted village, cooperative education, or joint vocational school district, by a vote of two-thirds of all its members, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the school district, that it is necessary to levy a tax in excess of such limitation for one of the purposes specified in division (A), (D), (F), (H), or (DD) of section 5705.19 of the Revised Code, for general permanent improvements, for the purpose of operating a cultural center, for the purpose of providing for school safety and security, or for the purpose of providing education technology, and that the question of such additional tax levy shall be submitted to the electors of the school district at a special election on a day to be specified in the resolution. In the case of a qualifying library levy for the support of a library association or private corporation, the question shall be submitted to the electors of
the association library district. If the resolution states that the levy is for the purpose of operating a cultural center, the ballot shall state that the levy is "for the purpose of operating the.......... (name of cultural center)."

As used in this division, "cultural center" means a freestanding building, separate from a public school building, that is open to the public for educational, musical, artistic, and cultural purposes; "education technology" means, but is not limited to, computer hardware, equipment, materials, and accessories, equipment used for two-way audio or video, and software; "general permanent improvements" means permanent improvements without regard to the limitation of division (F) of section 5705.19 of the Revised Code that the improvements be a specific improvement or a class of improvements that may be included in a single bond issue; and "providing for school safety and security" includes but is not limited to providing for permanent improvements to provide or enhance security, employment of or contracting for the services of safety personnel, providing mental health services and counseling, or providing training in safety and security practices and responses.

A resolution adopted under this division shall be confined to a single purpose and shall specify the amount of the increase in rate that it is necessary to levy, the purpose of the levy, and the number of years during which the increase in rate shall be in effect. The number of years may be any number not exceeding five or, if the levy is for current expenses of the district or for general permanent improvements, for a continuing period of time.

(B)(1) The board of education of a qualifying school district, by resolution, may declare that it is necessary to levy a tax in excess of the ten-mill limitation for the purpose of...
paying the current expenses of partnering community schools and, if any of the levy proceeds are so allocated, of the district. A qualifying school district that is not a municipal school district may allocate all of the levy proceeds to partnering community schools. A municipal school district shall allocate a portion of the levy proceeds to the current expenses of the district. The resolution shall declare that the question of the additional tax levy shall be submitted to the electors of the school district at a special election on a day to be specified in the resolution. The resolution shall state the purpose of the levy, the rate of the tax expressed in mills per dollar of taxable value, the number of such mills to be levied for the current expenses of the partnering community schools and the number of such mills, if any, to be levied for the current expenses of the school district, the number of years the tax will be levied, and the first year the tax will be levied. The number of years the tax may be levied may be any number not exceeding ten years, or for a continuing period of time.

The levy of a tax for the current expenses of a partnering community school under this section and the distribution of proceeds from the tax by a qualifying school district to partnering community schools is hereby determined to be a proper public purpose.

(2)(a) If any portion of the levy proceeds are to be allocated to the current expenses of the qualifying school district, the form of the ballot at an election held pursuant to division (B) of this section shall be as follows:

"Shall a levy be imposed by the......... (insert the name of the qualifying school district) for the purpose of current expenses of the school district and of partnering community
schools at a rate not exceeding...... (insert the number of mills) 
mills for each one dollar of valuation, of which...... (insert the 
number of mills to be allocated to partnering community schools) 
mills is to be allocated to partnering community schools), which 
amounts to....... (insert the rate expressed in dollars and cents) 
for each one hundred dollars of valuation, for...... (insert the 
number of years the levy is to be imposed, or that it will be 
levied for a continuing period of time), beginning...... (insert 
first year the tax is to be levied), which will first be payable 
in calendar year...... (insert the first calendar year in which 
the tax would be payable)?

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(b) If all of the levy proceeds are to be allocated to the 
current expenses of partnering community schools, the form of the 
ballot shall be as follows:

"Shall a levy be imposed by the........... (insert the name of 
the qualifying school district) for the purpose of current 
expenses of partnering community schools at a rate not 
exceeding...... (insert the number of mills) mills for each one 
dollar of valuation which amounts to....... (insert the rate 
expressed in dollars and cents) for each one hundred dollars of 
valuation, for...... (insert the number of years the levy is to be 
imposed, or that it will be levied for a continuing period of 
time), beginning...... (insert first year the tax is to be 
levied), which will first be payable in calendar year...... 
(insert the first calendar year in which the tax would be 
payable)?

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(3) Upon each receipt of a tax distribution by the qualifying school district, the board of education shall credit the portion allocated to partnering community schools to the partnering community schools fund. All income from the investment of money in the partnering community schools fund shall be credited to that fund.

(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 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.
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 not conform to the estimate published by the school district so long if the estimate was made in good faith.

Distributions by a school district under division (B)(3)(b) of this section shall be made in accordance with distribution agreements entered into by the board of education and each partnering community school eligible for distributions under this division. The distribution agreements shall be certified to the department of education each fiscal year before the thirtieth day of July. Each agreement shall provide for at least three distributions by the school district to the partnering community school during the fiscal year and shall require the initial distribution be made on or before the thirtieth day of July.

(c) For the purposes of division (B) of this section, the number of resident students shall be the number of such students reported under section 3317.03 of the Revised Code and established by the department of education as of the date of receipt and deposit of the tax distribution.

(4) To the extent an agreement whereby the qualifying school district and a community school endorse each other's programs is necessary for the community school to qualify as a partnering community school under division (B)(6)(b) of this section, the board of education of the school district shall certify to the department of education the agreement along with the determination.
that such agreement satisfies the requirements of that division. The board's determination is conclusive.

(5) For the purposes of Chapter 3317. of the Revised Code or other laws referring to the "taxes charged and payable" for a school district, the taxes charged and payable for a qualifying school district that levies a tax under division (B) of this section includes only the taxes charged and payable under that levy for the current expenses of the school district, and does not include the taxes charged and payable for the current expenses of partnering community schools. The taxes charged and payable for the current expenses of partnering community schools shall not affect the calculation of "state education aid" as defined in section 5751.20 of the Revised Code.

(6) As used in division (B) of this section:

(a) "Qualifying school district" means a municipal school district, as defined in section 3311.71 of the Revised Code or a school district that contains within its territory a partnering community school.

(b) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of the qualifying school district and meets one of the following criteria:

(i) If the qualifying school district is a municipal school district, the community school is sponsored by the district or is a party to an agreement with the district whereby the district and the community school endorse each other's programs;

(ii) If the qualifying school district is not a municipal school district, the community school is sponsored by a sponsor that was rated as "exemplary" in the ratings most recently
published under section 3314.016 of the Revised Code before the
resolution proposing the levy is certified to the board of
elections.

(c) "Partnering community schools amount" means the product
obtained, as of the receipt and deposit of the tax distribution,
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.

If the board of education imposes one or more existing levies
for the purpose specified in division (F) of section 5705.19 of
the Revised Code, the resolution may propose to renew one or more
of those existing levies, or to increase or decrease a single such
existing levy, for the purpose of general permanent improvements.

If the resolution proposes to renew two or more existing
levies, the levies shall be levied for the same purpose. The
resolution shall identify those levies and the rates at which they
are levied. The resolution also shall specify that the existing
levies shall not be extended on the tax lists after the year
preceding the year in which the renewal levy is first imposed,
regardless of the years for which those levies originally were
authorized to be levied.

If the resolution proposes to renew an existing levy imposed
under division (B) of this section, the rates allocated to the
qualifying school district and to partnering community schools
each may be increased or decreased or remain the same, and the
total rate may be increased, decreased, or remain the same. The
resolution and notice of election shall specify the number of the
mills to be levied for the current expenses of the partnering
community schools and the number of the mills, if any, to be
levied for the current expenses of the qualifying school district.

A resolution adopted under this section shall go into
immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. A copy of the resolution shall immediately after its passing be certified to the board of elections of the proper county in the manner provided by section 5705.25 of the Revised Code. That section shall govern the arrangements for the submission of such question and other matters concerning the election to which that section refers, including publication of notice of the election, except that the election shall be held on the date specified in the resolution. In the case of a resolution adopted under division (B) of this section, the publication of notice of that election shall state the number of the mills, if any, to be levied for the current expenses of partnering community schools and the number of the mills to be levied for the current expenses of the qualifying school district. If a majority of the electors voting on the question so submitted in an election vote in favor of the levy, the board of education may make the necessary levy within the school district or, in the case of a qualifying library levy for the support of a library association or private corporation, within the association library district, at the additional rate, or at any lesser rate in excess of the ten-mill limitation on the tax list, for the purpose stated in the resolution. A levy for a continuing period of time may be reduced pursuant to section 5705.261 of the Revised Code. The tax levy shall be included in the next tax budget that is certified to the county budget commission.

(D)(1) After the approval of a levy on the current tax list and duplicate for current expenses, for recreational purposes, for community centers provided for in section 755.16 of the Revised Code, or for a public library of the district under division (A) of this section, and prior to the time when the first tax
collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy.

(2) After the approval of a levy for general permanent improvements for a specified number of years or for permanent improvements having the purpose specified in division (F) of section 5705.19 of the Revised Code, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy remaining to be collected in each year over a period of five years after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(3) After approval of a levy for general permanent improvements for a continuing period of time, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected in each year over a specified period of years, not exceeding ten, after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed ten years, and may have a principal payment in the year of their issuance.
issuance.

(4) After the approval of a levy on the current tax list and duplicate under division (B) of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the school district and issue anticipation notes in a principal amount not exceeding fifty percent 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 the levy proceeds to be allocated to partnering community schools under that division 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 issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(E) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(F) The board of education of any school district that levies a tax under this section for the purpose of providing for school safety and security may report to the department of education how the district is using revenue from that tax.

The board of education of any school district that proposes to levy a tax for the purpose of providing for school safety and security may share the proceeds of the tax with chartered nonpublic schools, as defined by section 3310.01 of the Revised Code, that are located in the territory of the school district as
provided in this division. The resolution levying the tax and the
form of the ballot shall state that proceeds from the levy are to
be shared with chartered nonpublic schools and shall state the
percentage of the proceeds that is to be shared with those
schools.

If a percentage of the proceeds of such a tax are to be
shared with chartered nonpublic schools under this division, such
proceeds shall be shared with all chartered nonpublic schools
located in the territory of the school district. Of the percentage
of the proceeds to be shared with chartered nonpublic schools,
each such school shall receive an amount that bears the same
proportion of that percentage that the number of resident students
attending that school bears to the total number of resident
students attending all such schools in the territory of the school
district. For the purposes of this section, a resident student is
a student enrolled in a chartered nonpublic school located in the
territory of the school district who is entitled to attend school
in the school district under section 3313.64 or 3313.65 of the
Revised Code.

All proceeds of the levy shall be credited to a fund of the
school district created for that purpose, and the board of
education shall pay each chartered nonpublic school its share of
the proceeds from that fund not less frequently than once after
each settlement of taxes under divisions (A) and (C) of section
321.24 of the Revised Code. Any chartered nonpublic school
receiving payments under this section shall use all of such
payments only for providing for school safety and security."

In line 63464, after "5705.091," insert "5705.21,"

The motion was __________ agreed to.
SYNOPSIS

School safety levy money for chartered nonpublic schools

R.C. 5705.21

Authorizes the board of education of a school district to propose a tax levy for school safety and security and give some of the revenue to chartered nonpublic schools located in the district to be used for that purpose.

Requires that the resolution and ballot language proposing the levy specify the portion of the proceeds allocated to chartered nonpublic schools. Specifies that the chartered nonpublic school portion would be divided proportionally among all such schools located within the territory of the school district based on the number of "resident students" (i.e., students who are entitled to attend school in the district) enrolled in each chartered nonpublic school. If proceeds are shared with any nonpublic school in the district, they must be shared with all nonpublic schools in the district in that proportion.
moved to amend as follows:

In line 41 of the title, after "3734.901," insert "3735.661,"

In line 222, after "3734.901," insert "3735.661,"

After line 28377, insert:

"Sec. 3735.661. (A) For the purpose of determining the "first two amendments" referenced in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment means any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following:

(1) Expands the geographic size of a community reinvestment area;

(2) Increases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (A)(2) of this section does not authorize a municipal corporation or county to increase a property's or category of property's exempted percentage of assessed valuation pursuant to that section.

(3) Increases the term of any tax exemption or category of tax exemptions, except as provided in division (B)(6)(7) of this
section;

(4) Extends the duration of a community reinvestment area;

(5) Changes eligibility requirements for receiving tax exemptions.

(B) For the purpose of determining the "first two amendments" in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment does not include any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following:

(1) Restricts the availability of tax exemptions, including any of the following:

(a) Removes area from or decreases the geographic size of a community reinvestment area;

(b) Decreases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (B)(1)(b) of this section does not authorize a municipal corporation or county to decrease a property's or category of property's exempted percentage of assessed valuation pursuant to that section.

(c) Decreases the term of any tax exemption or category of exemption;

(d) Shortens the period of time after which the granting of tax exemptions may be terminated.

(2) Requires property owners or developers to enter into an agreement to provide a number of affordable housing units as a condition of granting, continuing, or revoking an exemption, and authorizing municipal or county officials to implement such conditions and agreements:
(3) Recognizes or confirms the continuing existence of a community reinvestment area, including by providing a date after which the area may be terminated;

(3)(4) Recognizes or confirms a previously granted tax exemption;

(4)(5) Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions;

(5)(6) Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community reinvestment area housing council created under section 3735.69 of the Revised Code or a tax incentive review council under section 5709.85 of the Revised Code;

(6)(7) Increases the term of tax exemption for remodeling to not more than that authorized by H.B. 463 of the 131st general assembly for an exemption application that has been filed but not yet granted, or has been filed, on or after April 6, 2017, or that is filed on or after any other later date, provided the maximum term of the exemption for such remodeling before the ordinance's or resolution's modification was the maximum term allowed under division (D)(1) or (2) of section 3735.67 of the Revised Code as that section existed before its amendment by H.B. 463 of the 131st general assembly."

In line 63422, after "3734.901," insert "3735.661,"

The motion was __________ agreed to.
SYNOPSIS

Community reinvestment area amendments 75

R.C. 3735.661 76

Specifies that an amendment that adds affordable housing requirements to the terms of a community reinvestment area (CRA) in existence on July 21, 1994, will not subject the CRA to state law requirements that subsequently became effective. 77 78 79 80
moved to amend as follows:

1. In line 78980, delete "$3,450,000 $3,450,000" and insert "$4,450,000 $4,450,000"
2. In line 78987, add $1,000,000 to each fiscal year
3. In line 79000, add $1,000,000 to each fiscal year
4. In line 81642, delete "$6,900,000" and insert "$8,900,000"
5. The motion was ______ agreed to.

SYNOPSIS

Department of Higher Education

Sections 381.10 and 513.10

Increases DPF Fund 5JC0 line item 235654, Federal Research Network, by $1,000,000 in each fiscal year.

Increases, from up to $6,900,000 to up to $8,900,000, the cash transfer from FY 2019 GRF surplus revenue to the Economic Development Program Fund (Fund 5JCO) to support the proposed appropriation increase.
moved to amend as follows:

In line 11 of the title, after "341.34," insert "351.021,
353.06,"

In line 147 of the title, after "5709.51," insert "5739.082,"

In line 199, after "341.34," insert "351.021, 353.06,"

In line 301, after "5709.51," insert "5739.082,"

After line 8361, insert:

"Sec. 351.021. (A) The resolution of the county commissioners
creating a convention facilities authority, or any amendment or
supplement to that resolution, may authorize the authority to levy
one or both of the excise taxes authorized by division (B) of this
section to pay the cost of one or more facilities; to pay
principal, interest, and premium on convention facilities
authority tax anticipation bonds issued to pay those costs; to pay
the operating costs of the authority; to pay operating and
maintenance costs of those facilities; and to pay the costs of
administering the excise tax.

(B) The board of directors of a convention facilities
authority that has been authorized pursuant to resolution adopted,
amended, or supplemented by the board of county commissioners
pursuant to division (A) of this section may levy, by resolution
adopted on or before December 31, 1988, either or both of the following:

(1) Within the territory of the authority, an additional excise tax not to exceed four per cent on each transaction. The excise tax authorized by division (B)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B)(2) of this section.

(2) Within that portion of any municipal corporation that is located within the territory of the authority or within the boundaries of any township that is located within the territory of the authority, which municipal corporation or township is levying any portion of the excise tax authorized by division (A) of section 5739.08 of the Revised Code, and with the approval, by ordinance or resolution, of the legislative authority of that municipal corporation or township, an additional excise tax not to exceed nine-tenths of one per cent on each transaction. The excise tax authorized by division (B)(2) of this section may be levied only if, on the effective date of the levy specified in the resolution making the levy, the amount being levied pursuant to division (A) of section 5739.08 of the Revised Code by each municipal corporation or township in which the tax authorized by division (B)(2) of this section will be levied, when added to the amount levied under division (B)(2) of this section, does not exceed three per cent on each transaction. The excise tax authorized by division (B)(2) of this section shall be in addition to any excise tax that is levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B)(1) of this section.

(C)(1) The board of directors of a convention facilities authority that is located in an eligible Appalachian county; that...
has been authorized pursuant to resolution adopted, amended, or supplemented by the board of county commissioners pursuant to division (A) of this section; and that is not levying a tax under division (B)(1) or (2) of this section may levy within the territory of the authority, by resolution adopted on or before December 31, 2005, an additional excise tax not to exceed three per cent on each transaction. The excise tax authorized under division (C)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code.

As used in division (C)(1) of this section, "eligible Appalachian county" means a county in this state designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and having a population less than eighty thousand according to the most recent federal decennial census.

(2) Division (C)(2) of this section applies only to a convention facilities authority located in a county with a population, according to the 2000 federal decennial census, of at least one hundred thirty-five thousand and not more than one hundred fifty thousand and containing entirely within its boundaries the territory of a municipal corporation with a population according to that census of more than fifty thousand. The board of directors of such a convention facilities authority, by resolution adopted on or before November 1, 2009, may levy within the territory of the authority an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests at a rate not to exceed three per cent on such transactions for the same purposes for which a tax may be levied under division (B) of this section. The resolution may be adopted only if the board of county commissioners of the county, by
resolution, authorizes the levy of the tax. The resolution of the board of county commissioners is subject to referendum as prescribed by sections 305.31 to 305.41 of the Revised Code. If, pursuant to those procedures, a referendum is to be held, the board's resolution does not take effect until approved by a majority of electors voting on the question. The convention facilities authority may adopt the resolution authorized by division (C)(2) of this section before the election, but the authority's resolution shall not take effect if the board of commissioners' resolution is not approved at the election. A tax levied under division (C)(2) of this section is in addition to any tax levied under section 5739.09 of the Revised Code.

(D) The authority shall provide for the administration and allocation of an excise tax levied pursuant to division (B) or (C) of this section. All receipts arising from those excise taxes shall be expended for the purposes provided in, and in accordance with this section and section 351.141 of the Revised Code. An excise tax levied under division (B) or (C) of this section shall remain in effect at the rate at which it is levied for at least the duration of the period for which the receipts from the tax have been anticipated and pledged pursuant to section 351.141 of the Revised Code.

(E) Except as provided in division (B)(2) of this section, the levy of an excise tax on each transaction pursuant to sections 5739.08 and 5739.09 of the Revised Code does not prevent a convention facilities authority from levying an excise tax pursuant to division (B) or (C) of this section.

(F) A convention facilities authority located in a county with a population greater than eighty thousand but less than ninety thousand according to the 2010 federal decennial census...
that levies a tax under division (B) of this section may amend the resolution
levying the tax to allocate a portion of the revenue from the tax for support of tourism-related sites or facilities and programs operated by the county or a municipal corporation within the county in which the authority is located or for the purpose of leasing lands for county fairs, erecting buildings for county fair purposes, making improvements on a county fairground, or for any purpose connected with the use of a county fairground or with the management thereof by the county in which the authority is located. The revenue allocated by the authority for such purposes in a calendar year shall not exceed fifteen per cent of the total revenue from the tax in the preceding calendar year.

(G) A tax levied by a convention facilities authority under this section on transactions by which lodging by a hotel is or is to be furnished to transient guests, if the transaction is conducted through a hotel intermediary, shall be levied on the basis of the lodging's fair market value. The hotel intermediary shall collect the tax due from the purchaser and remit it to the convention facilities authority. As used in this division, "lodging's fair market value" and "hotel intermediary" have the same meanings as in section 5739.01 of the Revised Code.

Sec. 353.06. As used in this section, "hotel," "lodging's fair market value," "hotel intermediary," and "transient guests" have the same meanings as in section 5739.01 of the Revised Code.

A resolution creating a lake facilities authority under section 353.02 of the Revised Code, or any amendments or supplements thereto, may authorize the authority to levy an excise tax on transactions by which lodging in a hotel is or is to be furnished to transient guests to pay any costs authorized under this chapter; to pay principal, interest, and premium on lake
facilities authority tax anticipation bonds issued to pay those costs; to pay the operating costs of the authority; and to pay the costs of administering the tax.

Upon the affirmative vote of at least a majority of the qualified electors in a primary or general election within the impacted lake district voting at an election held for the purpose of authorizing the tax, the board of directors of a lake facilities authority authorized to levy a tax under this section may, by resolution, levy an additional excise tax within the territory of the impacted lake district on all transactions by which lodging in a hotel is or is to be furnished to transient guests. The rate of the tax, when added to the aggregate rate of excise taxes levied in the impacted lake district pursuant to section 351.021, 5739.08, or 5739.09 of the Revised Code, shall not cause the total aggregate rate to exceed five per cent on any such transaction.

The lake facilities authority shall provide for the administration and allocation of a tax levied pursuant to this section. All receipts arising from the tax shall be expended for the purposes provided in, and in accordance with, this section. An excise tax levied under this section shall remain in effect at the rate at which it is levied for at least the duration of the period for which the receipts from the tax have been anticipated and pledged pursuant to section 353.08 of the Revised Code.

The form of the ballot in an election held on the question of levying a tax proposed pursuant to this section shall be as follows or in any other form acceptable to the secretary of state:

"An excise tax on all transactions by which lodging in a hotel is or is to be furnished to transient guests within the territory of the (name of impacted lake district) ............ for
the purpose of .......... at a rate of ........... for .............
(number of years the tax is to be levied).

<table>
<thead>
<tr>
<th>For the Excise Tax</th>
<th>Against the Excise Tax</th>
</tr>
</thead>
</table>

A tax levied by a lake facilities authority under this
section on transactions by which lodging by a hotel is or is to be
furnished to transient guests, if the transaction is conducted
through a hotel intermediary, shall be levied on the basis of the
lodging's fair market value. The hotel intermediary shall collect
the tax due from the purchaser and remit it to the lake facilities
authority."

In line 56591, strike through the second comma 177 178 179
In line 56592, strike though "(3),"; strike through "(4)";
delete ", and (5)" and insert "to (6)"

After line 56694, insert:

"(6) In the case of transactions by which lodging by a hotel
is or is to be furnished to transient guests, if the vendor is a
hotel intermediary, "price" means the lodging's fair market
value."

After line 57417, insert:

"(SSS) "Hotel intermediary" means a person that brokers,
coordinates, or otherwise arranges for the purchase, sale, use, or
possession of lodging at hotels to or by transient guests, but
does not include any of the following:

(1) A hotel;

(2) A person receiving a commission from a hotel; (3) A
person imposing a charge for services described in division (SSS)
of this section, provided the charge is separately stated on an invoice, bill of sale, receipt, or similar document given to the consumer.

(TTT) "Lodging's fair market value" means the price that a hotel would charge a transient guest for lodging in the hotel had the transient guest purchased that lodging from the hotel and not from a hotel intermediary."

After line 59231, insert:

"Sec. 5739.082. A tax levied by a board of township trustees or the legislative authority of a municipal corporation pursuant to section 5739.08 of the Revised Code on transactions by which lodging by a hotel is or is to be furnished to transient guests, if the transaction is conducted through a hotel intermediary, shall be levied on the basis of the lodging's fair market value. The hotel intermediary shall collect the tax due from the purchaser and remit it to the township or municipal corporation."

After line 60313, insert:

") (O) A tax levied pursuant to this section on transactions by which lodging by a hotel is or is to be furnished to transient guests, if the transaction is conducted through a hotel intermediary, shall be levied on the basis of the lodging's fair market value. The hotel intermediary shall collect the tax due from the purchaser and remit it to the subdivision levying the tax."

In line 63400, after "341.34," insert "351.021, 353.06,"

After line 82742, insert:

"Section 757.___. The amendment or enactment by this act of division (O) of section 5739.09, and sections 351.021, 353.06, and
5739.082 of the Revised Code applies on and after the first day of the first month that begins after the effective date of this section."

The motion was __________ agreed to.

SYNOPSIS

**Hotel intermediaries: sales and lodging taxes**

R.C. 351.021, 353.06, 5739.01(H)(6), (SSS), and (TTT), 5739.082, and 5739.09(O); Section 757.____

Specifies that, for the purposes of the sales and use tax and local lodging taxes, the "price" basis on which a hotel intermediary must collect and remit the tax is the amount the intermediary advertises to the customer as the room's price. Specifies that the hotel intermediary must collect from the customer and remit local lodging taxes to the subdivision levying the tax.

A hotel intermediary is a person that arranges for the sale of hotel rooms, except for a hotel, a person receiving a commission from a hotel, or a person that separately itemizes its service charge to the customer.
moved to amend as follows:

In line 63207, strike through "Ohio" and insert "modified" 1
In line 63210, strike through "Ohio" and insert "modified" 2

The motion was ________ agreed to.

SYNOPSIS

School district income tax base 3

R.C. 5748.01 4

Requires that, for purposes of school district income taxes
that use "earned income" as the tax base, amounts subject to the
state business income deduction must be added back when computing
a taxpayer's taxable income.

Under continuing law, school districts that levy an income
tax may use Ohio adjusted gross income (OAGI) or "earned income"
as a tax base. "Earned income" includes compensation and
self-employment earnings, but only to the extent that such income
is included in OAGI.

Under the pending bill, in computing their OAGI, taxpayers
may deduct up to $100,000 of their business income (down from
$250,000 under current law). Currently, such amounts must be added back when computing the taxable income of taxpayers in school districts that use OAGI as a base, but not in districts that have an earned income tax base.
moved to amend as follows:

In line 10 of the title, delete "323.155,;" after "323.151," insert "323.155,"

In line 30 of the title, delete "3118.036," and insert "3318.036,"

In line 122 of the title, delete "3301.28,"

In line 144 of the title, after "5166.50" insert a comma

In line 176 of the title, after the semicolon insert "to present section 149.45 of the Revised Code to confirm its harmonization;"; delete "Am. Sub."

In line 178 of the title, delete "Am. Sub."

In line 184 of the title, delete "Sub."

In line 280, delete "1751.92,;" after "1713.032," insert "1751.92,"

In line 281, delete "3301.28,"

In line 2457, delete the underlined semicolon

Delete lines 2458 through 2463

In line 2464, delete everything before the period

In line 16197, strike through "the Ohio board of regents" and insert "higher education"
In line 23962, strike through "the Ohio board of regents" and insert "higher education"

In line 31768, delete "the"

In line 36113, after "internship" insert an underlined comma

In line 39956, strike through "board of regents" and insert "department of higher education"

In line 63140, delete "5747.74" and insert "5747.73"

In line 63476, after "4731.292," insert "4731.296,"

In line 63624, strike through "by the Ohio board of regents"

In line 76342, delete "FACILITIES" and insert "CARE"

In line 76344, delete "Facilities"

In line 77219, delete the second "the" and insert "this"

In line 77276, delete "Jobs" and insert "Job"

In line 78394, after "Living" insert "Council"

In line 78400, after "Living" insert "Council"

In line 80419, after "Chancellor" insert "of Higher Education"

In line 81646, delete "fsical" and insert "fiscal"

In line 82577, delete "and division (A)(15) of"

In line 82578, delete "section 5747.98"

Move lines 82587 through 82591 to after line 82429 and renumber it as "739.___

Delete lines 82697 through 82700

Delete lines 82719 through 82722

In line 82724, after "5739.01," insert "5739.011,"
Delete lines 82726 through 82729

In line 82735, after "amendment" insert "or repeal"

In line 82736, after "5747.055," insert "5747.29, 5747.65,"

After line 82826, insert:

"Section 815.30. (A) Section 149.45 of the Revised Code is presented below without amendment to confirm harmonization of the section, under division (B) of section 1.52 of the Revised Code, as amended by H.B. 341, S.B. 214, and S.B. 229 of the 132nd General Assembly:

Sec. 149.45. (A) As used in this section:

(1) "Personal information" means any of the following:

(a) An individual's social security number;

(b) An individual's state or federal tax identification number;

(c) An individual's driver's license number or state identification number;

(d) An individual's checking account number, savings account number, credit card number, or debit card number;

(e) An individual's demand deposit account number, money market account number, mutual fund account number, or any other financial or medical account number.

(2) "Public record," "designated public service worker," and "designated public service worker residential and familial information" have the meanings defined in section 149.43 of the Revised Code.

(3) "Truncate" means to redact all but the last four digits of an individual's social security number.
(B)(1) No public office or person responsible for a public office's public records shall make available to the general public on the internet any document that contains an individual's social security number without otherwise redacting, encrypting, or truncating the social security number.

(2) A public office or person responsible for a public office's public records that, prior to October 17, 2011, made available to the general public on the internet any document that contains an individual's social security number shall redact, encrypt, or truncate the social security number from that document.

(3) Divisions (B)(1) and (2) of this section do not apply to documents that are only accessible through the internet with a password.

(C)(1) An individual may request that a public office or a person responsible for a public office's public records redact personal information of that individual from any record made available to the general public on the internet. An individual who makes a request for redaction pursuant to this division shall make the request in writing on a form developed by the attorney general and shall specify the personal information to be redacted and provide any information that identifies the location of that personal information within a document that contains that personal information.

(2) Upon receiving a request for a redaction pursuant to division (C)(1) of this section, a public office or a person responsible for a public office's public records shall act within five business days in accordance with the request to redact the personal information of the individual from any record made available to the general public on the internet, if practicable.
If a redaction is not practicable, the public office or person responsible for the public office's public records shall verbally or in writing within five business days after receiving the written request explain to the individual why the redaction is impracticable.

(3) The attorney general shall develop a form to be used by an individual to request a redaction pursuant to division (C)(1) of this section. The form shall include a place to provide any information that identifies the location of the personal information to be redacted.

(D)(1) A designated public service worker may request that a public office, other than a county auditor, or a person responsible for the public records of a public office, other than a county auditor, redact the designated public service worker's address from any record made available to the general public on the internet that includes designated public service worker residential and familial information of the designated public service worker making the request. A designated public service worker who makes a request for a redaction pursuant to this division shall make the request in writing and on a form developed by the attorney general.

(2) Upon receiving a written request for a redaction pursuant to division (D)(1) of this section, a public office, other than a county auditor, or a person responsible for the public records of a public office, other than a county auditor, shall act within five business days in accordance with the request to redact the address of the designated public service worker making the request from any record made available to the general public on the internet that includes designated public service worker residential and familial information of the designated public service worker.
service worker making the request, if practicable. If a redaction is not practicable, the public office or person responsible for the public office's public records shall verbally or in writing within five business days after receiving the written request explain to the designated public service worker why the redaction is impracticable.

(3) Except as provided in this section and section 319.28 of the Revised Code, a public office, other than an employer of a designated public service worker, or a person responsible for the public records of the employer, is not required to redact designated public service worker residential and familial information of the designated public service worker from other records maintained by the public office.

(4) The attorney general shall develop a form to be used by a designated public service worker to request a redaction pursuant to division (D)(1) of this section. The form shall include a place to provide any information that identifies the location of the address of the designated public service worker to be redacted.

(E)(1) If a public office or a person responsible for a public office's public records becomes aware that an electronic record of that public office that is made available to the general public on the internet contains an individual's social security number that was mistakenly not redacted, encrypted, or truncated as required by division (B)(1) or (2) of this section, the public office or person responsible for the public office's public records shall redact, encrypt, or truncate the individual's social security number within a reasonable period of time.

(2) A public office or a person responsible for a public office's public records is not liable in damages in a civil action for any harm an individual allegedly sustains as a result of the
inclusion of that individual's personal information on any record made available to the general public on the internet or any harm a designated public service worker sustains as a result of the inclusion of the designated public service worker's address on any record made available to the general public on the internet in violation of this section, unless the public office or person responsible for the public office's public records acted with malicious purpose, in bad faith, or in a wanton or reckless manner or unless division (A)(6)(a) or (c) of section 2744.03 of the Revised Code applies.

The foregoing presentation supersedes section 149.45 of the Revised Code as it results, respectively, from H.B. 341, S.B. 214, and S.B. 229 of the 132nd General Assembly.

(B) Section 149.45 of the Revised Code was amended together with, and in relation to, section 149.43 of the Revised Code by H.B. 341 of the 132nd General Assembly. Section 149.43 of the Revised Code is presented elsewhere in this act."

The motion was __________ agreed to.

**SYNOPSIS**

R.C. 121.22, 955.43, 3302.021, 3319.26, 3962.04, 4731.222, and 4760.031

Sections 101.01, 105.01, 307.195, 333.185, 333.200, 353.20, 381.610, 513.10, 757.10, 757.23, 757.60, 757.130, 757.140, 757.150, and 815.30

Corrects various engrossing and punctuation errors.

Eliminates cross references from provisions removed by the
substitute bill.

Corrects a department name; corrects references to the name of an appropriation item to match the name of the appropriation item.

Corrects the placement of a section.

Confirms the harmonization of R.C. 149.45 to clarify its relationship to R.C. 149.43.
moved to amend as follows:

After line 82742, insert:

"Section 757.____. As used in this section, "qualified property" means any property that satisfies the qualifications for tax exemption under the terms of section 5709.08 of the Revised Code and that is owned by a municipal corporation that, within the preceding twenty-five years, (A) was part of an area subject to a federal disaster declaration on the basis of severe storms or flooding and (B) following that declaration, obtained the title to one or more parcels pursuant to the terms of a hazard mitigation grant from the Federal Emergency Management Agency.

Notwithstanding section 5713.081 of the Revised Code, when qualified property has not received tax exemption due to a failure to comply with Chapter 5713. or section 5715.27 of the Revised Code, the municipal corporation that owns the property, at any time on or before twelve months after the effective date of this act, may file with the Tax Commissioner an application requesting that the property be placed on the tax-exempt list and that all unpaid taxes, penalties, and interest on the property be abated.

The application shall be made on the form prescribed by the Commissioner under section 5715.27 of the Revised Code and shall list the name of the county in which the property is located; the
property's parcel number or legal description; its assessed value;  
the amount in dollars of the unpaid taxes, penalties, and  
interest; and any other information required by the Commissioner.  
The county auditor shall supply the required information upon  
request of the applicant.

After receiving and considering the application, the  
Commissioner shall determine if the applicant meets the  
qualifications set forth in this section. If so, the Commissioner  
shall issue an order directing that the property be placed on the  
tax-exempt list of the county and that all unpaid taxes,  
penalties, and interest be abated. If the Commissioner finds that  
the property is not now being used for an exempt purpose or is  
otherwise ineligible for abatement of taxes, penalties, and  
interest under this section, the Commissioner shall issue an order  
denying the application.

If the Commissioner finds that the property is not entitled  
to tax exemption and to the abatement of unpaid taxes, penalties,  
and interest, the Commissioner shall order the county treasurer of  
the county in which the property is located to collect all taxes,  
penalties, and interest due on the property for those years in  
accordance with law.

The Commissioner may apply this section to any qualified  
property that is the subject of an application for exemption  
pending before the Commissioner on the effective date of this  
section without requiring the property owner to file an additional  
application."

The motion was __________ agreed to.
Property tax abatement for certain municipalities

Section 757.__

Authorizes an abatement of unpaid property taxes, penalties, and interest due on property that is owned by a municipality that, within the past 25 years, (a) was part of federal disaster area declared due to severe storms or flooding and (b) obtained the title to property pursuant to a hazard mitigation grant from the Federal Emergency Management Agency.

Under current law, unpaid taxes standing charged against property may not be abated for more than three years, and the property is disqualified for tax exemption even if it otherwise qualifies.
moved to amend as follows:

In line 7 of the title, after "141.16," insert "147.591,"

In line 197, after "141.16," insert "147.591,"

After line 5402, insert:

"Sec. 147.591. (A) As used in this section, "electronic
document," "electronic seal," "electronic signature," and "online
notarization" have the same meanings as in section 147.60 of the
Revised Code.

(B)(1) An electronic document that is signed in the physical
presence of the notary public with an electronic signature and
notarized with an electronic seal shall be considered an original
document.

(2) Notwithstanding any other provision of the Revised Code
to the contrary, a printed digital copy of a document executed
electronically by the parties and acknowledged or sworn before a
notary acting pursuant to this section shall be accepted by county
auditors, engineers, and recorders for purposes of approval,
transfer, and recording to the same extent as any other document
that is submitted by an electronic recording method and shall not
be rejected solely by reason of containing electronic signatures
or an electronic notarization, including an online notarization."
if that document contains the certificate required under division (G) of section 147.542 of the Revised Code, including the notification required under division (G)(7) of that section.

(3) A county auditor, engineer, and recorder shall accept a printed document that was executed electronically for purposes of approval, transfer, and recording if that document contains an attached certificate in the following, or a substantially similar, format:

"AUTHENTICATOR CERTIFICATE"

I certify and warrant that the foregoing and annexed paper document being presented for record, to which this certification is attached, represents a true, exact, complete, and unaltered copy of the original electronic document. The county offices of the auditor, treasurer, recorder, and others necessary to effectuate the transfer and recording of the instrument shall be entitled to rely on such certification and warranty for all purposes.

..........................[signature of authenticator]

..........................[printed name of authenticator]

..........................[street address of authenticator]

..........................[city, state, zip code of authenticator]

..........................[telephone number of authenticator]

State of .................................  
  :ss

County of .................................  

The foregoing authenticator certificate was subscribed and sworn to in my presence by .......................... [printed name of authenticator] on this .... day of ........, 20...
Notary Public"

(C) Any notary public may obtain an electronic seal and an electronic signature for the purposes of notarizing documents under this section.

(D) A notary public shall comply with the provisions of section 147.66 of the Revised Code pertaining to the electronic seal and electronic signature."

In line 63397, after "141.16," insert "147.591,"

The motion was __________ agreed to.

SYNOPSIS

Electronic notarization – accepting documents

R.C. 147.591

Requires county officials who electronically accept documents for recording to also accept electronically executed and notarized documents on the same terms.

Replaces existing law's requirement that printed copies of electronically executed and notarized documents be accepted on the same terms as documents submitted electronically with a requirement that they be accepted so long as they are properly authenticated.
In line 11 of the title, after "341.34," insert "505.37, 505.371,"

In line 199, after "341.34," insert "505.37, 505.371,"

After line 8361, insert:

"Sec. 505.37. (A) The board of township trustees may establish all necessary rules to guard against the occurrence of fires and to protect the property and lives of the citizens against damage and accidents, and may, with the approval of the specifications by the prosecuting attorney or, if the township has adopted limited home rule government under Chapter 504. of the Revised Code, with the approval of the specifications by the township's law director, purchase, lease, lease with an option to purchase, or otherwise provide any fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment, appliances, materials, fire hydrants, and water supply for fire-fighting and fire and rescue purposes that seems advisable to the board. The board shall provide for the care and maintenance of such fire equipment, and, for these purposes, may purchase, lease, lease with an option to purchase, or construct and maintain necessary buildings, and it may establish and maintain lines of fire-alarm communications within the limits of the township. The board may employ one or more persons to maintain and operate such fire equipment, or it may enter into an agreement with a volunteer fire company for the use and operation of the
equipment. The board may compensate the members of a volunteer fire company on any basis and in any amount that it considers equitable.

When the estimated cost to purchase fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment, appliances, materials, fire hydrants, buildings, or fire-alarm communications equipment or services exceeds fifty thousand dollars, the contract shall be let by competitive bidding. When competitive bidding is required, the board shall advertise once a week for not less than two consecutive weeks in a newspaper of general circulation within the township. The board may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the board's internet web site. If the board posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the township, provided that the first notice published in such newspaper meets all of the following requirements:

(1) It is published at least two weeks before the opening of bids.

(2) It includes a statement that the notice is posted on the board's internet web site.

(3) It includes the internet address of the board's internet web site.

(4) It includes instructions describing how the notice may be accessed on the board's internet web site.

The advertisement shall include the time, date, and place where the clerk of the township, or the clerk's designee, will
read bids publicly. The time, date, and place of bid openings may be extended to a later date by the board of township trustees, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications not later than ninety-six hours prior to the original time and date fixed for the opening. The board may reject all the bids or accept the lowest and best bid, provided that the successful bidder meets the requirements of section 153.54 of the Revised Code when the contract is for the construction, demolition, alteration, repair, or reconstruction of an improvement.

(B) The boards of township trustees of any two or more townships, or the legislative authorities of any two or more political subdivisions, or any combination of these, may, through joint action, unite in the joint purchase, lease, lease with an option to purchase, maintenance, use, and operation of fire equipment described in division (A) of this section, or for any other purpose designated in sections 505.37 to 505.42 of the Revised Code, and may prorate the expense of the joint action on any terms that are mutually agreed upon.

(C) The board of township trustees of any township may, by resolution, whenever it is expedient and necessary to guard against the occurrence of fires or to protect the property and lives of the citizens against damages resulting from their occurrence, create a fire district of any portions of the township that it considers necessary. The board may purchase, lease, lease with an option to purchase, or otherwise provide any fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment, appliances, materials, fire hydrants, and water supply for fire-fighting and fire and rescue purposes, or may contract for the fire protection for the fire district as provided in section 9.60 of the Revised
Code. The fire district so created shall be given a separate name by which it shall be known.

Additional unincorporated territory of the township may be added to a fire district upon the board's adoption of a resolution authorizing the addition. A municipal corporation, or a portion of a municipal corporation, that is within or adjoining the township may be added to a fire district upon the board's adoption of a resolution authorizing the addition and the municipal legislative authority's adoption of a resolution or ordinance requesting the addition of the municipal corporation or a portion of the municipal corporation to the fire district.

If the township fire district imposes a tax, additional unincorporated territory of the township or a municipal corporation or a portion of a municipal corporation that is within or adjoining the township shall become part of the fire district only after all of the following have occurred:

(1) Adoption by the board of township trustees of a resolution approving the expansion of the territorial limits of the district and, if the resolution proposes to add a municipal corporation or a portion of a municipal corporation, adoption by the municipal legislative authority of a resolution or ordinance requesting the addition of the municipal corporation or a portion of the municipal corporation to the district;

(2) Adoption by the board of township trustees of a resolution recommending the extension of the tax to the additional territory;

(3) Approval of the tax by the electors of the territory proposed for addition to the district.

Each resolution of the board adopted under division (C)(2) of
this section shall state the name of the fire district, a description of the territory to be added, and the rate and termination date of the tax, which shall be the rate and termination date of the tax currently in effect in the fire district.

The board of trustees shall certify each resolution adopted under division (C)(2) of this section to the board of elections in accordance with section 5705.19 of the Revised Code. The election required under division (C)(3) of this section shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within ......................... (description of the proposed territory to be added) be added to ............... (name) fire district, and a property tax at a rate of taxation not exceeding ...... (here insert tax rate) be in effect for ........... (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable)?"

If the question is approved by at least a majority of the electors voting on it, the joinder shall be effective as of the first day of July of the year following approval, and on that date, the township fire district tax shall be extended to the taxable property within the territory that has been added. If the territory that has been added is a municipal corporation or portion thereof and if it had adopted a tax levy for fire purposes, the levy is terminated on the effective date of the joinder in the area of the municipal corporation added to the district.

Any municipal corporation may withdraw from a township fire
district created under division (C) of this section by the adoption by the municipal legislative authority of a resolution or ordinance ordering withdrawal. On the first day of July of the year following the adoption of the resolution or ordinance of withdrawal, the withdrawing municipal corporation or the portion thereof ceases to be a part of the district, and the power of the fire district to levy a tax upon taxable property in the withdrawing municipal corporation or the portion thereof terminates, except that the fire district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the fire district as it was composed at the time the indebtedness was incurred.

Upon the withdrawal of any municipal corporation from a township fire district created under division (C) of this section, the county auditor shall ascertain, apportion, and order a division of the funds on hand, moneys and taxes in the process of collection except for taxes levied for the payment of indebtedness, credits, and real and personal property, either in money or in kind, on the basis of the valuation of the respective tax duplicates of the withdrawing municipal corporation and the remaining territory of the fire district.

A board of township trustees may remove unincorporated territory of the township from the fire district upon the adoption of a resolution authorizing the removal. On the first day of July of the year following the adoption of the resolution, the unincorporated township territory described in the resolution ceases to be a part of the district, and the power of the fire district to levy a tax upon taxable property in that territory terminates, except that the fire district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the fire district as it was composed at the time the
indebtedness was incurred. 175

(D) The board of township trustees of any township, the board of fire district trustees of a fire district created under section 505.371 of the Revised Code, or the legislative authority of any municipal corporation may purchase, lease, or lease with an option to purchase the necessary fire equipment described in division (A) of this section, buildings, and sites for the township, fire district, or municipal corporation and issue securities for that purpose with maximum maturities as provided in section 133.20 of the Revised Code. The board of township trustees, board of fire district trustees, or legislative authority may also construct any buildings necessary to house fire equipment and issue securities for that purpose with maximum maturities as provided in section 133.20 of the Revised Code. 179

The board of township trustees, board of fire district trustees, or legislative authority may issue the securities of the township, fire district, or municipal corporation, signed by the board or designated officer of the municipal corporation and attested by the signature of the township fiscal officer, fire district clerk, or municipal clerk, covering any deferred payments and payable at the times provided, which securities shall bear interest not to exceed the rate determined as provided in section 9.95 of the Revised Code, and shall not be subject to Chapter 133. of the Revised Code. The legislation authorizing the issuance of the securities shall provide for levying and collecting annually by taxation, amounts sufficient to pay the interest on and principal of the securities. The securities shall be offered for sale on the open market or given to the vendor or contractor if no sale is made. 180

Section 505.40 of the Revised Code does not apply to any 181
securities issued, or any lease with an option to purchase entered into, in accordance with this division.

(E) A board of township trustees of any township or a board of fire district trustees of a fire district created under section 505.371 of the Revised Code may purchase a policy or policies of liability insurance for the officers, employees, and appointees of the fire department, fire district, or joint fire district governed by the board that includes personal injury liability coverage as to the civil liability of those officers, employees, and appointees for false arrest, detention, or imprisonment, malicious prosecution, libel, slander, defamation or other violation of the right of privacy, wrongful entry or eviction, or other invasion of the right of private occupancy, arising out of the performance of their duties.

When a board of township trustees cannot, by deed of gift or by purchase and upon terms it considers reasonable, procure land for a township fire station that is needed in order to respond in reasonable time to a fire or medical emergency, the board may appropriate land for that purpose under sections 163.01 to 163.22 of the Revised Code. If it is necessary to acquire additional adjacent land for enlarging or improving the fire station, the board may purchase, appropriate, or accept a deed of gift for the land for these purposes.

(F) As used in this division, "emergency medical service organization" has the same meaning as in section 4766.01 of the Revised Code.

A board of township trustees, by adoption of an appropriate resolution, may choose to have the state board of emergency medical, fire, and transportation services license any emergency medical service organization it operates. If the board adopts such
a resolution, Chapter 4766. of the Revised Code, except for sections 4766.06 and 4766.99 of the Revised Code, applies to the organization. All rules adopted under the applicable sections of that chapter also apply to the organization. A board of township trustees, by adoption of an appropriate resolution, may remove its emergency medical service organization from the jurisdiction of the state board of emergency medical, fire, and transportation services.

Sec. 505.371. (A) The boards of township trustees of one or more townships and the legislative authorities of one or more municipal corporations, or the legislative authorities of two or more municipal corporations, or the boards of township trustees of two or more townships, may, by adoption of a joint resolution by a majority of the members of each board of township trustees and by a majority of the members of the legislative authority of each municipal corporation, create a joint fire district comprising all or any portions of the municipal corporations and all or any portions of the townships as are mutually agreed upon. A joint fire district so created shall be given a name different from the name of any participating township or municipal corporation.

(B) The governing body of the joint fire district shall be a board of fire district trustees, which shall include one representative from each board of township trustees and one representative from the legislative authority of each municipal corporation in the district. The board of fire district trustees may exercise the same powers as are granted to a board of township trustees in sections 505.37 to 505.45 of the Revised Code, including, but not limited to, the power to levy a tax upon all taxable property in the fire district as provided in section 505.39 of the Revised Code. The board of fire district trustees
may be compensated at a rate not to exceed thirty dollars per meeting, not to exceed fifteen meetings per year, and may be reimbursed for all necessary expenses incurred. The board shall employ a clerk of the board of fire district trustees.

(C)(1) The board of fire district trustees may establish reasonable charges for the use of ambulance or emergency medical services. The board may establish different charges for residents and nonresidents of the district, and may waive, at its discretion, all or part of the charge for any resident of the district. The charge for nonresidents shall be an amount not less than the authorized medicare reimbursement rate, except that if, prior to February 4, 1998, the board had different charges for residents and nonresidents and the charge for nonresidents was less than the authorized medicare reimbursement rate, the board may charge nonresidents less than the authorized medicare reimbursement rate.

(2) In the resolution creating the joint fire district, the political subdivisions that create the district may provide that any of those political subdivisions may agree to pay any charges for the use of ambulance or emergency medical services that the board of fire district trustees establishes under division (C)(1) of this section and that are incurred by the residents of the particular political subdivision. Unless the board elects pursuant to that division to waive all or part of the charges for the use of ambulance or emergency medical services that any resident of the district incurs, the residents of a particular political subdivision that has not so agreed to pay the charges for the use of ambulance or emergency medical services incurred by its residents shall pay those charges.

(3) Charges collected under division (C) of this section
shall be kept in a separate fund designated as the ambulance and 
emergency medical services fund and shall be appropriated and 
administered by the board. The fund shall be used for the payment 
of the costs of the management, maintenance, and operation of 
ambulance and emergency medical services in the district.

(4) As used in division (C) of this section, "authorized 
medicare reimbursement rate" has the same meaning as in section 
505.84 of the Revised Code.

(D) Any municipal corporation or township, or parts of them, 
may join an existing joint fire district by the adoption of a 
resolution requesting such membership and upon approval of the 
board of fire district trustees. Any municipal corporation or 
township may withdraw from a joint fire district created under 
this section, by the adoption of a resolution ordering withdrawal. 
On or after the first day of January of the year following the 
adoption of the resolution of withdrawal, the municipal 
corporation or township withdrawing ceases to be a part of such 
district, and the power of the district to levy a tax upon taxable 
property in the withdrawing township or municipal corporation 
terminates, except that the district shall continue to levy and 
collect taxes for the payment of indebtedness within the territory 
of the district as it was comprised at the time the indebtedness 
was incurred.

Upon the withdrawal of any township or municipal corporation 
from a joint fire district created under this section, the county 
auditor shall ascertain, apportion, and order a division of the 
funds on hand, including funds in the ambulance and emergency 
medical services fund, moneys and taxes in the process of 
collection, except for taxes levied for the payment of 
indebtedness, credits, and real and personal property, either in
money or in kind, on the basis of the valuation of the respective
tax duplicates of the withdrawing municipal corporation or
township and the remaining territory of the joint fire district.

When the number of townships and municipal corporations
comprising a joint fire district is reduced to one, the joint fire
district ceases to exist by operation of law, and the funds,
credits, and property remaining after apportionments to
withdrawing municipal corporations or townships shall be assumed
by the one remaining township or municipal corporation. When a
joint fire district ceases to exist and an indebtedness remains
unpaid, the board of county commissioners shall continue to levy
and collect taxes for the payment of that indebtedness within the
territory of the joint fire district as it was comprised at the
time the indebtedness was incurred.

(E) Neither this section nor any other section of the Revised
Code requires, or shall be construed to require, that the fire
chief of a joint fire district be a resident of the fire
district."

In line 63400, after "341.34," insert "505.37, 505.371,"

The motion was __________ agreed to.

SYNOPSIS

Fire districts to include portion of municipal corporation

R.C. 505.37 and 505.371

Allows a township fire district or a joint fire district to
include all or a portion of a municipal corporation. Current law
only allows a district to include all of a municipal corporation.
HC2193

Sub. H.B. 166
LSC 133 0001-4

______________________________ moved to amend as follows:

After line 82575, insert:

"Section 755. (A) There is hereby created the Ohio Maritime Commission Study Committee, composed of the following members:

(1) One consultant appointed by the Director of Transportation who is experienced in maritime matters to act as chairperson of the Study Committee;

(2) Ten members representing the Ohio River region, all appointed by the Speaker of the House of Representatives, five of whom represent the private sector and five of whom represent the public sector for that region;

(3) Ten members representing the Lake Erie region, all appointed by the President of the Senate, five of whom represent the private sector and five of whom represent the public sector for that region.

(B) The Study Committee shall examine whether Ohio would benefit from the creation of a maritime commission. In examining the potential benefits of having such a commission, the Study
Committee shall examine and gather information on all of the following:

(1) Other states that have created a maritime commission and the roles and responsibilities of such commissions;

(2) The benefits and structure of other similar commissions currently in Ohio;

(3) The current need in the Ohio River and Lake Erie regions for a commission that would oversee maritime activities in those regions;

(4) Input from private and public sector businesses in the Ohio River and Lake Erie regions that would be impacted by the creation of a maritime commission in Ohio.

(C) The Study Committee shall prepare a report that summarizes the information gathered by the Study Committee and shall make recommendations regarding whether a maritime commission would benefit Ohio. Not later than six months after the effective date of this section, the Study Committee shall submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leadership of the General Assembly.

(D) Upon submission of the report, the Study Committee shall cease to exist."

The motion was ________ agreed to.
SYNOPSIS

Ohio Maritime Commission Study Committee

Section 755.

Creates the Ohio Maritime Commission Study Committee consisting of the following members:

1. A consultant appointed by the Director of Transportation, experienced in maritime matters, to act as chairperson of the Study Committee;

2. Ten members from the Ohio River region appointed by the Speaker of the House (five representing the private sector and five representing the public sector); and

3. Ten members from the Lake Erie region appointed by the President of the Senate (five representing the private sector and five representing the public sector).

Requires the Study Committee to examine whether Ohio would benefit from the creation of a maritime commission, specifically by gathering information on all of the following:

1. Other states that have created a maritime commission;

2. The benefits and structure of other similar Ohio commissions;

3. The current need in the Ohio River and Lake Erie regions for a maritime commission; and

4. Input from private and public sector businesses in the regions that would be impacted by the creation of a maritime commission in Ohio.

Requires the Study Committee to submit a report to the Governor, President of the Senate, Speaker of the House of Representatives, and the majority and minority leadership within six months of the effective date of the bill that summarizes the Committee's findings and makes recommendations regarding the creation of a maritime commission.
moved to amend as follows:

1. In line 73114, delete "$6,946,280,845 $6,895,518,845" and insert "$6,946,780,845 $6,896,018,845"

2. In line 73122, add $500,000 to each fiscal year

3. In line 73174, add $500,000 to each fiscal year

4. In line 74140, delete "$1,500,000" and insert "$2,000,000"

The motion was ______ agreed to.

SYNOPSIS

Department of Education

Sections 265.10 and 265.210

Increases GRF appropriation item 200550, Foundation Funding, by $500,000 in each fiscal year. Increases by the same amounts the earmark from line item 200550 supporting the College Credit Plus Program for home-instructed students.
moved to amend as follows:

In line 10 of the title, after "307.622," insert "319.16,"

In line 199, after "307.622," insert "319.16,"

After line 7811, insert:

"Sec. 319.16. The county auditor shall issue warrants, including electronic warrants authorizing direct deposit for payment of county obligations in accordance with division (F) of section 9.37 of the Revised Code, on the county treasurer for all moneys payable from the county treasury, upon presentation of either of the proper following:

(A) The proper court order asserting the expenditure is a proper public purpose, redacted as required by law or to maintain attorney-client confidentiality. When such a court order is presented, the auditor shall have no liability for that expenditure; or

(B) The proper order or a voucher and evidentiary matter for the moneys, and keep.

The county auditor shall keep a record of all such warrants showing the number, date of issue, amount for which drawn, in whose favor, for what purpose, and on what fund. The auditor shall not issue a warrant for the payment of any claim against the county, unless it is allowed by the board of county commissioners, except where the amount due is fixed by law or is allowed by an officer or tribunal, including a county board of mental health or
county board of developmental disabilities, so authorized by law. If the auditor questions the validity of an expenditure that is within available appropriations and for which a proper order or voucher and evidentiary matter is presented, the auditor shall notify the board, officer, or tribunal who presented the voucher. If the board, officer, or tribunal determines that the expenditure is valid and the auditor continues to refuse to issue the appropriate warrant on the county treasury, a writ of mandamus may be sought. The court shall issue a writ of mandamus for issuance of the warrant if the court determines that the claim is valid. Evidentiary matter includes original invoices, receipts, bills and checks, and legible copies of contracts."

In line 63399, after "307.622," insert "319.16,"

The motion was __________ agreed to.

SYNOPSIS

County auditor issue warrants

R.C. 319.16

Specifies that the county auditor must issue a warrant for money payable from the county treasury upon presentation of a proper court order asserting a proper public purpose for the expenditure without the necessity for evidentiary material. Specifies that the county auditor has no liability for an expenditure if such an order is presented.
moved to amend as follows:

In line 176, after the semicolon insert "to amend sections 133.06, 133.18, 306.32, 306.321, 306.322, 306.70, 307.695, 307.697, 323.17, 349.14, 505.14, 505.20, 505.47, 511.27, 511.28, 511.34, 703.20, 707.30, 715.38, 715.691, 715.70, 715.71, 715.72, 718.04, 718.09, 718.10, 1545.041, 1545.21, 3311.21, 3311.231, 3311.26, 3311.50, 3313.38, 3313.911, 3318.06, 3318.061, 3318.063, 3318.361, 3354.02, 3354.12, 3357.02, 3357.11, 3381.03, 4301.421, 4301.424, 5705.191, 5705.192, 5705.194, 5705.199, 5705.21, 5705.211, 5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2111, 5705.2112, 5705.221, 5705.222, 5705.23, 5705.233, 5705.24, 5705.25, 5705.251, 5705.261, 5705.55, 5705.72, 5739.021, 5739.026, 5739.028, 5739.09, 5743.021, 5743.024, 5748.02, 5748.021, 5748.08, and 5748.09, to enact new section 5705.214, to enact sections 3501.022 and 5748.07, and to repeal section 5705.214 of the Revised Code;"

After line 70795, insert:

"Section 130.___. That sections 133.06, 133.18, 306.32, 306.321, 306.322, 306.70, 307.695, 307.697, 323.17, 349.14, 505.14, 505.20, 505.47, 511.27, 511.28, 511.34, 703.20, 707.30, 715.38, 715.691, 715.70, 715.71, 715.72, 718.04, 718.09, 718.10, 1545.041, 1545.21, 3311.21, 3311.231, 3311.26, 3311.22, 3311.231, 3311.26,
Sec. 133.06. (A) A school district shall not incur, without a vote of the electors at a general election or a special election held on a day on which a primary election may be held, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (D) of section 3313.372 of the Revised Code, or as prescribed in section 3318.052 or 3318.44 of the Revised Code, or as provided in division (J) of this section.

(B) Except as provided in divisions (E), (F), and (I) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation.

(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an amount equal to four per cent of its tax valuation, unless the superintendent of public instruction, acting under policies adopted by the state board of education, and the tax commissioner, acting under written policies of the commissioner, consent to the submission. A request for the consents shall be made at least one hundred twenty days prior to
the election at which the question is to be submitted.  

The superintendent of public instruction shall certify to the district the superintendent's and the tax commissioner's decisions within thirty days after receipt of the request for consents.  

If the electors do not approve the issuance of securities at the election for which the superintendent of public instruction and tax commissioner consented to the submission of the question, the school district may submit the same question to the electors on the date that the next election that is either a general election or a special election held on a day on which a primary election may be held under section 3501.01 of the Revised Code without submitting a new request for consent. If the school district seeks to submit the same question at any other subsequent election, the district shall first submit a new request for consent in accordance with this division.  

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:  

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;  

(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;  

(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;  

(4) Loans, evidenced by any securities, received under
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;

(5) Debt incurred under section 3313.374 of the Revised Code;

(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;

(7) Debt incurred under section 3318.042 of the Revised Code;

(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.

(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.

(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:

(a) The history of and a projection of the growth of the tax valuation;

(b) The projected needs;

(c) The estimated cost of permanent improvements proposed to
meet such projected needs.

(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.

(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:

(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;

(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase
during the next ten years.

(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.

(b) Existing fiscal and net indebtedness limitations make adequate replacement, additions, or improvements impossible.

(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost, in excess of any insurance or condemnation proceeds received by the district, of permanent improvements to respond to the emergency need.

(3) The procedures for the election shall be as provided in section 133.18 of the Revised Code, except that:

(a) The form of the ballot shall describe the emergency existing, refer to this division as the authority under which the emergency is declared, and state that the amount of the proposed
securities exceeds the limitations prescribed by division (B) of this section;

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least one hundred days prior to the election;

(c) The county auditor shall advise and, not later than ninety-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than ninety days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G)(1) The board of education may contract with an architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, measurement and verification of energy savings, and debt service, forgone residual value of materials or equipment replaced by the energy
conservation measure, as defined by the Ohio facilities construction commission, a baseline analysis of actual energy consumption data for the preceding three years with the utility baseline based on only the actual energy consumption data for the preceding twelve months, and estimates of the amounts by which energy consumption and resultant operational and maintenance costs, as defined by the commission, would be reduced.

If the board finds after receiving the report that the amount of money the district would spend on such installations, modifications, or remodeling is not likely to exceed the amount of money it would save in energy and resultant operational and maintenance costs over the ensuing fifteen years, the board may submit to the commission a copy of its findings and a request for approval to incur indebtedness to finance the making or modification of installations or the remodeling of buildings for the purpose of significantly reducing energy consumption.

The facilities construction commission, in consultation with the auditor of state, may deny a request under division (G)(1) of this section by the board of education of any school district that is in a state of fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code, if it determines that the expenditure of funds is not in the best interest of the school district.

No district board of education of a school district that is in a state of fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code shall submit a request without submitting evidence that the installations, modifications, or remodeling have been approved by the district's financial planning and supervision commission established under section 3316.05 of the Revised Code.

No board of education of a school district for which an
academic distress commission has been established under section 3302.10 of the Revised Code shall submit a request without first receiving approval to incur indebtedness from the district's academic distress commission established under that section, for so long as such commission continues to be required for the district.

(2) The board of education may contract with a person experienced in the implementation of student transportation to produce a report that includes an analysis of and recommendations for the use of alternative fuel vehicles by school districts. The report shall include cost estimates detailing the return on investment over the life of the alternative fuel vehicles and environmental impact of alternative fuel vehicles. The report also shall include estimates of all costs associated with alternative fuel transportation, including facility modifications and vehicle purchase costs or conversion costs.

If the board finds after receiving the report that the amount of money the district would spend on purchasing alternative fuel vehicles or vehicle conversion is not likely to exceed the amount of money it would save in fuel and resultant operational and maintenance costs over the ensuing five years, the board may submit to the commission a copy of its findings and a request for approval to incur indebtedness to finance the purchase of new alternative fuel vehicles or vehicle conversions for the purpose of reducing fuel costs.

The facilities construction commission, in consultation with the auditor of state, may deny a request under division (G)(2) of this section by the board of education of any school district that is in a state of fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code, if it determines that the expenditure
of funds is not in the best interest of the school district.

No district board of education of a school district that is in a state of fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code shall submit a request without submitting evidence that the purchase or conversion of alternative fuel vehicles has been approved by the district's financial planning and supervision commission established under section 3316.05 of the Revised Code.

No board of education of a school district for which an academic distress commission has been established under section 3302.10 of the Revised Code shall submit a request without first receiving approval to incur indebtedness from the district's academic distress commission established under that section, for so long as such commission continues to be required for the district.

(3) The facilities construction commission shall approve the board's request provided that the following conditions are satisfied:

(a) The commission determines that the board's findings are reasonable.

(b) The request for approval is complete.

(c) If the request was submitted under division (G)(1) of this section, the installations, modifications, or remodeling are consistent with any project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities under sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

Upon receipt of the commission's approval, the district may issue securities without a vote of the electors in a principal
amount not to exceed nine-tenths of one per cent of its tax valuation for the purpose specified in division (G)(1) or (2) of this section, but the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation.

(4)(a) So long as any securities issued under division (G)(1) of this section remain outstanding, the board of education shall monitor the energy consumption and resultant operational and maintenance costs of buildings in which installations or modifications have been made or remodeling has been done pursuant to that division. Except as provided in division (G)(4)(b) of this section, the board shall maintain and annually update a report in a form and manner prescribed by the facilities construction commission documenting the reductions in energy consumption and resultant operational and maintenance cost savings attributable to such installations, modifications, or remodeling. The resultant operational and maintenance cost savings shall be certified by the school district treasurer. The report shall be submitted annually to the commission.

(b) If the facilities construction commission verifies that the certified annual reports submitted to the commission by a board of education under division (G)(4)(a) of this section fulfill the guarantee required under division (B) of section 3313.372 of the Revised Code for three consecutive years, the board of education shall no longer be subject to the annual reporting requirements of division (G)(4)(a) of this section.

(5) So long as any securities issued under division (G)(2) of this section remain outstanding, the board of education shall
monitor the purchase of new alternative fuel vehicles or vehicle
conversions pursuant to that division. The board shall maintain
and annually update a report in a form and manner prescribed by
the facilities construction commission documenting the purchase of
new alternative fuel vehicles or vehicle conversions, the
associated environmental impact, and return on investment. The
resultant fuel and operational and maintenance cost savings shall
be certified by the school district treasurer. The report shall be
submitted annually to the commission.

(H) With the consent of the superintendent of public
instruction, a school district may incur without a vote of the
electors net indebtedness that exceeds the amounts stated in
divisions (A) and (G) of this section for the purpose of paying
costs of permanent improvements, if and to the extent that both of
the following conditions are satisfied:

(1) The fiscal officer of the school district estimates that
receipts of the school district from payments made under or
pursuant to agreements entered into pursuant to section 725.02,
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45,
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82
of the Revised Code, or distributions under division (C) of
section 5709.43 or division (B) of section 5709.47 of the Revised
Code, or any combination thereof, are, after accounting for any
appropriate coverage requirements, sufficient in time and amount,
and are committed by the proceedings, to pay the debt charges on
the securities issued to evidence that indebtedness and payable
from those receipts, and the taxing authority of the district
confirms the fiscal officer's estimate, which confirmation is
approved by the superintendent of public instruction;

(2) The fiscal officer of the school district certifies, and
the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose upon acquisition or completion thereof, and the superintendent of public instruction approves the taxing authority's confirmation.

The maximum maturity of securities issued under division (H) of this section shall be the lesser of twenty years or the maximum maturity calculated under section 133.20 of the Revised Code.

(I) A school district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in excess of the limit specified in division (B) or (C) of this section when necessary to raise the school district portion of the basic project cost and any additional funds necessary to participate in a project under Chapter 3318. of the Revised Code, including the cost of items designated by the facilities construction commission as required locally funded initiatives, the cost of other locally funded initiatives in an amount that does not exceed fifty per cent of the district's portion of the basic project cost, and the cost for site acquisition. The commission shall notify the superintendent of public instruction whenever a school district will exceed either limit pursuant to this division.

(J) A school district whose portion of the basic project cost of its classroom facilities project under sections 3318.01 to 3318.20 of the Revised Code is greater than or equal to one hundred million dollars may incur without a vote of the electors net indebtedness in an amount up to two per cent of its tax valuation through the issuance of general obligation securities in order to generate all or part of the amount of its portion of the
basic project cost if the controlling board has approved the facilities construction commission's conditional approval of the project under section 3318.04 of the Revised Code. The school district board and the Ohio facilities construction commission shall include the dedication of the proceeds of such securities in the agreement entered into under section 3318.08 of the Revised Code. No state moneys shall be released for a project to which this section applies until the proceeds of any bonds issued under this section that are dedicated for the payment of the school district portion of the project are first deposited into the school district's project construction fund.

Sec. 133.18. (A) The taxing authority of a subdivision may by legislation submit to the electors of the subdivision the question of issuing any general obligation bonds, for one purpose, that the subdivision has power or authority to issue.

(B) When the taxing authority of a subdivision desires or is required by law to submit the question of a bond issue to the electors, it shall pass legislation that does all of the following:

(1) Declares the necessity and purpose of the bond issue;

(2) States the date of the authorized election at which the question shall be submitted to the electors, which shall be a general election or a special election held on a day on which a primary election may be held;

(3) States the amount, approximate date, estimated net average rate of interest, and maximum number of years over which the principal of the bonds may be paid;

(4) Declares the necessity of levying a tax outside the tax limitation to pay the debt charges on the bonds and any
anticipatory securities.

The estimated net average interest rate shall be determined by the taxing authority based on, among other factors, then existing market conditions, and may reflect adjustments for any anticipated direct payments expected to be received by the taxing authority from the government of the United States relating to the bonds and the effect of any federal tax credits anticipated to be available to owners of all or a portion of the bonds. The estimated net average rate of interest, and any statutory or charter limit on interest rates that may then be in effect and that is subsequently amended, shall not be a limitation on the actual interest rate or rates on the securities when issued.

(C)(1) The taxing authority shall certify a copy of the legislation passed under division (B) of this section to the county auditor. The county auditor shall promptly calculate and advise and, not later than ninety days before the election, confirm that advice by certification to, the taxing authority the estimated average annual property tax levy, expressed in cents or dollars and cents for each one hundred dollars of tax valuation and in mills for each one dollar of tax valuation, that the county auditor estimates to be required throughout the stated maturity of the bonds to pay the debt charges on the bonds. In calculating the estimated average annual property tax levy for this purpose, the county auditor shall assume that the bonds are issued in one series bearing interest and maturing in substantially equal principal amounts in each year over the maximum number of years over which the principal of the bonds may be paid as stated in that legislation, and that the amount of the tax valuation of the subdivision for the current year remains the same throughout the maturity of the bonds, except as otherwise provided in division (C)(2) of this section. If the tax valuation for the current year
is not determined, the county auditor shall base the calculation on the estimated amount of the tax valuation submitted by the county auditor to the county budget commission. If the subdivision is located in more than one county, the county auditor shall obtain the assistance of the county auditors of the other counties, and those county auditors shall provide assistance, in establishing the tax valuation of the subdivision for purposes of certifying the estimated average annual property tax levy.

(2) When considering the tangible personal property component of the tax valuation of the subdivision, the county auditor shall take into account the assessment percentages prescribed in section 5711.22 of the Revised Code. The tax commissioner may issue rules, orders, or instructions directing how the assessment percentages must be utilized.

(D) After receiving the county auditor's advice under division (C) of this section, the taxing authority by legislation may determine to proceed with submitting the question of the issue of securities, and shall, not later than the ninetieth day before the day of the election, file the following with the board of elections:

(1) Copies of the legislation provided for in divisions (B) and (D) of this section;

(2) The amount of the estimated average annual property tax levy, expressed in cents or dollars and cents for each one hundred dollars of tax valuation and in mills for each one dollar of tax valuation, as estimated and certified to the taxing authority by the county auditor.

(E)(1) The board of elections shall prepare the ballots and make other necessary arrangements for the submission of the question to the electors of the subdivision. If the subdivision is
located in more than one county, the board shall inform the boards of elections of the other counties of the filings with it, and those other boards shall if appropriate make the other necessary arrangements for the election in their counties. The election shall be conducted, canvassed, and certified in the manner provided in Title XXXV of the Revised Code.

(2) The election shall be held at the regular places for voting in the subdivision. If the electors of only a part of a precinct are qualified to vote at the election the board of elections may assign the electors in that part to an adjoining precinct, including an adjoining precinct in another county if the board of elections of the other county consents to and approves the assignment. Each elector so assigned shall be notified of that fact prior to the election by notice mailed by the board of elections, in such manner as it determines, prior to the election.

(3) The board of elections shall publish a notice of the election once in a newspaper of general circulation in the subdivision, no later than ten days prior to the election. The notice shall state all of the following:

(a) The principal amount of the proposed bond issue;
(b) The stated purpose for which the bonds are to be issued;
(c) The maximum number of years over which the principal of the bonds may be paid;
(d) The estimated additional average annual property tax levy, expressed in cents or dollars and cents for each one hundred dollars of tax valuation and in mills for each one dollar of tax valuation, to be levied outside the tax limitation, as estimated and certified to the taxing authority by the county auditor;
(e) The first calendar year in which the tax is expected to
(F)(1) The form of the ballot to be used at the election shall be substantially either of the following, as applicable:

(a) "Shall bonds be issued by the .......... (name of subdivision) for the purpose of .......... (purpose of the bond issue) in the principal amount of .......... (principal amount of the bond issue), to be repaid annually over a maximum period of .......... (the maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the .......... (as applicable, "ten-mill" or "...charter tax") limitation, estimated by the county auditor to average over the repayment period of the bond issue .......... (number of mills) mills for each one dollar of tax valuation, which amounts to .......... (rate expressed in cents or dollars and cents, such as "36 cents" or "$1.41") for each one hundred dollars of tax valuation, commencing in .......... (first year the tax will be levied), first due in calendar year .......... (first calendar year in which the tax shall be due), to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

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(b) In the case of an election held pursuant to legislation adopted under section 3375.43 or 3375.431 of the Revised Code:

"Shall bonds be issued for .......... (name of library) for the purpose of .......... (purpose of the bond issue), in the principal amount of .......... (amount of the bond issue) by
 .......... (the name of the subdivision that is to issue the bonds and levy the tax) as the issuer of the bonds, to be repaid annually over a maximum period of .......... (the maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue .......... (number of mills) mills for each one dollar of tax valuation, which amounts to .......... (rate expressed in cents or dollars and cents, such as "36 cents" or "$1.41") for each one hundred dollars of tax valuation, commencing in .......... (first year the tax will be levied), first due in calendar year .......... (first calendar year in which the tax shall be due), to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

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(2) The purpose for which the bonds are to be issued shall be printed in the space indicated, in boldface type.

(G) The board of elections shall promptly certify the results of the election to the tax commissioner, the county auditor of each county in which any part of the subdivision is located, and the fiscal officer of the subdivision. The election, including the proceedings for and result of the election, is incontestable other than in a contest filed under section 3515.09 of the Revised Code in which the plaintiff prevails.

(H) If a majority of the electors voting upon the question vote for it, the taxing authority of the subdivision may proceed
under sections 133.21 to 133.33 of the Revised Code with the
issuance of the securities and with the levy and collection of a
property tax outside the tax limitation during the period the
securities are outstanding sufficient in amount to pay the debt
charges on the securities, including debt charges on any
anticipatory securities required to be paid from that tax. If
legislation passed under section 133.22 or 133.23 of the Revised
Code authorizing those securities is filed with the county auditor
on or before the last day of November, the amount of the voted
property tax levy required to pay debt charges or estimated debt
charges on the securities payable in the following year shall if
requested by the taxing authority be included in the taxes levied
for collection in the following year under section 319.30 of the
Revised Code.

(I)(1) If, before any securities authorized at an election
under this section are issued, the net indebtedness of the
subdivision exceeds that applicable to that subdivision or those
securities, then and so long as that is the case none of the
securities may be issued.

(2) No securities authorized at an election under this
section may be initially issued after the first day of the sixth
January following the election, but this period of limitation
shall not run for any time during which any part of the permanent
improvement for which the securities have been authorized, or the
issuing or validity of any part of the securities issued or to be
issued, or the related proceedings, is involved or questioned
before a court or a commission or other tribunal, administrative
agency, or board.

(3) Securities representing a portion of the amount
authorized at an election that are issued within the applicable
limitation on net indebtedness are valid and in no manner affected by the fact that the balance of the securities authorized cannot be issued by reason of the net indebtedness limitation or lapse of time.

(4) Nothing in this division (I) shall be interpreted or applied to prevent the issuance of securities in an amount to fund or refund anticipatory securities lawfully issued.

(5) The limitations of divisions (I)(1) and (2) of this section do not apply to any securities authorized at an election under this section if at least ten per cent of the principal amount of the securities, including anticipatory securities, authorized has theretofore been issued, or if the securities are to be issued for the purpose of participating in any federally or state-assisted program.

(6) The certificate of the fiscal officer of the subdivision is conclusive proof of the facts referred to in this division.

Sec. 306.32. Any county, or any two or more counties, municipal corporations, or townships, or any combination of these, may create a regional transit authority by the adoption of a resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township which is to create or to join in the creation of the regional transit authority. The resolution or ordinance shall state:

(A) The necessity for the creation of a regional transit authority;

(B) The counties, municipal corporations, or townships which are to create or to join in the creation of the regional transit authority;
(C) The official name by which the regional transit authority shall be known;
(D) The place in which the principal office of the regional transit authority will be located or the manner in which it may be selected;
(E) The number, term, and compensation, or method for establishing compensation, of the members of the board of trustees of the regional transit authority. Compensation shall not exceed fifty dollars for each board and committee meeting attended by a member, except that if compensation is provided annually it shall not exceed six thousand dollars for the president of the board or four thousand eight hundred dollars for each other board member.
(F) The manner in which vacancies on the board of trustees of the regional transit authority shall be filled;
(G) The manner and to what extent the expenses of the regional transit authority shall be apportioned among the counties, municipal corporations, and townships creating it;
(H) The purposes, including the kinds of transit facilities, for which the regional transit authority is organized.

The regional transit authority provided for in the resolution or ordinance shall be deemed to be created upon the adoption of the resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township enumerated in the resolution or ordinance.

The resolution or ordinance creating a regional transit authority may be amended to include additional counties, municipal corporations, or townships or for any other purpose, by the adoption of the amendment by the board of county commissioners of
each county, the legislative authority of each municipal
corporation, and the board of township trustees of each township
which has created or joined or proposes to join the regional
transit authority.

After each county, municipal corporation, and township which
has created or joined or proposes to join the regional transit
authority has adopted its resolution or ordinance approving
inclusion of additional counties, municipal corporations, or
townships in the regional transit authority, a copy of each
resolution or ordinance shall be filed with the clerk of the board
of the county commissioners of each county, the clerk of the
legislative authority of each municipal corporation, and the
fiscal officer of the board of trustees of each township proposed
to be included in the regional transit authority. The inclusion is
effective when all such filing has been completed, unless the
regional transit authority to which territory is to be added has
authority to levy an ad valorem tax on property, or a sales tax,
within its territorial boundaries, in which event the inclusion
shall become effective on the sixtieth day after the last such
filing is accomplished, unless, prior to the expiration of the
sixty-day period, qualified electors residing in the area proposed
to be added to the regional transit authority, equal in number to
at least ten per cent of the qualified electors from the area who
voted for governor at the last gubernatorial election, file a
petition of referendum against the inclusion. Any petition of
referendum filed under this section shall be filed at the office
of the secretary of the board of trustees of the regional transit
authority. The person presenting the petition shall be given a
receipt containing on it the time of the day, the date, and the
purpose of the petition. The secretary of the board of trustees of
the regional transit authority shall cause the appropriate board
or boards of elections to check the sufficiency of signatures on any petition of referendum filed under this section and, if found to be sufficient, shall present the petition to the board of trustees at a meeting of said board which occurs not later than thirty days following the filing of said petition. Upon presentation to the board of trustees of a petition of referendum against the proposed inclusion, the board of trustees shall promptly certify the proposal to the board or boards of elections for the purpose of having the proposal placed on the ballot at the next general election or the next special election held on a day on which a primary election which occurs may be held, occurring not less than ninety days after the date of the meeting of said board, or at a special election, the date of which shall be specified in the certification, which date shall be not less than ninety days after the date of such meeting of the board.

Signatures on a petition of referendum may be withdrawn up to and including the meeting of the board of trustees certifying the proposal to the appropriate board or boards of elections. If territory of more than one county, municipal corporation, or township is to be added to the regional transit authority, the electors of the territories of the counties, municipal corporations, or townships which are to be added shall vote as a district, and the majority affirmative vote shall be determined by the vote cast in the district as a whole. Upon certification of a proposal to the appropriate board or boards of elections pursuant to this section, the board or boards of election shall make the necessary arrangements for the submission of the question to the electors of the territory to be added to the regional transit authority qualified to vote on the question, and the election shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.191 of the Revised

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Code, except that the question appearing on the ballot shall read:

"Shall the territory within the .........................
(Name or names of political subdivisions to be joined) be added to
................................. (Name) regional transit
authority?" and shall a(n) ................. (here insert type of tax or
taxes) at a rate of taxation not to exceed ..... (here insert
maximum tax rate or rates) be levied for all transit purposes?"

If the question is approved by at least a majority of the
electors voting on the question, the joinder is immediately
effective, and the regional transit authority may extend the levy
of the tax against all the taxable property within the territory
which has been added. If the question is approved at a general
election or at a special election occurring prior to the general
election but after the fifteenth day of July, the regional transit
authority may amend its budget and resolution adopted pursuant to
section 5705.34 of the Revised Code, and the levy shall be placed
on the current tax list and duplicate and collected as other taxes
are collected from all taxable property within the territorial
boundaries of the regional transit authority, including the
territory within each political subdivision added as a result of
the election.

The territorial boundaries of a regional transit authority
shall be coextensive with the territorial boundaries of the
counties, municipal corporations, and townships included within
the regional transit authority, provided that the same area may be
included in more than one regional transit authority so long as
the regional transit authorities are not organized for purposes as
provided for in the resolutions or ordinances creating the same,
and any amendments to them, relating to the same kinds of transit
facilities; and provided further, that if a regional transit
authority includes only a portion of an entire county, a regional
transit authority for the same purposes may be created in the
remaining portion of the same county by resolution of the board of
county commissioners acting alone or in conjunction with municipal
corporations and townships as provided in this section.

No regional transit authority shall be organized after
January 1, 1975, to include any area already included in a
regional transit authority, except that any regional transit
authority organized after June 29, 1974, and having territorial
boundaries entirely within a single county shall, upon adoption by
the board of county commissioners of the county of a resolution
creating a regional transit authority including within its
territorial jurisdiction the existing regional transit authority
and for purposes including the purposes for which the existing
regional transit authority was created, be dissolved and its
territory included in such new regional transit authority. Any
resolution creating such a new regional transit authority shall
make adequate provision for satisfaction of the obligations of the
dissolved regional transit authority.

Sec. 306.321. The resolution or ordinance creating a regional
transit authority may be amended to include additional counties,
municipal corporations, or townships by the adoption of an
amendment by the board of county commissioners of each county, the
legislative authority of each municipal corporation, and the board
of township trustees of each township which has created or, prior
to the adoption of the amendment, joined or proposes to join the
regional transit authority.

After each county, municipal corporation, and township which
has created or, prior to the adoption of the amendment, joined or
proposes to join the regional transit authority has adopted its
resolution or ordinance approving inclusion of additional
counties, municipal corporations, or townships in the regional transit authority, a copy of each resolution or ordinance shall be filed with the clerk of the board of the county commissioners of each county, the clerk of the legislative authority of each municipal corporation, and the fiscal officer of the board of trustees of each township proposed to be included in the regional transit authority.

Any ordinances or resolutions adopted pursuant to this section approving inclusion of additional counties, municipal corporations, or townships in the regional transit authority shall provide that the board of trustees of the regional transit authority must, not later than the tenth day following the day on which the filing of the ordinances or resolutions, as required by the immediately preceding paragraph, is completed, adopt its resolution providing for submission to the electors of the regional transit authority as enlarged, of the question pursuant to section 306.49 of the Revised Code, of the renewal, the renewal and increase, or the increase of, or the imposition of an additional, ad valorem tax, or of the question pursuant to section 306.70 of the Revised Code, of the renewal, the renewal and increase, or the increase of, or the imposition of an additional, sales and use tax. The resolution submitting the question of the tax shall specify the date of the election, which shall be a general election or a special election held on a day on which a primary election may be held, occurring not less than ninety days after certification of the resolution to the board of elections and which shall be consistent with the requirements of section 3501.01 of the Revised Code. The inclusion of the territory of the additional counties, municipal corporations, or townships in the regional transit authority shall be effective as of the date on which the resolution of the board of trustees of the regional
transit authority is adopted submitting the question to the 
electors, provided that until the question is approved, existing 
contracts providing payment for transit services within the added 
territory shall remain in effect and transit services shall not be 
affected by the inclusion of the additional territory. The 
resolution shall be certified to the board of elections and the 
election shall be held, canvassed, and certified as provided in 
section 306.49 of the Revised Code in the case of an ad valorem 
tax or in section 306.70 of the Revised Code in the case of a 
sales and use tax.

If the question of the tax which is submitted is not approved 
by a majority of the electors of the enlarged regional transit 
authority voting on the question, as of the day following the day 
on which the results of the election become conclusive, the 
additional counties, municipal corporations, or townships, which 
had been included in the regional transit authority as of the date 
of the adoption of the resolution submitting to the electors the 
question, shall be removed from the territory of the regional 
transit authority and shall no longer be a part of that authority 
without any further action by either the political subdivisions 
which were included in the authority prior to the adoption of the 
resolution submitting the question to the electors or of the 
political subdivisions added to the authority as a result of the 
adoption of the resolution. The regional transit authority reduced 
to its territory as it existed prior to the inclusion of the 
additional counties, municipal corporations, or townships, shall 
be entitled to levy and collect any ad valorem or sales and use 
taxes which it was authorized to levy and collect prior to the 
enlargement of its territory and for which authorization has not 
expired, as if the enlargement had not occurred.

If the question of the tax which is submitted provides for a
sales and use tax to be imposed and the question is approved, and
the regional transit authority had previously been authorized
pursuant to section 306.49 of the Revised Code to levy an ad
valorem tax, the regional transit authority shall appropriate from
the first moneys received from the sales and use tax in each year,
the full amount required in order to pay the principal of and
interest on any notes of the regional transit authority issued
pursuant to section 306.49 of the Revised Code, in anticipation of
the collection of the ad valorem tax; and shall not thereafter
levy and collect the ad valorem tax previously approved unless the
levy and collection is necessary to pay the principal of and
interest on notes issued in anticipation of the tax in order to
avoid impairing the obligation of the contract between the
regional transit authority and the note holders.

If the question of the additional or renewal tax levy is
approved, the tax may be levied and collected as is otherwise
provided for an ad valorem tax or a sales and use tax imposed by a
regional transit authority, provided that if a question relating
to an ad valorem tax is approved at the general election or at a
special election occurring prior to a general election, but after
the fifteenth day of July, the regional transit authority may
amend its budget for its next fiscal year and its resolution
adopted pursuant to section 5705.34 of the Revised Code or adopt
such resolution, and the levy shall be placed on the current tax
list and duplicate and collected as all other taxes are collected
from all taxable property within the enlarged territory of the
regional transit authority including the territory within each
political subdivision which has been added to the regional transit
authority pursuant to this section, provided further that if a
question relating to sales and use tax is approved after the
fifteenth day of July in any calendar year, the regional transit
authority may amend its budget for the current and next fiscal year and any resolution adopted pursuant to section 5705.34 of the Revised Code, to reflect the imposition of the sales and use tax and shall amend its budget for the next fiscal year and any resolution adopted pursuant to section 5705.34 of the Revised Code to comply with the immediately preceding paragraph. If the budget of the regional transit authority is amended pursuant to this paragraph, the county auditor shall prepare and deliver an amended certificate of estimated resources to reflect the change in anticipated revenues of the regional transit authority.

The procedures of this section are in addition to and an alternative to those established in section 306.32 of the Revised Code for joining to a regional transit authority additional counties, municipal corporations, or townships.

Sec. 306.322. (A) For any regional transit authority that levies a property tax and that includes in its membership political subdivisions that are located in a county having a population of at least four hundred thousand according to the most recent federal census, the procedures of this section apply until November 5, 2013, and are in addition to and an alternative to those established in sections 306.32 and 306.321 of the Revised Code for joining to the regional transit authority additional counties, municipal corporations, or townships.

(B) Any municipal corporation or township may adopt a resolution or ordinance proposing to join a regional transit authority described in division (A) of this section. In its resolution or ordinance, the political subdivision may propose joining the regional transit authority for a limited period of three years or without a time limit.

(C) The political subdivision proposing to join the regional
transit authority shall submit a copy of its resolution or ordinance to the legislative authority of each municipal corporation and the board of trustees of each township comprising the regional transit authority. Within thirty days of receiving the resolution or ordinance for inclusion in the regional transit authority, the legislative authority of each municipal corporation and the board of trustees of each township shall consider the question of whether to include the additional subdivision in the regional transit authority, shall adopt a resolution or ordinance approving or rejecting the inclusion of the additional subdivision, and shall present its resolution or ordinance to the board of trustees of the regional transit authority.

(D) If a majority of the political subdivisions comprising the regional transit authority approve the inclusion of the additional political subdivision, the board of trustees of the regional transit authority, not later than the tenth day following the day on which the last ordinance or resolution is presented, shall notify the subdivision proposing to join the regional transit authority that it may certify the proposal to the board of elections for the purpose of having the proposal placed on the ballot at the next general election or at a special election conducted held on the day of the next primary election that occurs may be held, occurring not less than ninety days after the resolution or ordinance is certified to the board of elections.

(E) Upon certification of a proposal to the board of elections pursuant to this section, the board of elections shall make the necessary arrangements for the submission of the question to the electors of the territory to be included in the regional transit authority qualified to vote on the question, and the election shall be held, canvassed, and certified in the same
manner as regular elections for the election of officers of the
subdivision proposing to join the regional transit authority,
except that, if the resolution proposed the inclusion without a
time limitation the question appearing on the ballot shall read:

"Shall the territory within the .............................
(Name or names of political subdivisions to be joined) be added to
................................. ........... (Name) regional transit
authority?" and shall a(n) ........... (here insert type of tax or
taxes) at a rate of taxation not to exceed ..... (here insert
maximum tax rate or rates) be levied for all transit purposes?"

If the resolution proposed the inclusion with a three-year
time limitation, the question appearing on the ballot shall read:

"Shall the territory within the .............................
(Name or names of political subdivisions to be joined) be added to
................................. ........... (Name) regional transit
authority?" for three years and shall a(n) ........... (here insert
type of tax or taxes) at a rate of taxation not to exceed ..... (here insert
maximum tax rate or rates) be levied for all transit
purposes for three years?"

(F) If the question is approved by at least a majority of the
electors voting on the question, the addition of the new territory
is effective six months from the date of the certification of its
passage, and the regional transit authority may extend the levy of
the tax against all the taxable property within the territory that
was added. If the question is approved at a general election or at
a special election occurring prior to the general election but
after the fifteenth day of July, the regional transit authority
may amend its budget and resolution adopted pursuant to section
5705.34 of the Revised Code, and the levy shall be placed on the
current tax list and duplicate and collected as other taxes are
collected from all taxable property within the territorial
boundaries of the regional transit authority, including the
territory within the political subdivision added as a result of
the election. If the budget of the regional transit authority is
amended pursuant to this paragraph, the county auditor shall
prepare and deliver an amended certificate of estimated resources
to reflect the change in anticipated revenues of the regional
transit authority.

(G) If the question is approved by at least a majority of the
electors voting on the question, the board of trustees of the
regional transit authority immediately shall amend the resolution
or ordinance creating the regional transit authority to include
the additional political subdivision.

(H) If the question approved by a majority of the electors
voting on the question added the subdivision for three years, the
territory of the additional municipal corporation or township in
the regional transit authority shall be removed from the territory
of the regional transit authority three years after the date the
territory was added, as determined in the effective date of the
election, and shall no longer be a part of that authority without
any further action by either the political subdivisions that were
included in the authority prior to submitting the question to the
electors or of the political subdivision added to the authority as
a result of the election. The regional transit authority reduced
to its territory as it existed prior to the inclusion of the
additional municipal corporation or township shall be entitled to
levy and collect any property taxes that it was authorized to levy
and collect prior to the enlargement of its territory and for
which authorization has not expired, as if the enlargement had not
occurred.
Sec. 306.70. A tax proposed to be levied by a board of county commissioners or by the board of trustees of a regional transit authority pursuant to sections 5739.023 and 5741.022 of the Revised Code shall not become effective until it is submitted to the electors residing within the county or within the territorial boundaries of the regional transit authority and approved by a majority of the electors voting on it. Such question shall be submitted at a general election or at a special election held on a day on which a primary election may be held, as specified in the resolution levying the tax and occurring not less than ninety days after such resolution is certified to the board of elections, in accordance with section 3505.071 of the Revised Code.

The board of elections of the county or of each county in which any territory of the regional transit authority is located shall make the necessary arrangements for the submission of such question to the electors of the county or regional transit authority, and the election shall be held, canvassed, and certified in the same manner as regular elections for the election of county officers. Notice of the election shall be published in a newspaper of general circulation in the territory of the county or of the regional transit authority once a week for two consecutive weeks prior to the election or as provided in section 7.16 of the Revised Code. If the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the type, rate, and purpose of the tax to be levied, the length of time during which the tax will be in effect, and the time and place of the election.

More than one such question may be submitted at the same
election. The form of the ballots cast at such election shall be:

"Shall a(n) ................. (sales and use) ..............
tax be levied for all transit purposes of the .................
(here insert name of the county or regional transit authority) at
a rate not exceeding .................... (here insert percentage)
per cent for ................. (here insert number of years the tax
is to be in effect, or that it is to be in effect for a continuing
period of time)?"

If the tax proposed to be levied is a continuation of an
existing tax, whether at the same rate or at an increased or
reduced rate, or an increase in the rate of an existing tax, the
notice and ballot form shall so state.

The board of elections to which the resolution was certified
shall certify the results of the election to the county auditor of
the county or secretary-treasurer of the regional transit
authority levying the tax and to the tax commissioner of the
state.

Sec. 307.695. (A) As used in this section:

(1) "Arena" means any structure designed and constructed for
the purpose of providing a venue for public entertainment and
recreation by the presentation of concerts, sporting and athletic
events, and other events and exhibitions, including facilities
intended to house or provide a site for one or more athletic or
sports teams or activities, spectator facilities, parking
facilities, walkways, and auxiliary facilities, real and personal
property, property rights, easements, leasehold estates, and
interests that may be appropriate for, or used in connection with,
the operation of the arena.

(2) "Convention center" means any structure expressly
designed and constructed for the purposes of presenting conventions, public meetings, and exhibitions and includes parking facilities that serve the center and any personal property used in connection with any such structure or facilities.

(3) "Eligible county" means a county having a population of at least four hundred thousand but not more than eight hundred thousand according to the 2000 federal decennial census and that directly borders the geographic boundaries of another state.

(4) "Entity" means a nonprofit corporation, a municipal corporation, a port authority created under Chapter 4582. of the Revised Code, or a convention facilities authority created under Chapter 351. of the Revised Code.

(5) "Lodging taxes" means excise taxes levied under division (A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and the revenues arising therefrom.

(6) "Nonprofit corporation" means a nonprofit corporation that is organized under the laws of this state and that includes within the purposes for which it is incorporated the authorization to lease and operate facilities such as a convention center or an arena or a combination of an arena and convention center.

(7) "Project" means acquiring, constructing, reconstructing, renovating, rehabilitating, expanding, adding to, equipping, furnishing or otherwise improving an arena, a convention center, or a combination of an arena and convention center. For purposes of this section, a project is a permanent improvement for one purpose under Chapter 133. of the Revised Code.

(8) "Project revenues" means money received by a county with a population greater than four hundred thousand wherein the population of the largest city comprises more than one-third of
that county's population, other than money from taxes or from the proceeds of securities secured by taxes, in connection with, derived from, related to, or resulting from a project, including, but not limited to, rentals and other payments received under a lease or agreement with respect to the project, ticket charges or surcharges for admission to events at a project, charges or surcharges for parking for events at a project, charges for the use of a project or any portion of a project, including suites and seating rights, the sale of naming rights for the project or a portion of the project, unexpended proceeds of any county revenue bonds issued for the project, and any income and profit from the investment of the proceeds of any such revenue bonds or any project revenues.

(9) "Chapter 133. securities," "debt charges," "general obligation," "legislation," "one purpose," "outstanding," "permanent improvement," "person," and "securities" have the meanings given to those terms in section 133.01 of the Revised Code.

(B) A board of county commissioners may enter into an agreement with a convention and visitors' bureau operating in the county under which:

(1) The bureau agrees to construct and equip a convention center in the county and to pledge and contribute from the tax revenues received by it under division (A) of section 5739.09 of the Revised Code, not more than such portion thereof that it is authorized to pledge and contribute for the purpose described in division (C) of this section; and

(2) The board agrees to levy a tax under division (C) of section 5739.09 of the Revised Code and pledge and contribute the revenues therefrom for the purpose described in division (C) of
this section.

(C) The purpose of the pledges and contributions described in divisions (B)(1) and (2) of this section is payment of principal, interest, and premium, if any, on bonds and notes issued by or for the benefit of the bureau to finance the construction and equipping of a convention center. The pledges and contributions provided for in the agreement shall be for the period stated in the agreement. Revenues determined from time to time by the board to be needed to cover the real and actual costs of administering the tax imposed by division (C) of section 5739.09 of the Revised Code may not be pledged or contributed. The agreement shall provide that any such bonds and notes shall be secured by a trust agreement between the bureau or other issuer acting for the benefit of the bureau and a corporate trustee that is a trust company or bank having the powers of a trust company within or without the state, and the trust agreement shall pledge or assign to the retirement of the bonds or notes, all moneys paid by the county under this section. A tax the revenues from which are pledged under an agreement entered into by a board of county commissioners under this section shall not be subject to diminution by initiative or referendum, or diminution by statute, unless provision is made therein for an adequate substitute therefor reasonably satisfactory to the trustee under the trust agreement that secures the bonds and notes.

(D) A pledge of money by a county under division (B) of this section shall not be indebtedness of the county for purposes of Chapter 133. of the Revised Code.

(E) If the terms of the agreement so provide, the board of county commissioners may acquire and lease real property to the convention bureau as the site of the convention center. The lease
shall be on such terms as are set forth in the agreement. The purchase and lease are not subject to the limitations of sections 307.02 and 307.09 of the Revised Code.

(F) In addition to the authority granted to a board of county commissioners under divisions (B) to (E) of this section, a board of county commissioners in a county with a population of one million two hundred thousand or more, or a county with a population greater than four hundred thousand wherein the population of the largest city comprises more than one-third of that county's population, may purchase, for cash or by installment payments, enter into lease-purchase agreements for, lease with an option to purchase, lease, construct, enlarge, improve, rebuild, equip, or furnish a convention center.

(G) The board of county commissioners of a county with a population greater than four hundred thousand wherein the population of the largest city comprises more than one-third of that county's population may undertake, finance, operate, and maintain a project. The board may lease a project to an entity on terms that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project; the lease may be for a term of thirty-five years or less and may provide for an option of the entity to renew the lease for a term of thirty-five years or less. The board may enter into an agreement with an entity with respect to a project on terms that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project. To the extent provided for in an agreement or a lease with an entity, the board may authorize the entity to administer on behalf of the board any contracts for the project. The board may enter into an agreement providing for the sale to a person of naming rights to a project or portion of a project, for a period, for consideration, and on
other terms and conditions that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project. The board may enter into an agreement with a person owning or operating a professional athletic or sports team providing for the use by that person of a project or portion of a project for that team's offices, training, practices, and home games for a period, for consideration, and on other terms and conditions that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project. The board may establish ticket charges or surcharges for admission to events at a project, charges or surcharges for parking for events at a project, and charges for the use of a project or any portion of a project, including suites and seating rights, and may, as necessary, enter into agreements related thereto with persons for a period, for consideration, and on other terms and conditions that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project. A lease or agreement authorized by this division is not subject to sections 307.02, 307.09, and 307.12 of the Revised Code.

(H) Notwithstanding any contrary provision in Chapter 5739. of the Revised Code, after adopting a resolution declaring it to be in the best interest of the county to undertake a project as described in division (G) of this section, the board of county commissioners of an eligible county may adopt a resolution enacting or increasing any lodging taxes within the limits specified in Chapter 5739. of the Revised Code with respect to those lodging taxes and amending any prior resolution under which any of its lodging taxes have been imposed in order to provide that those taxes, after deducting the real and actual costs of administering the taxes and any portion of the taxes returned to
any municipal corporation or township as provided in division (A)(1) of section 5739.09 of the Revised Code, shall be used by the board for the purposes of undertaking, financing, operating, and maintaining the project, including paying debt charges on any securities issued by the board under division (I) of this section, or to make contributions to the convention and visitors' bureau operating within the county, or to promote, advertise, and market the region in which the county is located, all as the board may determine and make appropriations for from time to time, subject to the terms of any pledge to the payment of debt charges on outstanding general obligation securities or special obligation securities authorized under division (I) of this section. A resolution adopted under division (H) of this section shall be adopted not earlier than January 15, 2007, and not later than January 15, 2008.

A resolution adopted under division (H) of this section may direct the board of elections to submit the question of enacting or increasing lodging taxes, as the case may be, to the electors of the county at a general election or a special election held on the date a day on which a primary election may be held, as specified by the board in the resolution, provided that the election occurs not less than ninety days after a certified copy of the resolution is transmitted to the board of elections and no later than January 15, 2008. A resolution submitted to the electors under this division shall not go into effect unless it is approved by a majority of those voting upon it. A resolution adopted under division (H) of this section that is not submitted to the electors of the county for their approval or disapproval is subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code.

A resolution adopted under division (H) of this section takes
effect upon its adoption, unless the resolution is submitted to the electors of the county for their approval or disapproval, in which case the resolution takes effect on the date the board of county commissioners receives notification from the board of elections of the affirmative vote. Lodging taxes received after the effective date of the resolution may be used for the purposes described in division (H) of this section, except that lodging taxes that have been pledged to the payment of debt charges on any bonds or notes issued by or for the benefit of a convention and visitors' bureau under division (C) of this section shall be used exclusively for that purpose until such time as the bonds or notes are no longer outstanding under the trust agreement securing those bonds or notes.

(I)(1) The board of county commissioners of a county with a population greater than four hundred thousand wherein the population of the largest city comprises more than one-third of that county's population may issue the following securities of the county for the purpose of paying costs of the project, refunding any outstanding county securities issued for that purpose, refunding any outstanding bonds or notes issued by or for the benefit of the bureau under division (C) of this section, or for any combination of those purposes:

(a) General obligation securities issued under Chapter 133. of the Revised Code. The resolution authorizing these securities may include covenants to appropriate annually from lawfully available lodging taxes, and to continue to levy and collect those lodging taxes in, amounts necessary to meet the debt charges on those securities.

(b) Special obligation securities issued under Chapter 133. of the Revised Code that are secured only by lawfully available
lodging taxes and any other taxes and revenues pledged to pay the debt charges on those securities, except ad valorem property taxes. The resolution authorizing those securities shall include a pledge of and covenants to appropriate annually from lawfully available lodging taxes and any other taxes and revenues pledged for such purpose, and to continue to collect any of those revenues pledged for such purpose and to levy and collect those lodging taxes and any other taxes pledged for such purpose, in amounts necessary to meet the debt charges on those securities. The pledge is valid and binding from the time the pledge is made, and the lodging taxes so pledged and thereafter received by the county are immediately subject to the lien of the pledge without any physical delivery of the lodging taxes or further act. The lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the county, regardless of whether such parties have notice of the lien. Neither the resolution nor any trust agreement by which a pledge is created or further evidenced is required to be filed or recorded except in the records of the board. The special obligation securities shall contain a statement on their face to the effect that they are not general obligation securities, and, unless paid from other sources, are payable from the pledged lodging taxes.

(c) Revenue securities authorized under section 133.08 of the Revised Code and issued under Chapter 133. of the Revised Code that are secured only by lawfully available project revenues pledged to pay the debt charges on those securities.

(2) The securities described in division (I)(1) of this section are subject to Chapter 133. of the Revised Code.

(3) Section 133.34 of the Revised Code, except for division
(A) of that section, applies to the issuance of any refunding securities authorized under this division. In lieu of division (A) of section 133.34 of the Revised Code, the board of county commissioners shall establish the maturity date or dates, the interest payable on, and other terms of refunding securities as it considers necessary or appropriate for their issuance, provided that the final maturity of refunding securities shall not exceed by more than ten years the final maturity of any bonds refunded by refunding securities.

(4) The board may not repeal, rescind, or reduce all or any portion of any lodging taxes pledged to the payment of debt charges on any outstanding special obligation securities authorized under this division, and no portion of any lodging taxes that is pledged, or that the board has covenanted to levy, collect, and appropriate annually to pay debt charges on any outstanding securities authorized under this division is subject to repeal, rescission, or reduction by the electorate of the county.

**Sec. 307.697.** (A) For the purpose of section 307.696 of the Revised Code and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for those purposes and to provide revenues to the county for permanent improvements, the board of county commissioners of a county may levy a tax not to exceed three dollars on each gallon of spirituous liquor sold to or purchased by liquor permit holders for resale, and sold at retail by the state or pursuant to a transfer agreement entered into under Chapter 4313. of the Revised Code, in the county. The tax shall be levied on the number of gallons so sold. The tax may be levied for any number of years not exceeding twenty.
The tax shall be levied pursuant to a resolution of the board of county commissioners approved by a majority of the electors in the county voting on the question of levying the tax, which resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general election or a special election held on a day on which a primary election may be held, occurring not sooner than ninety days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax takes effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax shall be certified to the division of liquor control at least sixty days prior to the date on which the tax is to become effective.

(B) A resolution under this section may be joined on the ballot as a single question with a resolution adopted under section 4301.421 or 5743.024 of the Revised Code to levy a tax for the same purposes, and for the purpose of paying the expenses of administering that tax.

(C) The form of the ballot in an election held pursuant to this section or section 4301.421 or 5743.024 of the Revised Code shall be as follows or in any other form acceptable to the secretary of state:

"For the purpose of paying not more than one-half of the costs of providing a public sports facility together with related redevelopment and economic development projects, shall (an) excise tax(es) be levied by ........ county at the rate of ...... (dollars on each gallon of spirituous liquor sold in the county,
cents per gallon on the sale of beer at wholesale in the county, cents per gallon on the sale of wine and mixed beverages at wholesale in the county, cents per gallon on the sale of cider at wholesale in the county, or mills per cigarette on the sale of cigarettes at wholesale in the county), for ...... years?

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For an election in which questions under this section or section 4301.421 or 5743.024 of the Revised Code are joined as a single question, the form of the ballot shall be as above, except each of the proposed taxes shall be listed.

(D) The board of county commissioners of a county in which a tax is imposed under this section on September 29, 2013, the effective date of the amendment of this section by H.B. 59 of the 130th general assembly, may levy a tax for the purpose of section 307.673 of the Revised Code regardless of whether or not the cooperative agreement authorized under that section has been entered into prior to the day the resolution adopted under division (D)(1) or (2) of this section is adopted, for the purpose of reimbursing a county for costs incurred in the construction of a sports facility pursuant to an agreement entered into by the county under section 307.696 of the Revised Code, or for the purpose of paying the costs of capital repairs of and improvements to a sports facility, or both. The tax shall be levied and approved in one of the manners prescribed by division (D)(1) or (2) of this section.

(1) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not
later than forty-five days after July 19, 1995. A board of county commissioners approving a tax under division (D)(1) of this section may approve a tax under division (B)(1) of section 4301.421 or division (C)(1) of section 5743.024 of the Revised Code at the same time. Subject to the resolution being submitted to a referendum under sections 305.31 to 305.41 of the Revised Code, the resolution shall take effect immediately, but the tax levied pursuant to the resolution shall not be levied prior to the day following the last day that any tax previously levied pursuant to this division may be levied.

(2) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than September 1, 2015, and approved by a majority of the electors of the county voting on the question of levying the tax. The board of county commissioners shall certify a copy of the resolution to the board of elections immediately upon adopting a resolution under division (D)(2) of this section. The election may be held on the date of a general election or a special election held on a day on which a primary election may be held, occurring not sooner than ninety days after the date the board certifies its resolution to the board of elections. The form of the ballot shall be as prescribed by division (C) of this section, except that the phrase "paying not more than one-half of the costs of providing a sports facility together with related redevelopment and economic development projects" shall be replaced by the phrase "paying the costs of constructing, renovating, improving, or repairing a sports facility and reimbursing a county for costs incurred by the county in the construction of a sports facility," and the phrase ", beginning .......... (here insert the earliest date the tax would take effect)" shall be appended after "years." A board of county commissioners submitting the question of a tax under
division (D)(2) of this section may submit the question of a tax under division (B)(2) of section 4301.421 or division (C)(2) of section 5743.024 of the Revised Code as a single question, and the form of the ballot shall include each of the proposed taxes.

If approved by a majority of electors voting on the question, the tax shall take effect on the day specified on the ballot, which shall not be earlier than the day following the last day that any tax previously levied pursuant to this division may be levied.

The rate of a tax levied pursuant to division (D)(1) or (2) of this section shall not exceed the rate specified in division (A) of this section. A tax levied pursuant to division (D)(1) or (2) of this section may be levied for any number of years not exceeding twenty.

A board of county commissioners adopting a resolution under division (D)(1) or (2) of this section shall certify a copy of the resolution to the division of liquor control immediately upon adoption of the resolution.

(E) No tax shall be levied under division (A) of this section on or after September 23, 2008. This division does not apply to a tax levied under division (D) of this section, and does not prevent the collection of any tax levied under this section before September 23, 2008, so long as that tax remains effective.

Sec. 323.17. When any taxing authority in the county has certified to the board of elections a resolution that would serve to place upon the ballot at a general election or at any special election held prior to the general election but subsequent to the first Tuesday after the first Monday in August the question of a tax to be levied on the current tax list and duplicate for any
purpose, or if the auditor has not received the certified reduction factors as required by division (D)(2) of section 319.301 of the Revised Code, the time for delivery of the tax duplicate of the county treasurer by the county auditor as provided in section 319.28 of the Revised Code shall be extended to the first Monday in December. When delivery of the tax duplicate has been so delayed, the times for payment of taxes as fixed by section 323.12 of the Revised Code may be extended to the thirty-first day of January and the twentieth day of July. In case of emergency the tax commissioner may, by journal entry, extend the times for delivery of the duplicate in any county for an additional fifteen days upon receipt of a written application from the county auditor, in the case of a delay in the delivery of the tax duplicate, or from the treasurer regarding an extension of the time for the billing and collection of taxes.

When a delay in the closing of a tax collection period becomes unavoidable, the tax commissioner, upon application of the county auditor and county treasurer, may extend the time for payment of taxes if he determines that penalties have accrued or would otherwise accrue for reasons beyond the control of the taxpayers of the county. The order so issued by the commissioner shall prescribe the final extended date for the payment of taxes for that collection period.

"Emergency," as used in this section, includes death or serious illness, any organized work stoppage, mechanical failure of office equipment or machinery, or a delay in complying with section 5715.24 or 5715.26 of the Revised Code which will cause an unavoidable delay in the delivery of duplicates or in the billing or collection of taxes. Such application shall contain a statement describing the emergency that will cause the unavoidable delay. Any application from the county auditor for an extension of time
for delivery of the duplicate due to an emergency must be received by the tax commissioner on or before the last day of the month preceding the date required for such delivery. When an extension of time for delivery of the duplicate is so granted, the time for payment of taxes shall be extended for a like period of time.

Whenever taxable real property has been destroyed or damaged by fire, flood, tornado, or otherwise, in an amount not less than twenty-five per cent of the value as listed and assessed for taxation but in no event less than two thousand dollars of taxable value, the county board of revision, by resolution, may extend the time for payment of taxes on such property not more than one year after the time fixed by section 323.12 of the Revised Code. The board shall file a copy of such resolution with the county auditor and county treasurer, stating the name of the owner and description as it appears on the tax list, the taxing district, the type and kind of property destroyed or damaged, and the board's estimate of the amount of such destruction or damage.

Sec. 349.14. Except as provided in section 349.03 of the Revised Code, or as otherwise provided in a resolution adopted by the organizational board of commissioners of a new community authority, a new community authority organized under this chapter may be dissolved only on the vote of a majority of the voters of the new community district voting on the question of dissolution at a general election or a special election held on a day on which a primary election called may be held, as designated by the board of trustees on the question of dissolution. Such an election may be called only after the board has determined that the new community development program has been completed, when no community authority bonds or notes are outstanding, and other legal indebtedness of the authority has been discharged or
provided for, and only after there has been filed with the board of trustees a petition requesting such election, signed by a number of qualified electors residing in the new community district equal to not less than eight per cent of the total vote cast for all candidates for governor in the new community district at the most recent general election at which a governor was elected. If a majority of the votes cast favor dissolution, the board of trustees shall, by resolution, declare the authority dissolved and thereupon the community authority shall be dissolved. A certified copy of the resolution shall, within fifteen days after its adoption, be filed with the clerk of the organizational board of commissioners of the county with which the petition for the organization of the new community authority was filed.

Upon dissolution of a new community authority, the powers thereof shall cease to exist. Any property of the new community authority shall vest with a municipal corporation, county, or township in which that property is located or with the developer of the new community authority or the developer's designee, all as provided in a resolution adopted by the organizational board of commissioners. Any vesting of property in a municipal corporation, township, or county shall be subject to acceptance of the property by resolution of the legislative authority of the municipal corporation, board of township trustees, or board of county commissioners, as applicable. If the legislative authority of a municipal corporation, board of township trustees, or board of county commissioners declines to accept the property, the property vests with the developer or the developer's designee. Any funds of the community authority at the time of dissolution shall be transferred to the municipal corporation and county or township, as provided in a resolution, in which the new community district
is located in the proportion to the assessed valuation of taxable
real property of the new community authority within such municipal
corporation and township or county as said valuation appears on
the current assessment rolls.

Sec. 505.14. The board of township trustees of a township
described in section 505.13 of the Revised Code, which, for any
reason, is inaccessible from the mainland at some time of the
year, may construct, acquire, purchase, lease, and maintain a
house as the residence of a resident physician, when, in the
opinion of a majority of the members of such board, it is
necessary for the maintenance of the public health and welfare.

For the maintenance, construction, acquisition, purchase, or
lease of such a house the board may levy a tax upon all the
taxable property in the township, in such amount as it determines.

The question of levying such a tax shall be submitted to the
qualified electors of the township at a general election or a
special election held on a day on which a primary election may be
held. The trustees shall certify such resolution to the board of
elections not later than four p.m. of the ninetieth day before the
day of the election. Twenty days' notice thereof shall be
previously given by posting in at least three public places in the
township. Such notice shall state specifically the amount to be
raised and the purpose thereof. If a majority of all votes cast at
such election upon the proposition is in favor thereof, the tax
provided for is authorized.

Upon the authorization of such tax levy the board may issue
notes in anticipation of such revenues, to mature in not more than
two years from the date of issue, and to bear interest at not more
than four per cent per annum.
Sec. 505.20. In addition to the tax already authorized by law, the board of township trustees may levy a tax, not to exceed five mills on the dollar for the purpose of drilling an oil or gas well in the township, when so authorized by a majority vote of the electors of such township at a regular general election or a special election held on a day on which a primary election may be held. Such election shall be conducted the same as elections for township officers, and the tax shall be collected as other taxes.

Sec. 505.47. The board of township trustees may pay the cost of the construction, rebuilding, or repair of footbridges authorized by section 505.46 of the Revised Code out of any funds, unappropriated for any other purpose, in the township treasury. If there be no funds in the township treasury available for these purposes, the board may levy a tax for the purpose of procuring the necessary funds for the construction, rebuilding, or repair of the footbridges. The tax shall be levied upon all of the taxable property in the township and shall be certified, levied, and collected in the manner prescribed for other township taxes. The money so raised shall be paid over to the township fiscal officer, and the fiscal officer shall pay it out on the order of the board, certified by the fiscal officer.

The tax shall not be levied until it has been approved by a majority of the qualified voters of the township, voting at any a general election or a special election held on a day on which a primary election at which the question shall be submitted may be held. The election shall be called at a regular meeting of the board and shall be held within thirty days from the date of the resolution of the board calling for it. Twenty days' notice of the election shall be given by the posting of notices by the fiscal
officer in ten public places of the township. Provisions for 1579
holding the election shall be made by the board of elections, upon 1580
receiving notice from the fiscal officer of the date and purpose 1581
of the election.

Sec. 511.27. (A) To defray the expenses of the township park 1583
district and for purchasing, appropriating, operating, 1584
maintaining, and improving lands for parks or recreational 1585
purposes, the board of park commissioners may levy a sufficient 1586
tax within the ten-mill limitation, not to exceed one mill on each 1587
dollar of valuation on all real and personal property within the 1588
township, and on all real and personal property within any 1589
municipal corporation that is within the township, that was within 1590
the township at the time that the park district was established, 1591
or the boundaries of which are coterminous with or include the 1592
township. The levy shall be over and above all other taxes and 1593
limitations on such property authorized by law.

(B) Except as otherwise provided in division (C) of this 1595
section, the board of park commissioners, not less than ninety 1596
days before the day of the election, may declare by resolution 1597
that the amount of taxes that may be raised within the ten-mill 1598
limitation will be insufficient to provide an adequate amount for 1599
the necessary requirements of the district and that it is 1600
necessary to levy a tax in excess of that limitation for the use 1601
of the district. The resolution shall specify the purpose for 1602
which the taxes shall be used, the annual rate proposed, and the 1603
number of consecutive years the levy will be in effect. Upon the 1604
adoption of the resolution, the question of levying the taxes 1605
shall be submitted to the electors of the township and the 1606
electors of any municipal corporation that is within the township, 1607
that was within the township at the time that the park district 1608
was established, or the boundaries of which are coterminous with or include the township, at a general election or a special election to be held on a day on which a primary election may be held on whichever of the following occurs first:

(1) The day of the next ensuing general election;

(2) The first Tuesday after the first Monday in May of any calendar year, except that, if a presidential primary election is held in that calendar year, then the day of that election.

The rate submitted to the electors at any one election shall not exceed two mills annually upon each dollar of valuation. If a majority of the electors voting upon the question of the levy vote in favor of the levy, the tax shall be levied on all real and personal property within the township and on all real and personal property within any municipal corporation that is within the township, that was within the township at the time that the park district was established, or the boundaries of which are coterminous with or include the township, and the levy shall be over and above all other taxes and limitations on such property authorized by law.

(C) In any township park district that contains only unincorporated territory, if the township board of park commissioners is appointed by the board of township trustees, before a tax can be levied and certified to the county auditor pursuant to section 5705.34 of the Revised Code or before a resolution for a tax levy can be certified to the board of elections pursuant to section 511.28 of the Revised Code, the board of park commissioners shall receive approval for its levy request from the board of township trustees. The board of park commissioners shall adopt a resolution requesting the board of township trustees to approve the levy request, stating the annual
rate of the proposed levy and the reason for the levy request. On receiving this request, the board of township trustees shall vote on whether to approve the request and, if a majority votes to approve it, shall issue a resolution approving the levy at the requested rate.

**Sec. 511.28.** A copy of any resolution for a tax levy adopted by the township board of park commissioners as provided in section 511.27 of the Revised Code shall be certified by the clerk of the board of park commissioners to the board of elections of the proper county, together with a certified copy of the resolution approving the levy, passed by the board of township trustees if such a resolution is required by division (C) of section 511.27 of the Revised Code, not less than ninety days before a general election or a special election held on a day on which a primary election in any year may be held. The board of elections shall submit the proposal to the electors as provided in section 511.27 of the Revised Code at the succeeding general or primary that election. A resolution to renew an existing levy may not be placed on the ballot unless the question is submitted at the general election held during the last year the tax to be renewed may be extended on the real and public utility property tax list and duplicate, or at any the general election or a special election held on a day on which a primary election may be held occurring in the ensuing year. The board of park commissioners shall cause notice that the vote will be taken to be published once a week for two consecutive weeks prior to the election in a newspaper of general circulation, or as provided in section 7.16 of the Revised Code, in the county within which the park district is located. Additionally, if the board of elections operates and maintains a web site, the board of elections shall post that notice on its web
site for thirty days prior to the election. The notice shall state the purpose of the proposed levy, the annual rate proposed expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each one dollar of valuation, the number of consecutive years during which the levy shall be in effect, and the time and place of the election.

The form of the ballots cast at the election shall be: "An additional tax for the benefit of (name of township park district) .......... for the purpose of (purpose stated in the order of the board) .......... at a rate not exceeding .......... mills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents) .......... for each one hundred dollars of valuation, for (number of years the levy is to run) ...........

FOR THE TAX LEVY

AGAINST THE TAX LEVY"

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in this section may be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in the case of a proposal to renew an existing levy in the same amount; the words "A renewal of .......... mills and an increase of .......... mills to constitute a" in the case of an increase; or the words "A renewal of part of an existing levy, being a reduction of .......... mills, to constitute a" in the case of a decrease in the rate of the existing levy.

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase ", commencing
in ........... (first year the tax is to be levied), first due in
calendar year ........... (first calendar year in which the tax
shall be due)."

The question covered by the order shall be submitted as a
separate proposition, but may be printed on the same ballot with
any other proposition submitted at the same election, other than
the election of officers. More than one such question may be
submitted at the same election.

Sec. 511.34. In townships composed of islands, and on one of
which islands lands have been conveyed in trust for the benefit of
the inhabitants of the island for use as a park, and a board of
park trustees has been provided for the control of the park, the
board of township trustees may create a tax district of the island
to raise funds by taxation as provided under divisions (A) and (B)
of this section.

(A) For the care and maintenance of parks on the island, the
board of township trustees annually may levy a tax, not to exceed
one mill, upon all the taxable property in the district. The tax
shall be in addition to all other levies authorized by law, and
subject to no limitation on tax rates except as provided in this
division.

The proceeds of the tax levy shall be expended by the board
of township trustees for the purpose of the care and maintenance
of the parks, and shall be paid out of the township treasury upon
the orders of the board of park trustees.

(B) For the purpose of acquiring additional land for use as a
park, the board of township trustees may levy a tax in excess of
the ten-mill limitation on all taxable property in the district.

The
The tax shall be proposed by resolution adopted by two-thirds of the members of the board of township trustees. The resolution shall specify the purpose and rate of the tax and the number of years the tax will be levied, which shall not exceed five years, and which may include a levy on the current tax list and duplicate. The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election. The board of township trustees shall certify a copy of the resolution to the proper board of elections not later than ninety days before the primary or a general election in the township or a special election held on a day on which a primary election may be held, and the board of elections shall submit the question of the tax to the voters of the district at the succeeding primary or general election. The board of elections shall make the necessary arrangements for the submission of the question to the electors of the district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the township for the election of officers. Notice of the election shall be published in a newspaper of general circulation in the township once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code prior to the election. If the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the purpose of the tax, the proposed rate of the tax expressed in dollars and cents for each one hundred dollars of valuation and mills for each one dollar of valuation, the number of years the tax will be in effect, the first year the tax will be levied, and the time and place of the election.

The form of the ballots cast at an election held under this
division shall be as follows:

"An additional tax for the benefit of ......... (name of the township) for the purpose of acquiring additional park land at a rate of ........ mills for each one dollar of valuation, which amounts to ........ (rate expressed in dollars and cents) for each one hundred dollars of valuation, for ........ (number of years the levy is to run) beginning in ........... (first year the tax will be levied).

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The question shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers. More than one such question may be submitted at the same election.

If the levy is approved by a majority of electors voting on the question, the board of elections shall certify the result of the election to the tax commissioner. In the first year of the levy, the tax shall be extended on the tax lists after the February settlement following the election. If the tax is to be placed on the tax lists of the current year as specified in the resolution, the board of elections shall certify the result of the election immediately after the canvass to the board of township trustees, which shall forthwith make the necessary levy and certify the levy to the county auditor, who shall extend the levy on the tax lists for collection. After the first year of the levy, the levy shall be included in the annual tax budget that is certified to the county budget commission.
Sec. 703.20. (A) Villages may surrender their corporate powers upon the petition to the legislative authority of the village, or, in the alternative, to the board of elections of the county in which the largest portion of the population of the village resides as provided in division (B)(1) of this section, of at least thirty per cent of the electors thereof, to be determined by the number voting at the last regular municipal election and by an affirmative vote of a majority of the electors at a general election or a special election held on a day on which a primary election may be held, which shall be provided for by the legislative authority or, in the alternative, at a general or such a special election as provided for by the board of elections under division (B)(1) of this section. The election shall be conducted, canvassed, and the result certified and made known as at regular municipal elections. If the result of the election is in favor of the surrender, the village clerk or, in the alternative, the board of elections shall certify the result to the secretary of state, the auditor of state, and the county recorder, who shall record it in their respective offices. The corporate powers of the village shall cease upon the recording of the certified election results in the county recorder's office.

(B)(1) If the legislative authority of a village fails to act upon the petition within thirty days after receipt of the petition, the electors may present the petition to the board of elections to determine the validity and sufficiency of the signatures. The petition shall be governed by the rules of section 3501.38 of the Revised Code. The petition shall be filed with the board of elections of the county in which the largest portion of the population of the village resides. If the petition is sufficient, the board of elections shall submit the question
"Shall the village of .......... surrender its corporate powers?"
for the approval or rejection of the electors of the village at
the next general election, or the next special election held on a
day on which a primary election in any year may be held,
occuring after the period ending ninety days after the filing of
the petition with the board. If the result of the election is in
favor of the surrender, the board of elections shall certify the
results to the secretary of state, the auditor of state, and the
county recorder, who shall record it in their respective offices.
The corporate powers of the village shall cease upon the recording
of the certified election results in the county recorder's office.

(2) In addition to filing the petition with the board of
elections as provided in division (B)(1) of this section, a copy
of the petition shall be filed with the board of township trustees
of each township affected by the surrender.

(C) The auditor of state shall assist in facilitating a
timely and systematic manner for complying with the requirements
of section 703.21 of the Revised Code.

Sec. 707.30. (A) The petition required by section 707.29 of
the Revised Code shall be signed by twenty per cent of the
electors in the territory, as determined by the total number of
votes cast within that territory for the office of governor at the
preceding general election for that office, and filed with the
board of county commissioners requesting that the question of
incorporating territory as a city be placed on the ballot at a
general election or a special election held on a day on which a
primary election may be held. The petition shall contain or have
attached to it all of the following:

(1) A full description and an accurate map of the territory
within the proposed municipal corporation;

(2) A statement signed by the county auditor as to the total assessed valuation of the area proposed for incorporation;

(3) A statement showing that the territory meets all the criteria for incorporation of a city listed in division (A) of section 707.29 of the Revised Code;

(4) A statement by the secretary of state that the name proposed in the petition is not being used by any other municipal corporation in the state;

(5) The name of a person to act as agent for the petitioners.

(B) Upon filing the petition, the agent for the petitioners shall cause notice of the filing for incorporation, containing the substance of the petition and the date of filing, to be published in a newspaper of general circulation in the county, for a period of three consecutive weeks. Any interested person or any municipal corporation through a representative may appear in support of or against the information contained in the incorporation petition at any session of the board before the board makes its determination and informs the board of elections of its determination under division (D) of this section.

(C) The petition required by section 707.29 of the Revised Code may be presented to the board of county commissioners at any session of the board, after which the board shall make it available for inspection by any interested person.

Upon the filing of the petition with the board of county commissioners, the board shall inform the board of elections and transfer to it a copy of the petition and any other relevant information available so that the board of elections may determine the sufficiency of the signatures on the petition. The petition
shall be in conformity with the requirements of section 3501.38 of
the Revised Code. The board of elections shall make its
determination and report its conclusions regarding the sufficiency
of the signatures to the board of county commissioners within
sixty days after the date the petition was filed with the board of
county commissioners.

The board of county commissioners may refer the description
and the map or plat of the territory sought to be incorporated to
the county engineer for a report upon their accuracy. When these
items are so referred to him the engineer, the engineer shall,
during the ninety-day period following the filing of the petition,
report in writing to the board upon his the engineer's findings.
His The engineer's report is not conclusive upon the board.
Failure of the engineer to make a report does not affect the
jurisdiction or duty of the board to proceed.

(D) The board of county commissioners shall, within ninety
days after the petition is filed, determine whether the territory
named in the petition fulfills all of the requirements listed in
divisions (A)(1) to (5) of this section and whether notice has
been published as required by division (B) of this section, and
shall so inform the board of elections. If the board of county
commissioners determines that the territory meets all of these
requirements, and if the board of elections determines that the
signatures on the petitions are sufficient, the board of elections
shall schedule a special election. Every make the necessary
arrangements for the submission of such question to every elector
residing in the territory sought to be incorporated under the
petition. The form of the ballots cast at such an election shall
be permitted to vote on the following question, which shall be
placed on the ballot as follows:
"Shall the area known as .......... (insert a brief description of the area sought to be incorporated) be incorporated into a new city to be known as .......... (insert the name of the proposed new city)?

| For incorporation | 1907 |
| Against incorporation | 1908 |

If a majority of the voters voting in the special election votes in favor of incorporation, the board of elections shall certify this result to the board of county commissioners. The incorporation of the territory as a city shall proceed as provided for municipal corporations in sections 707.08, 707.09, 707.21 to 707.24, 707.27, and 707.28 of the Revised Code.

If a majority of the voters voting in the special election votes against incorporation, the board of elections shall certify this result to the board of county commissioners, incorporation proceedings shall cease, and no further petitions shall be filed proposing the same incorporation for at least three years after the date of that election.

(E) The entire cost costs of a special an election held pursuant to this section that are payable by a subdivision under division (D) of section 3501.17 of the Revised Code shall be charged, if the results of the election are in favor of incorporation, to the newly formed municipal corporation, and if the results of the election are against incorporation, to the township or townships from which territory was proposed for incorporation in the same proportion as the amount of territory in each township was to the total area proposed for incorporation.
(F) If the territory sought to be incorporated does incorporate and if the territory includes any real property owned by an existing municipal corporation, such real property shall be exempt from zoning regulations of the new municipal corporation so long as it is used for public purposes by the municipal corporation that owns it.

Public service contracts entered into by the township prior to the incorporation shall be renegotiated within six months after the effective date of incorporation.

Sec. 715.38. The legislative authority of a municipal corporation which, for any reason, is inaccessible from the mainland at some time of the year, may provide for the maintenance of a physician when, in the opinion of a majority of the members of the legislative authority, it is necessary for the preservation of the public health and welfare.

An additional tax may be levied upon all the taxable property in the municipal corporation, in such amount as the legislative authority determines, to provide for such maintenance. The question of levying such tax, and the amount thereof, shall be separately submitted to the qualified electors of the municipal corporation at a general election or a special election held on a day on which a primary election may be held. Twenty days' notice thereof shall be previously given by posting in at least three public places in the municipal corporation. Such notice shall state specifically the amount to be raised and the purpose thereof. If a majority of all votes cast at such election upon the proposition are in favor thereof, the tax provided for shall be authorized.

Upon authorization of the tax levy as provided by this
section, the legislative authority may issue notes in anticipation of such revenues, to mature in not more than two years from the date of issue, and to bear interest at not more than four per cent per annum.

**Sec. 715.691.** (A) As used in this section:

(1) "Contracting party" means a municipal corporation that has entered into a joint economic development zone contract or any party succeeding to the municipal corporation, or a township that entered into a joint economic development zone contract with a municipal corporation.

(2) "Zone" means a joint economic development zone designated under this section.

(3) "Substantial amendment" means an amendment to a joint economic development zone contract that increases the rate of municipal income tax that may be imposed within the zone, changes the purposes for which municipal income tax revenue derived from the zone may be used, or adds new territory to the zone.

(B) This section provides procedures and requirements for creating and operating a joint economic development zone. This section applies only if one of the contracting parties to the zone does not levy a municipal income tax under Chapter 718. of the Revised Code.

At any time before January 1, 2015, two or more municipal corporations or one or more townships and one or more municipal corporations may enter into a contract whereby they agree to share in the costs of improvements for an area or areas located in one or more of the contracting parties that they designate as a joint economic development zone for the purpose of facilitating new or expanded growth for commercial or economic development in the
state. The contract and zone shall meet the requirements of divisions (B) to (J) of this section.

(C) The contract shall set forth each contracting party's contribution to the joint economic development zone. The contributions may be in any form that the contracting parties agree to, and may include, but are not limited to, the provision of services, money, or equipment. The contract may be amended, renewed, or terminated with the consent of the contracting parties, subject to division (K) of this section. The contract shall continue in existence throughout the term it specifies and shall be binding on the contracting parties and on any entities succeeding to the contracting parties. If the contract is approved by the electors of any contracting party under division (F) of this section or substantially amended after the effective date of H.B. 289 of the 130th general assembly, June 5, 2014, the contracting parties shall include within the contract or the amendment to the contract an economic development plan for the zone, a schedule for the implementation or provision of any new, expanded, or additional services, facilities, or improvements within the zone or in the area surrounding the zone, and any provisions necessary for the contracting parties to create a joint economic development review council in compliance with section 715.692 of the Revised Code.

(D) Before the legislative authority of any of the contracting parties enacts an ordinance or resolution approving a contract to designate a joint economic development zone, the legislative authority of each of the contracting parties shall hold a public hearing concerning the contract and zone. Each legislative authority shall provide at least thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation or township.
During the thirty-day period prior to the public hearing, all of
the following documents shall be available for public inspection
in the office of the clerk of the legislative authority of a
municipal corporation that is a contracting party and in the
office of the fiscal officer of a township that is a contracting
party:

(1) A copy of the contract designating the zone;
(2) A description of the area or areas to be included in the
zone, including a map in sufficient detail to denote the specific
boundaries of the area or areas;
(3) An economic development plan for the zone that includes a
schedule for the provision of any new, expanded, or additional
services, facilities, or improvements.

A public hearing held under division (D) of this section
shall allow for public comment and recommendations on the contract
and zone. The contracting parties may include in the contract any
of those recommendations prior to approval of the contract.

(E) After the public hearings required under division (D) of
this section have been held and the economic development plan has
been approved under division (D) of section 715.692 of the Revised
Code, and before January 1, 2015, each contracting party may enact
an ordinance or resolution approving the contract to designate a
joint economic development zone. After each contracting party has
enacted an ordinance or resolution, the clerk of the legislative
authority of a municipal corporation that is a contracting party
and the fiscal officer of a township that is a contracting party
shall file with the board of elections of each county within which
a contracting party is located a copy of the ordinance or
resolution approving the contract and shall direct the board of
elections to submit the ordinance or resolution to the electors of
the contracting party on the day of the next general, primary, or special election occurring at least ninety days after the ordinance or resolution is filed with the board of elections. If any of the contracting parties is a township, however, then only the township or townships shall submit the resolution to the electors. The board of elections shall not submit an ordinance or resolution filed under this division to the electors at any election occurring on or after January 1, 2015.

(F)(1) If a vote is required to approve a municipal corporation as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

"Shall the ordinance of the legislative authority of the (city or village) of (name of contracting party) approving the contract with (name of each other contracting party) for the designation of a joint economic development zone be approved?

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(2) If a vote is required to approve a township as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

"Shall the resolution of the board of township trustees of the township of (name of contracting party) approving the contract with (name of each other contracting party) for the designation of a joint economic development zone be approved?

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If a majority of the electors of each contracting party voting on the issue vote for the ordinance or resolution and contract, the ordinance or resolution shall become effective immediately and the contract shall go into effect immediately or in accordance with its terms.

(G)(1) A board of directors shall govern each joint economic development zone created under this section. The members of the board shall be appointed as provided in the contract. Each of the contracting parties shall appoint three members to the board. Terms for each member shall be for two years, each term ending on the same day of the month of the year as did the term that it succeeds. A member may be reappointed to the board.

(2) Membership on the board is not the holding of a public office or employment within the meaning of any section of the Revised Code or any charter provision prohibiting the holding of other public office or employment. Membership on the board is not a direct or indirect interest in a contract or expenditure of money by a municipal corporation, township, county, or other political subdivision with which a member may be affiliated. Notwithstanding any provision of law or a charter to the contrary, no member of the board shall forfeit or be disqualified from holding any public office or employment by reason of membership on the board.

(3) The board is a public body for the purposes of section
121.22 of the Revised Code. Chapter 2744. of the Revised Code applies to the board and the zone.

(H) The contract may grant to the board of directors appointed under division (G) of this section the power to adopt a resolution to levy an income tax within the zone. The income tax shall be used for the purposes of the zone and for the purposes of the contracting parties pursuant to the contract. Not less than fifty per cent of the revenue from the tax shall be used solely to provide the new, expanded, or additional services, facilities, or improvements specified in the economic development plan until all such services, facilities, or improvements have been completed as specified in that plan. The income tax may be levied in the zone based on income earned by persons working within the zone and on the net profits of businesses located in the zone. The income tax is subject to Chapter 718. of the Revised Code, except that a vote shall be required by the electors residing in the zone to approve the rate of income tax unless a majority of the electors residing within the zone, as determined by the total number of votes cast in the zone for the office of governor at the most recent general election for that office, submit a petition to the board requesting that the election provided for in division (H)(1) of this section not be held. If no electors reside within the zone, then division (H)(3) of this section applies. The rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a party to the contract.

(1) The board of directors may levy an income tax at a rate that is not higher than the highest rate being levied by a municipal corporation that is a party to the contract, provided that the rate of the income tax is first submitted to and approved by the electors of the zone at the succeeding regular next general election or special election held on a day on which a primary
election, or a special election called by the board may be held, occurring subsequent to ninety days after a certified copy of the resolution levying the income tax and calling for the election is filed with the board of elections. If the voters approve the levy of the income tax, the income tax shall be in force for the full period of the contract establishing the zone. No election shall be held under this section if a majority of the electors residing within the zone, determined as specified in division (H) of this section, submit a petition to that effect to the board of directors. Any increase in the rate of an income tax by the board of directors shall be approved by a vote of the electors of the zone and shall be in force for the remaining period of the contract establishing the zone.

(2) Whenever a zone is located in the territory of more than one contracting party, a majority vote of the electors in each of the several portions of the territory of the contracting parties constituting the zone approving the levy of the tax is required before it may be imposed under division (H) of this section.

(3) If no electors reside in the zone, no election for the approval or rejection of an income tax shall be held under this section, provided that where no electors reside in the zone, the rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a party to the contract.

(4) The board of directors of a zone levying an income tax shall enter into an agreement with one of the municipal corporations that is a party to the contract to administer, collect, and enforce the income tax on behalf of the zone.

(5) The board of directors of a zone shall publish or post public notice within the zone of any resolution adopted levying an
income tax in the same manner required of municipal corporations under sections 731.21 and 731.25 of the Revised Code.

(I)(1) If for any reason a contracting party reverts to or has its boundaries changed so that it is classified as a township that is the entity succeeding to that contracting party, the township is considered to be a municipal corporation for the purposes of the contract for the full period of the contract establishing the joint economic development zone, except that if that contracting party is administering, collecting, and enforcing the income tax on behalf of the district as provided in division (H)(4) of this section, the contract shall be amended to allow one of the other contracting parties to administer, collect, and enforce that tax.

(2) Notwithstanding any other section of the Revised Code, if there is any change in the boundaries of a township so that a municipal corporation once located within the township is no longer so located, the township shall remain in existence even though its remaining unincorporated area contains less than twenty-two square miles, if the township has been or becomes a party to a contract creating a joint economic development zone under this section or the contract creating that joint economic development zone under this section is terminated or repudiated for any reason by any party or person. The township shall continue its existing status in all respects, including having the same form of government and the same elected board of trustees as its governing body. The township shall continue to receive all of its tax levies and sources of income as a township in accordance with any section of the Revised Code, whether the levies and sources of income generate millage within the ten-mill limitation or in excess of the ten-mill limitation. The name of the township may be changed to the name of the contracting party appearing in the
contract creating a joint economic development zone under this section, so long as the name does not conflict with any other name in the state that has been certified by the secretary of state. The township shall have all of the powers set out in sections 715.79, 715.80, and 715.81 of the Revised Code.

(J) If, after creating and operating a joint economic development zone under this section, a contracting party that did not levy a municipal income tax under Chapter 718. of the Revised Code levies such a tax, the tax shall not apply to the zone for the full period of the contract establishing the zone if the board of directors of the zone has levied an income tax as provided in division (H) of this section.

(K) No substantial amendment may be made to any joint economic development zone contract after December 31, 2014.

Sec. 715.70. (A) This section and section 715.71 of the Revised Code apply only to:

(1) Municipal corporations and townships within a county that has adopted a charter under Sections 3 and 4 of Article X, Ohio Constitution;

(2) Municipal corporations and townships that have created a joint economic development district comprised entirely of real property owned by a municipal corporation at the time the district was created under this section. The real property owned by the municipal corporation shall include an airport owned by the municipal corporation and located entirely beyond the municipal corporation's corporate boundary.

(3) Municipal corporations or townships that are part of or contiguous to a transportation improvement district created under Chapter 5540. of the Revised Code and that have created a joint
economic development district under this section or section 715.71
of the Revised Code prior to November 15, 1995;

(4) Municipal corporations that have previously entered into
a contract creating a joint economic development district pursuant
to division (A)(2) of this section, even if the territory to be
included in the district does not meet the requirements of that
division.

(B)(1) One or more municipal corporations and one or more
townships may enter into a contract approved by the legislative
authority of each contracting party pursuant to which they create
as a joint economic development district an area or areas for the
purpose of facilitating economic development to create or preserve
jobs and employment opportunities and to improve the economic
welfare of the people in the state and in the area of the
contracting parties. A municipal corporation described in division
(A)(4) of this section may enter into a contract with other
municipal corporations and townships to create a new joint
economic development district. In a district that includes a
municipal corporation described in division (A)(4) of this
section, the territory of each of the contracting parties shall be
contiguous to the territory of at least one other contracting
party, or contiguous to the territory of a township or municipal
corporation that is contiguous to another contracting party, even
if the intervening township or municipal corporation is not a
contracting party. The area or areas of land to be included in the
district shall not include any parcel of land owned in fee by a
municipal corporation or a township or parcel of land that is
leased to a municipal corporation or a township, unless the
municipal corporation or township is a party to the contract or
unless the municipal corporation or township has given its consent
to have its parcel of land included in the district by the
adoption of a resolution. As used in this division, "parcel of land" means any parcel of land owned by a municipal corporation or a township for at least a six-month period within a five-year period prior to the creation of a district, but "parcel of land" does not include streets or public ways and sewer, water, and other utility lines whether owned in fee or otherwise.

The district created shall be located within the territory of one or more of the participating parties and may consist of all or a portion of such territory. The boundaries of the district shall be described in the contract or in an addendum to the contract.

(2) Prior to the public hearing to be held pursuant to division (D)(2) of this section, the participating parties shall give a copy of the proposed contract to each municipal corporation located within one-quarter mile of the proposed joint economic development district and not otherwise a party to the contract, and afford the municipal corporation the reasonable opportunity, for a period of thirty days following receipt of the proposed contract, to make comments and suggestions to the participating parties regarding elements contained in the proposed contract.

(3) The district shall not exceed two thousand acres in area. The territory of the district shall not completely surround territory that is not included within the boundaries of the district.

(4) Sections 503.07 to 503.12 of the Revised Code do not apply to territory included within a district created pursuant to this section as long as the contract creating the district is in effect, unless the legislative authority of each municipal corporation and the board of township trustees of each township included in the district consent, by ordinance or resolution, to the application of those sections of the Revised Code.
Upon the execution of the contract creating the district by the parties to the contract, a participating municipal corporation or township included within the district shall file a copy of the fully executed contract with the county recorder of each county within which a party to the contract is located, in the miscellaneous records of the county. No annexation proceeding pursuant to Chapter 709. of the Revised Code that proposes the annexation to, merger, or consolidation with a municipal corporation of any unincorporated territory within the district shall be commenced for a period of three years after the contract is filed with the county recorder of each county within which a party to the contract is located unless each board of township trustees whose territory is included, in whole or part, within the district and the territory proposed to be annexed, merged, or consolidated adopts a resolution consenting to the commencement of the proceeding and a copy of the resolution is filed with the legislative authority of each county within which a party to the contract is located or unless the contract is terminated during this period.

The contract entered into between the municipal corporations and townships pursuant to this section may provide for the prohibition of any annexation by the participating municipal corporations of any unincorporated territory within the district beyond the three-year mandatory prohibition of any annexation provided for in division (B)(5) of this section.

(C)(1) After the legislative authority of a municipal corporation and the board of township trustees have adopted an ordinance and resolution approving a contract to create a joint economic development district pursuant to this section, and after a contract has been signed, the municipal corporations and townships shall jointly file a petition with the legislative
authority of each county within which a party to the contract is located.

(a) The petition shall contain all of the following:

(i) A statement that the area or areas of the district is are not greater than two thousand acres and is located within the territory of one or more of the contracting parties;

(ii) A brief summary of the services to be provided by each party to the contract or a reference to the portion of the contract describing those services;

(iii) A description of the area or areas to be designated as the district;

(iv) The signature of a representative of each of the contracting parties.

(b) The following documents shall be filed with the petition:

(i) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract;

(ii) A certified copy of the ordinances and resolutions of the contracting parties approving the contract;

(iii) A certificate from each of the contracting parties indicating that the public hearings required by division (D)(2) of this section have been held, the date of the hearings, and evidence of publication of the notice of the hearings;

(iv) One or more signed statements of persons who are owners of property located in whole or in part within the area to be designated as the district, requesting that the property be included within the district, provided that those statements shall represent a majority of the persons owning property located in whole or in part within the district and persons owning a majority
of the acreage located within the district. A signature may be withdrawn by the signer up to but not after the time of the public hearing required by division (D)(2) of this section.

(2) The legislative authority of each county within which a party to the contract is located shall adopt a resolution approving the petition for the creation of the district if the petition and other documents have been filed in accordance with the requirements of division (C)(1) of this section. If the petition and other documents do not substantially meet the requirements of that division, the legislative authority of any county within which a party to the contract is located may adopt a resolution disapproving the petition for the creation of the district. The legislative authority of each county within which a party to the contract is located shall adopt a resolution approving or disapproving the petition within thirty days after the petition was filed. If the legislative authority of each such county does not adopt the resolution within the thirty-day period, the petition shall be deemed approved and the contract shall go into effect immediately after that approval or at such other time as the contract specifies.

(D)(1) The contract creating the district shall set forth or provide for the amount or nature of the contribution of each municipal corporation and township to the development and operation of the district and may provide for the sharing of the costs of the operation of and improvements for the district. The contributions may be in any form to which the contracting municipal corporations and townships agree and may include but are not limited to the provision of services, money, real or personal property, facilities, or equipment. The contract may provide for the contracting parties to share revenue from taxes levied on property by one or more of the contracting parties if those
revenues may lawfully be applied to that purpose under the legislation by which those taxes are levied. The contract shall provide for new, expanded, or additional services, facilities, or improvements, including expanded or additional capacity for or other enhancement of existing services, facilities, or improvements, provided that those services, facilities, or improvements, or expanded or additional capacity for or enhancement of existing services, facilities, or improvements, required herein have been provided within the two-year period prior to the execution of the contract.

(2) Before the legislative authority of a municipal corporation or a board of township trustees passes any ordinance or resolution approving a contract to create a joint economic development district pursuant to this section, the legislative authority of the municipal corporation and the board of township trustees shall each hold a public hearing concerning the joint economic development district contract and shall provide thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation and the township. The board of township trustees may provide additional notice to township residents in accordance with section 9.03 of the Revised Code, and any additional notice shall include the public hearing announcement; a summary of the terms of the contract; a statement that the entire text of the contract and district maps and plans are on file for public examination in the office of the township fiscal officer; and information pertaining to any tax changes that will or may occur as a result of the contract.

During the thirty-day period prior to the public hearing, a copy of the text of the contract together with copies of district maps and plans related to or part of the contract shall be on
file, for public examination, in the offices of the clerk of the legislative authority of the municipal corporation and of the township fiscal officer. The public hearing provided for in division (D)(2) of this section shall allow for public comment and recommendations from the public on the proposed contract. The contracting parties may include in the contract any of those recommendations prior to the approval of the contract.

(3) Any resolution of the board of township trustees that approves a contract that creates a joint economic development district pursuant to this section shall be subject to a referendum of the electors of the township. When a referendum petition, signed by ten per cent of the number of electors in the township who voted for the office of governor at the most recent general election for the office of governor, is presented to the board of township trustees within thirty days after the board of township trustees adopted the resolution, ordering that the resolution be submitted to the electors of the township for their approval or rejection, the board of township trustees shall, after ten days and not later than four p.m. of the ninetieth day before the election, certify the text of the resolution to the board of elections. The board of elections shall submit the resolution to the electors of the township for their approval or rejection at the next general, election or special election held on a day on which a primary, or special election may be held, occurring subsequent to ninety days after the certifying of the petition to the board of elections.

(4) Upon the creation of a district under this section or section 715.71 of the Revised Code, one of the contracting parties shall file a copy of the following with the director of development:
(a) The petition and other documents described in division (C)(1) of this section, if the district is created under this section;

(b) The documents described in division (D) of section 715.71 of the Revised Code, if the district is created under this section.

(E) The district created by the contract shall be governed by a board of directors that shall be established by or pursuant to the contract. The board is a public body for the purposes of section 121.22 of the Revised Code. The provisions of Chapter 2744. of the Revised Code apply to the board and the district. The members of the board shall be appointed as provided in the contract from among the elected members of the legislative authorities and the elected chief executive officers of the contracting parties, provided that there shall be at least two members appointed from each of the contracting parties.

(F) The contract shall enumerate the specific powers, duties, and functions of the board of directors of a district, and the contract shall provide for the determination of procedures that are to govern the board of directors. The contract may grant to the board the power to adopt a resolution to levy an income tax within the district. The income tax shall be used for the purposes of the district and for the purposes of the contracting municipal corporations and townships pursuant to the contract. The income tax may be levied in the district based on income earned by persons working or residing within the district and based on the net profits of businesses located in the district. The income tax shall follow the provisions of Chapter 718. of the Revised Code, except that a vote shall be required by the electors residing in the district to approve the rate of income tax. If no electors
reside within the district, then division (F)(4) of this section applies. The rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a party to the contract.

(1) Within one hundred eighty days after the first meeting of the board of directors, the board may levy an income tax, provided that the rate of the income tax is first submitted to and approved by the electors of the district at the succeeding regular next general election or special election held on a day on which a primary election, or a special election called by the board may be held, occurring subsequent to ninety days after a certified copy of the resolution levying the income tax and calling for the election is filed with the board of elections. If the voters approve the levy of the income tax, the income tax shall be in force for the full period of the contract establishing the district. Any increase in the rate of an income tax that was first levied within one hundred eighty days after the first meeting of the board of directors shall be approved by a vote of the electors of the district, shall be in force for the remaining period of the contract establishing the district, and shall not be subject to division (F)(2) of this section.

(2) Any resolution of the board of directors levying an income tax that is adopted subsequent to one hundred eighty days after the first meeting of the board of directors shall be subject to a referendum as provided in division (F)(2) of this section. Any resolution of the board of directors levying an income tax that is adopted subsequent to one hundred eighty days after the first meeting of the board of directors shall be subject to an initiative proceeding to amend or repeal the resolution levying the income tax as provided in division (F)(2) of this section. When a referendum petition, signed by ten per cent of the number...
of electors in the district who voted for the office of governor at the most recent general election for the office of governor, is filed with the county auditor of each county within which a party to the contract is located within thirty days after the resolution is adopted by the board or when an initiative petition, signed by ten per cent of the number of electors in the district who voted for the office of governor at the most recent general election for the office of governor, is filed with the county auditor of each such county ordering that a resolution to amend or repeal a prior resolution levying an income tax be submitted to the electors within the district for their approval or rejection, the county auditor of each such county, after ten days and not later than four p.m. of the ninetieth day before the election, shall certify the text of the resolution to the board of elections of that county. The county auditor of each such county shall retain the petition. The board of elections shall submit the resolution to such electors, for their approval or rejection, at the next general election or special election held on a day on which a primary, or special election may be held, occurring subsequent to ninety days after the certifying of such petition to the board of elections.

(3) Whenever a district is located in the territory of more than one contracting party, a majority vote of the electors, if any, in each of the several portions of the territory of the contracting parties constituting the district approving the levy of the tax is required before it may be imposed pursuant to this division.

(4) If there are no electors residing in the district, no election for the approval or rejection of an income tax shall be held pursuant to this section, provided that where no electors reside in the district, the maximum rate of the income tax that
may be levied shall not exceed one per cent.

(5) The board of directors of a district levying an income tax shall enter into an agreement with one of the municipal corporations that is a party to the contract to administer, collect, and enforce the income tax on behalf of the district. The resolution levying the income tax shall provide the same credits, if any, to residents of the district for income taxes paid to other such districts or municipal corporations where the residents work, as credits provided to residents of the municipal corporation administering the income tax.

(6)(a) The board shall publish or post public notice within the district of any resolution adopted levying an income tax in the same manner required of municipal corporations under sections 731.21 and 731.25 of the Revised Code.

(b) Except as otherwise specified by this division, any referendum or initiative proceeding within a district shall be conducted in the same manner as is required for such proceedings within a municipal corporation pursuant to sections 731.28 to 731.40 of the Revised Code.

(G) Membership on the board of directors does not constitute the holding of a public office or employment within the meaning of any section of the Revised Code or any charter provision prohibiting the holding of other public office or employment, and shall not constitute an interest, either direct or indirect, in a contract or expenditure of money by any municipal corporation, township, county, or other political subdivision with which the member may be connected. No member of a board of directors shall be disqualified from holding any public office or employment, nor shall such member forfeit or be disqualified from holding any such office or employment, by reason of the member's membership on the
board of directors, notwithstanding any law or charter provision to the contrary.

(H) The powers and authorizations granted pursuant to this section or section 715.71 of the Revised Code are in addition to and not in derogation of all other powers granted to municipal corporations and townships pursuant to law. When exercising a power or performing a function or duty under a contract authorized pursuant to this section or section 715.71 of the Revised Code, a municipal corporation may exercise all of the powers of a municipal corporation, and may perform all the functions and duties of a municipal corporation, within the district, pursuant to and to the extent consistent with the contract. When exercising a power or performing a function or duty under a contract authorized pursuant to this section or section 715.71 of the Revised Code, a township may exercise all of the powers of a township, and may perform all the functions and duties of a township, within the district, pursuant to and to the extent consistent with the contract. The district board of directors has no powers except those specifically set forth in the contract as agreed to by the participating parties. No political subdivision shall authorize or grant any tax exemption pursuant to Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the Revised Code on any property located within the district without the consent of the contracting parties. The prohibition for any tax exemption pursuant to this division shall not apply to any exemption filed, pending, or approved, or for which an agreement has been entered into, before the effective date of the contract entered into by the parties.

(I) Municipal corporations and townships may enter into binding agreements pursuant to a contract authorized under this section or section 715.71 of the Revised Code with respect to the
substance and administration of zoning and other land use
regulations, building codes, public permanent improvements, and
other regulatory and proprietary matters that are determined,
pursuant to the contract, to be for a public purpose and to be
desirable with respect to the operation of the district or to
facilitate new or expanded economic development in the state or
the district, provided that no contract shall exempt the territory
within the district from the procedures and processes of land use
regulation applicable pursuant to municipal corporation, township,
and county regulations, including but not limited to procedures
and processes concerning zoning.

(J) A contract creating a joint economic development district
under this section or section 715.71 of the Revised Code may
designate property as a community entertainment district or may be
amended to designate property as a community entertainment
district as prescribed in division (D) of section 4301.80 of the
Revised Code. A joint economic development district contract or
amendment designating a community entertainment district shall
include all information and documentation described in divisions
(B)(1) through (6) of section 4301.80 of the Revised Code. The
public notice required under division (D)(2) of this section and
division (C) of section 715.71 of the Revised Code shall specify
that the contract designates a community entertainment district
and describe the location of that district. Except as provided in
division (F) of section 4301.80 of the Revised Code, an area
designated as a community entertainment district under a joint
economic development district contract shall not lose its
designation even if the contract is canceled or terminated.

(K) A contract entered into pursuant to this section or
section 715.71 of the Revised Code may be amended and it may be
renewed, canceled, or terminated as provided in or pursuant to the
contract. The contract may be amended to add property owned by one of the contracting parties to the district, or may be amended to delete property from the district whether or not one of the contracting parties owns the deleted property. The contract shall continue in existence throughout its term and shall be binding on the contracting parties and on any entities succeeding to such parties, whether by annexation, merger, or otherwise. The income tax levied by the board pursuant to this section or section 715.71 of the Revised Code shall apply in the entire district throughout the term of the contract, notwithstanding that all or a portion of the district becomes subject to annexation, merger, or incorporation. No township or municipal corporation is divested of its rights or obligations under the contract because of annexation, merger, or succession of interests.

(L) After the creation of a joint economic development district described in division (A)(2) of this section, a municipal corporation that is a contracting party may cease to own property included in the district, but such property shall continue to be included in the district and subject to the terms of the contract.

Sec. 715.71. (A) This section provides alternative procedures and requirements to those set forth in section 715.70 of the Revised Code for creating and operating a joint economic development district. Divisions (B), (C), (D)(1) to (3), and (F) of section 715.70 of the Revised Code do not apply to a joint economic development district established under this section. However, divisions (A), (D)(4), (E), (G), (H), (I), (J), (K), and (L) of section 715.70 of the Revised Code do apply to a district established under this section.

(B) One or more municipal corporations and one or more townships may enter into a contract approved by the legislative
authority of each contracting party pursuant to which they create
as a joint economic development district one or more areas for the
purpose of facilitating economic development to create or preserve
jobs and employment opportunities and to improve the economic
welfare of the people in this state and in the area of the
contracting parties. The district created shall be located within
the territory of one or more of the contracting parties and may
consist of all or a portion of that territory. The boundaries of
the district shall be described in the contract or in an addendum
to the contract. The area or areas of land to be included in the
district shall not include any parcel of land owned in fee by or
leased to a municipal corporation or township, unless the
municipal corporation or township is a party to the contract or
has given its consent to have its parcel of land included in the
district by the adoption of a resolution. As used in this
division, "parcel of land" has the same meaning as in division (B)
of section 715.70 of the Revised Code.

(C) Before the legislative authority of a municipal
corporation or a board of township trustees adopts an ordinance or
resolution approving a contract to create a joint economic
development district under this section, it shall hold a public
hearing concerning the joint economic development district
contract and shall provide thirty days' public notice of the time
and place of the public hearing in a newspaper of general
circulation in the municipal corporation and the township. Each
municipal corporation and township that is a party to the contract
shall hold a public hearing. During the thirty-day period prior to
a public hearing, a copy of the text of the contract together with
copies of district maps and plans related to or part of the
contract shall be on file, for public examination, in the offices
of the clerk of the legislative authority of the municipal
corporation and of the township fiscal officer. The public
hearings provided for in this division shall allow for public
comment and recommendations on the proposed contract. The
participating parties may include in the contract any of those
recommendations prior to approval of the contract.

(D) After the legislative authority of a municipal
corporation and the board of township trustees have adopted an
ordinance and resolution approving a contract to create a joint
economic development district, the municipal corporation and the
township jointly shall file with the legislative authority of each
county within which a party to the contract is located all of the
following:

(1) A signed copy of the contract, together with copies of
district maps and plans related to or part of the contract;

(2) Certified copies of the ordinances and resolutions of the
contracting parties relating to the district and the contract;

(3) A certificate of each of the contracting parties that the
public hearings provided for in division (C) of this section have
been held, the date of the hearings, and evidence of publication
of the notice of the hearings.

(E) Within thirty days after the filing under division (D) of
this section, the legislative authority of each county within
which a party to the contract is located shall adopt a resolution
acknowledging the receipt of the required documents, approving the
creation of the joint economic development district, and directing
that the resolution of the board of township trustees approving
the contract be submitted to the electors of the township for
approval at the next succeeding general, election or special
election held on a day on which a primary, or special election may
be held. The legislative authority of the county shall file with
the board of elections at least ninety days before the day of the election a copy of the resolution of the board of township trustees approving the contract. The resolution of the legislative authority of the county also shall specify the date the election is to be held and shall direct the board of elections to conduct the election in the township. If the resolution of the legislative authority of the county is not adopted within the thirty-day period after the filing under division (D) of this section, the joint economic development district shall be deemed approved by the county legislative authority, and the board of township trustees shall file its resolution with the board of elections for submission to the electors of the township for approval at the next succeeding general, primary, or special election held on the day on which a primary election may be held. The filing shall occur at least ninety days before the specified date the election is to be held and shall direct the board of elections to conduct the election in the township.

The ballot shall be in the following form:

"Shall the resolution of the board of township trustees approving the contract with ................. (here insert name of each municipal corporation and other township that is a party to the contract) for the creation of a joint economic development district be approved?

<table>
<thead>
<tr>
<th>FOR THE RESOLUTION AND CONTRACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGAINST THE RESOLUTION AND CONTRACT</td>
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If a majority of the electors of the township voting on the issue vote for the resolution and contract, the resolution shall become effective immediately and the contract shall go into effect.
immediately or in accordance with its terms.

(F) The contract creating the district shall set forth or provide for the amount or nature of the contribution of each municipal corporation and township to the development and operation of the district and may provide for the sharing of the costs of the operation of and improvements for the district. The contributions may be in any form to which the contracting municipal corporations and townships agree and may include but are not limited to the provision of services, money, real or personal property, facilities, or equipment. The contract may provide for the contracting parties to share revenue from taxes levied on property by one or more of the contracting parties if those revenues may lawfully be applied to that purpose under the legislation by which those taxes are levied. The contract shall provide for new, expanded, or additional services, facilities, or improvements, including expanded or additional capacity for or other enhancement of existing services, facilities, or improvements, provided that the existing services, facilities, or improvements, or the expanded or additional capacity for or enhancement of the existing services, facilities, or improvements, have been provided within the two-year period prior to the execution of the contract.

(G) The contract shall enumerate the specific powers, duties, and functions of the board of directors of the district and shall provide for the determination of procedures that are to govern the board of directors. The contract may grant to the board the power to adopt a resolution to levy an income tax within the district. The income tax shall be used for the purposes of the district and for the purposes of the contracting municipal corporations and townships pursuant to the contract. The income tax may be levied in the district based on income earned by persons working or
residing within the district and based on the net profits of businesses located in the district. The income tax of the district shall follow the provisions of Chapter 718. of the Revised Code, except that no vote shall be required by the electors residing in the district. The rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a party to the contract.

The board of directors of a district levying an income tax shall enter into an agreement with one of the municipal corporations that is a party to the contract to administer, collect, and enforce the income tax on behalf of the district. The resolution levying the income tax shall provide the same credits, if any, to residents of the district for income taxes paid to other districts or municipal corporations where the residents work, as credits provided to residents of the municipal corporation administering the income tax.

(H) No annexation proceeding pursuant to Chapter 709. of the Revised Code that proposes the annexation to or merger or consolidation with a municipal corporation, except a municipal corporation that is a party to the contract, of any unincorporated territory within the district shall be commenced for a period of three years after the contract is filed with the legislative authority of each county within which a party to the contract is located in accordance with division (D) of this section unless each board of township trustees whose territory is included, in whole or part, within the district and the territory proposed to be annexed, merged, or consolidated adopts a resolution consenting to the commencement of the proceeding and a copy of the resolution is filed with the legislative authority of each such county or unless the contract is terminated during this three-year period. The contract entered into between the municipal corporations and
townships pursuant to this section may provide for the prohibition of any annexation by the participating municipal corporations of any unincorporated territory within the district.

Sec. 715.72. (A) As used in this section:

(1) "Contracting parties" means one or more municipal corporations, one or more townships, and, under division (D) of this section, one or more counties that have entered into a contract under this section to create a joint economic development district.

(2) "District" means a joint economic development district created under this section.

(3) "Contract for utility services" means a contract under which a municipal corporation agrees to provide to a township or another municipal corporation water, sewer, electric, or other utility services necessary to the public health, safety, and welfare.

(4) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district.

(5) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with authority to make decisions legally binding upon a business.

(6) "Record owner" means the person or persons in whose name a parcel is listed on the tax list or exempt list compiled by the
county auditor under section 319.28 or 5713.08 of the Revised Code.

(7) A business "operates within" a district if the net profits of the business or the income of employees of the business would be subject to an income tax levied within the district.

(8) An employee is "employed within" a district if any portion of the employee's income would be subject to an income tax levied within the district.

(9) "Mixed-use development" means a real estate project that tends to mitigate traffic and sprawl by integrating some combination of retail, office, residential, hotel, recreation, and other functions in a pedestrian-oriented environment that maximizes the use of available space by allowing members of the community to live, work, and play in one architecturally expressive area with multiple amenities.

(B) This section provides alternative procedures and requirements to those set forth in sections 715.70 and 715.71 of the Revised Code for creating and operating a joint economic development district. This section applies to municipal corporations and townships that are located in the same county or in adjacent counties.

(C) One or more municipal corporations, one or more townships, and, under division (D) of this section, one or more counties may enter into a contract pursuant to which they designate one or more areas as a joint economic development district for the purpose of facilitating economic development and redevelopment, to create or preserve jobs and employment opportunities, and to improve the economic welfare of the people in this state and in the area of the contracting parties.
(1) Except as otherwise provided in division (C)(2) of this section, the territory of each of the contracting parties shall be contiguous to the territory of at least one other contracting party, or contiguous to the territory of a township, municipal corporation, or county that is contiguous to another contracting party, even if the intervening township or municipal corporation is not a contracting party.

(2) Contracting parties that have entered into a contract under section 715.70 or 715.71 of the Revised Code creating a joint economic development district prior to November 15, 1995, may enter into a contract under this section even if the territory of each of the contracting parties is not contiguous to the territory of at least one other contracting party, or contiguous to the territory of a township or municipal corporation that is contiguous to another contracting party as otherwise required under division (C)(1) of this section. The contract and district shall meet the requirements of this section.

(D) If, on or after December 30, 2008, but on or before June 30, 2009, one or more municipal corporations and one or more townships enter into a contract or amend an existing contract under this section, one or more counties in which all of those municipal corporations or townships are located also may enter into the contract as a contracting party or parties.

(E)(1) The area or areas to be included in a joint economic development district shall meet all of the following criteria:

(a) The area or areas shall be located within the territory of one or more of the contracting parties and may consist of all of the territory of any or all of the contracting parties.

(b) No electors, except those residing in a mixed-use development, shall reside within the area or areas on the
effective date of the contract creating the district.

(c) The area or areas shall not include any parcel of land owned in fee by or leased to a municipal corporation or township, unless the municipal corporation or township is a contracting party or has given its consent to have the parcel of land included in the district by the adoption of an ordinance or resolution.

(2) The contracting parties may designate excluded parcels within the boundaries of the joint economic development district. Excluded parcels are not part of the district and persons employed or residing on such parcels shall not be subject to any income tax imposed within the district under division (F)(5) of this section.

(F)(1) The contract creating a joint economic development district shall provide for the amount or nature of the contribution of each contracting party to the development and operation of the district and may provide for the sharing of the costs of the operation of and improvements for the district. The contributions may be in any form to which the contracting parties agree and may include, but are not limited to, the provision of services, money, real or personal property, facilities, or equipment.

(2) The contract may provide for the contracting parties to share revenue from taxes levied by one or more of the contracting parties if those revenues may lawfully be applied to that purpose under the legislation by which those taxes are levied.

(3) The contract shall include an economic development plan for the district that consists of a schedule for the provision of new, expanded, or additional services, facilities, or improvements. The contract may provide for expanded or additional capacity for or other enhancement of existing services, facilities, or improvements.
(4) The contract shall enumerate the specific powers, duties, and functions of the board of directors of the district described under division (P) of this section and shall designate procedures consistent with that division for appointing members to the board. The contract shall enumerate rules to govern the board in carrying out its business under this section.

(5)(a) The contract may grant to the board the power to adopt a resolution to levy an income tax within the entire district or within portions of the district designated by the contract. The income tax shall be used to carry out the economic development plan for the district or the portion of the district in which the tax is levied and for any other lawful purpose of the contracting parties pursuant to the contract, including the provision of utility services by one or more of the contracting parties.

(b) An income tax levied under this section shall be based on both the income earned by persons employed or residing within the district and the net profit of businesses operating within the district.

Except as provided in this section, the income tax levied within the district is subject to Chapter 718. of the Revised Code, except that no vote shall be required. The rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a contracting party.

(c) If the board adopts a resolution to levy an income tax, it shall enter into an agreement with a municipal corporation that is a contracting party to administer, collect, and enforce the income tax on behalf of the district.

(d) A resolution levying an income tax under this section shall require the contracting parties to annually set aside a percentage, to be stated in the resolution, of the amount of the
income tax collected for the long-term maintenance of the district.

(e) An income tax levied under this section shall apply in the district or the portion of the district in which the contract authorizes an income tax throughout the term of the contract creating the district. The tax shall not apply to any persons employed or residing on a parcel excluded from the district under division (E)(2) of this section.

(6) If there is unincorporated territory in the district, the contract shall specify that restrictions on annexation proceedings under division (R) of this section apply to such unincorporated territory. The contract may prohibit proceedings under Chapter 709. of the Revised Code proposing the annexation to, merger of, or consolidation with a municipal corporation that is a contracting party of any unincorporated territory within a township that is a contracting party during the term of the contract regardless of whether that territory is located within the district.

(7) The contract may designate property as a community entertainment district, or may be amended to designate property as a community entertainment district, as prescribed in division (D) of section 4301.80 of the Revised Code. A contract or amendment designating a community entertainment district shall include all information and documentation described in divisions (B)(1) to (6) of section 4301.80 of the Revised Code. The public notice required under division (I) of this section shall specify that the contract designates a community entertainment district and describe the location of that district. Except as provided in division (F) of section 4301.80 of the Revised Code, an area designated as a community entertainment district under a joint economic
development district contract shall not lose its designation even if the contract is canceled or terminated.

(G) The contract creating a joint economic development district shall continue in existence throughout its term and shall be binding on the contracting parties and on any parties succeeding to the contracting parties, whether by annexation, merger, or consolidation. Except as provided in division (H) of this section, the contract may be amended, renewed, or terminated with the approval of the contracting parties or any parties succeeding to the contracting parties. If the contract is amended to add or remove an area to or from an existing district, the amendment shall be adopted in the manner prescribed under division (L) of this section.

(H) If two or more contracting parties previously have entered into a separate contract for utility services, then amendment, renewal, or termination of the separate contract for utility services shall not constitute any part of the consideration for the contract creating a joint economic development district. A contract creating a joint economic development district shall be rebuttably presumed to violate this division if it is entered into within two years prior or five years subsequent to the amendment, renewal, or termination of a separate contract for utility services that two or more contracting parties previously have entered into. The presumption stated in this division may be rebutted by clear and convincing evidence of both of the following:

(1) That other substantial consideration existed to support the contract creating a joint economic development district;

(2) That the contracting parties entered into the contract creating a joint economic development district freely and without
duress or coercion related to the amendment, renewal, or 
termination of the separate contract for utility services.

A contract creating a joint economic development district 
that violates this division is void and unenforceable.

(I)(1) Before the legislative authority of any of the 
contracting parties adopts an ordinance or resolution approving a 
contract to create a district, the legislative authority of each 
of the contracting parties shall hold a public hearing concerning 
the contract and district. Each legislative authority shall 
provide at least thirty days' public notice of the time and place 
of the public hearing in a newspaper of general circulation in the municipal corporation, township, or county, as applicable. During the thirty-day period prior to the public hearing and until the date that an ordinance or resolution is adopted under division (K) of this section to approve the joint economic development district contract, all of the following documents shall be available for public inspection in the office of the clerk of the legislative authority of a municipal corporation and county that is a contracting party and in the office of the fiscal officer of a township that is a contracting party:

(a) A copy of the contract creating the district, including the economic development plan for the district and the schedule for the provision of new, expanded, or additional services, facilities, or improvements described in division (F)(3) of this section;

(b) A description of the area or areas to be included in the district, including a map in sufficient detail to denote the specific boundaries of the area or areas and to indicate any zoning restrictions applicable to the area or areas, and the parcel number, provided for under section 319.28 of the Revised
Code, of any parcel located within the boundaries of the joint economic development district and excluded from the district under division (E)(2) of this section;

(c) If the contract authorizes the board of directors of the district to adopt a resolution to levy an income tax within the district or within portions of the district, a schedule for the collection of the tax.

(2) A public hearing held under this division shall allow for public comment and recommendations on the contract and district. The contracting parties may include in the contract any of those recommendations prior to approval of the contract.

(J) Before any of the contracting parties approves a contract under division (K) of this section, the contracting parties shall circulate one or more petitions to record owners of real property located within the proposed joint economic development district and owners of businesses operating within the proposed district. The petitions shall state that all of the documents described in divisions (I)(1)(a) to (c) of this section are available for public inspection in the office of the clerk of the legislative authority of each municipal corporation and county that is a contracting party or the office of the fiscal officer of each township that is a contracting party. The petitions shall clearly indicate that, by signing the petition, the record owner or owner consents to the proposed joint economic development district.

A contracting party may send written notice of the petitions by certified mail with return receipt requested to the last known mailing addresses of any or all of the record owners of real property located within the proposed district or the owners of businesses operating within the proposed district. The contracting parties shall equally share the costs of complying with this
division.

(K)(1) After the public hearings required under division (I) of this section have been held and the petitions described in division (J) of this section have been signed by the majority of the record owners of real property located within the proposed joint economic development district and by a majority of the owners of businesses, if any, operating within the proposed district, each contracting party may adopt an ordinance or resolution approving the contract to create a joint economic development district. Not later than ten days after all of the contracting parties have adopted ordinances or resolutions approving the district contract, each contracting party shall give notice of the proposed district to all of the following:

(a) Each record owner of real property to be included in the district and in the territory of that contracting party who did not sign the petitions described in division (J) of this section;

(b) An owner of each business operating within the district and in the territory of that contracting party no owner of which signed the petitions described in division (J) of this section.

(2) Such notices shall be given by certified mail and shall specify that the property or business is located within an area to be included in the district and that all of the documents described in divisions (I)(1)(a) to (c) of this section are available for public inspection in the office of the clerk of the legislative authority of each municipal corporation and county that is a contracting party or the office of the fiscal officer of each township that is a contracting party. The contracting parties shall equally share the costs of complying with division (K) of this section.

(L)(1) The contracting parties may amend the joint economic
development district contract to add any area that was not
originally included in the district if the area satisfies the
criteria prescribed under division (E) of this section. The
contracting parties may also amend the district contract to remove
any area originally included in the district or exclude one or
more parcels located within the district pursuant to division
(E)(2) of this section.

(2) An amendment adding an area to a district, removing an
area from the district, or excluding one or more parcels from the
district may be approved only by a resolution or ordinance adopted
by each of the contracting parties. The contracting parties shall
conduct public hearings on the amendment and provide notice in the
manner required under division (I) of this section for original
contracts. The contracting parties shall make available for public
inspection a copy of the amendment, a description of the area to
be added, removed, or excluded to or from the district, and a map
of that area in sufficient detail to denote the specific
boundaries of the area and to indicate any zoning restrictions
applicable to the area.

(3) Before adopting a resolution or ordinance approving the
addition of an area to the district, the contracting parties shall
circulate petitions to the record owners of real property located
within the proposed addition to the district and owners of
businesses operating within the proposed addition to the district
in the same manner required under division (J) of this section for
original contracts. The contracting parties may notify such record
owners of real property and owners of businesses that the
petitions are available for signing in the same manner provided by
that division. The contracting parties shall equally share the
costs of complying with this division.
(4) The contracting parties to a joint economic development district may vote to approve an amendment to the district contract under this division after the public hearings required under division (L)(2) of this section are completed and, if the amendment adds an area or areas to the district, the petitions required under division (L)(3) of this section have been signed by the majority of record owners of real property located within the area or areas added to the district and by a majority of the owners of businesses, if any, operating within the proposed addition to the district.

(5) Not later than ten days after all of the contracting parties have adopted ordinances or resolutions approving an amendment adding one or more areas to the district, each contracting party shall give notice of the addition to all of the following:

(a) Each record owner of real property to be included in the addition to the district and in the territory of that contracting party who did not sign the petitions described in division (L)(3) of this section;

(b) An owner of each business operating within the addition to the district and in the territory of that contracting party no owner of which signed the petitions described in division (L)(3) of this section.

The contracting parties shall equally share the costs of complying with division (L)(5) of this section.

(M)(1) A board of township trustees that is a party to a contract creating a joint economic development district may choose not to submit its resolution approving the contract to the electors of the township if all of the following conditions are satisfied:
(a) The resolution has been approved by a unanimous vote of
the members of the board of township trustees or, if a county is
one of the contracting parties under division (D) of this section,
the resolution has been approved by a majority vote of the members
of the board of township trustees;

(b) The contracting parties have circulated petitions as
required under division (J) of this section and obtained the
signatures required under division (L) of this section;

(c) The territory to be included in the proposed district is
zoned in a manner appropriate to the function of the district.

(2) If the board of township trustees has not invoked its
authority under division (M)(1) of this section, the board, at
least ninety days before the date of the election, shall file its
resolution approving the district contract with the board of
elections for submission to the electors of the township for
approval at the next succeeding general election or special
election held on a day on which a primary, or special election may
be held.

(3) Any contract creating a district in which a board of
township trustees is a party shall provide that the contract is
not effective before the thirty-first day after its approval,
including approval by the electors of the township if required by
this section.

(4) If the board of township trustees invokes its authority
under division (M)(1) of this section and does not submit the
district contract to the electors for approval, the resolution of
the board of township trustees approving the contract is subject
to a referendum of the electors of the township when requested
through a petition. When signed by ten per cent of the number of
electors in the township who voted for the office of governor at
the most recent general election, a referendum petition asking that the resolution be submitted to the electors of the township may be presented to the board of township trustees. Such a petition shall be presented within thirty days after the board of township trustees adopts the resolution approving the district contract. The board of township trustees shall, not later than four p.m. of the tenth day after receipt of the petition, certify the text of the resolution to the board of elections. The board of elections shall submit the resolution to the electors of the township for their approval or rejection at the next general election or special election held on a day on which a primary, or special election may be held, occurring at least ninety days after certification of the resolution.

(N) The ballot respecting a resolution to create a district or a referendum of such a resolution shall be in the following form:

"Shall the resolution of the board of township trustees approving the contract with ............... (here insert name of every other contracting party) for the creation of a joint economic development district be approved?

FOR THE RESOLUTION AND CONTRACT

AGAINST THE RESOLUTION AND CONTRACT"

If a majority of the electors of the township voting on the issue vote for the resolution and contract, the resolution shall become effective immediately and the contract shall go into effect on the thirty-first day after the election or thereafter in accordance with terms of the contract.

(O) Upon the creation of a district under this section, one of the contracting parties shall file a copy of each of the
following documents with the director of development services:

(1) All of the documents described in divisions (I)(1)(a) to (c) of this section;

(2) Certified copies of the ordinances and resolutions of the contracting parties relating to the contract and district;

(3) Documentation from each contracting party that the public hearings required by division (I) of this section have been held, the date of the hearings, and evidence that notice of the hearings was published as required by that division;

(4) A copy of the signed petitions required under divisions (J) and (K) of this section.

(P) A board of directors shall govern each district created under this section.

(1) If there are businesses operating and persons employed within the district, the board shall be composed of the following members:

(a) One member representing the municipal corporations that are contracting parties;

(b) One member representing the townships that are contracting parties;

(c) One member representing the owners of businesses operating within the district;

(d) One member representing the persons employed within the district;

(e) One member representing the counties that are contracting parties, or, if no contracting party is a county, one member selected by the members described in divisions (P)(1)(a) to (d) of this section.
The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member described in division (P)(1)(a) of this section shall serve a term of one year; the member described in division (P)(1)(b) of this section shall serve a term of two years; the member described in division (P)(1)(c) of this section shall serve a term of three years; and the members described in divisions (P)(1)(d) and (e) of this section shall serve terms of four years. Thereafter, terms for each member shall be for four years, each term ending on the same day of the same month of the year as did the term that it succeeds. A member may be reappointed to the board, but no member shall serve more than two consecutive terms on the board.

The member described in division (P)(1)(e) of this section shall serve as chairperson of the board described under division (P)(1) of this section.

(2) If there are no businesses operating or persons employed within the district, the board shall be composed of the following members:

(a) One member representing the municipal corporations that are contracting parties;

(b) One member representing the townships that are contracting parties;

(c) One member representing the counties that are contracting parties, or if no contracting party is a county, one member selected by the members described in divisions (P)(2)(a) and (b) of this section.

The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the
board, the member described in division (P)(2)(a) of this section
shall serve a term of one year; the member described in division
(P)(2)(b) of this section shall serve a term of two years; and the
member described in division (P)(2)(c) of this section shall serve
a term of three years. Thereafter, terms for each member shall be
for four years, each term ending on the same day of the same month
of the year as did the term that it succeeds. A member may be
reappointed to the board, but no member shall serve more than two
consecutive terms on the board.

The member described in division (P)(2)(c) of this section
shall serve as chairperson of a board described under division
(P)(2) of this section.

(3) A board described under division (P)(1) or (2) of this
section has no powers except as described in this section and in
the contract creating the district.

(4) Membership on the board of directors of a joint economic
development district created under this section is not the holding
of a public office or employment within the meaning of any section
of the Revised Code prohibiting the holding of other public office
or employment. Membership on such a board is not a direct or
indirect interest in a contract or expenditure of money by a
municipal corporation, township, county, or other political
subdivision with which a member may be affiliated. Notwithstanding
any provision of law to the contrary, no member of a board of
directors of a joint economic development district shall forfeit
or be disqualified from holding any public office or employment by
reason of membership on the board.

(5) The board of directors of a joint economic development
district is a public body for the purposes of section 121.22 of
the Revised Code. Chapter 2744. of the Revised Code applies to
such a board and the district.

(Q)(1) On or before the date occurring six months after the effective date of the district contract, an owner of a business operating within the district may, on behalf of the business and its employees, file a complaint with the court of common pleas of the county in which the majority of the territory of the district is located requesting exemption from any income tax imposed by the board of directors of the district under division (F)(5) of this section if all of the following apply:

(a) The business operated within an unincorporated area of the district before the effective date of the district contract;

(b) No owner of the business signed a petition described in division (J) of this section;

(c) Neither the business nor its employees has derived or will derive any material benefit from the new, expanded, or additional services, facilities, or improvements described in the economic development plan for the district, or the material benefit that has, or will be, derived is negligible in comparison to the income tax revenue generated from the net profits of the business and the income of employees of the business.

The legislative authority of each contracting party shall be made a party to the proceedings and the business owner filing the complaint shall serve notice of the complaint by certified mail to each such contracting party. The court shall not accept any complaint filed more than six months after the effective date of the district contract.

(2) Any or all of the contracting parties may submit a written answer to the complaint submitted under division (Q)(1) of this section to the court within thirty days after notice of the
complaint was served upon them. Such a contracting party shall submit to the court, along with the answer, documentation sufficient to prove that the contracting party sent copies of the answer to the owner of the business who filed the complaint.

(3) The court shall review each complaint submitted by a business owner under division (Q)(1) of this section and each answer submitted by a contracting party under division (Q)(2) of this section. The court may make a determination on the record and the evidence thus submitted, or it may conduct a hearing and request the presence of the business owner and the contracting parties to present evidence relevant to the complaint. The court shall make a determination on the complaint not sooner than thirty days but not later than sixty days after the complaint is filed by the business owner. The court may make a determination more than sixty days after the complaint is filed if the business owner and all contracting parties to the district consent.

(4) The court shall grant the exemption requested in the complaint if all of the criteria described in divisions (Q)(1)(a) to (c) of this section are met.

(5) If all the criteria described in divisions (Q)(1)(a) to (c) of this section are not met, the court shall deny the complaint and the exemption.

(6) The court shall send notice of the determination with respect to the complaint to the owner of the business and each contracting party. If the court grants the exemption, the net profits of the business from operations within the district and the income of its employees from employment within the district are exempt from any income tax imposed by the board of directors of the district. If the court denies the exemption, the net profits of the business and the income of its employees shall be
taxed according to the terms of the district contract and any
taxes, penalties, and interest accrued before the date of the
court's determination shall be paid in full. In addition, no owner
of the business may submit another complaint under division (Q)(1)
of this section for the same district contract. The court's
determination on a complaint filed under division (Q) of this
section is final.

(7) Chapter 2506. of the Revised Code does not apply to the
proceedings described in division (Q) of this section.

(R)(1) No proceeding pursuant to Chapter 709. of the Revised
Code that proposes the annexation to, merger of, or consolidation
with a municipal corporation of any unincorporated territory
within a joint economic development district may be commenced at
any time between the effective date of the contract creating the
district and the date the contract expires, terminates, or is
otherwise rendered unenforceable. This division does not apply if
each board of township trustees whose territory is included within
the district and whose territory is proposed to be annexed,
merged, or consolidated adopts a resolution consenting to the
commencement of the proceeding. Each such board of township
trustees shall file a copy of the resolution with the clerk of the
legislative authority of each county within which a contracting
party is located.

(2) The contract creating a joint economic development
district may prohibit any annexation proceeding by a contracting
municipal corporation of any unincorporated territory within the
district or zone beyond the period described in division (R)(1) of
this section.

(3) No contracting party is divested or relieved of its
rights or obligations under the contract creating a joint economic
development district because of annexation, merger, or consolidation.

(S) Contracting parties may enter into agreements pursuant to the contract creating a joint economic development district with respect to the substance and administration of zoning and other land use regulations, building codes, permanent public improvements, and other regulatory and proprietary matters determined to be for a public purpose. No contract, however, shall exempt the territory within the district from the procedures of land use regulation applicable pursuant to municipal corporation, township, and county regulations, including, but not limited to, zoning procedures.

(T) The powers granted under this section are in addition to and not in the derogation of all other powers possessed by or granted to municipal corporations, townships, and counties pursuant to law.

(1) When exercising a power or performing a function or duty under a contract entered into under this section, a municipal corporation may exercise all the powers of a municipal corporation, and may perform all the functions and duties of a municipal corporation, within the district, pursuant to and to the extent consistent with the contract.

(2) When exercising a power or performing a function or duty under a contract entered into under division (D) of this section, a county may exercise all of the powers of a county, and may perform all the functions and duties of a county, within the district pursuant to and to the extent consistent with the contract.

(3) When exercising a power or performing a function or duty under a contract entered into under this section, a township may
exercise all the powers of a township, and may perform all the functions and duties of a township, within the district, pursuant to and to the extent consistent with the contract.

(U) No political subdivision shall grant any tax exemption under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the Revised Code on any property located within the district without the consent of all the contracting parties. The prohibition against granting a tax exemption under this section does not apply to any exemption filed, pending, or approved before the effective date of the contract entered into under this section.

Sec. 718.04. (A) Notwithstanding division (A) of section 715.013 of the Revised Code, a municipal corporation may levy a tax on income and a withholding tax if such taxes are levied in accordance with the provisions and limitations specified in this chapter. On or after January 1, 2016, the ordinance or resolution levying such taxes, as adopted or amended by the legislative authority of the municipal corporation, shall include all of the following:

(1) A statement that the tax is an annual tax levied on the income of every person residing in or earning or receiving income in the municipal corporation and that the tax shall be measured by municipal taxable income;

(2) A statement that the municipal corporation is levying the tax in accordance with the limitations specified in this chapter and that the resolution or ordinance thereby incorporates the provisions of this chapter;

(3) The rate of the tax;

(4) Whether, and the extent to which, a credit, as described
in division (D) of this section, will be allowed against the tax;

(5) The purpose or purposes of the tax;

(6) Any other provision necessary for the administration of
the tax, provided that the provision does not conflict with any
provision of this chapter.

(B) Any municipal corporation that, on or before March 23,
2015, levies an income tax at a rate in excess of one per cent may
continue to levy the tax at the rate specified in the original
ordinance or resolution, provided that such rate continues in
effect as specified in the original ordinance or resolution.

(C)(1) No municipal corporation shall tax income at other
than a uniform rate.

(2) Except as provided in division (B) of this section, no
municipal corporation shall levy a tax on income at a rate in
excess of one per cent without having obtained the approval of the
excess by a majority of the electors of the municipality voting on
the question at a general, primary, election or a special election
held on a day on which a primary election may be held. The
legislative authority of the municipal corporation shall file with
the board of elections at least ninety days before the day of the
election a copy of the ordinance together with a resolution
specifying the date the election is to be held and directing the
board of elections to conduct the election. The ballot shall be in
the following form: "Shall the Ordinance providing for a... per
cent levy on income for (Brief description of the purpose of the
proposed levy) be passed?

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In the event of an affirmative vote, the proceeds of the levy may be used only for the specified purpose.

(D) A municipal corporation may, by ordinance or resolution, grant a credit to residents of the municipal corporation for all or a portion of the taxes paid to any municipal corporation, in this state or elsewhere, by the resident or by a pass-through entity owned, directly or indirectly, by a resident, on the resident's distributive or proportionate share of the income of the pass-through entity. A municipal corporation is not required to refund taxes not paid to the municipal corporation.

(E) Except as otherwise provided in this chapter, a municipal corporation that levies an income tax in effect for taxable years beginning before January 1, 2016, may continue to administer and enforce the provisions of such tax for all taxable years beginning before January 1, 2016, provided that the provisions of such tax are consistent with this chapter as it existed prior to March 23, 2015.

(F) Nothing in this chapter authorizes a municipal corporation to levy a tax on income, or to administer or collect such a tax or penalties or interest related to such a tax, contrary to the provisions and limitations specified in this chapter. No municipal corporation shall enforce an ordinance or resolution that conflicts with the provisions of this chapter.

(G)(1) Division (G) of this section applies to a municipal corporation that, at the time of entering into a written agreement under division (G)(2) of this section, shares the same territory as a city, local, or exempted village school district, to the extent that not more than thirty per cent of the territory of the municipal corporation is located outside the school district and a
portion of the territory of the school district that is not located within the municipal corporation is located within another municipal corporation having a population of four hundred thousand or more according to the federal decennial census most recently completed before the agreement is entered into under division (G)(2) of this section.

(2) The legislative authority of a municipal corporation to which division (G) of this section applies may propose to the electors an income tax, one of the purposes of which shall be to provide financial assistance to the school district described in division (G)(1) of this section. Prior to proposing the tax, the legislative authority shall negotiate and enter into a written agreement with the board of education of that school district specifying the tax rate; the percentage or amount of tax revenue to be paid to the school district or the method of establishing or determining that percentage or amount, which may be subject to change periodically; the purpose for which the school district will use the money; the first year the tax will be levied; the date of the election on the question of the tax; and the method and schedule by which, and the conditions under which, the municipal corporation will make payments to the school district. The tax shall otherwise comply with the provisions and limitations specified in this chapter.

Sec. 718.09. (A) This section applies to either of the following:

(1) A municipal corporation that shares the same territory as a city, local, or exempted village school district, to the extent that not more than five per cent of the territory of the municipal corporation is located outside the school district and not more than five per cent of the territory of the school district is
located outside the municipal corporation;

(2) A municipal corporation that shares the same territory as a city, local, or exempted village school district, to the extent that not more than five per cent of the territory of the municipal corporation is located outside the school district, more than five per cent but not more than ten per cent of the territory of the school district is located outside the municipal corporation, and that portion of the territory of the school district that is located outside the municipal corporation is located entirely within another municipal corporation having a population of four hundred thousand or more according to the federal decennial census most recently completed before the agreement is entered into under division (B) of this section.

(B) The legislative authority of a municipal corporation to which this section applies may propose to the electors an income tax, one of the purposes of which shall be to provide financial assistance to the school district through payment to the district of not less than twenty-five per cent of the revenue generated by the tax, except that the legislative authority may not propose to levy the income tax on the incomes of nonresident individuals. Prior to proposing the tax, the legislative authority shall negotiate and enter into a written agreement with the board of education of the school district specifying the tax rate, the percentage of tax revenue to be paid to the school district, the purpose for which the school district will use the money, the first year the tax will be levied, which shall be the first year after the year in which the levy is approved or any later year, the date of the special election on which the question of the tax will appear on the ballot, which shall be a general election or a special election held on a day on which a primary election may be held, and the method and schedule by which the municipal
corporation will make payments to the school district. The special election shall be held on a day specified in division (D) of section 3501.01 of the Revised Code, except that the special election may not be held on the day for holding a primary election as authorized by the municipal corporation's charter unless the municipal corporation is to have a primary election on that day.

After the legislative authority and board of education have entered into the agreement, the legislative authority shall provide for levying the tax by ordinance. The ordinance shall include the provisions described in division (A) of section 718.04 of the Revised Code and shall state the tax rate, the percentage of tax revenue to be paid to the school district, the purpose for which the municipal corporation will use its share of the tax revenue, the first year the tax will be levied, and that the question of the income tax will be submitted to the electors of the municipal corporation. The legislative authority also shall adopt a resolution specifying the regular or special election date the election will be held, as provided in the written agreement, and directing the board of elections to conduct the election. At least ninety days before the date of the election, the legislative authority shall file certified copies of the ordinance and resolution with the board of elections.

(C) The board of elections shall make the necessary arrangements for the submission of the question to the electors of the municipal corporation, and shall conduct the election in the same manner as any other municipal income tax election. Notice of the election shall be published in a newspaper of general circulation in the municipal corporation once a week for four consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election, and shall include statements of the rate and municipal corporation and school district purposes of the
income tax, the percentage of tax revenue that will be paid to the school district, and the first year the tax will be levied. The ballot shall be in the following form:

"Shall the ordinance providing for a ..... per cent levy on income for (brief description of the municipal corporation and school district purposes of the levy, including a statement of the percentage of tax revenue that will be paid to the school district) be passed? The income tax, if approved, will not be levied on the incomes of individuals who do not reside in (the name of the municipal corporation).

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(D) If the question is approved by a majority of the electors, the municipal corporation shall impose the income tax beginning on the first day of January of the year specified in the ordinance. The proceeds of the levy may be used only for the specified purposes, including payment of the specified percentage to the school district.

**Sec. 718.10.** (A) This section applies to a group of two or more municipal corporations that, taken together, share the same territory as a single city, local, or exempted village school district, to the extent that not more than five per cent of the territory of the municipal corporations as a group is located outside the school district and not more than five per cent of the territory of the school district is located outside the municipal corporations as a group.

(B) The legislative authorities of the municipal corporations
in a group of municipal corporations to which this section applies each may propose to the electors an income tax, to be levied in concert with income taxes in the other municipal corporations of the group, except that a legislative authority may not propose to levy the income tax on the incomes of individuals who do not reside in the municipal corporation. One of the purposes of such a tax shall be to provide financial assistance to the school district through payment to the district of not less than twenty-five per cent of the revenue generated by the tax. Prior to proposing the taxes, the legislative authorities shall negotiate and enter into a written agreement with each other and with the board of education of the school district specifying the tax rate, the percentage of the tax revenue to be paid to the school district, the first year the tax will be levied, which shall be the first year after the year in which the levy is approved or any later year, and the date of the election on the question of the tax, which shall be a general election or a special election held on a day on which a primary election may be held, and all of which shall be the same for each municipal corporation. The agreement also shall state the purpose for which the school district will use the money, and specify the method and schedule by which each municipal corporation will make payments to the school district. The special election shall be held on a day specified in division (D) of section 3501.01 of the Revised Code, including a day on which all of the municipal corporations are to have a primary election.

After the legislative authorities and board of education have entered into the agreement, each legislative authority shall provide for levying its tax by ordinance. Each ordinance shall include the provisions described in division (A) of section 718.04 of the Revised Code and shall state the rate of the tax, the
percentage of tax revenue to be paid to the school district, the purpose for which the municipal corporation will use its share of the tax revenue, and the first year the tax will be levied. Each ordinance also shall state that the question of the income tax will be submitted to the electors of the municipal corporation on the same date as the submission of questions of an identical tax to the electors of each of the other municipal corporations in the group, and that unless the electors of all of the municipal corporations in the group approve the tax in their respective municipal corporations, none of the municipal corporations in the group shall levy the tax. Each legislative authority also shall adopt a resolution specifying the regular or special election date the election will be held, as provided in the written agreement, and directing the board of elections to conduct the election. At least ninety days before the date of the election, each legislative authority shall file certified copies of the ordinance and resolution with the board of elections.

(C) For each of the municipal corporations, the board of elections shall make the necessary arrangements for the submission of the question to the electors, and shall conduct the election in the same manner as any other municipal income tax election. For each of the municipal corporations, notice of the election shall be published in a newspaper of general circulation in the municipal corporation once a week for four consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. The notice shall include a statement of the rate and municipal corporation and school district purposes of the income tax, the percentage of tax revenue that will be paid to the school district, and the first year the tax will be levied, and an explanation that the tax will not be levied unless an identical tax is approved by the electors of each of the other municipal
corporations in the group. The ballot shall be in the following form:

"Shall the ordinance providing for a ... per cent levy on income for (brief description of the municipal corporation and school district purposes of the levy, including a statement of the percentage of income tax revenue that will be paid to the school district) be passed? The income tax, if approved, will not be levied on the incomes of individuals who do not reside in (the name of the municipal corporation). In order for the income tax to be levied, the voters of (the other municipal corporations in the group), which are also in the (name of the school district) school district, must approve an identical income tax and agree to pay the same percentage of the tax revenue to the school district.

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(D) If the question is approved by a majority of the electors and identical taxes are approved by a majority of the electors in each of the other municipal corporations in the group, the municipal corporation shall impose the tax beginning on the first day of January of the year specified in the ordinance. The proceeds of the levy may be used only for the specified purposes, including payment of the specified percentage to the school district.

Sec. 1545.041. (A) Any township park district created pursuant to section 511.18 of the Revised Code that includes park land located outside the township in which the park district was established may be converted under the procedures provided in this
section into a park district to be operated and maintained as provided for in this chapter, provided that there is no existing park district created under section 1545.04 of the Revised Code in the county in which the township park district is located. The proposed park district shall include within its boundary all townships and municipal corporations in which lands owned by the township park district seeking conversion are located, and may include any other townships and municipal corporations in the county in which the township park district is located.

(B) Conversion of a township park district into a park district operated and maintained under this chapter shall be initiated by a resolution adopted by the board of park commissioners of the park district. Any resolution initiating a conversion shall include the following:

(1) The name of the township park district seeking conversion;

(2) The name of the proposed park district;

(3) An accurate description of the territory to be included in the proposed district;

(4) An accurate map or plat of the proposed park district. The resolution may also include a proposed tax levy for the operation and maintenance of the proposed park district. If such a tax levy is proposed, the resolution shall specify the annual rate of the tax, expressed in dollars and cents for each one hundred dollars of valuation and in mills for each dollar of valuation, and shall specify the number of consecutive years the levy will be in effect. The annual rate of such a tax may not be higher than the total combined millage of all levies then in effect for the benefit of the township park district named in the resolution.

(C) Upon adoption of the resolution provided for in division
(B) of this section, the board of park commissioners of the township park district seeking conversion under this section shall certify the resolution to the board of elections of the county in which the park district is located no later than four p.m. of the seventy-fifth day before the day of the election at which the question will be voted upon. Upon certification of the resolution to the board, the board of elections shall make the necessary arrangements to submit the question of conversion of the township park into a park district operated and maintained under Chapter 1545. of the Revised Code, to the electors who reside in the territory of the proposed park district and are qualified to vote at the next primary or general election held on a day on which a primary election may be held. The question shall provide for a tax levy if such a levy is specified in the resolution.

(D) The ballot submitted to the electors as provided in division (C) of this section shall contain the following language:

"Shall the ............... (name of the township park district seeking conversion) be converted into a park district to be operated and maintained under Chapter 1545. of the Revised Code under the name of ............... (name of proposed park district), which park district shall include the following townships and municipal corporations:

(Name townships and municipal corporations)

Approval of the proposed conversion will result in the termination of all existing tax levies voted for the benefit of ............... (name of the township park district sought to be converted) and in the levy of a new tax for the operation and maintenance of ............... (name of proposed park district) at
a rate not exceeding .......... (number of mills) mills for each
one dollar of valuation, which is .......... (rate expressed in
dollars and cents) for each one hundred dollars of valuation, for
...... (number of years the millage is to be imposed) years,
commencing on the ...... (year) tax duplicate.

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(E) If the proposed conversion is approved by at least a
majority of the electors voting on the proposal, the township park
district that seeks conversion shall become a park district
subject to Chapter 1545. of the Revised Code effective the first
day of January following approval by the voters. The park district
shall have the name specified in the resolution, and effective the
first day of January following approval by the voters, the
following shall occur:

(1) The indebtedness of the former township park district
shall be assumed by the new park district;

(2) All rights, assets, properties, and other interests of
the former township park district shall become vested in the new
park district, including the rights to any tax revenues previously
vested in the former township park district; provided, that all
tax levies in excess of the ten mill limitation approved for the
benefit of the former township park district shall be removed from
the tax lists after the February settlement next succeeding the
conversion. Any tax levy approved in connection with the
conversion shall be certified as provided in section 5705.25 of
the Revised Code.
(3) The members of the board of park commissioners of the former township park district shall be the members of the board of park commissioners of the new park district, with all the same powers and duties as if appointed under section 1545.05 of the Revised Code. The term of each such commissioner shall expire on the first day of January of the year following the year in which his term would have expired under section 511.19 of the Revised Code. Thereafter, commissioners shall be appointed pursuant to section 1545.05 of the Revised Code.

Sec. 1545.21. The board of park commissioners, by resolution, may submit to the electors of the park district the question of levying taxes for the use of the district. The resolution shall declare the necessity of levying such taxes, shall specify the purpose for which such taxes shall be used, the annual rate proposed, and the number of consecutive years the rate shall be levied. Such resolution shall be forthwith certified to the board of elections in each county in which any part of such district is located, not later than the ninetieth day before the day of the election, and the question of the levy of taxes as provided in such resolution shall be submitted to the electors of the district at a general election or a special election held on a day on which a primary election to be held on whichever of the following occurs first:

(A) The day of the next general election;

(B) The first Tuesday after the first Monday in May in any calendar year, except that if a presidential primary election is held in that calendar year, then the day of that election may be held. The ballot shall set forth the purpose for which the taxes
shall be levied, the annual rate of levy, and the number of years

of such levy. If the tax is to be placed on the current tax list,

the form of the ballot shall state that the tax will be levied in

the current tax year and shall indicate the first calendar year

the tax will be due. If the resolution of the board of park

commissioners provides that an existing levy will be canceled upon

the passage of the new levy, the ballot may include a statement

that: "an existing levy of ... mills (stating the original levy

millage), having ... years remaining, will be canceled and

replaced upon the passage of this levy." In such case, the ballot

may refer to the new levy as a "replacement levy" if the new

millage does not exceed the original millage of the levy being

canceled or as a "replacement and additional levy" if the new

millage exceeds the original millage of the levy being canceled.

If a majority of the electors voting upon the question of such

levy vote in favor thereof, such taxes shall be levied and shall

be in addition to the taxes authorized by section 1545.20 of the

Revised Code, and all other taxes authorized by law. The rate

submitted to the electors at any one time shall not exceed two

mills annually upon each dollar of valuation unless the purpose of

the levy includes providing operating revenues for one of Ohio's

major metropolitan zoos, as defined in section 4503.74 of the

Revised Code, in which case the rate shall not exceed three mills

annually upon each dollar of valuation. When a tax levy has been

authorized as provided in this section or in section 1545.041 of

the Revised Code, the board of park commissioners may issue bonds

pursuant to section 133.24 of the Revised Code in anticipation of

the collection of such levy, provided that such bonds shall be

issued only for the purpose of acquiring and improving lands. Such

levy, when collected, shall be applied in payment of the bonds so

issued and the interest thereon. The amount of bonds so issued and

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outstanding at any time shall not exceed one per cent of the total tax valuation in such district. Such bonds shall bear interest at a rate not to exceed the rate determined as provided in section 9.95 of the Revised Code.

Sec. 3311.21. (A) In addition to the resolutions authorized by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of the Revised Code, the board of education of a joint vocational or cooperative education school district by a vote of two-thirds of its full membership may at any time adopt a resolution declaring the necessity to levy a tax in excess of the ten-mill limitation for a period not to exceed ten years to provide funds for any one or more of the following purposes, which may be stated in the following manner in such resolution, the ballot, and the notice of election: purchasing a site or enlargement thereof and for the erection and equipment of buildings; for the purpose of enlarging, improving, or rebuilding thereof; for the purpose of providing for the current expenses of the joint vocational or cooperative school district; or for a continuing period for the purpose of providing for the current expenses of the joint vocational or cooperative education school district. The resolution shall specify the amount of the proposed rate and, if a renewal, whether the levy is to renew all, or a portion of, the existing levy, and shall specify the first year in which the levy will be imposed. If the levy provides for but is not limited to current expenses, the resolution shall apportion the annual rate of the levy between current expenses and the other purpose or purposes. Such apportionment may but need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for current expenses and the other purpose or purposes shall be limited by such apportionment. The portion of any such rate actually levied for current expenses of a joint vocational or
cooperative education school district shall be used in applying division (A) of section 3317.01 of the Revised Code. The portion of any such rate not apportioned to the current expenses of a joint vocational or cooperative education school district shall be used in applying division (B) of this section. On the adoption of such resolution, the joint vocational or cooperative education school district board of education shall certify the resolution to the board of elections of the county containing the most populous portion of the district, which board shall receive resolutions for filing and send them to the boards of elections of each county in which territory of the district is located, furnish all ballots for the election as provided in section 3505.071 of the Revised Code, and prepare the election notice; and the board of elections of each county in which the territory of such district is located shall make the other necessary arrangements for the submission of the question to the electors of the joint vocational or cooperative education school district at the next primary or general election or special election held on a day on which a primary election may be held, occurring not less than ninety days after the resolution was received from the joint vocational or cooperative education school district board of education, or at a special election to be held at a time designated by the district board of education consistent with the requirements of section 3501.01 of the Revised Code, which date shall not be earlier than ninety days after the adoption and certification of the resolution.

The board of elections of the county or counties in which territory of the joint vocational or cooperative education school district is located shall cause to be published in a newspaper of general circulation in that district an advertisement of the proposed tax levy question, together with a statement of the
amount of the proposed levy once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code, prior to the election at which the question is to appear on the ballot. If the board of elections operates and maintains a web site, the board also shall post the advertisement on its web site for thirty days prior to that election.

If a majority of the electors voting on the question of levying such tax vote in favor of the levy, the joint vocational or cooperative education school district board of education shall annually make the levy within the district at the rate specified in the resolution and ballot or at any lesser rate, and the county auditor of each affected county shall annually place the levy on the tax list and duplicate of each school district in the county having territory in the joint vocational or cooperative education school district. The taxes realized from the levy shall be collected at the same time and in the same manner as other taxes on the duplicate, and the taxes, when collected, shall be paid to the treasurer of the joint vocational or cooperative education school district and deposited to a special fund, which shall be established by the joint vocational or cooperative education school district board of education for all revenue derived from any tax levied pursuant to this section and for the proceeds of anticipation notes which shall be deposited in such fund. After the approval of the levy, the joint vocational or cooperative education school district board of education may anticipate a fraction of the proceeds of the levy and from time to time, during the life of the levy, but in any year prior to the time when the tax collection from the levy so anticipated can be made for that year, issue anticipation notes in an amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected in each year up to a period of five years after the date of the
issuance of the notes, less an amount equal to the proceeds of the
levy obligated for each year by the issuance of anticipation
notes, provided that the total amount maturing in any one year
shall not exceed fifty per cent of the anticipated proceeds of the
levy for that year. Each issue of notes shall be sold as provided
in Chapter 133. of the Revised Code, and shall, except for such
limitation that the total amount of such notes maturing in any one
year shall not exceed fifty per cent of the anticipated proceeds
of the levy for that year, mature serially in substantially equal
installments, during each year over a period not to exceed five
years after their issuance.

(B) Prior to the application of section 319.301 of the
Revised Code, the rate of a levy that is limited to, or to the
extent that it is apportioned to, purposes other than current
expenses shall be reduced in the same proportion in which the
district's total valuation increases during the life of the levy
because of additions to such valuation that have resulted from
improvements added to the tax list and duplicate.

(C) The form of ballot cast at an election under division (A)
of this section shall be as prescribed by section 5705.25 of the
Revised Code.

Sec. 3311.213. (A) With the approval of the board of
education of a joint vocational school district that is in
existence, any school district in the county or counties
comprising the joint vocational school district or any school
district in a county adjacent to a county comprising part of a
joint vocational school district may become a part of the joint
vocational school district. On the adoption of a resolution of
approval by the board of education of the joint vocational school
district, it shall advertise a copy of such resolution in a
newspaper of general circulation in the school district proposing to become a part of such joint vocational school district once each week for two weeks, or as provided in section 7.16 of the Revised Code, immediately following the date of the adoption of such resolution. Such resolution shall not become effective until the later of the sixty-first day after its adoption or until the board of elections certifies the results of an election in favor of joining of the school district to the joint vocational school district if such an election is held under division (B) of this section.

(B) During the sixty-day period following the date of the adoption of a resolution to join a school district to a joint vocational school district under division (A) of this section, the electors of the school district that proposes joining the joint vocational school district may petition for a referendum vote on the resolution. The question whether to approve or disapprove the resolution shall be submitted to the electors of such school district if a number of qualified electors equal to twenty percent of the number of electors in the school district who voted for the office of governor at the most recent general election for that office sign a petition asking that the question of whether the resolution shall be disapproved be submitted to the electors. The petition shall be filed with the board of elections of the county in which the school district is located. If the school district is located in more than one county, the petition shall be filed with the board of elections of the county in which the majority of the territory of the school district is located. The board shall certify the validity and sufficiency of the signatures on the petition.

The board of elections shall immediately notify the board of education of the joint vocational school district and the board of
education of the school district that proposes joining the joint vocational school district that the petition has been filed.

The effect of the resolution shall be stayed until the board of elections certifies the validity and sufficiency of the signatures on the petition. If the board of elections determines that the petition does not contain a sufficient number of valid signatures and sixty days have passed since the adoption of the resolution, the resolution shall become effective.

If the board of elections certifies that the petition contains a sufficient number of valid signatures, the board shall submit the question to the qualified electors of the school district on the day of at the next general or special election held on a day on which a primary election may be held, occurring at least ninety days after but no later than six months after the board of elections certifies the validity and sufficiency of signatures on the petition. If there is no general or primary election held at least ninety days after but no later than six months after the board of elections certifies the validity and sufficiency of signatures on the petition, the board shall submit the question to the electors at a special election to be held on the next day specified for special elections in division (D) of section 3501.01 of the Revised Code that occurs at least ninety days after the board certifies the validity and sufficiency of signatures on the petition. The election shall be conducted and canvassed and the results shall be certified in the same manner as in regular elections for the election of members of a board of education.

If a majority of the electors voting on the question disapprove the resolution, the resolution shall not become effective.
(C) If the resolution becomes effective, the board of education of the joint vocational school district shall notify the county auditor of the county in which the school district becoming a part of the joint vocational school district is located, who shall thereupon have any outstanding levy for building purposes, bond retirement, or current expenses in force in the joint vocational school district spread over the territory of the school district becoming a part of the joint vocational school district.

On the addition of a city or exempted village school district or an educational service center to the joint vocational school district, pursuant to this section, the board of education of such joint vocational school district shall submit to the state board of education a proposal to enlarge the membership of such board by the addition of one or more persons at least one of whom shall be a member of the board of education or governing board of such additional school district or educational service center, and the term of each such additional member. On the addition of a local school district to the joint vocational school district, pursuant to this section, the board of education of such joint vocational school district may submit to the state board of education a proposal to enlarge the membership of such board by the addition of one or more persons who are members of the educational service center governing board of such additional local school district.

On approval by the state board of education additional members shall be added to such joint vocational school district board of education.

Sec. 3311.22. A governing board of an educational service center may propose, by resolution adopted by majority vote of its full membership, or qualified electors of the area affected equal in number to at least fifty-five per cent of the qualified
electors voting at the last general election residing within that 4095
portion of a school district, or districts proposed to be 4096
transferred may propose, by petition, the transfer of a part or 4097
all of one or more local school districts to another local school 4098
district or districts within the territory of the educational 4099
service center. Such transfers may be made only to local school 4100
districts adjoining the school district that is proposed to be 4101
transferred, unless the board of education of the district 4102
proposed to be transferred has entered into an agreement pursuant 4103
to section 3313.42 of the Revised Code, in which case such 4104
transfers may be made to any local school district within the 4105
territory of the educational service center.

When a governing board of an educational service center 4106
adopts a resolution proposing a transfer of school territory it 4107
shall forthwith file a copy of such resolution, together with an 4108
accurate map of the territory described in the resolution, with 4109
the board of education of each school district whose boundaries 4110
would be altered by such proposal. A governing board of an 4111
educational service center proposing a transfer of territory under 4112
the provisions of this section shall at its next regular meeting 4113
that occurs not earlier than thirty days after the adoption by the 4114
governing board of a resolution proposing such transfer, adopt a 4115
resolution making the transfer effective at any time prior to the 4116
next succeeding first day of July, unless, prior to the expiration 4117
of such thirty-day period, qualified electors residing in the area 4118
proposed to be transferred, equal in number to a majority of the 4119
qualified electors voting at the last general election, file a 4120
petition of referendum against such transfer.

Any petition of transfer or petition of referendum filed 4121
under the provisions of this section shall be filed at the office 4122
of the educational service center superintendent. The person 4123
presenting the petition shall be given a receipt containing thereon the time of day, the date, and the purpose of the petition.

The educational service center superintendent shall cause the board of elections to check the sufficiency of signatures on any petition of transfer or petition of referendum filed under this section and, if found to be sufficient, the superintendent shall present the petition to the educational service center governing board at a meeting of the board which shall occur not later than thirty days following the filing of the petition.

Upon presentation to the educational service center governing board of a proposal to transfer territory as requested by petition of fifty-five per cent of the qualified electors voting at the last general election or a petition of referendum against a proposal of the county board to transfer territory, the governing board shall promptly certify the proposal to the board of elections for the purpose of having the proposal placed on the ballot at the next general election or special election held on a day on which a primary election which occurs may be held, occurring not less than ninety days after the date of such certification, or at a special election, the date of which shall be specified in the certification, which date shall not be less than ninety days after the date of such certification. Signatures on a petition of transfer or petition of referendum may be withdrawn up to and including the above mentioned meeting of the educational service center governing board only by order of the board upon testimony of the petitioner concerned under oath before the board that the petitioner's signature was obtained by fraud, duress, or misrepresentation.

If a petition is filed with the educational service center
governing board which proposes the transfer of a part or all of
the territory included in a resolution of transfer previously
adopted by the educational service center governing board, no
action shall be taken on such petition if within the thirty-day
period after the adoption of the resolution of transfer a
referendum petition is filed. After the election, if the proposed
transfer fails to receive a majority vote, action on such petition
shall then be processed under this section as though originally
filed under the provisions hereof. If no referendum petition is
filed within the thirty-day period after the adoption of the
resolution of transfer, no action shall be taken on such petition.

If a petition is filed with the educational service center
governing board which proposes the transfer of a part or all of
the territory included in a petition previously filed by electors
no action shall be taken on such new petition.

Upon certification of a proposal to the board or boards of
elections pursuant to this section, the board or boards of
elections shall make the necessary arrangements for the submission
of such question to the electors of the county or counties
qualified to vote thereon, and the election shall be conducted and
canvassed and the results shall be certified in the same manner as
in regular elections for the election of members of a board of
education.

The persons qualified to vote upon a proposal are the
electors residing in the district or districts containing
territory that is proposed to be transferred. If the proposed
transfer be approved by at least a majority of the electors voting
on the proposal, the educational service center governing board
shall make such transfer at any time prior to the next succeeding
first day of July. If the proposed transfer is not approved by at
least a majority of the electors voting on the proposal, the
question of transferring any property included in the territory
covered by the proposal shall not be submitted to electors at any
election prior to the first general election the date of which is
at least two years after the date of the original election, or the
first special election held on a day on which a primary election
may be held in an even-numbered year the date of which is at least
two years after the date of the original election. A transfer
shall be subject to the approval of the receiving board or boards
of education, unless the proposal was initiated by the educational
service center governing board, in which case, if the transfer is
opposed by the board of education offered the territory, the local
board may, within thirty days, following the receipt of the notice
of transfer, appeal to the state board of education which shall
then either approve or disapprove the transfer.

Following an election upon a proposed transfer initiated by a
petition the board of education that is offered territory shall,
within thirty days following receipt of the proposal, either
accept or reject the transfer.

When an entire school district is proposed to be transferred
to two or more school districts and the offer is rejected by any
one of the receiving boards of education, none of the territory
included in the proposal shall be transferred.

Upon the acceptance of territory by the receiving board or
boards of education the educational service center governing board
offering the territory shall file with the county auditor and with
the state board of education an accurate map showing the
boundaries of the territory transferred.

Upon the making of such transfer, the net indebtedness of the
former district from which territory was transferred shall be
apportioned between the acquiring school district and that portion of the former school district remaining after the transfer in the ratio which the assessed valuation of the territory transferred to the acquiring school district bears to the assessed valuation of the original school district as of the effective date of the transfer. As used in this section "net indebtedness" means the difference between the par value of the outstanding and unpaid bonds and notes of the school district and the amount held in the sinking fund and other indebtedness retirement funds for their redemption.

Upon the making of any transfer under this section, the funds of the district from which territory was transferred shall be divided equitably by the educational service center governing board between the acquiring district and any part of the original district remaining after the transfer.

If an entire district is transferred the board of education of such district is thereby abolished or if a member of the board of education lives in that part of a school district transferred the member becomes a nonresident of the school district from which the territory was transferred and such member ceases to be a member of the board of education of such district.

The legal title of all property of the board of education in the territory transferred shall become vested in the board of education of the school district to which such territory is transferred.

Subsequent to June 30, 1959, if an entire district is transferred, foundation program moneys accruing to a district accepting school territory under the provisions of this section or former section 3311.22 of the Revised Code, shall not be less, in any year during the next succeeding three years following the
transfer, than the sum of the amounts received by the districts separately in the year in which the transfer was consummated.

Sec. 3311.231. A governing board of an educational service center may propose, by resolution adopted by majority vote of its full membership, or qualified electors of the area affected equal in number to not less than fifty-five per cent of the qualified electors voting at the last general election residing within that portion of a school district proposed to be transferred may propose, by petition, the transfer of a part or all of one or more local school districts within the territory of the center to an adjoining educational service center or to an adjoining city or exempted village school district.

A governing board of an educational service center adopting a resolution proposing a transfer of school territory under this section shall file a copy of such resolution together with an accurate map of the territory described in the resolution, with the board of education of each school district whose boundaries would be altered by such proposal. Where a transfer of territory is proposed by a governing board of an educational service center under this section, the governing board shall, at its next regular meeting that occurs not earlier than the thirtieth day after the adoption by the governing board of the resolution proposing such transfer, adopt a resolution making the transfer as originally proposed, effective at any time prior to the next succeeding first day of July, unless, prior to the expiration of such thirty-day period, qualified electors residing in the area proposed to be transferred, equal in number to a majority of the qualified electors voting at the last general election, file a petition of referendum against such transfer.

Any petition of transfer or petition of referendum under the
provisions of this section shall be filed at the office of the educational service center superintendent. The person presenting the petition shall be given a receipt containing thereon the time of day, the date, and the purpose of the petition.

The educational service center superintendent shall cause the board of elections to check the sufficiency of signatures on any such petition, and, if found to be sufficient, the superintendent shall present the petition to the educational service center governing board at a meeting of said governing board which shall occur not later than thirty days following the filing of said petition.

The educational service center governing board shall promptly certify the proposal to the board of elections of such counties in which school districts whose boundaries would be altered by such proposal are located for the purpose of having the proposal placed on the ballot at the next general election or special election held on a day on which a primary election which occurs may be held, occurring not less than ninety days after the date of such certification or at a special election, the date of which shall be specified in the certification, which date shall not be less than ninety days after the date of such certification.

Signatures on a petition of transfer or petition of referendum may be withdrawn up to and including the above mentioned meeting of the educational service center governing board only by order of the governing board upon testimony of the petitioner concerned under oath before the board that the petitioner's signature was obtained by fraud, duress, or misrepresentation.

If a petition is filed with the educational service center governing board which proposes the transfer of a part or all of
the territory included either in a petition previously filed by
electors or in a resolution of transfer previously adopted by the
educational service center governing board, no action shall be
taken on such new petition as long as the previously initiated
proposal is pending before the governing board or is subject to an
election.

Upon certification of a proposal to the board or boards of
elections pursuant to this section, the board or boards of
elections shall make the necessary arrangements for the submission
of such question to the electors of the county or counties
qualified to vote thereon, and the election shall be conducted and
canvassed and the results shall be certified in the same manner as
in regular elections for the election of members of a board of
education.

The persons qualified to vote upon a proposal are the
electors residing in the district or districts containing
territory that is proposed to be transferred. If the proposed
transfer is approved by at least a majority of the electors voting
on the proposal, the educational service center governing board
shall make such transfer at any time prior to the next succeeding
first day of July, subject to the approval of the receiving board
of education in case of a transfer to a city or exempted village
school district, and subject to the approval of the educational
service center governing board of the receiving center, in case of
a transfer to an educational service center. If the proposed
transfer is not approved by at least a majority of the electors
voting on the proposal, the question of transferring any property
included in the territory covered by the proposal shall not be
submitted to electors at any election prior to the first general
election the date of which is at least two years after the date of
the original election, or the first special election held on a day
on which a primary election may be held in an even-numbered year
the date of which is at least two years after the date of the
original election.

Where a territory is transferred under this section to a city
or exempted village school district, the board of education of
such district shall, and where territory is transferred to an
educational service center the governing board of such educational
service center shall, within thirty days following receipt of the
proposal, either accept or reject the transfer.

Where a governing board of an educational service center
adopts a resolution accepting territory transferred to the
educational service center under the provisions of sections
3311.231 and 3311.24 of the Revised Code, the governing board
shall, at the time of the adoption of the resolution accepting the
territory, designate the school district to which the accepted
territory shall be annexed.

When an entire school district is proposed to be transferred
to two or more adjoining school districts and the offer is
rejected by any one of the receiving boards of education, none of
the territory included in the proposal shall be transferred.

Upon the acceptance of territory by the receiving board or
boards of education the educational service center governing board
offering the territory shall file with the county auditor of each
county affected by the transfer and with the state board of
education an accurate map showing the boundaries of the territory
transferred.

Upon the making of such transfer, the net indebtedness of the
former district from which territory was transferred shall be
apportioned between the acquiring school district and the portion
of the former school district remaining after the transfer in the
ratio which the assessed valuation of the territory transferred to the acquiring school district bears to the assessed valuation of the original school district as of the effective date of the transfer. As used in this section "net indebtedness" means the difference between the par value of the outstanding and unpaid bonds and notes of the school district and the amount held in the sinking fund and other indebtedness retirement funds for their redemption.

Upon the making of any transfer under this section, the funds of the district from which territory was transferred shall be divided equitably by the educational service center governing board, between the acquiring district and any part of the original district remaining after the transfer.

If an entire district is transferred the board of education of such district is thereby abolished or if a member of the board of education lives in that part of a school district transferred the member becomes a nonresident of the school district from which the territory was transferred and such member ceases to be a member of the board of education of such district.

The legal title of all property of the board of education in the territory transferred shall become vested in the board of education of the school district to which such territory is transferred.

If an entire district is transferred, foundation program moneys accruing to a district receiving school territory under the provisions of this section shall not be less, in any year during the next succeeding three years following the transfer, than the sum of the amounts received by the districts separately in the year in which the transfer was consummated.
Sec. 3311.26. The state board of education may, by resolution adopted by majority vote of its full membership, propose the creation of a new local school district from one or more local school districts or parts thereof, including the creation of a local district with noncontiguous territory from one or more local school districts if one of those districts has entered into an agreement under section 3313.42 of the Revised Code. Such proposal shall include an accurate map showing the territory affected. After the adoption of the resolution, the state board shall file a copy of such proposal with the board of education of each school district whose boundaries would be altered by such proposal.

Upon the creation of a new district under this section, the state board shall at its next regular meeting that occurs not earlier than thirty days after the adoption by the state board of the resolution proposing such creation, adopt a resolution making the creation effective prior to the next succeeding first day of July, unless, prior to the expiration of such thirty-day period, qualified electors residing in the area included in such proposed new district, equal in number to thirty-five per cent of the qualified electors voting at the last general election, file a petition of referendum against the creation of the proposed new district.

A petition of referendum filed under this section shall be filed at the office of the state superintendent of public instruction. The person presenting the petition shall be given a receipt containing thereon the time of day, the date, and the purpose of the petition.

If a petition of referendum is filed, the state board shall, at the next regular meeting of the state board, certify the
proposal to the board of elections for the purpose of having the
proposal placed on the ballot at the next general election or
special election held on a day on which a primary election which
occurs may be held, occurring not less than ninety days after the
date of such certification, or at a special election, the date of
which shall be specified in the certification, which date shall
not be less than ninety days after the date of such certification.

Upon certification of a proposal to the board or boards of
elections pursuant to this section, the board or boards of
elections shall make the necessary arrangements for the submission
of such question to the electors of the county or counties
qualified to vote thereon, and the election shall be conducted and
canvassed and the results shall be certified in the same manner as
in regular elections for the election of members of a board of
education.

The persons qualified to vote upon a proposal are the
electors residing in the proposed new districts.

If the proposed district be approved by at least a majority
of the electors voting on the proposal, the state board shall then
create such new district prior to the next succeeding first day of
July.

Upon the creation of such district, the indebtedness of each
former district becoming in its entirety a part of the new
district shall be assumed in full by the new district. Upon the
creation of such district, that part of the net indebtedness of
each former district becoming only in part a part of the new
district shall be assumed by the new district which bears the same
ratio to the entire net indebtedness of the former district as the
assessed valuation of the part taken by the new district bears to
the entire assessed valuation of the former district as fixed on

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the effective date of transfer. As used in this section, "net indebtedness" means the difference between the par value of the outstanding and unpaid bonds and notes of the school district and the amount held in the sinking fund and other indebtedness retirement funds for their redemption. Upon the creation of such district, the funds of each former district becoming in its entirety a part of the new district shall be paid over in full to the new district. Upon the creation of such district, the funds of each former district becoming only in part a part of the new district shall be divided equitably by the state board between the new district and that part of the former district not included in the new district as such funds existed on the effective date of the creation of the new district.

The state board shall, following the election, file with the county auditor of each county affected by the creation of a new district an accurate map showing the boundaries of such newly created district.

When a new local school district is so created, a board of education for such newly created district shall be appointed by the state board. The members of such appointed board of education shall hold their office until their successors are elected and qualified. A board of education shall be elected for such newly created district at the next general election held in an odd numbered year occurring more than ninety days after the appointment of the board of education of such newly created district. At such election two members shall be elected for a term of two years and three members shall be elected for a term of four years, and, thereafter, their successors shall be elected in the same manner and for the same terms as members of the board of education of a local school district.
When the new district consists of territory lying in two or more counties, the state board shall determine to which educational service center the new district shall be assigned.

The legal title of all property of the board of education in the territory taken shall become vested in the board of education of the newly created school district.

Foundation program moneys accruing to a district created under the provisions of this section or previous section 3311.26 of the Revised Code, shall not be less, in any year during the next succeeding three years following the creation, than the sum of the amounts received by the districts separately in the year in which the creation of the district became effective.

If, prior to September 26, 2003, a local school district board of education or a group of individuals requests the governing board of an educational service center to consider proposing the creation of a new local school district, the governing board, at any time during the one-year period following the date that request is made, may adopt a resolution proposing the creation of a new local school district in response to that request and in accordance with the first paragraph of the version of this section in effect prior to September 26, 2003. If the governing board so proposes within that one-year period, the governing board may proceed to create the new local school district as it proposed, in accordance with the version of this section in effect prior to September 26, 2003, subject to the provisions of that version authorizing a petition and referendum on the matter.

Consolidations of school districts which include all of the schools of a county and which become effective on or after July 1, 1959, shall be governed and included under this section.
Sec. 3311.50. (A) As used in this section, "county school financing district" means a taxing district consisting of the following territory:

(1) The territory that constitutes the educational service center on the date that the governing board of that educational service center adopts a resolution under division (B) of this section declaring that the territory of the educational service center is a county school financing district, exclusive of any territory subsequently withdrawn from the district under division (D) of this section;

(2) Any territory that has been added to the county school financing district under this section.

A county school financing district may include the territory of a city, local, or exempted village school district whose territory also is included in the territory of one or more other county school financing districts.

(B) The governing board of any educational service center may, by resolution, declare that the territory of the educational service center is a county school financing district. The resolution shall state the purpose for which the county school financing district is created, which may be for any one or more of the following purposes:

(1) To levy taxes for the provision of special education by the school districts that are a part of the district, including taxes for permanent improvements for special education;

(2) To levy taxes for the provision of specified educational programs and services by the school districts that are a part of the district, as identified in the resolution creating the district, including the levying of taxes for permanent
improvements for those programs and services. Services financed by the levy may include school safety and security and mental health services, including training and employment of or contracting for the services of safety personnel, mental health personnel, social workers, and counselors.

(3) To levy taxes for permanent improvements of school districts that are a part of the district.

The governing board of the educational service center that creates a county school financing district shall serve as the taxing authority of the district and may use educational service center governing board employees to perform any of the functions necessary in the performance of its duties as a taxing authority. A county school financing district shall not employ any personnel.

With the approval of a majority of the members of the board of education of each school district within the territory of the county school financing district, the taxing authority of the financing district may amend the resolution creating the district to broaden or narrow the purposes for which it was created.

A governing board of an educational service center may create more than one county school financing district. If a governing board of an educational service center creates more than one such district, it shall clearly distinguish among the districts it creates by including a designation of each district's purpose in the district's name.

(C) A majority of the members of a board of education of a city, local, or exempted village school district may adopt a resolution requesting that its territory be joined with the territory of any county school financing district. Copies of the resolution shall be filed with the state board of education and the taxing authority of the county school financing district.
Within sixty days of its receipt of such a resolution, the county school financing district's taxing authority shall vote on the question of whether to accept the school district's territory as part of the county school financing district. If a majority of the members of the taxing authority vote to accept the territory, the school district's territory shall thereupon become a part of the county school financing district unless the county school financing district has in effect a tax imposed under section 5705.215 of the Revised Code. If the county school financing district has such a tax in effect, the taxing authority shall certify a copy of its resolution accepting the school district's territory to the school district's board of education, which may then adopt a resolution, with the affirmative vote of a majority of its members, proposing the submission to the electors of the question of whether the district's territory shall become a part of the county school financing district and subject to the taxes imposed by the financing district. The resolution shall set forth the date on which the question shall be submitted to the electors, which shall be at a general election or a special election held on a day on which a primary election may be held on a date, as specified in the resolution, which shall not be earlier than ninety days after the adoption and certification of the resolution. A copy of the resolution shall immediately be certified to the board of elections of the proper county, which shall make arrangements for the submission of the proposal to the electors of the school district. The board of the joining district shall publish notice of the election in a newspaper of general circulation in the county once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. Additionally, if the board of elections operates and maintains a web site, the board of elections shall post notice of
the election on its web site for thirty days prior to the election. The question appearing on the ballot shall read:

"Shall the territory within .......... (name of the school district proposing to join the county school financing district) .......... be added to .......... (name) .......... county school financing district, and a property tax for the purposes of .......... (here insert purposes) .......... at a rate of taxation not exceeding .......... (here insert the outstanding tax rate) .......... be in effect for .......... (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable) ..........?"

If the proposal is approved by a majority of the electors voting on it, the joinder shall take effect on the first day of July following the date of the election, and the county board of elections shall notify the county auditor of each county in which the school district joining its territory to the county school financing district is located.

(D) The board of any city, local, or exempted village school district whose territory is part of a county school financing district may withdraw its territory from the county school financing district thirty days after submitting to the governing board that is the taxing authority of the district and the state board a resolution proclaiming such withdrawal, adopted by a majority vote of its members, but any county school financing district tax levied in such territory on the effective date of the withdrawal shall remain in effect in such territory until such tax expires or is renewed. No board may adopt a resolution withdrawing from a county school financing district that would take effect during the forty-five days preceding the date of an election at which a levy proposed under section 5705.215 of the Revised Code is to be voted upon.
(E) A city, local, or exempted village school district does not lose its separate identity or legal existence by reason of joining its territory to a county school financing district under this section and an educational service center does not lose its separate identity or legal existence by reason of creating a county school financing district that accepts or loses territory under this section.

Sec. 3313.38. The board of education of a school district that is inaccessible from the mainland at some time of the year for any reason may purchase, erect, or rent, and maintain a residence for a principal or teacher, when in the opinion of a majority of the members of the board it is necessary to insure adequate personnel for the schools of such district. To provide a sum sufficient for the purchase price, the cost of the erection, or the cost of renting such residence an additional tax may be levied upon all the taxable property in the school district, in such amount as the board determines. The question of levying such tax, and the amount thereof, shall be separately submitted to the qualified electors of the school district at a general election or a special election held on a day on which a primary election may be held. Twenty days' notice thereof shall be previously given by posting notice of such election in at least three public places in the school district. Such notice shall state specifically the amount to be raised and the purposes thereof. If a majority of all votes cast at such election upon the proposition are in favor thereof, the tax provided for shall be authorized.

Upon authorization of the tax levy the members of the board may issue notes in anticipation of such revenues to mature in not more than two years from the date of issue and to bear interest at not more than four per cent per annum.
Sec. 3313.911. The state board of education may adopt a resolution assigning a city, exempted village, or local school district that is not a part of a joint vocational school district to membership in a joint vocational school district. A copy of the resolution shall be certified to the board of education of the joint vocational school district and the board of education of the district proposed to be assigned. The board of education of the joint vocational school district shall advertise a copy of the resolution in a newspaper of general circulation in the district proposed to be assigned once each week for two weeks, or as provided in section 7.16 of the Revised Code, immediately following the certification of the resolution to the board. The assignment shall take effect on the ninety-first day after the state board adopts the resolution, unless prior to that date qualified electors residing in the school district proposed for assignment, equal in number to ten per cent of the qualified electors of that district voting at the last general election, file a petition against the assignment.

The petition of referendum shall be filed with the treasurer of the board of education of the district proposed to be assigned to the joint vocational school district. The treasurer shall give the person presenting the petition a receipt showing the time of day, date, and purpose of the petition. The treasurer shall cause the board of elections to determine the sufficiency of signatures on the petition and if the signatures are found to be sufficient, shall present the petition to the board of education of the district. The board of education shall promptly certify the question to the board of elections for the purpose of having the question placed on the ballot at the next general, primary, election or special election held on a day on which a primary
election may be held, occurring not earlier than sixty days after the date of the certification.

Only those qualified electors residing in the district proposed for assignment to the joint vocational school district are qualified to vote on the question. If a majority of the electors voting on the question vote against the assignment, it shall not take place, and the state board of education shall require the district to contract with the joint vocational school district or another school district as authorized by section 3313.91 of the Revised Code.

If a majority of the electors voting on the question do not vote against the assignment, the assignment shall take immediate effect, and the board of education of the joint vocational school district shall notify the county auditor of the county in which the school district becoming a part of the joint vocational school district is located to have any outstanding levy of the joint vocational school district spread over the territory of the school district that has become a part of the joint vocational school district.

The assignment of a school district to a joint vocational school district pursuant to this section is subject to any agreements made between the board of education of the assigned school district and the board of education of the joint vocational school district. Such an agreement may include provisions for a payment by the assigned school district to the joint vocational school district of an amount to be contributed toward the cost of the existing facilities of the joint vocational school district.

Sec. 3318.06. (A) After receipt of the conditional approval of the Ohio facilities construction commission, the school district board by a majority of all of its members shall, if it
desires to proceed with the project, declare all of the following by resolution:

(1) That by issuing bonds in an amount equal to the school district's portion of the basic project cost the district is unable to provide adequate classroom facilities without assistance from the state;

(2) Unless the school district board has resolved to transfer money in accordance with section 3318.051 of the Revised Code or to apply the proceeds of a property tax or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized under section 3318.052 of the Revised Code, that to qualify for such state assistance it is necessary to do either of the following:

   (a) Levy a tax outside the ten-mill limitation the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project;

   (b) Earmark for maintenance of classroom facilities from the proceeds of an existing permanent improvement tax levied under section 5705.21 of the Revised Code, if such tax can be used for maintenance, an amount equivalent to the amount of the additional tax otherwise required under this section and sections 3318.05 and 3318.08 of the Revised Code.

(3) That the question of any tax levy specified in a resolution described in division (A)(2)(a) of this section, if required, shall be submitted to the electors of the school district at the next general election or special election held on a day on which a primary election may be held, if there be a general or primary election occurring not less than ninety and not more than one hundred ten days after the day of the adoption of such resolution or, if not, at a special election to be held at a
time specified in the resolution which shall be not less than ninety days after the day of the adoption of the resolution and which shall be in accordance with the requirements of section 3501.01 of the Revised Code.

Such resolution shall also state that the question of issuing bonds of the board shall be combined in a single proposal with the question of such tax levy. More than one election under this section may be held in any one calendar year. Such resolution shall specify both of the following:

(a) That the rate which it is necessary to levy shall be at the rate of not less than one-half mill for each one dollar of valuation, and that such tax shall be levied for a period of twenty-three years;

(b) That the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.

(B) A copy of a resolution adopted under division (A) of this section shall after its passage and not less than ninety days prior to the date set therein for the election be certified to the county board of elections.

The resolution of the school district board, in addition to meeting other applicable requirements of section 133.18 of the Revised Code, shall state that the amount of bonds to be issued will be an amount equal to the school district's portion of the basic project cost, and state the maximum maturity of the bonds which may be any number of years not exceeding the term calculated under section 133.20 of the Revised Code as determined by the board. In estimating the amount of bonds to be issued, the board shall take into consideration the amount of moneys then in the bond retirement fund and the amount of moneys to be collected for
and disbursed from the bond retirement fund during the remainder of the year in which the resolution of necessity is adopted.

If the bonds are to be issued in more than one series, the resolution may state, in addition to the information required to be stated under division (B)(3) of section 133.18 of the Revised Code, the number of series, which shall not exceed five, the principal amount of each series, and the approximate date each series will be issued, and may provide that no series, or any portion thereof, may be issued before such date. Upon such a resolution being certified to the county auditor as required by division (C) of section 133.18 of the Revised Code, the county auditor, in calculating, advising, and confirming the estimated average annual property tax levy under that division, shall also calculate, advise, and confirm by certification the estimated average property tax levy for each series of bonds to be issued.

Notice of the election shall include the fact that the tax levy shall be at the rate of not less than one-half mill for each one dollar of valuation for a period of twenty-three years, and that the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.

If the bonds are to be issued in more than one series, the board of education, when filing copies of the resolution with the board of elections as required by division (D) of section 133.18 of the Revised Code, may direct the board of elections to include in the notice of election the principal amount and approximate date of each series, the maximum number of years over which the principal of each series may be paid, the estimated additional average property tax levy for each series, and the first calendar year in which the tax is expected to be due for each series, in addition to the information required to be stated in the notice.
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised Code.

(C)(1) Except as otherwise provided in division (C)(2) of this section, the form of the ballot to be used at such election shall be:

"A majority affirmative vote is necessary for passage.

Shall bonds be issued by the ............ (here insert name of school district) school district to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the principal amount of ............ (here insert principal amount of the bond issue), to be repaid annually over a maximum period of ............ (here insert the maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue ............ (here insert the number of mills estimated) mills for each one dollar of tax valuation, which amounts to ............ (rate expressed in cents or dollars and cents, such as "thirty-six cents" or "$0.36") for each one hundred dollars of tax valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

and, unless the additional levy of taxes is not required pursuant to division (C) of section 3318.05 of the Revised Code,

"Shall an additional levy of taxes be made for a period of twenty-three years to benefit the ............ (here insert name of school district) school district, the proceeds of which shall be used to pay the cost of maintaining the classroom facilities
included in the project at the rate of .......... (here insert the number of mills, which shall not be less than one-half mill) mills for each one dollar of valuation?

FOR THE BOND ISSUE AND TAX LEVY

AGAINST THE BOND ISSUE AND TAX LEVY

(2) If authority is sought to issue bonds in more than one series and the board of education so elects, the form of the ballot shall be as prescribed in section 3318.062 of the Revised Code. If the board of education elects the form of the ballot prescribed in that section, it shall so state in the resolution adopted under this section.

(D) If it is necessary for the school district to acquire a site for the classroom facilities to be acquired pursuant to sections 3318.01 to 3318.20 of the Revised Code, the district board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (B) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the following:

(1) "Shall bonds be issued by the ............ (here insert name of the school district) school district to pay costs of acquiring a site for classroom facilities under the State of Ohio Classroom Facilities Assistance Program in the principal amount of
.......... (here insert principal amount of the bond issue), to be repaid annually over a maximum period of .......... (here insert maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue .......... (here insert number of mills) mills for each one dollar of tax valuation, which amount to .......... (here insert rate expressed in cents or dollars and cents, such as "thirty-six cents" or "$0.36") for each one hundred dollars of valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

(2) "Shall an additional levy of taxes outside the ten-mill limitation be made for the benefit of the .......... (here insert name of the school district) school district for the purpose of acquiring a site for classroom facilities in the sum of .......... (here insert annual amount the levy is to produce) estimated by the county auditor to average .......... (here insert number of mills) mills for each one hundred dollars of valuation, for a period of .......... (here insert number of years the millage is to be imposed) years?"

Where it is necessary to combine the question of issuing bonds of the school district and levying a tax as described in division (B) of this section with the question of issuing bonds of the school district for acquisition of a site, the question specified in that division to be voted on shall be "For the Bond Issues and the Tax Levy" and "Against the Bond Issues and the Tax Levy."

Where it is necessary to combine the question of issuing bonds of the school district and levying a tax as described in
division (B) of this section with the question of levying a tax for the acquisition of a site, the question specified in that division to be voted on shall be "For the Bond Issue and the Tax Levies" and "Against the Bond Issue and the Tax Levies."

Where the school district board chooses to combine the question in division (B) of this section with any of the additional questions described in divisions (A) to (D) of section 3318.056 of the Revised Code, the question specified in division (B) of this section to be voted on shall be "For the Bond Issues and the Tax Levies" and "Against the Bond Issues and the Tax Levies."

If a majority of those voting upon a proposition hereunder which includes the question of issuing bonds vote in favor thereof, and if the agreement provided for by section 3318.08 of the Revised Code has been entered into, the school district board may proceed under Chapter 133. of the Revised Code, with the issuance of bonds or bond anticipation notes in accordance with the terms of the agreement.

Sec. 3318.061. This section applies only to school districts eligible to receive additional assistance under division (B)(2) of section 3318.04 of the Revised Code.

The board of education of a school district in which a tax described by division (B) of section 3318.05 and levied under section 3318.06 of the Revised Code is in effect, may adopt a resolution by vote of a majority of its members to extend the term of that tax beyond the expiration of that tax as originally approved under that section. The school district board may include in the resolution a proposal to extend the term of that tax at the rate of not less than one-half mill for each dollar of valuation.
for a period of twenty-three years from the year in which the school district board and the Ohio facilities construction commission enter into an agreement under division (B)(2) of section 3318.04 of the Revised Code or in the following year, as specified in the resolution. Such a resolution may be adopted at any time before such an agreement is entered into and before the tax levied pursuant to section 3318.06 of the Revised Code expires. If the resolution is combined with a resolution to issue bonds to pay the school district's portion of the basic project cost, it shall conform with the requirements of divisions (A)(1), (2), and (3) of section 3318.06 of the Revised Code, except that the resolution also shall state that the tax levy proposed in the resolution is an extension of an existing tax levied under that section. A resolution proposing an extension adopted under this section does not take effect until it is approved by a majority of electors voting in favor of the resolution at a general election or a special election held on a day on which a primary or special election may be held, as provided in this section.

A tax levy extended under this section is subject to the same terms and limitations to which the original tax levied under section 3318.06 of the Revised Code is subject under that section, except the term of the extension shall be as specified in this section.

The school district board shall certify a copy of the resolution adopted under this section to the proper county board of elections not later than ninety days before the date set in the resolution as the date of the election at which the question will be submitted to electors. The notice of the election shall conform with the requirements of division (A)(3) of section 3318.06 of the Revised Code, except that the notice also shall state that the maintenance tax levy is an extension of an existing tax levy.
The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining classroom facilities constructed with the proceeds of the previously issued bonds at the rate of ........... (here insert the number of mills, which shall not be less than one-half mill) mills per dollar of tax valuation, be extended until ........ (here insert the year that is twenty-three years after the year in which the district and commission will enter into an agreement under division (B)(2) of section 3318.04 of the Revised Code or the following year)?

FOR EXTENDING THE EXISTING TAX LEVY

AGAINST EXTENDING THE EXISTING TAX LEVY"

Section 3318.07 of the Revised Code applies to ballot questions under this section.

Sec. 3318.063. If the board of education of a city, exempted village, or local school district that has entered into an agreement under section 3318.051 of the Revised Code to make transfers of money in lieu of levying the tax for maintenance of the classroom facilities included in the district's project determines that it no longer can continue making the transfers so agreed to and desires to rescind that agreement, the board shall adopt the resolution to submit the question of the tax levy prescribed in this section.

The resolution shall declare that the question of a tax levy specified in division (F) of section 3318.051 of the Revised Code shall be submitted to the electors of the school district at the next general election or special election held on a day on which a
primary election may be held, if there be a general or primary election occurring not less than seventy-five and not more than ninety-five days after the day of the adoption of such resolution or, if not, at a special election to be held at a time specified in the resolution which shall be not less than seventy-five days after the day of the adoption of the resolution and which shall be in accordance with the requirements of section 3501.01 of the Revised Code. Such resolution shall specify both of the following:

(A) That the rate which it is necessary to levy shall be at the rate of not less than one-half mill for each one dollar of valuation, and that such tax shall be levied for the number of years required by division (F) of section 3318.051 of the Revised Code;

(B) That the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.

A copy of such resolution shall after its passage and not less than seventy-five days prior to the date set therein for the election be certified to the county board of elections.

Notice of the election shall include the fact that the tax levy shall be at the rate of not less than one-half mill for each one dollar of valuation for the number of years required by division (F) of section 3318.051 of the Revised Code, and that the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.

The form of the ballot to be used at such election shall be:

"Shall a levy of taxes be made for a period of ............ (here insert the number of years, which shall not be less than the number required by division (F) of section 3318.051 of the Revised Code) years to benefit the ............ (here insert name of
school district, the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project at the rate of .......... (here insert the number of mills, which shall not be less than one-half mill) mills for each one dollar of valuation?

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**Sec. 3318.361.** A school district board opting to qualify for state assistance pursuant to section 3318.36 of the Revised Code through levying the tax specified in division (D)(2)(a) or (D)(4) of that section shall declare by resolution that the question of a tax levy specified in division (D)(2)(a) or (4), as applicable, of section 3318.36 of the Revised Code shall be submitted to the electors of the school district at the next general election or special election held on a day on which a primary election may be held, if there be a general or primary election occurring not less than ninety and not more than one hundred ten days after the day of the adoption of such resolution or, if not, at a special election to be held at a time specified in the resolution which shall be not less than ninety days after the day of the adoption of the resolution and which shall be in accordance with the requirements of section 3501.01 of the Revised Code. Such resolution shall specify both of the following:

(A) That the rate which it is necessary to levy shall be at the rate of not less than one-half mill for each one dollar of valuation, and that such tax shall be levied for a period of twenty-three years;
(B) That the proceeds of the tax shall be used to pay the
5054 costs of maintaining the classroom facilities included in the
5055 project.
5056
5057 A copy of such resolution shall after its passage and not
5058 less than ninety days prior to the date set therein for the
5059 election be certified to the county board of elections.
5060
5061 Notice of the election shall include the fact that the tax
5062 levy shall be at the rate of not less than one-half mill for each
5063 one dollar of valuation for a period of twenty-three years, and
5064 that the proceeds of the tax shall be used to pay the cost of
5065 maintaining the classroom facilities included in the project.
5066
5067 The form of the ballot to be used at such election shall be:
5068
5069 "Shall a levy of taxes be made for a period of twenty-three
5070 years to benefit the ............ (here insert name of school
5071 district) school district, the proceeds of which shall be used to
5072 pay the cost of maintaining the classroom facilities included in
5073 the project at the rate of .......... (here insert the number of
5074 mills, which shall not be less than one-half mill) mills for each
5075 one dollar of valuation?
5076
5077 FOR THE TAX LEVY
5078 AGAINST THE TAX LEVY"
5079

Sec. 3354.02. A community college district may be created
5077 with the approval of the Ohio board of regents pursuant to
5078 standards established by the board. The standards shall take into
5079 consideration such factors as the population of the proposed
5080 district, the present and potential pupil enrollment, the present
5081
and potential higher education facilities in the district, and such other factors as pertain to the educational needs of the district. The Ohio board of regents may undertake or contract for a study to be made relative to the establishment of a community college district.

The attorney general shall be the attorney for each community college district and shall provide legal advice in all matters relating to its powers and duties.

A proposal to create a community college district may be presented to the Ohio board of regents in any of the following ways:

(A) The board of county commissioners of any county, having a population of not less than seventy-five thousand, may, by resolution approved by two-thirds of its members, propose the creation of a community college district consisting of the whole territory of such county.

(B) The boards of county commissioners of any two or more contiguous counties, which together have a combined population of not less than seventy-five thousand, may, by a resolution approved by two-thirds of the members of each such board, together and jointly propose the creation of a community college district consisting of the whole territories of such counties together.

(C) Qualified electors residing in a county or in two or more contiguous counties may execute a petition proposing the creation of a community college district comprised of the territory of a county or two or more contiguous counties, respectively. Such petition shall be presented to the board of elections of the most populous county in which the proposed community college district is situated, and shall be signed by at least two per cent of the total number of resident electors who voted in the most recent
election for governor in the territory of such proposed district. 
Such petition shall set forth the necessity for the district, a 
demonstration that it will be conducive to the public convenience 
and welfare, and a description of the territory to be included in 
the proposed district.

Upon receiving a petition duly executed pursuant to this 
division, the board of elections of the most populous county shall 
certify the fact of such petition to the election boards of the 
other counties, if any, to be included in such district. The 
proposal to create such district shall be placed on the ballot by 
the board of elections and submitted to vote in each affected 
county or group of contiguous counties, at the next primary or 
general election or special election held on a day on which a 
primary election may be held, occurring more than seventy-five 
days after the filing of such petition. If there is no primary or 
general election occurring within ninety days after the filing of 
such petition, the board of elections of the most populous county 
shall fix the date of a special election to be held in each 
affected county, or group of contiguous counties, such date to be 
not less than seventy-five days after the filing of the petition 
and to be consistent with the requirements of section 3501.01 of 
the Revised Code. If a majority of the electors voting on the 
proposition in the proposed community college district vote in 
favor thereof, the board of elections of the most populous county 
in which the proposed district is situated shall certify such fact 
to the Ohio board of regents.

(D) No county shall be included in the territory of more than 
one community college district.

A community college district may also be created under 
division (D) of section 3358.02 of the Revised Code.
Sec. 3354.12. (A) Upon the request by resolution approved by the board of trustees of a community college district, and upon certification to the board of elections not less than ninety days prior to the a general election or a special election held on a day on which a primary election may be held, the boards of elections of the county or counties comprising such district shall place upon the ballot in their respective counties the question of levying a tax on all the taxable property in the community college district outside the ten-mill limitation, for a specified period of years or for a continuing period of time, to provide funds for any one or more of the following purposes: the acquisition of sites, the erection, furnishing, and equipment of buildings, the acquisition, construction, or improvement of any property which the board of trustees of a community college district is authorized to acquire, construct, or improve and which has an estimated life of usefulness of five years or more as certified by the fiscal officer, and the payment of operating costs. Not more than two special elections shall be held in any one calendar year. Levies for a continuing period of time adopted under this section may be reduced in accordance with section 5705.261 of the Revised Code.

If such proposal is to be or include the renewal of an existing levy at the expiration thereof, the ballot for such election shall state whether it is a renewal of a tax; a renewal of a stated number of mills and an increase of a stated number of mills, or a renewal of a part of an existing levy with a reduction of a stated number of mills; the year of the tax duplicate on which such renewal will first be made; and if earlier, the year of the tax duplicate on which such additional levy will first be made, which may include the tax duplicate for the current year.
unless the election is to be held after the first Tuesday after
the first Monday in November of the current tax year. The ballot
shall also state the period of years for such levy or that it is
for a continuing period of time. If a levy for a continuing period
of time provides for but is not limited to current expenses, the
resolution of the board of trustees providing for the election on
such levy shall apportion the annual rate of the levy between
current expenses and the other purpose or purposes. Such
apportionment need not be the same for each year of the levy, but
the respective portions of the rate actually levied each year for
current expenses and the other purpose or purposes shall be
limited by such apportionment. The portion of the rate apportioned
to the other purpose or purposes shall be reduced as provided in
division (B) of this section.

If a majority of the electors in such district voting on such
question approve thereof, the county auditor or auditors of the
county or counties comprising such district shall annually, for
the applicable years, place such levy on the tax duplicate in such
district, in an amount determined by the board of trustees, but
not to exceed the amount set forth in the proposition approved by
the electors.

The boards of trustees of a community college district shall
establish a special fund for all revenue derived from any tax
levied pursuant to this section.

The boards of elections of the county or counties comprising
the district shall cause to be published in a newspaper of general
circulation in each such county an advertisement of the proposed
tax levy question once a week for two consecutive weeks, or as
provided in section 7.16 of the Revised Code, prior to the
election at which the question is to appear on the ballot. If a
board of elections operates and maintains a web site, that board also shall post the advertisement on its web site for thirty days prior to that election.

After the approval of such levy by vote, the board of trustees of a community college district may anticipate a fraction of the proceeds of such levy and from time to time issue anticipation notes having such maturity or maturities that the aggregate principal amount of all such notes maturing in any calendar year shall not exceed seventy-five per cent of the anticipated proceeds from such levy for such year, and that no note shall mature later than the thirty-first day of December of the tenth calendar year following the calendar year in which such note is issued. Each issue of notes shall be sold as provided in Chapter 133. of the Revised Code.

The amount of bonds or anticipatory notes authorized pursuant to Chapter 3354. of the Revised Code may include sums to repay moneys previously borrowed, advanced, or granted and expended for the purposes of such bond or anticipatory note issues, whether such moneys were advanced from the available funds of the community college district or by other persons, and the community college district may restore and repay to such funds or persons from the proceeds of such issues the moneys so borrowed, advanced or granted.

All operating costs of such community college may be paid out of any gift or grant from the state, pursuant to division (K) of section 3354.09 of the Revised Code; out of student fees and tuition collected pursuant to division (G) of section 3354.09 of the Revised Code; or out of unencumbered funds from any other source of the community college income not prohibited by law.

(B) Prior to the application of section 319.301 of the
Revised Code, the rate of a levy that is limited to, or to the extent that it is apportioned to, purposes other than current expenses shall be reduced in the same proportion in which the district's total valuation increases during the life of the levy because of additions to such valuation that have resulted from improvements added to the tax list and duplicate.

Sec. 3357.02. A technical college district may be created with the approval of the Ohio board of regents pursuant to standards established by it. Such standards shall take into consideration such factors as the population of the proposed district, the present and potential pupil enrollment, present and potential higher education facilities in the district, and such other factors as may pertain to the educational needs of the district. The Ohio board of regents may undertake a study or contract for a study to be made relative to its establishment or application of such standards.

The attorney general shall be the attorney for each technical college district and shall provide legal advice in all matters relating to its powers and duties.

A proposal to create a technical college district may be presented to the Ohio board of regents in any of the following ways:

(A) The board of education of a city school district may by resolution approved by a majority of its members propose the creation of a technical college district consisting of the whole territory of such district.

(B) The boards of two or more contiguous city, exempted village, or local school districts or educational service centers may by resolutions approved by a majority of the members of each
participating board propose the creation of a technical college
district consisting of the whole territories of all the
participating school districts and educational service centers.

(C) The governing board of any educational service center may
by resolution approved by a majority of its members propose the
creation of a technical college district consisting of the whole
territory of such educational service center.

(D) The governing boards of any two or more contiguous
educational service centers may by resolutions approved by a
majority of the members of each participating board, propose the
creation of a technical college district consisting of the whole
territories of such educational service centers.

(E) Qualified electors residing in a city school district, in
a county, in two or more contiguous school districts, or in two or
more contiguous counties may execute a petition proposing the
creation of a technical college district comprised of the
territory of the city school district, educational service center,
two or more contiguous school districts or educational service
centers, or two or more contiguous counties, respectively. Such
petition shall be presented to the board of elections of the most
populous county in which the technical college district is
situated and shall bear the signatures of at least two per cent of
the total number of resident electors who voted in the most recent
election for governor in the territory of such proposed district.
Such petition shall set forth the necessity for the district, a
demonstration that it will be conducive to the public convenience
and welfare, and a description of the territory to be included in
the proposed district.

Upon receiving a petition duly executed pursuant to division
(E) of this section, the board of elections of the most populous
county shall certify the fact of such petition to the boards of elections of the other counties, if any, in which any of the territory of the proposed district is situated. The proposal to create a technical college district shall be placed on the ballot by the board of elections and submitted to vote in each affected city school district, county, or group of contiguous school districts or counties, at the next primary or general election or special election held on a day on which a primary election may be held, occurring more than ninety days after the filing of such petition. If there is no primary or general election occurring within one hundred five days after the filing of such petition, the board of elections of the most populous county shall fix the date of a special election to be held in each affected city school district, county, or group of contiguous school districts or counties, such date to be not less than ninety days after the filing of the petition. If a majority of electors voting on the proposition in the proposed technical college district vote in favor thereof, the board of elections of the most populous county in which the proposed district is situated shall certify such fact to the Ohio board of regents.

Sec. 3357.11. For the purposes of purchasing a site or enlargement thereof, and for the erection and equipment of buildings, or for the purpose of enlarging, improving, or rebuilding existing facilities, the board of trustees of a technical college district shall determine the amount of bonds to be issued and such other matters as pertain thereto, and may when authorized by the vote of the electors of the district, issue and sell such bonds as provided in Chapter 133. of the Revised Code. Such board of trustees shall have the same authority and be subject to the same procedure as provided in such chapter in the
case where the board of education proposes a bond issue for the
purposes noted in this section.

At any time the board of trustees of a technical college
district by a vote of two-thirds of all its members may declare by
resolution the necessity of a tax outside the ten-mill limitation
for a period of years not to exceed ten years, to provide funds
for one or more of the following purposes: for operation and
maintenance, for purchasing a site or enlargement thereof, for the
errection and construction or equipment of buildings, or for the
purpose of enlarging or improving or rebuilding thereon. A copy of
such resolution shall be certified to the board of elections of
the county or counties in which such technical college district is
situated, for the purpose of placing the proposal on the ballot at
an a general election or a special election held on a day on which
a primary election to may be held at, occurring on a date
designated by such board of trustees, which date shall be
consistent with the requirements of section 3501.01 of the Revised
Code, but which shall not be earlier than ninety days after the
adoption and certification of such resolution. If a majority of
the electors in such district voting on such question vote in
favor of such levy, the resolution shall go into immediate effect.
The trustees shall certify their action to the auditors of the
county or counties in which such technical college district is
situated, who shall annually thereafter place such levy on the tax
duplicate in such district in the amount set forth in the
proposition approved by the voters.

After the approval of such levy by vote the board of trustees
of a technical college district may anticipate a fraction of the
proceeds of such levy and from time to time, during the life of
such levy, issue anticipation notes in an amount not to exceed
seventy-five per cent of the estimated proceeds of such levy to be
collected in each year over a period of five years after the date of the issuance of such notes, less an amount equal to the proceeds of such levy previously obligated for each year by the issuance of anticipation notes, provided, that the total amount maturing in any one year shall not exceed seventy-five per cent of the anticipated proceeds of such levy for that year.

Each issue of notes shall be sold as provided in Chapter 133 of the Revised Code and shall mature serially in substantially equal amounts, during each remaining year of the levy, not to exceed five, after their issuance.

All necessary expenses for the operation of such technical college may be paid from any gifts, from grants of the state or federal government, from student fees and tuition collected pursuant to division (G) of section 3357.09 of the Revised Code, or from unencumbered funds from any other source of the technical college income, not prohibited by law.

Sec. 3381.03. Any county, or any two or more counties, municipal corporations, or townships, or any combination of these may create a regional arts and cultural district by the adoption of a resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township that desires to create or to join in the creation of the district. The resolution or ordinance shall state all of the following:

(A) The purposes for the creation of the district;

(B) The counties, municipal corporations, or townships that are to be included in the district;

(C) The official name by which the district shall be known;
(D) The location of the principal office of the district or the manner in which the location shall be selected;

(E) Subject to section 3381.05 of the Revised Code, the number, term, and compensation, which shall not exceed the sum of fifty dollars for each board and committee meeting attended by a member, of the members of the board of trustees of the district;

(F) Subject to section 3381.05 of the Revised Code, the manner in which members of the board of trustees of the district shall be appointed; the method of filling vacancies; and the period, if any, for which a trustee continues in office after expiration of the trustee's term pending the appointment of the trustee's successor;

(G) The manner of apportioning expenses of the district among the participating counties, municipal corporations, and townships.

The resolution or ordinance may also provide that the authority of the districts to make grants under section 3381.20 of the Revised Code may be totally or partially delegated to one or more area arts councils, as defined in section 757.03 of the Revised Code, located within the district.

The district provided for in the resolution or ordinance shall be created upon the adoption of the resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township enumerated in the resolution or ordinance. The resolution or ordinance may be amended to include additional counties, municipal corporations, or townships or for any other purpose by the adoption of an amendment by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township that has created or joined or proposes
to join the district.

After each county, municipal corporation, and township has adopted a resolution or ordinance approving inclusion of additional counties, municipal corporations, or townships in the district, a copy of the resolution or ordinance shall be filed with the clerk of the board of the county commissioners of each county, the clerk of the legislative authority of each municipal corporation, and the fiscal officer of the board of trustees of each township proposed to be included in the district. The inclusion is effective when all such filing is completed unless the district to which territory is to be added has authority to levy an ad valorem tax on property within its territory, in which event the inclusion shall become effective upon voter approval of the joinder and the tax. The board of trustees shall promptly certify the proposal to the board or boards of elections for the purpose of having the proposal placed on the ballot at the next general election or special election held on a day on which a primary election that occurs may be held, occurring not less than sixty days after the date of the meeting of the board of trustees, or at a special election held on a date specified in the certification that is not less than sixty days after the date of the meeting of the board. If territory of more than one county, municipal corporation, or township is to be added to the regional arts and cultural district, the electors of the territories of the counties, municipal corporations, or townships which are to be added shall vote as a district, and the outcome of the election shall be determined by the vote cast in the entire district. Upon certification of a proposal to the board or boards of elections pursuant to this section, the board or boards of elections shall make the necessary arrangements for the submission of the questions to the electors of the territory to be added to the
district, and the election shall be held, canvassed, and certified in
the manner provided for the submission of tax levies under section
5705.19 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within the .................... (name or names of political subdivisions to be joined) be added to ......................... (name) regional arts and cultural district? And shall a(n) .................... (here insert type of tax or taxes) at a rate of taxation not to exceed ........... (here insert maximum tax rate or rates) be levied for purposes of such district?"

If the question is approved by a majority of the electors voting on the question, the joinder is effective immediately, and the district may extend the levy of the tax against all the taxable property within the territory that has been added. If the question is approved at a general election or at a special election occurring prior to a general election but after the fifteenth day of July in any calendar year, the district may amend its budget and resolution adopted pursuant to section 5705.34 of the Revised Code, and the levy shall be placed on the current tax list and duplicate and collected as other taxes are collected from all taxable property within the territory of the district, including the territory added as a result of the election.

The territory of a district shall be coextensive with the territory of the counties, municipal corporations, and townships included within the district, provided that the same territory may not be included in more than one regional arts and cultural district, and provided, that if a district includes only a portion of an entire county, a district may be created in the remaining portion of the same county by resolution of the board of county commissioners acting alone or in conjunction with municipal
corporations and townships as provided in this section.

**Sec. 3501.022.** (A) Notwithstanding any section of the Revised Code to the contrary except as authorized under section 5705.214 or 5748.07 of the Revised Code, no question or issue proposing either of the following may be placed on the ballot at a special election held in August:

(1) To levy, renew, replace, increase, decrease, or repeal any tax;

(2) To create, dissolve, or change the territorial boundaries of a political subdivision or other entity authorized to submit to the electors a question described in division (A)(1) of this section.

(B) A board of elections may not accept a resolution or ordinance proposing to submit to the electors a question or issue described in division (A) of this section at a special election held in August.

**Sec. 4301.421.** (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for those purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on the sale of beer at a rate not to exceed sixteen cents per gallon, on the sale of cider at a rate not to exceed twenty-four cents per gallon, and on the sale of wine and mixed beverages at a rate not to exceed thirty-two cents per gallon. The tax shall be imposed on all beer, cider, wine, and mixed beverages sold for resale at retail in the county, and on all beer, cider,
wine, and mixed beverages sold at retail in the county by the manufacturer, bottler, importer, or other person upon which the tax has not been paid. The tax shall not be levied on the sale of wine to be used for known sacramental purposes. The tax may be levied for any number of years not exceeding twenty. The tax shall be in addition to the taxes imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code. The tax shall not be considered a cost in any computation required under rules of the liquor control commission regulating minimum prices or mark-ups.

Only one sale of the same article shall be used in computing, reporting, and paying the amount of tax due.

The tax shall be levied pursuant to a resolution of the county commissioners approved by a majority of the electors in the county voting on the question of levying the tax, which resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general election or a special election held on a day on which a primary election or special election may be held, occurring not sooner than ninety days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax shall take effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax and the certification of the board of elections shall be certified to the tax commissioner at least sixty days prior to the date on which the tax is to become effective.

A resolution under this section may be joined on the ballot as a single question with a resolution adopted under section.
307.697 or 5743.024 of the Revised Code to levy a tax for the same
purposes and for the purpose of paying the expenses of
administering the tax. The form of the ballot in an election held
pursuant to this section shall be as prescribed in section 307.697
of the Revised Code.

(B) The board of county commissioners of a county in which a
tax is imposed under this section on the effective date of the
amendment of this section by H.B. 59 of the 130th general
assembly, September 29, 2013, may levy a tax for the purpose of
section 307.673 of the Revised Code regardless of whether or not
the cooperative agreement authorized under that section has been
entered into prior to the day the resolution adopted under
division (B)(1) or (2) of this section is adopted, for the purpose
of reimbursing a county for costs incurred in the construction of
a sports facility pursuant to an agreement entered into by the
county under section 307.696 of the Revised Code, or for the
purpose of paying the costs of capital repairs of and improvements
to a sports facility. The tax shall be levied and approved in one
of the manners prescribed by division (B)(1) or (2) of this
section.

(1) The tax may be levied pursuant to a resolution adopted by
a majority of the members of the board of county commissioners not
later than September 2, 1995. A board of county commissioners
approving a tax under division (B)(1) of this section may approve
a tax under division (D)(1) of section 307.697 or division (C)(1)
of section 5743.024 of the Revised Code at the same time. Subject
to the resolution being submitted to a referendum under sections
305.31 to 305.41 of the Revised Code, the resolution shall take
effect immediately, but the tax levied pursuant to the resolution
shall not be levied prior to the day following the last day that
any tax previously levied pursuant to this division may be levied.
(2) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than September 1, 2015, and approved by a majority of the electors of the county voting on the question of levying the tax. The board of county commissioners shall certify a copy of the resolution to the board of elections immediately upon adopting a resolution under division (D)(2) of this section. The election may be held on the date of a general election or a special election held on a day on which a primary election may be held, occurring not sooner than ninety days after the date the board certifies its resolution to the board of elections. The form of the ballot shall be as prescribed by division (C) of section 307.697 of the Revised Code, except that the phrase "paying not more than one-half of the costs of providing a sports facility together with related redevelopment and economic development projects" shall be replaced by the phrase "paying the costs of constructing, renovating, improving, or repairing a sports facility and reimbursing a county for costs incurred by the county in the construction of a sports facility," and the phrase ", beginning .......... (here insert the earliest date the tax would take effect)" shall be appended after "years." A board of county commissioners submitting the question of a tax under division (B)(2) of this section may submit the question of a tax under division (D)(2) of section 307.697 or division (C)(2) of section 5743.024 of the Revised Code as a single question, and the form of the ballot shall include each of the proposed taxes.

If approved by a majority of electors voting on the question, the tax shall take effect on the day specified on the ballot, which shall not be earlier than the day following the last day that any tax previously levied pursuant to this division may be levied.
The rate of a tax levied pursuant to division (B)(1) or (2) of this section shall not exceed the rate specified in division (A) of this section. A tax levied pursuant to division (B)(1) or (2) of this section may be levied for any number of years not exceeding twenty.

A board of county commissioners adopting a resolution under division (B)(1) or (2) of this section shall certify a copy of the resolution to the tax commissioner immediately upon adoption of the resolution.

(C) No tax shall be levied under division (A) of this section on or after September 23, 2008. This division does not apply to a tax levied under division (B) of this section, and does not prevent the collection of any tax levied under this section before September 23, 2008, so long as that tax remains effective.

Sec. 4301.424. (A) For the purpose of section 351.26 of the Revised Code and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, the board of county commissioners, in the manner prescribed by division (A) of section 351.26 of the Revised Code, may levy a tax on each gallon of spirituous liquor; on the sale of beer; and on the sale of wine and mixed beverages. The tax on spirituous liquor shall be imposed on spirituous liquor sold to or purchased by liquor permit holders for resale, and sold at retail by the division of liquor control, in the county at a rate not greater than three dollars per gallon; the tax on beer, wine, and mixed beverages shall be imposed on all beer, wine, and mixed beverages sold for resale at retail in the county, and on all beer, wine, and mixed beverages sold at retail in the county by the manufacturer, bottler, importer, or other person and upon which the tax has not been paid. The rate of the tax on beer shall
not exceed sixteen cents per gallon, and the rate of the tax on wine and mixed beverages shall not exceed thirty-two cents per gallon. Only one sale of the same article shall be used in computing, reporting, and paying the amount of tax due. The tax may be levied for any number of years not exceeding twenty.

The tax shall be levied pursuant to a resolution of the board of county commissioners adopted as prescribed by division (A) of section 351.26 of the Revised Code and approved by a majority of the electors in the county voting on the question of levying the tax. The resolution shall specify the rates of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. Such election may be held on the date of a general election or a special election held on a day on which a primary election may be held, occurring not sooner than ninety days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax takes effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax shall be certified to the division of liquor control and the tax commissioner at least sixty days prior to the date on which the tax is to become effective.

(B) A resolution under this section may be joined on the ballot as a single question with a resolution adopted under section 5743.026 of the Revised Code to levy a tax for the same purposes, and for the purpose of paying the expenses of administering that tax.

(C) The form of the ballot in an election held on the question of levying a tax proposed pursuant to this section shall be as prescribed by section 351.26 of the Revised Code.
(D) No tax shall be levied under this section on or after September 23, 2008. This division does not prevent the collection of any tax levied under this section before that date so long as that tax remains effective.

Sec. 5705.191. The taxing authority of any subdivision, other than the board of education of a school district or the taxing authority of a county school financing district, by a vote of two-thirds of all its members, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the subdivision, and that it is necessary to levy a tax in excess of such limitation for any of the purposes in section 5705.19 of the Revised Code, or to supplement the general fund for the purpose of making appropriations for one or more of the following purposes: public assistance, human or social services, relief, welfare, hospitalization, health, and support of general hospitals, and that the question of such additional tax levy shall be submitted to the electors of the subdivision at a general election or a special election held on a day on which a primary or special election to may be held, occurring at a time therein specified. In the case of a qualifying library levy for the support of a library association or private corporation, the question of the levy shall be submitted to the electors of the association library district. Such resolution shall not include a levy on the current tax list and duplicate unless such election is to be held at or prior to the general election day of the current tax year. Such resolution shall conform to the requirements of section 5705.19 of the Revised Code, except that a levy to supplement the general fund for the purposes of public assistance, human or social services,
relief, welfare, hospitalization, health, or the support of
general or tuberculosis hospitals may not be for a longer period
than ten years. All other levies under this section may not be for
a longer period than five years unless a longer period is
permitted by section 5705.19 of the Revised Code, and the
resolution shall specify the date of holding such election, which
shall not be earlier than ninety days after the adoption and
certification of such resolution. The resolution shall go into
immediate effect upon its passage and no publication of the same
is necessary other than that provided for in the notice of
election. A copy of such resolution, immediately after its
passage, shall be certified to the board of elections of the
proper county or counties in the manner provided by section
5705.25 of the Revised Code, and such section shall govern the
arrangements for the submission of such question and other matters
with respect to such election, to which section 5705.25 of the
Revised Code refers, excepting that such election shall be held on
the date of the general election or the special election held on a
day on which a primary election may be held, as specified in the
resolution, which shall be consistent with the requirements of
section 3501.01 of the Revised Code, provided that only one
special election for the submission of such question may be held
in any one calendar year and provided that a special election may
be held upon the same day a primary election is held. Publication
of notice of that election shall be made in a newspaper of general
circulation in the county once a week for two consecutive weeks,
or as provided in section 7.16 of the Revised Code, prior to the
election. If the board of elections operates and maintains a web
site, the board of elections shall post notice of the election on
its web site for thirty days prior to the election.

If a majority of the electors voting on the question vote in
favor thereof, the taxing authority of the subdivision may make
the necessary levy within such subdivision or, in the case of a
qualifying library levy for the support of a library association
or private corporation, within the association library district,
at the additional rate or at any lesser rate outside the ten-mill
limitation on the tax list and duplicate for the purpose stated in
the resolution. Such tax levy shall be included in the next annual
tax budget that is certified to the county budget commission.

After the approval of such a levy by the electors, the taxing
authority of the subdivision may anticipate a fraction of the
proceeds of such levy and issue anticipation notes. In the case of
a continuing levy that is not levied for the purpose of current
expenses, notes may be issued at any time after approval of the
levy in an amount not more than fifty per cent of the total
estimated proceeds of the levy for the succeeding ten years, less
an amount equal to the fraction of the proceeds of the levy
previously anticipated by the issuance of anticipation notes. In
the case of a levy for a fixed period that is not for the purpose
of current expenses, notes may be issued at any time after
approval of the levy in an amount not more than fifty per cent of
the total estimated proceeds of the levy throughout the remaining
life of the levy, less an amount equal to the fraction of the
proceeds of the levy previously anticipated by the issuance of
anticipation notes. In the case of a levy for current expenses,
notes may be issued after the approval of the levy by the electors
and prior to the time when the first tax collection from the levy
can be made. Such notes may be issued in an amount not more than
fifty per cent of the total estimated proceeds of the levy
throughout the term of the levy in the case of a levy for a fixed
period, or fifty per cent of the total estimated proceeds for the
first ten years of the levy in the case of a continuing levy.
No anticipation notes that increase the net indebtedness of a county may be issued without the prior consent of the board of county commissioners of that county. The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not exceeding the life of the levy anticipated, and may have a principal payment in the year of their issuance.

"Taxing authority" and "subdivision" have the same meanings as in section 5705.01 of the Revised Code.

This section is supplemental to and not in derogation of sections 5705.20, 5705.21, and 5705.22 of the Revised Code.

Sec. 5705.192. (A) For the purposes of this section only, "taxing authority" includes a township board of park commissioners appointed under section 511.18 of the Revised Code.

(B) A taxing authority may propose to replace an existing levy that the taxing authority is authorized to levy, regardless of the section of the Revised Code under which the authority is granted, except a school district emergency levy proposed pursuant to sections 5705.194 to 5705.197 of the Revised Code. The taxing authority may propose to replace the existing levy in its entirety at the rate at which it is authorized to be levied; may propose to replace a portion of the existing levy at a lesser rate; or may propose to replace the existing levy in its entirety and increase the rate at which it is levied. If the taxing authority proposes to replace an existing levy, the proposed levy shall be called a replacement levy and shall be so designated on the ballot. Except as otherwise provided in this division, a replacement levy shall be limited to the purpose of the existing levy, and shall appear
separately on the ballot from, and shall not be conjoined with, the renewal of any other existing levy. In the case of an existing school district levy imposed under section 5705.21 of the Revised Code for the purpose specified in division (F) of section 5705.19 of the Revised Code, or in the case of an existing school district levy imposed under section 5705.217 of the Revised Code for the acquisition, construction, enlargement, renovation, and financing of permanent improvements, the replacement for that existing levy may be for the same purpose or for the purpose of general permanent improvements as defined in section 5705.21 of the Revised Code. The replacement for an existing levy imposed under division (L) of section 5705.19 or section 5705.222 of the Revised Code may be for any purpose authorized for a levy imposed under section 5705.222 of the Revised Code.

The resolution proposing a replacement levy shall specify the purpose of the levy; its proposed rate expressed in mills; whether the proposed rate is the same as the rate of the existing levy, a reduction, or an increase; the extent of any reduction or increase expressed in mills; the first calendar year in which the levy will be due; and the term of the levy, expressed in years or, if applicable, that it will be levied for a continuing period of time.

The sections of the Revised Code governing the maximum rate and term of the existing levy, the contents of the resolution that proposed the levy, the adoption of the resolution, the arrangements for the submission of the question of the levy, and notice of the election also govern the respective provisions of the proposal to replace the existing levy, except as provided in divisions (B)(1) to (4) of this section:

(1) In the case of an existing school district levy that is
imposed under section 5705.21 of the Revised Code for the purpose
specified in division (F) of section 5705.19 of the Revised Code
or under section 5705.217 of the Revised Code for the acquisition,
construction, enlargement, renovation, and financing of permanent
improvements, and that is to be replaced by a levy for general
permanent improvements, the term of the replacement levy may be
for a continuing period of time.

(2) The date on which the election is held shall be as
follows:

(a) For the replacement of a levy with a fixed term of years,
the date of the general election held during the last year the
existing levy may be extended on the real and public utility
property tax list and duplicate, or the date of any either the
general election or the special election held on a day on which a
primary election may be held, occurring in the ensuing year;

(b) For the replacement of a levy imposed for a continuing
period of time, the date of any a general election or a special
election held on a day on which a primary election may be held,
occuring in any year after the year the levy to be replaced is
first approved by the electors, except that only one election on
the question of replacing the levy may be held during any calendar
year.

The failure by the electors to approve a proposal to replace
a levy imposed for a continuing period of time does not terminate
the existing continuing levy.

(3) In the case of an existing school district levy imposed
under division (B) of section 5705.21, division (C) of section
5705.212, or division (I) of section 5705.218 of the Revised
Code, the rates allocated to the qualifying school district and to
partnering community schools each may be increased or decreased or
remain the same, and the total rate may be increased, decreased, or remain the same.

(4) In the case of an existing levy imposed under division (L) of section 5705.19 of the Revised Code, the term may be for any number of years not exceeding ten or for a continuing period of time.

(C) The form of the ballot at the election on the question of a replacement levy shall be as follows:

"A replacement of a tax for the benefit of .......... (name of subdivision or public library) for the purpose of .......... (the purpose stated in the resolution) at a rate not exceeding .......... mills for each one dollar of valuation, which amounts to .......... (rate expressed in dollars and cents) for each one hundred dollars in valuation, for .......... (number of years levy is to run, or that it will be levied for a continuous period of time)

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If the replacement levy is proposed by a qualifying school district to replace an existing tax levied under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division (J)(I) of section 5705.218 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each one dollar of valuation," the following: "(of which ...... mills is to be allocated to partnering community schools)."

If the proposal is to replace an existing levy and increase the rate of the existing levy, the form of the ballot shall be
changed by adding the words ".......... mills of an existing levy and an increase of .......... mills, to constitute" after the words "a replacement of." If the proposal is to replace only a portion of an existing levy, the form of the ballot shall be changed by adding the words "a portion of an existing levy, being a reduction of .......... mills, to constitute" after the words "a replacement of." If the existing levy is imposed under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division (J)(I) of section 5705.218 of the Revised Code, the form of the ballot also shall state the portion of the total increased rate or of the total rate as reduced that is to be allocated to partnering community schools.

If the tax is to be placed on the tax list of the current tax year, the form of the ballot shall be modified by adding at the end of the form the phrase " , commencing in .......... (first year the replacement tax is to be levied), first due in calendar year .......... (first calendar year in which the tax shall be due)."

The question covered by the resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election.

(D) Two or more existing levies, or any portion of those levies, may be combined into one replacement levy, so long as all of the existing levies are for the same purpose and either all are due to expire the same year or all are for a continuing period of time. The question of combining all or portions of those existing levies into the replacement levy shall appear as one ballot proposition before the electors. If the electors approve the ballot proposition, all or the stated portions of the existing
levies are replaced by one replacement levy.

(E) A levy approved in excess of the ten-mill limitation under this section shall be certified to the tax commissioner. In the first year of a levy approved under this section, the levy shall be extended on the tax lists after the February settlement succeeding the election at which the levy was approved. If the levy is to be placed on the tax lists of the current year, as specified in the resolution providing for its submission, the result of the election shall be certified immediately after the canvass by the board of elections to the taxing authority, which shall forthwith make the necessary levy and certify it to the county auditor, who shall extend it on the tax lists for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission.

If notes are authorized to be issued in anticipation of the proceeds of the existing levy, notes may be issued in anticipation of the proceeds of the replacement levy, and such issuance is subject to the terms and limitations governing the issuance of notes in anticipation of the proceeds of the existing levy.

(F) This section does not authorize a tax to be levied in any year after the year in which revenue is not needed for the purpose for which the tax is levied.

**Sec. 5705.194.** The board of education of any city, local, exempted village, cooperative education, or joint vocational school district at any time may declare by resolution that the revenue that will be raised by all tax levies which the district is authorized to impose, when combined with state and federal revenues, will be insufficient to provide for the emergency
requirements of the school district or to avoid an operating deficit, and that it is therefore necessary to levy an additional tax in excess of the ten-mill limitation. The resolution shall be confined to a single purpose and shall specify that purpose. If the levy is proposed to renew all or a portion of the proceeds derived from one or more existing levies imposed pursuant to this section, it shall be called a renewal levy and shall be so designated on the ballot. If two or more existing levies are to be included in a single renewal levy but are not scheduled to expire in the same year, the resolution shall specify that the existing levies to be renewed shall not be levied after the year preceding the year in which the renewal levy is first imposed. Notwithstanding the original purpose of any one or more existing levies that are to be in any single renewal levy, the purpose of the renewal levy may be either to avoid an operating deficit or to provide for the emergency requirements of the school district. The resolution shall further specify the amount of money it is necessary to raise for the specified purpose for each calendar year the millage is to be imposed; if a renewal levy, whether the levy is to renew all, or a portion of, the proceeds derived from one or more existing levies; and the number of years in which the millage is to be in effect, which may include a levy upon the current year's tax list. The number of years may be any number not exceeding ten.

The question shall be submitted at a general election or a special election held on a date day on which a primary election may be held, as specified in the resolution. The date shall not be earlier than eighty days after the adoption and certification of the resolution to the county auditor and shall be consistent with the requirements of section 3501.01 of the Revised Code. A resolution for a renewal levy shall not be placed on the ballot.
unless the question is submitted on a date on which either at a
general election or a special election held on a day on which a
primary election may be held under division (D) of section 3501.01
of the Revised Code, except for the first Tuesday after the first
Monday in August, occurring during the last year the levy to be
renewed may be extended on the real and public utility property
tax list and duplicate, or at any such election held in the
ensuing year, except that if the resolution proposes renewing two
or more existing levies, the question shall be submitted on the
date of the a general election or a special election held on a day
on which a primary election may be held during , occurring in the
last year at least one of the levies to be renewed may be extended
on that the tax list and duplicate, or at any such election held
during the ensuing year. For purposes of this section and sections
5705.197 and 5705.199 of the Revised Code, a levy shall be
considered to be an "existing levy" through the year following the
last year it can be placed on the real and public utility property
tax list and duplicate.

The submission of questions to the electors under this
section is subject to the limitation on the number of election
dates established by section 5705.214 of the Revised Code.

The resolution shall go into immediate effect upon its
passage, and no publication of the resolution shall be necessary
other than that provided for in the notice of election. A copy of
the resolution shall immediately after its passing be certified to
the county auditor of the proper county. Section 5705.195 of the
Revised Code shall govern the arrangements for the submission of
questions to the electors under this section and other matters
concerning the election. Publication of notice of the election
shall be made in one newspaper of general circulation in the
county once a week for two consecutive weeks, or as provided in
section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. If a majority of the electors voting on the question submitted in an election vote in favor of the levy, the board of education of the school district may make the additional levy necessary to raise the amount specified in the resolution for the purpose stated in the resolution. The tax levy shall be included in the next tax budget that is certified to the county budget commission.

After the approval of the levy and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in an amount not exceeding the total estimated proceeds of the levy to be collected during the first year of the levy.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have principal payment in the year of their issuance.

Sec. 5705.199. (A) At any time the board of education of a city, local, exempted village, cooperative education, or joint vocational school district, by a vote of two-thirds of all its members, may declare by resolution that the revenue that will be raised by all tax levies that the district is authorized to impose, when combined with state and federal revenues, will be insufficient to provide for the necessary requirements of the school district, and that it is therefore necessary to levy a tax in excess of the ten-mill limitation for the purpose of providing
for the necessary requirements of the school district. Such a levy
shall be proposed as a substitute for all or a portion of one or
more existing levies imposed under sections 5705.194 to 5705.197
of the Revised Code or under this section, by levying a tax as
follows:

(1) In the initial year the levy is in effect, the levy shall
be in a specified amount of money equal to the aggregate annual
dollar amount of proceeds derived from the levy or levies, or
portion thereof, being substituted.

(2) In each subsequent year the levy is in effect, the levy
shall be in a specified amount of money equal to the sum of the
following:

(a) The dollar amount of the proceeds derived from the levy
in the prior year; and

(b) The dollar amount equal to the product of the total
taxable value of all taxable real property in the school district
in the then-current year, excluding carryover property as defined
in section 319.301 of the Revised Code, multiplied by the annual
levy, expressed in mills for each one dollar of valuation, that
was required to produce the annual dollar amount of the levy under
this section in the prior year; provided, that the amount under
division (A)(2)(b) of this section shall not be less than zero.

(B) The resolution proposing the substitute levy shall
specify the annual dollar amount the levy is to produce in its
initial year; the first calendar year in which the levy will be
due; and the term of the levy expressed in years, which may be any
number not exceeding ten, or for a continuing period of time. The
resolution shall specify the date of holding the election, which
shall not be earlier than ninety days after certification of the
resolution to the board of elections, and which shall be consistent with the requirements of section 3501.01 of the Revised Code the date of a general election or a special election held on a day on which a primary election may be held. If two or more existing levies are to be included in a single substitute levy, but are not scheduled to expire in the same year, the resolution shall specify that the existing levies to be substituted shall not be levied after the year preceding the year in which the substitute levy is first imposed.

The resolution shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. A copy of the resolution shall immediately after its passage be certified to the county auditor in the manner provided by section 5705.195 of the Revised Code, and sections 5705.194 and 5705.196 of the Revised Code shall govern the arrangements for the submission of the question and other matters concerning the notice of election and the election, except as may be provided otherwise in this section.

(C) The form of the ballot to be used at the election on the question of a levy under this section shall be as follows:

"Shall a tax levy substituting for an existing levy be imposed by the .......... (here insert name of school district) for the purpose of providing for the necessary requirements of the school district in the initial sum of .......... (here insert the annual dollar amount the levy is to produce in its initial year), and a levy of taxes be made outside of the ten-mill limitation estimated by the county auditor to require .......... (here insert number of mills) mills for each one dollar of valuation, which amounts to .......... (here insert rate expressed in dollars and
cents) for each one hundred dollars of valuation for the initial year of the tax, for a period of .......... (here insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), commencing in .......... (first year the tax is to be levied), first due in calendar year .......... (first calendar year in which the tax shall be due), with the sum of such tax to increase only if and as new land or real property improvements not previously taxed by the school district are added to its tax list?

FOR THE TAX LEVY

AGAINST THE TAX LEVY

"If the levy submitted is a proposal to substitute all or a portion of more than one existing levy, the form of the ballot may be changed so long as the ballot reflects the number of levies to be substituted and that none of the existing levies to be substituted will be levied after the year preceding the year in which the substitute levy is first imposed. The form of the ballot shall be modified by substituting the statement "Shall a tax levy substituting for an existing levy" with "Shall a tax levy substituting for existing levies" and adding the following statement after "added to its tax list?" and before "For the Tax Levy":

"If approved, any remaining tax years on any of the .......... (here insert the number of existing levies) existing levies will not be collected after .......... (here insert the current tax year or, if not the current tax year, the applicable tax year)."

(D) The submission of questions to the electors under this
section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(E) If a majority of the electors voting on the question so submitted in an election vote in favor of the levy, the board of education may make the necessary levy within the school district at the rate and for the purpose stated in the resolution. The tax levy shall be included in the next tax budget that is certified to the county budget commission.

(F)(E) A levy for a continuing period of time may be decreased pursuant to section 5705.261 of the Revised Code.

(G)(F) A levy under this section substituting for all or a portion of one or more existing levies imposed under sections 5705.194 to 5705.197 of the Revised Code or under this section shall be treated as having renewed the levy or levies being substituted for purposes of the payments made under sections 5751.20 to 5751.22 of the Revised Code.

(H)(G) After the approval of a levy on the current tax list and duplicate, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy. The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

Sec. 5705.21. (A) At any time, the board of education of any city, local, exempted village, cooperative education, or joint
vocational school district, by a vote of two-thirds of all its
members, may declare by resolution that the amount of taxes that
may be raised within the ten-mill limitation by levies on the
current tax duplicate will be insufficient to provide an adequate
amount for the necessary requirements of the school district, that
it is necessary to levy a tax in excess of such limitation for one
of the purposes specified in division (A), (D), (F), (H), or (DD)
of section 5705.19 of the Revised Code, for general permanent
improvements, for the purpose of operating a cultural center, for
the purpose of providing for school safety and security, or for
the purpose of providing education technology, and that the
question of such additional tax levy shall be submitted to the
electors of the school district at a general election or a special
election held on a day to on which a primary election may be held, as
specified in the resolution. In the case of a qualifying
library levy for the support of a library association or private
corporation, the question shall be submitted to the electors of
the association library district. If the resolution states that
the levy is for the purpose of operating a cultural center, the
ballot shall state that the levy is "for the purpose of operating
the........... (name of cultural center)."

As used in this division, "cultural center" means a
freestanding building, separate from a public school building,
that is open to the public for educational, musical, artistic, and
cultural purposes; "education technology" means, but is not
limited to, computer hardware, equipment, materials, and
accessories, equipment used for two-way audio or video, and
software; "general permanent improvements" means permanent
improvements without regard to the limitation of division (F) of
section 5705.19 of the Revised Code that the improvements be a
specific improvement or a class of improvements that may be
included in a single bond issue; and "providing for school safety and security" includes but is not limited to providing for permanent improvements to provide or enhance security, employment of or contracting for the services of safety personnel, providing mental health services and counseling, or providing training in safety and security practices and responses.

A resolution adopted under this division shall be confined to a single purpose and shall specify the amount of the increase in rate that it is necessary to levy, the purpose of the levy, and the number of years during which the increase in rate shall be in effect. The number of years may be any number not exceeding five or, if the levy is for current expenses of the district or for general permanent improvements, for a continuing period of time.

(B)(1) The board of education of a qualifying school district, by resolution, may declare that it is necessary to levy a tax in excess of the ten-mill limitation for the purpose of paying the current expenses of partnering community schools and, if any of the levy proceeds are so allocated, of the district. A qualifying school district that is not a municipal school district may allocate all of the levy proceeds to partnering community schools. A municipal school district shall allocate a portion of the levy proceeds to the current expenses of the district. The resolution shall declare that the question of the additional tax levy shall be submitted to the electors of the school district at a general election or a special election held on a day to which a primary election may be held, as specified in the resolution. The resolution shall state the purpose of the levy, the rate of the tax expressed in mills per dollar of taxable value, the number of such mills to be levied for the current expenses of the partnering community schools and the number of such mills, if any, to be levied for the current expenses of the school district, the
number of years the tax will be levied, and the first year the tax will be levied. The number of years the tax may be levied may be any number not exceeding ten years, or for a continuing period of time.

The levy of a tax for the current expenses of a partnering community school under this section and the distribution of proceeds from the tax by a qualifying school district to partnering community schools is hereby determined to be a proper public purpose.

(2) (a) If any portion of the levy proceeds are to be allocated to the current expenses of the qualifying school district, the form of the ballot at an election held pursuant to division (B) of this section shall be as follows:

"Shall a levy be imposed by the........ (insert the name of the qualifying school district) for the purpose of current expenses of the school district and of partnering community schools at a rate not exceeding...... (insert the number of mills) mills for each one dollar of valuation, of which...... (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to........ (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for...... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning...... (insert first year the tax is to be levied), which will first be payable in calendar year....... (insert the first calendar year in which the tax would be payable)?

FOR THE TAX LEVY
AGAINST THE TAX LEVY

" (b) If all of the levy proceeds are to be allocated to the
current expenses of partnering community schools, the form of the ballot shall be as follows:

"Shall a levy be imposed by the........ (insert the name of the qualifying school district) for the purpose of current expenses of partnering community schools at a rate not exceeding........ (insert the number of mills) mills for each one dollar of valuation which amounts to........ (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for...... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning....... (insert first year the tax is to be levied), which will first be payable in calendar year....... (insert the first calendar year in which the tax would be payable)?

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(3) Upon each receipt of a tax distribution by the qualifying school district, the board of education shall credit the portion allocated to partnering community schools to the partnering community schools fund. All income from the investment of money in the partnering community schools fund shall be credited to that fund.

(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 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 not conform to the estimate published by the school district so long if the estimate was made in good faith.

Distributions by a school district under division (B)(3)(b) of this section shall be made in accordance with distribution agreements entered into by the board of education and each partnering community school eligible for distributions under this division. The distribution agreements shall be certified to the
department of education each fiscal year before the thirtieth day
of July. Each agreement shall provide for at least three
distributions by the school district to the partnering community
school during the fiscal year and shall require the initial
distribution be made on or before the thirtieth day of July.

(c) For the purposes of division (B) of this section, the
number of resident students shall be the number of such students
reported under section 3317.03 of the Revised Code and established
by the department of education as of the date of receipt and
deposit of the tax distribution.

(4) To the extent an agreement whereby the qualifying school
district and a community school endorse each other's programs is
necessary for the community school to qualify as a partnering
community school under division (B)(6)(b) of this section, the
board of education of the school district shall certify to the
department of education the agreement along with the determination
that such agreement satisfies the requirements of that division.
The board's determination is conclusive.

(5) For the purposes of Chapter 3317. of the Revised Code or
other laws referring to the "taxes charged and payable" for a
school district, the taxes charged and payable for a qualifying
school district that levies a tax under division (B) of this
section includes only the taxes charged and payable under that
levy for the current expenses of the school district, and does not
include the taxes charged and payable for the current expenses of
partnering community schools. The taxes charged and payable for
the current expenses of partnering community schools shall not
affect the calculation of "state education aid" as defined in
section 5751.20 of the Revised Code.

(6) As used in division (B) of this section:
(a) "Qualifying school district" means a municipal school district, as defined in section 3311.71 of the Revised Code or a school district that contains within its territory a partnering community school.

(b) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of the qualifying school district and meets one of the following criteria:

   (i) If the qualifying school district is a municipal school district, the community school is sponsored by the district or is a party to an agreement with the district whereby the district and the community school endorse each other's programs;

   (ii) If the qualifying school district is not a municipal school district, the community school is sponsored by a sponsor that was rated as "exemplary" in the ratings most recently published under section 3314.016 of the Revised Code before the resolution proposing the levy is certified to the board of elections.

(c) "Partnering community schools amount" means the product obtained, as of the receipt and deposit of the tax distribution, 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, as authorized under this section, 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.

If the board of education imposes one or more existing levies for the purpose specified in division (F) of section 5705.19 of the Revised Code, the resolution may propose to renew one or more of those existing levies, or to increase or decrease a single such existing levy, for the purpose of general permanent improvements.

If the resolution proposes to renew two or more existing levies, the levies shall be levied for the same purpose. The
resolution shall identify those levies and the rates at which they are levied. The resolution also shall specify that the existing levies shall not be extended on the tax lists after the year preceding the year in which the renewal levy is first imposed, regardless of the years for which those levies originally were authorized to be levied.

If the resolution proposes to renew an existing levy imposed under division (B) of this section, the rates allocated to the qualifying school district and to partnering community schools each may be increased or decreased or remain the same, and the total rate may be increased, decreased, or remain the same. The resolution and notice of election shall specify the number of the mills to be levied for the current expenses of the partnering community schools and the number of the mills, if any, to be levied for the current expenses of the qualifying school district.

A resolution adopted under this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. A copy of the resolution shall immediately after its passing be certified to the board of elections of the proper county in the manner provided by section 5705.25 of the Revised Code. That section shall govern the arrangements for the submission of such question and other matters concerning the election to which that section refers, including publication of notice of the election, except that the election shall be held on the date specified in the resolution. In the case of a resolution adopted under division (B) of this section, the publication of notice of that election shall state the number of the mills, if any, to be levied for the current expenses of partnering community schools and the number of the mills to be levied for the current expenses of the qualifying school district. If a majority of the
electors voting on the question so submitted in an election vote in favor of the levy, the board of education may make the necessary levy within the school district or, in the case of a qualifying library levy for the support of a library association or private corporation, within the association library district, at the additional rate, or at any lesser rate in excess of the ten-mill limitation on the tax list, for the purpose stated in the resolution. A levy for a continuing period of time may be reduced pursuant to section 5705.261 of the Revised Code. The tax levy shall be included in the next tax budget that is certified to the county budget commission.

(D)(1) After the approval of a levy on the current tax list and duplicate for current expenses, for recreational purposes, for community centers provided for in section 755.16 of the Revised Code, or for a public library of the district under division (A) of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty percent of the total estimated proceeds of the levy to be collected during the first year of the levy.

(2) After the approval of a levy for general permanent improvements for a specified number of years or for permanent improvements having the purpose specified in division (F) of section 5705.19 of the Revised Code, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty percent of the total estimated proceeds of the levy remaining to be collected in each year over a period of five years after the issuance of the notes.
The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(3) After approval of a levy for general permanent improvements for a continuing period of time, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected in each year over a specified period of years, not exceeding ten, after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed ten years, and may have a principal payment in the year of their issuance.

(4) After the approval of a levy on the current tax list and duplicate under division (B) of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the 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 the levy proceeds to be allocated to partnering community schools under that division 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 issued as provided in section 133.24 of
the Revised Code, shall have principal payments during each year
after the year of their issuance over a period not to exceed five
years, and may have a principal payment in the year of their
issuance.

(E) The submission of questions to the electors under this
section is subject to the limitation on the number of election
dates established by section 5705.214 of the Revised Code.

(F) The board of education of any school district that levies
a tax under this section for the purpose of providing for school
safety and security may report to the department of education how
the district is using revenue from that tax.

Sec. 5705.211. (A) As used in this section:

(1) "Adjusted charge-off increase" for a tax year means two
and two-tenths per cent of the cumulative carryover property value
increase.

(2) "Cumulative carryover property value increase" means the
sum of the increases in carryover value certified under division
(B)(2) of section 3317.015 of the Revised Code and included in a
school district's total taxable value in the computation of
recognized valuation under division (B) of that section for all
fiscal years from the fiscal year that ends in the first tax year
a levy under this section is extended on the tax list of real and
public utility property until and including the fiscal year that
ends in the current tax year.

(3) "Taxes charged and payable" means the taxes charged and
payable from a tax levy extended on the real and public utility
property tax list and the general list of personal property before
any reduction under section 319.302, 323.152, or 323.158 of the
Revised Code.
(B) The board of education of a city, local, or exempted village school district may adopt a resolution proposing the levy of a tax in excess of the ten-mill limitation for the purpose of paying the current operating expenses of the district. If the resolution is approved as provided in division (D) of this section, the tax may be levied at such a rate each tax year that the total taxes charged and payable from the levy equals the adjusted charge-off increase for the tax year or equals a lesser amount as prescribed under division (C) of this section. The tax may be levied for a continuing period of time or for a specific number of years, but not fewer than five years, as provided in the resolution. The tax may not be placed on the tax list for a tax year beginning before the first day of January following adoption of the resolution. A board of education may not adopt a resolution under this section proposing to levy a tax under this section concurrently with any other tax levied by the board under this section.

(C) After the first year a tax is levied under this section, the rate of the tax in any year shall not exceed the rate, estimated by the county auditor, that would cause the sums levied from the tax against carryover property to exceed one hundred four per cent of the sums levied from the tax against carryover property in the preceding year. A board of education imposing a tax under this section may specify in the resolution imposing the tax that the percentage shall be less than one hundred four per cent, but the percentage shall not be less than one hundred per cent. At any time after a resolution adopted under this section is approved by a majority of electors as provided in division (D) of this section, the board of education, by resolution, may decrease the percentage specified in the resolution levying the tax.

(D) A resolution adopted under this section shall state that
the purpose of the tax is to pay current operating expenses of the
district, and shall specify the first year in which the tax is to
be levied, the number of years the tax will be levied or that it
will be levied for a continuing period of time, and the election
at which the question of the tax is to appear on the ballot, which
shall be a general election or a special election consistent with
the requirements of section 3501.01 of the Revised Code held on a
day on which a primary election may be held. If the board of
education specifies a percentage less than one hundred four per
cent pursuant to division (C) of this section, the percentage
shall be specified in the resolution.

Upon adoption of the resolution, the board of education may
certify a copy of the resolution to the proper county board of
elections. The copy of the resolution shall be certified to the
board of elections not later than ninety days before the day of
the election at which the question of the tax is to appear on the
ballot. Upon receiving a timely certified copy of such a
resolution, the board of elections shall make the necessary
arrangements for the submission of the question to the electors of
the school district, and the election shall be conducted,
canvassed, and certified in the same manner as regular elections
in the school district for the election of members of the board of
education. Notice of the election shall be published in a
newspaper of general circulation in the school district once per
week for four consecutive weeks or as provided in section 7.16 of
the Revised Code. The notice shall state that the purpose of the
tax is for the current operating expenses of the school district,
the first year the tax is to be levied, the number of years the
tax is to be levied or that it is to be levied for a continuing
period of time, that the tax is to be levied each year in an
amount estimated to offset decreases in state base cost funding
caused by appreciation in real estate values, and that the estimated additional tax in any year shall not exceed the previous year's by more than four per cent, or a lesser percentage specified in the resolution levying the tax, except for increases caused by the addition of new taxable property.

The question shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers.

The form of the ballot shall be substantially as follows:

"An additional tax for the benefit of (name of school district) for the purpose of paying the current operating expenses of the district, for .......... (number of years or for continuing period of time), at a rate sufficient to offset any reduction in basic state funding caused by appreciation in real estate values? This levy will permit variable annual growth in revenue up to .......... (amount specified by school district) per cent for the duration of the levy.

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If a majority of the electors of the school district voting on the question vote in favor of the question, the board of elections shall certify the results of the election to the board of education and to the tax commissioner immediately after the canvass.

(E) When preparing any estimate of the contemplated receipts from a tax levied pursuant to this section for the purposes of
sections 5705.28 to 5705.40 of the Revised Code, and in preparing to certify the tax under section 5705.34 of the Revised Code, a board of education authorized to levy such a tax shall use information supplied by the department of education to determine the adjusted charge-off increase for the tax year for which that certification is made. If the board levied a tax under this section in the preceding tax year, the sum to be certified for collection from the tax shall not exceed the sum that would exceed the limitation imposed under division (C) of this section. At the request of the board of education or the treasurer of the school district, the county auditor shall assist the board of education in determining the rate or sum that may be levied under this section.

The board of education shall certify the sum authorized to be levied to the county auditor, and, for the purpose of the county auditor determining the rate at which the tax is to be levied in the tax year, the sum so certified shall be the sum to be raised by the tax unless the sum exceeds the limitation imposed by division (C) of this section. A tax levied pursuant to this section shall not be levied at a rate in excess of the rate estimated by the county auditor to produce the sum certified by the board of education before the reductions under sections 319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding section 5705.34 of the Revised Code, a board of education authorized to levy a tax under this section shall certify the tax to the county auditor before the first day of October of the tax year in which the tax is to be levied, or at a later date as approved by the tax commissioner.

**Sec. 5705.212.** (A)(1) The board of education of any school district, at any time and by a vote of two-thirds of all of its
members, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district, that it is necessary to levy not more than five taxes in excess of that limitation for current expenses, and that each of the proposed taxes first will be levied in a different year, over a specified period of time. The board shall identify the taxes proposed under this section as follows: the first tax to be levied shall be called the "original tax." Each tax subsequently levied shall be called an "incremental tax." The rate of each incremental tax shall be identical, but the rates of such incremental taxes need not be the same as the rate of the original tax. The resolution also shall state that the question of these additional taxes shall be submitted to the electors of the school district at a general election or a special election held on a day on which a primary election may be held. The resolution shall specify separately for each tax proposed: the amount of the increase in rate that it is necessary to levy, expressed separately for the original tax and each incremental tax; that the purpose of the levy is for current expenses; the number of years during which the original tax shall be in effect; a specification that the last year in which the original tax is in effect shall also be the last year in which each incremental tax shall be in effect; and the year in which each tax first is proposed to be levied. The original tax may be levied for any number of years not exceeding ten, or for a continuing period of time. The resolution shall specify the date of holding the special election, which shall not be earlier than ninety days after the adoption and certification of the resolution and shall be consistent with the requirements of section 3501.01 of the Revised Code.

(2) The board of education, by a vote of two-thirds of all of
its members, may adopt a resolution proposing to renew taxes
levied other than for a continuing period of time under division
(A)(1) of this section. Such a resolution shall provide for
levying a tax and specify all of the following:

(a) That the tax shall be called and designated on the ballot
as a renewal levy;

(b) The rate of the renewal tax, which shall be a single rate
that combines the rate of the original tax and each incremental
tax into a single rate. The rate of the renewal tax shall not
exceed the aggregate rate of the original and incremental taxes.

(c) The number of years, not to exceed ten, that the renewal
tax will be levied, or that it will be levied for a continuing
period of time;

(d) That the purpose of the renewal levy is for current
expenses;

(e) Subject to the certification and notification
requirements of section 5705.251 of the Revised Code, that the
question of the renewal levy shall be submitted to the electors of
the school district at the general election held during the last
year the original tax may be extended on the real and public
utility property tax list and duplicate or at the general election
or the special election held on a day on which a primary
election may be held, occurring during the ensuing year.

(3) A resolution adopted under division (A)(1) or (2) of this
section shall go into immediate effect upon its adoption and no
publication of the resolution is necessary other than that
provided for in the notice of election. Immediately after its
adoption, a copy of the resolution shall be certified to the board
of elections of the proper county in the manner provided by


division (A) of section 5705.251 of the Revised Code, and that division shall govern the arrangements for the submission of the question and other matters concerning the election to which that section refers. The election shall be held on the date specified in the resolution. If a majority of the electors voting on the question so submitted in an election vote in favor of the taxes or a renewal tax, the board of education, if the original or a renewal tax is authorized to be levied for the current year, immediately may make the necessary levy within the school district at the authorized rate, or at any lesser rate in excess of the ten-mill limitation, for the purpose stated in the resolution. No tax shall be imposed prior to the year specified in the resolution as the year in which it is first proposed to be levied. The rate of the original tax and the rate of each incremental tax shall be cumulative, so that the aggregate rate levied in any year is the sum of the rates of both the original tax and all incremental taxes levied in or prior to that year under the same proposal. A tax levied for a continuing period of time under this section may be reduced pursuant to section 5705.261 of the Revised Code.

(B) Notwithstanding section 133.30 of the Revised Code, after the approval of a tax to be levied in the current or the 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 and issue anticipation notes in an amount not to exceed fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy. 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; and 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.

(C)(1) The board of education of a qualifying school district, at any time and by a vote of two-thirds of all its members, may declare by resolution that it is necessary to levy not more than five taxes in excess of the ten-mill limitation for the current expenses of partnering community schools and, if any of the levy proceeds are so allocated, of the school district, and that each of the proposed taxes first will be levied in a different year, over a specified period of time. A qualifying school district that is not a municipal school district may allocate all of the levy proceeds to partnering community schools. A municipal school district shall allocate a portion of the levy proceeds to the current expenses of the district. The board shall identify the taxes proposed under this division in the same manner as in division (A)(1) of this section. The rate of each incremental tax shall be identical, but the rates of such incremental taxes need not be the same as the rate of the original tax. In addition to the specifications required of the resolution in division (A) of this section, the resolution shall state the number of the mills to be levied each year for the current expenses of the partnering community schools and the number of the mills, if any, to be levied each year for the current expenses of the school district. The number of mills for the current expenses
of partnering community schools shall be the same for each of the incremental taxes, and the number of mills for the current expenses of the qualifying school district shall be the same for each of the incremental taxes.

The levy of taxes for the current expenses of a partnering community school under division (C) of this section and the distribution of proceeds from the tax by a qualifying school district to partnering community schools is hereby determined to be a proper public purpose.

(2) The board of education, by a vote of two-thirds of all of its members, may adopt a resolution proposing to renew taxes levied other than for a continuing period of time under division (C)(1) of this section. In such a renewal levy, the rates allocated to the qualifying school district and to partnering community schools each may be increased or decreased or remain the same, and the total rate may be increased, decreased, or remain the same. In addition to the requirements of division (A)(2) of this section, the resolution shall state the number of the mills to be levied for the current expenses of the partnering community schools and the number of the mills to be levied for the current expenses of the school district.

(3) A resolution adopted under division (C)(1) or (2) of this section is subject to the rules and procedures prescribed by division (A)(3) of this section.

(4) The proceeds of each tax levied under division (C)(1) or (2) of this section shall be credited and distributed in the 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.

(D) The submission of questions to the electors under this
section is subject to the limitation on the number of election
dates established by section 5705.214 of the Revised Code.

Sec. 5705.213. (A)(1) The board of education of any school
district, at any time and by a vote of two-thirds of all of its
members, may declare by resolution that the amount of taxes that
may be raised within the ten-mill limitation will be insufficient
to provide an adequate amount for the present and future
requirements of the school district and that it is necessary to
levy a tax in excess of that limitation for current expenses. The
resolution also shall state that the question of the additional
tax shall be submitted to the electors of the school district at a
general election or a special election held on a day on which a
primary election may be held. The resolution shall specify, for
each year the levy is in effect, the amount of money that the levy
is proposed to raise, which may, for years after the first year
the levy is made, be expressed in terms of a dollar or percentage
increase over the prior year's amount. The resolution also shall
specify that the purpose of the levy is for current expenses, the
number of years during which the tax shall be in effect which may
be for any number of years not exceeding ten, and the year in
which the tax first is proposed to be levied. The resolution shall
specify the date of holding the special election, which shall not
be earlier than ninety-five days after the adoption and
certification of the resolution to the county auditor and not
earlier than ninety days after certification to the board of
elections. The date of the election shall be consistent with the
requirements of section 3501.01 of the Revised Code.

(2) The board of education, by a vote of two-thirds of all of its
members, may adopt a resolution proposing to renew a tax
levied under division (A)(1) of this section. Such a resolution
shall provide for levying a tax and specify all of the following:

(a) That the tax shall be called and designated on the ballot as a renewal levy;

(b) The amount of the renewal tax, which shall be no more than the amount of tax levied during the last year the tax being renewed is authorized to be in effect;

(c) The number of years, not to exceed ten, that the renewal tax will be levied, or that it will be levied for a continuing period of time;

(d) That the purpose of the renewal levy is for current expenses;

(e) Subject to the certification and notification requirements of section 5705.251 of the Revised Code, that the question of the renewal levy shall be submitted to the electors of the school district at the general election held during the last year the tax being renewed may be extended on the real and public utility property tax list and duplicate or at the general election or the special election held on a day on which a primary election may be held, occurring during the ensuing year.

(3) A resolution adopted under division (A)(1) or (2) of this section shall go into immediate effect upon its adoption and no publication of the resolution is necessary other than that provided for in the notice of election. Immediately after its adoption, a copy of the resolution shall be certified to the county auditor of the proper county, who shall, within five days, calculate and certify to the board of education the estimated levy, for the first year, and for each subsequent year for which the tax is proposed to be in effect. The estimates shall be made both in mills for each dollar of valuation, and in dollars and
cents for each one hundred dollars of valuation. In making the estimates, the auditor shall assume that the amount of the tax list remains throughout the life of the levy, the same as the tax list for the current year. If the tax list for the current year is not determined, the auditor shall base the auditor's estimates on the estimated amount of the tax list for the current year as submitted to the county budget commission.

If the board desires to proceed with the submission of the question, it shall certify its resolution, with the estimated tax levy expressed in mills and dollars and cents per hundred dollars of valuation for each year that the tax is proposed to be in effect, to the board of elections of the proper county in the manner provided by division (A) of section 5705.251 of the Revised Code. Section 5705.251 of the Revised Code shall govern the arrangements for the submission of the question and other matters concerning the election to which that section refers. The election shall be held on the date specified in the resolution. If a majority of the electors voting on the question so submitted in an election vote in favor of the tax, and if the tax is authorized to be levied for the current year, the board of education immediately may make the additional levy necessary to raise the amount specified in the resolution or a lesser amount for the purpose stated in the resolution.

(4) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(B) Notwithstanding sections 133.30 and 133.301 of the Revised Code, after the approval of a tax to be levied in the current or the 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 and issue anticipation notes in an amount not to exceed fifty percent of the total estimated proceeds of the levy to be collected during the first year of the levy. 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; and 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.

**Sec. 5705.214.** Notwithstanding any section of the Revised Code to the contrary, the board of education of a school district may submit a proposal to levy a property tax on the ballot at a special election held in August if the resolution or ordinance proposing the tax declares that the purpose of such tax, in addition to any other purpose authorized for that tax under the Revised Code, is to prevent the conditions that would qualify the school district for a fiscal emergency declaration as described in division (B) of section 3316.03 of the Revised Code. This additional purpose shall be included in the election notice advertising the levy and in the levy's ballot language.

**Sec. 5705.217.** (A) The board of education of a city, local,
or exempted village school district, at any time by a vote of two-thirds of all its members, may declare by resolution that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district; that it is necessary to levy an additional tax in excess of that limitation for the purposes of providing funds for current operating expenses and for general permanent improvements as defined in section 5705.21 of the Revised Code; and that the question of the tax shall be submitted to the electors of the district at a general election or a special election held on a day on which a primary election may be held. The tax may be levied for a specified number of years not exceeding five or for a continuing period of time.

The resolution shall specify the proposed tax rate, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time. The resolution shall apportion the annual rate of the tax between current operating expenses and permanent improvements. The apportionment may but need not be the same for each year of the tax, but the respective portions of the rate actually levied each year for current operating expenses and permanent improvements shall be limited by the apportionment.

The resolution shall specify the date of holding the special election, which shall not be earlier than ninety days after certification of the resolution to the board of elections and shall be consistent with the requirements of section 3501.01 of the Revised Code. The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution to the board of elections immediately after its adoption. Section 5705.25 of the Revised Code.
Code governs the arrangements and form of the ballot for the submission of the question to the electors. If a majority of the electors voting on the question vote in favor of the tax, the board of education may make the levy at the additional rate, or at any lesser rate in excess of the ten-mill limitation. If the tax is for a continuing period of time, it may be decreased in accordance with section 5705.261 of the Revised Code.

A board of education may adopt a resolution to renew one or more existing levies imposed under this section, or to increase or decrease the rate of a tax levied under this section, for the purpose of providing funds for either current expenses and general permanent improvements or solely for general permanent improvements.

(B)(1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy.

(2) After the approval of a tax for general permanent improvements levied under this section for a specified number of years, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a specified period of years, not exceeding the number of years for which the tax was levied, after issuance of the notes.

(3) After the approval of a tax for general permanent
improvements levied under this section for a continuing period of
time, the board of education may anticipate a fraction of the
proceeds of such tax and issue anticipation notes in a principal
amount not exceeding fifty per cent of the total estimated
proceeds of the tax to be collected in each year over a specified
period of years, not exceeding ten, after issuance of the notes.

Anticipation notes under this section shall be issued as
provided in section 133.24 of the Revised Code. Notes issued under
division (B)(1) or (2) of this section shall have principal
payments during each year after the year of their issuance over a
period not to exceed five years, and may have a principal payment
in the year of their issuance. Notes issued under division (B)(3)
of this section shall have principal payments during each year
after the year of their issuance over a period not to exceed ten
years, and may have a principal payment in the year of their
issuance.

(C) The submission of a question to the electors under this
section is subject to the limitation on the number of elections
that can be held in a year under section 5705.214 of the Revised
Code.

Sec. 5705.218. (A) The board of education of a city, local,
or exempted village school district, at any time by a vote of
two-thirds of all its members, may declare by resolution that it
may be necessary for the school district to issue general
obligation bonds for permanent improvements. The resolution shall
state all of the following:

(1) The necessity and purpose of the bond issue;

(2) The date of the special election at which the question
shall be submitted to the electors, which shall be the date of a
general election or a special election held on a day on which a primary election may be held;

(3) The amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid;

(4) The necessity of levying a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities.

On adoption of the resolution, the board shall certify a copy of it to the county auditor. The county auditor promptly shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.

(B) After receiving the county auditor's certification under division (A) of this section, the board of education of the city, local, or exempted village school district, by a vote of two-thirds of all its members, may declare by resolution that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district; that it is necessary to issue general obligation bonds of the school district for permanent improvements and to levy an additional tax in excess of the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities; that it is necessary for a specified number of years or for a continuing period of time to levy additional taxes in excess of the ten-mill limitation to provide funds for the acquisition, construction, enlargement, renovation, and financing of permanent improvements or to pay for current operating expenses, or both; and that the question of the bonds
and taxes shall be submitted to the electors of the school district at a **general election or a special election held on a day on which a primary election may be held**, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3501.01 of the Revised Code. The resolution shall specify all of the following:

1. The county auditor's estimate of the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds;

2. The proposed rate of the tax, if any, for current operating expenses, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time;

3. The proposed rate of the tax, if any, for permanent improvements, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time.

The resolution shall apportion the annual rate of the tax between current operating expenses and permanent improvements, if both taxes are proposed. The apportionment may but need not be the same for each year of the tax, but the respective portions of the rate actually levied each year for current operating expenses and permanent improvements shall be limited by the apportionment. The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections immediately after its adoption.
(C) The board of elections shall make the arrangements for the submission to the electors of the school district of the question proposed under division (B) or (I) of this section, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers. The resolution shall be put before the electors as one ballot question, with a favorable vote indicating approval of the bond issue, the levy to pay debt charges on the bonds and any anticipatory securities, the current operating expenses levy, the permanent improvements levy, and the levy for the current expenses of a qualifying school district and of partnering community schools, as those levies may be proposed. The board of elections shall publish notice of the election in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If a board of elections operates and maintains a web site, that board also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following:

1. The principal amount of the proposed bond issue;
2. The permanent improvements for which the bonds are to be issued;
3. The maximum number of years over which the principal of the bonds may be paid;
4. The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;
5. The proposed rate of the additional tax, if any, for current operating expenses and, if the question is proposed under
division (I) of this section, the portion of the rate to be allocated to the school district and the portion to be allocated to partnering community schools;

(6) The number of years the current operating expenses tax will be in effect, or that it will be in effect for a continuing period of time;

(7) The proposed rate of the additional tax, if any, for permanent improvements;

(8) The number of years the permanent improvements tax will be in effect, or that it will be in effect for a continuing period of time;

(9) The time and place of the special election.

(D) The form of the ballot for an election under this section is as follows:

"Shall the .......... school district be authorized to do the following:

(1) Issue bonds for the purpose of .......... in the principal amount of $......, to be repaid annually over a maximum period of ...... years, and levy a property tax outside the ten-mill limitation, estimated by the county auditor to average over the bond repayment period ...... mills for each one dollar of tax valuation, which amounts to ...... (rate expressed in cents or dollars and cents, such as "36 cents" or "$1.41") for each $100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?"

If either a levy for permanent improvements or a levy for current operating expenses is proposed, or both are proposed, the ballot also shall contain the following language, as appropriate:
"(2) Levy an additional property tax to provide funds for the acquisition, construction, enlargement, renovation, and financing of permanent improvements at a rate not exceeding ....... mills for each one dollar of tax valuation, which amounts to ....... (rate expressed in cents or dollars and cents) for each $100 of tax valuation, for ....... (number of years of the levy, or a continuing period of time)?

(3) Levy an additional property tax to pay current operating expenses at a rate not exceeding ....... mills for each one dollar of tax valuation, which amounts to ....... (rate expressed in cents or dollars and cents) for each $100 of tax valuation, for ....... (number of years of the levy, or a continuing period of time)?

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If the question is proposed under division (J)(I) of this section, the form of the ballot shall be modified as prescribed by division (J)(I)(4) of this section.

(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote for it, the board of education may proceed with issuance of the bonds and with the levy and collection of the property tax or taxes at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.
(F)(1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy.

(2) After the approval of a tax under this section for permanent improvements having a specific purpose, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a period of five years after issuance of the notes.

(3) After the approval of a tax under this section for general permanent improvements as defined under section 5705.21 of the Revised Code, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected in each year over a specified period of years, not exceeding ten, after issuance of the notes.

Anticipation notes under this section shall be issued as provided in section 133.24 of the Revised Code. Notes issued under division (F)(1) or (2) of this section shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance. Notes issued under division (F)(3) of this section shall have principal payments during each year after the year of their issuance over a period not to exceed ten.
years, and may have a principal payment in the year of their issuance.

(G) A tax for current operating expenses or for permanent improvements levied under this section for a specified number of years may be renewed or replaced in the same manner as a tax for current operating expenses or for permanent improvements levied under section 5705.21 of the Revised Code. A tax for current operating expenses or for permanent improvements levied under this section for a continuing period of time may be decreased in accordance with section 5705.261 of the Revised Code.

(H) The submission of a question to the electors under this section is subject to the limitation on the number of elections that can be held in a year under section 5705.214 of the Revised Code.

(I) A school district board of education proposing a ballot measure under this section to generate local resources for a project under the school building assistance expedited local partnership program under section 3318.36 of the Revised Code may combine the questions under division (D) of this section with a question for the levy of a property tax to generate moneys for maintenance of the classroom facilities acquired under that project as prescribed in section 3318.361 of the Revised Code.

(J)(1) After receiving the county auditor's certification under division (A) of this section, the board of education of a qualifying school district, by a vote of two-thirds of all its members, may declare by resolution that it is necessary to levy a tax in excess of the ten-mill limitation for the purpose of paying the current expenses of the school district and of partnering community schools, as defined in section 5705.21 of the Revised Code; that it is necessary to issue general obligation bonds of
the school district for permanent improvements of the district and to levy an additional tax in excess of the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities; and that the question of the bonds and taxes shall be submitted to the electors of the school district at a general election or a special election held on a day on which a primary election may be held, which shall occurring not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3505.01 of the Revised Code.

The levy of taxes for the current expenses of a partnering community school under division (J)(I) of this section and the distribution of proceeds from the tax by a qualifying school district to partnering community schools is hereby determined to be a proper public purpose.

(2) The tax for the current expenses of the school district and of partnering community schools is subject to the requirements of divisions (B)(3), (4), and (5) of section 5705.21 of the Revised Code.

(3) In addition to the required specifications of the resolution under division (B) of this section, the resolution shall express the rate of the tax in mills per dollar of taxable value, state the number of the mills to be levied for the current expenses of the partnering community schools and the number of the mills to be levied for the current expenses of the school district, specify the number of years (not exceeding ten) the tax will be levied or that it will be levied for a continuing period of time, and state the first year the tax will be levied.

The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that...
provided in the notice of election. The board of education shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections immediately after its adoption.

(4) The form of the ballot shall be modified by replacing the ballot form set forth in division (D)(3) of this section with the following:

"Levy an additional property tax for the purpose of the current expenses of the school district and of partnering community schools at a rate not exceeding ...... (insert the number of mills) mills for each one dollar of valuation (of which ...... (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to ...... (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for ...... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time)?

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(5) After the approval of a tax for the current expenses of the school district and of partnering community schools under division (J)(I) of this section, and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the school district and issue anticipation notes in a principal amount not exceeding fifty percent 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 issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(6) A tax for the current expenses of the school district and of partnering community schools levied under division (J) of this section for a specified number of years may be renewed or replaced in the same manner as a tax for the current expenses of a school district and of partnering community schools levied under division (B) of section 5705.21 of the Revised Code. A tax for the current expenses of the school district and of partnering community schools levied under this division for a continuing period of time may be decreased in accordance with section 5705.261 of the Revised Code.

(7) The proceeds from the issuance of the general obligation bonds under division (J) of this section shall be used solely to pay for permanent improvements of the school district and not for permanent improvements of partnering community schools.

Sec. 5705.219. (A) As used in this section:

(1) "Eligible school district" means a city, local, or exempted village school district in which the taxes charged and payable for current expenses on residential/agricultural real property in the tax year preceding the year in which the levy authorized by this section will be submitted for elector approval
or rejection are greater than two per cent of the taxable value of the residential/agricultural real property.

(2) "Residential/agricultural real property" and "nonresidential/agricultural real property" means the property classified as such under section 5713.041 of the Revised Code.

(3) "Effective tax rate" and "taxes charged and payable" have the same meanings as in division (B) of section 319.301 of the Revised Code.

(B) On or after January 1, 2010, but before January 1, 2015, the board of education of an eligible school district, by a vote of two-thirds of all its members, may adopt a resolution proposing to convert existing levies imposed for the purpose of current expenses into a levy raising a specified amount of tax money by repealing all or a portion of one or more of those existing levies and imposing a levy in excess of the ten-mill limitation that will raise a specified amount of money for current expenses of the district.

The board of education shall certify a copy of the resolution to the tax commissioner not later than one hundred five days before the election upon which the repeal and levy authorized by this section will be proposed to the electors. Within ten days after receiving the copy of the resolution, the tax commissioner shall determine each of the following and certify the determinations to the board of education:

(1) The dollar amount to be raised by the proposed levy, which shall be the product of:

(a) The difference between the aggregate effective tax rate for residential/agricultural real property for the tax year preceding the year in which the repeal and levy will be proposed
to the electors and twenty mills per dollar of taxable value;

(b) The total taxable value of all property on the tax list of real and public utility property for the tax year preceding the year in which the repeal and levy will be proposed to the electors.

(2) The estimated tax rate of the proposed levy.

(3) The existing levies and any portion of an existing levy to be repealed upon approval of the question. Levies shall be repealed in reverse chronological order from most recently imposed to least recently imposed until the sum of the effective tax rates repealed for residential/agricultural real property is equal to the difference calculated in division (B)(1)(a) of this section.

(4) The sum of the following:

(a) The total taxable value of nonresidential/agricultural real property for the tax year preceding the year in which the repeal and levy will be proposed to the electors multiplied by the difference between (i) the aggregate effective tax rate for nonresidential/agricultural real property for the existing levies and any portion of an existing levy to be repealed and (ii) the amount determined under division (B)(1)(a) of this section, but not less than zero;

(b) The total taxable value of public utility tangible personal property for the tax year preceding the year in which the repeal and levy will be proposed to the electors multiplied by the difference between (i) the aggregate voted tax rate for the existing levies and any portion of an existing levy to be repealed and (ii) the amount determined under division (B)(1)(a) of this section, but not less than zero.

(C) Upon receipt of the certification from the tax
commissioner under division (B) of this section, a majority of the members of the board of education may adopt a resolution proposing the repeal of the existing levies as identified in the certification and the imposition of a levy in excess of the ten-mill limitation that will raise annually the amount certified by the commissioner. If the board determines that the tax should be for an amount less than that certified by the commissioner, the board may request that the commissioner redetermine the rate under division (B)(2) of this section on the basis of the lesser amount the levy is to raise as specified by the board. The amount certified under division (B)(4) and the levies to be repealed as certified under division (B)(3) of this section shall not be redetermined. Within ten days after receiving a timely request specifying the lesser amount to be raised by the levy, the commissioner shall redetermine the rate and recertify it to the board as otherwise provided in division (B) of this section. Only one such request may be made by the board of education of an eligible school district.

The resolution shall state the first calendar year in which the levy will be due; the existing levies and any portion of an existing levy that will be repealed, as certified by the commissioner; the term of the levy expressed in years, which may be any number not exceeding ten, or that it will be levied for a continuing period of time; and the date of the election, which shall be the date of a primary or general election or a special election held on a day on which a primary election may be held.

Immediately upon its passage, the resolution shall go into effect and shall be certified by the board of education to the county auditor of the proper county. The county auditor and the board of education shall proceed as required under section 5705.195 of the Revised Code. No publication of the resolution is
necessary other than that provided for in the notice of election. Section 5705.196 of the Revised Code shall govern the matters concerning the election. The submission of a question to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(D) The form of the ballot to be used at the election provided for in this section shall be as follows:

"Shall the existing levy of .......... (insert the voted millage rate of the levy to be repealed), currently being charged against residential and agricultural property by the .......... (insert the name of school district) at a rate of .......... (insert the residential/agricultural real property effective tax rate of the levy being repealed) for the purpose of .......... (insert the purpose of the existing levy) be repealed, and shall a levy be imposed by the .......... (insert the name of school district) in excess of the ten-mill limitation for the necessary requirements of the school district in the sum of .......... (insert the annual amount the levy is to produce), estimated by the tax commissioner to require .......... (insert the number of mills) mills for each one dollar of valuation, which amounts to .......... (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation for the initial year of the tax, for a period of .......... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), commencing in .......... (insert the first year the tax is to be levied), first due in calendar year .......... (insert the first calendar year in which the tax shall be due)?"
If the question submitted is a proposal to repeal all or a portion of more than one existing levy, the form of the ballot shall be modified by substituting the statement "shall the existing levy of" with "shall existing levies of" and inserting the aggregate voted and aggregate effective tax rates to be repealed.

(E) If a majority of the electors voting on the question submitted in an election vote in favor of the repeal and levy, the result shall be certified immediately after the canvass by the board of elections to the board of education. The board of education may make the levy necessary to raise the amount specified in the resolution for the purpose stated in the resolution and shall certify it to the county auditor, who shall extend it on the current year tax lists for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission.

(F) A levy imposed under this section for a continuing period of time may be decreased or repealed pursuant to section 5705.261 of the Revised Code. If a levy imposed under this section is decreased, the amount calculated under division (B)(4) of this section and paid under section 5705.2110 of the Revised Code shall be decreased by the same proportion as the levy is decreased. If the levy is repealed, no further payments shall be made to the district under that section.

(G) At any time, the board of education, by a vote of two-thirds of all of its members, may adopt a resolution to renew a tax levied under this section. The resolution shall provide for levying the tax and specifically all of the following:
(1) That the tax shall be called, and designated on the ballot as, a renewal levy;

(2) The amount of the renewal tax, which shall be no more than the amount of tax previously collected;

(3) The number of years, not to exceed ten, that the renewal tax will be levied, or that it will be levied for a continuing period of time;

(4) That the purpose of the renewal tax is for current expenses.

The board shall certify a copy of the resolution to the board of elections not later than ninety days before the date of the election at which the question is to be submitted, which shall be the date of a primary or general election or a special election held on a day on which a primary election may be held.

(H) The form of the ballot to be used at the election on the question of renewing a levy under this section shall be as follows:

"Shall a tax levy renewing an existing levy of .......... (insert the annual dollar amount the levy is to produce each year), estimated to require .......... (insert the number of mills) mills for each one dollar of valuation be imposed by the .......... (insert the name of school district) for the purpose of current expenses for a period of .......... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), commencing in .......... (insert the first year the tax is to be levied), first due in calendar year .......... (insert the first calendar year in which the tax shall be due)?
If the levy submitted is to be for less than the amount of money previously collected, the form of the ballot shall be modified to add "and reducing" after "renewing" and to add before "estimated to require" the statement "be approved at a tax rate necessary to produce .......... (insert the lower annual dollar amount the levy is to produce each year)."

Sec. 5705.2111. (A) If the board of directors of a regional student education district created under section 3313.83 of the Revised Code desires to levy a tax in excess of the ten-mill limitation throughout the district for the purpose of funding the services to be provided by the district to students enrolled in the school districts of which the district is composed and their immediate family members, the board shall propose the levy to each of the boards of education of those school districts. The proposal shall specify the rate or amount of the tax, the number of years the tax will be levied or that it will be levied for a continuing period of time, and that the aggregate rate of the tax shall not exceed three mills per dollar of taxable value in the regional student education district.

(B)(1) If a majority of the boards of education of the school districts of which the regional student education district is composed approves the proposal for the tax levy, the board of directors of the regional student education district may adopt a resolution approved by a majority of the board's full membership declaring the necessity of levying the proposed tax in excess of the ten-mill limitation throughout the district for the purpose of funding the services to be provided by the district to students.
enrolled in the school districts of which the district is composed and their immediate family members. The resolution shall provide for the question of the tax to be submitted to the electors of the district at a general, election or a special election held on a day on which a primary, or special election on a day to may be held, as specified in the resolution that is consistent with the requirements of section 3501.01 of the Revised Code and that occurs, occurring at least ninety days after the resolution is certified to the board of elections. The resolution shall specify the rate or amount of the tax and the number of years the tax will be levied or that the tax will be levied for a continuing period of time. The aggregate rate of tax levied by a regional student education district under this section at any time shall not exceed three mills per dollar of taxable value in the district. A tax levied under this section may be renewed, subject to section 5705.25 of the Revised Code, or replaced as provided in section 5705.192 of the Revised Code.

(2) The resolution shall take effect immediately upon passage, and no publication of the resolution is necessary other than that provided in the notice of election. The resolution shall be certified and submitted in the manner provided under section 5705.25 of the Revised Code, and that section governs the arrangements governing submission of the question and other matters concerning the election.

Sec. 5705.2112. (A) As used in this section and section 5705.2113 of the Revised Code:

(1) "Qualifying partnership" has the same meaning as in section 3318.71 of the Revised Code.

(2) "Fiscal board" means the board of education of the school
district that is selected as the fiscal agent of a qualifying partnership under division (D) of section 3318.71 of the Revised Code.

(3) "Participating school district" means a city, local, exempted village, cooperative education, or joint vocational school district that is a party to the qualifying partnership agreement described in section 3318.71 of the Revised Code.

(4) "Tax distribution" means a distribution of proceeds of the tax authorized by 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.

(5) "Acquisition of classroom facilities" has the same meaning as in section 3318.01 of the Revised Code.

(B) The fiscal board of a qualifying partnership may levy a tax under this section in excess of the ten-mill limitation for the purpose of funding the acquisition of classroom facilities that benefit the qualifying partnership. The tax is subject to the approval of the electors of all participating school districts. Before proposing the tax to such electors, the fiscal board shall obtain identical resolutions adopted by two-thirds of the members of the board of education of each participating school district. The resolutions shall specify all of the following:

(1) The rate of the levy;

(2) The purpose of the levy, which shall be confined to the acquisition of classroom facilities;

(3) The number of years during which the levy shall be in effect, which shall be for any number of years not exceeding ten;

(4) That the question of the levy shall be submitted to the
electors of each participating school district at a general election or a special election held on a day on which a primary election may be held;

(5) The date that such special election shall be held, which shall not be earlier than ninety days after the resolutions are certified to the board or boards of elections under division (C) of this section and which shall be consistent with the requirements of section 3501.01 of the Revised Code.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Upon passing such a resolution, the board of education of a participating school district shall certify a copy of the resolution to the fiscal board of the qualifying partnership. Once the fiscal board receives an identical resolution from each participating school district, the fiscal board shall certify copies of such resolutions to the board of elections of the proper county or counties in the manner provided by section 5705.25 of the Revised Code. That section shall govern the arrangements for the submission of the levy to the electors of each participating school district and other matters concerning the election to which that section refers, including publication of notice of the election, except that the election shall be held on the date specified in the resolutions and the notice shall be published in newspapers of general circulation in all the participating school districts.

The question of the levy shall be submitted as a single ballot issue to the electors of all the participating school districts. If a majority of all such electors voting on the
question so submitted in the election vote in favor of the levy, the fiscal board may make the necessary levy within the territory of the participating school districts at the additional rate, or at any lesser rate in excess of the ten-mill limitation on the tax list, for the purpose stated in the resolutions.

The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(D) Each tax distribution shall be deposited to a special fund, established for the purposes described in the resolutions proposing the tax levy, in the county treasury of the county in which the fiscal board of the qualifying partnership is located. The fiscal board shall be the custodian of the amounts deposited to such fund and shall have the same rights and responsibilities with respect to the fund as boards of education do with respect to other levy revenues.

(E) The levy of a tax under this section for the purpose of funding the acquisition of classroom facilities benefiting a qualifying partnership is hereby determined to be a proper public purpose. For the purposes of Chapter 3317. of the Revised Code or other laws referring to the "taxes charged and payable" for a school district, the taxes charged and payable for a levy authorized under this section are not included in the taxes charged and payable for any participating school district. The taxes charged and payable for a levy authorized under this section shall not affect the calculation of "state education aid," as defined in section 5751.20 of the Revised Code, for any participating school district.

(F)(1) After the approval of a levy under this section for a specified number of years, the fiscal board of a qualifying
partnership may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding seventy-five per cent of the total estimated proceeds of the levy remaining to be collected in each year over a period of ten years after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed ten years, and may have a principal payment in the year of their issuance.

(2) The fiscal board of a qualifying partnership is a "taxing authority" for the purposes of Chapter 133. of the Revised Code with respect to the tax and securities authorized under this section, and the treasurer of the school district serving as the fiscal board is the fiscal officer for the purposes of that chapter.

Sec. 5705.221. (A) At any time, the board of county commissioners of any county by a majority vote of the full membership may declare by resolution and certify to the board of elections of the county that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide the necessary requirements of the county's alcohol, drug addiction, and mental health service district established pursuant to Chapter 340. of the Revised Code, or the county's contribution to a joint-county district of which the county is a part, and that it is necessary to levy a tax in excess of such limitation for the operation of community addiction services providers and community mental health services providers and the acquisition, construction, renovation, financing, maintenance, and operation of alcohol and drug
addiction facilities and mental health facilities. 7660

Such resolution shall conform to section 5705.19 of the 7661
Revised Code, except that the increased rate may be in effect for 7662
any number of years not exceeding ten. 7663

The resolution shall be certified and submitted in the manner 7664
provided in section 5705.25 of the Revised Code, except that it 7665
The resolution may be placed on the ballot in any general election or a special election held on a day on which a primary 7666
election may be held, and shall be certified to the board of elections not less than ninety days before the election at which 7667
it will be voted upon. 7668

If the majority of the electors voting on a levy to 7669
supplement general fund appropriations for the support of the 7670
comprehensive community addiction and mental health services 7671
providers vote in favor of the levy, the board may levy a tax 7672
within the county at the additional rate outside the ten-mill 7673
limitation during the specified or continuing period, for the 7674
purpose stated in the resolution. 7675

(B) When electors have approved a tax levy under this 7676
section, the board of county commissioners may anticipate a 7677
fraction of the proceeds of the levy and, from time to time, issue 7678
anticipation notes in accordance with section 5705.191 or 5705.193 7679
of the Revised Code. 7680

(C) The county auditor who is the fiscal officer of the 7681
alcohol, drug addiction, and mental health service district, upon 7682
receipt of a resolution from the board of alcohol, drug addiction, 7683
and mental health services, shall establish for the district a 7684
capital improvements account or a reserve balance account, or 7685
both, as specified in the resolution. The capital improvements 7686
account shall be a contingency fund for the necessary acquisition,
replacement, renovation, or construction of facilities and movable and fixed equipment. Upon the request of the board, funds not needed to pay for current expenses may be appropriated to the capital improvements account, in amounts such that the account does not exceed twenty-five per cent of the replacement value of all capital facilities and equipment currently used by the board for programs and services. Other funds which are available for current capital expenses from federal, state, or local sources may also be appropriated to this account.

The reserve balance account shall contain those funds that are not needed to pay for current operating expenses and not deposited in the capital improvements account but that will be needed to pay for operating expenses in the future. Upon the request of a board, such funds shall be appropriated to the reserve balance account. Payments from the capital improvements account and the reserve balance account shall be made by the county treasurer who is the custodian of funds for the district upon warrants issued by the county auditor who is the fiscal officer of the district pursuant to orders of the board.

**Sec. 5705.222.** (A) At any time the board of county commissioners of any county by a majority vote of the full membership may declare by resolution and certify to the board of elections of the county that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide the necessary requirements of the county board of developmental disabilities established pursuant to Chapter 5126. of the Revised Code and that it is necessary to levy a tax in excess of such limitation for the operation of community programs and services authorized by county boards of developmental disabilities, for the acquisition,
construction, renovation, financing, maintenance, and operation of developmental disabilities facilities, or for both of such purposes.

The resolution shall conform to section 5705.19 of the Revised Code, except that the increased rate may be in effect for any number of years not exceeding ten or for a continuing period of time.

The resolution shall be certified and submitted in the manner provided in section 5705.25 of the Revised Code, except that it may be placed on the ballot in any at a general election or at a special election held on a day on which a primary election may be held, and shall be certified to the board of elections not less than ninety days before the election at which it will be voted upon.

If the majority of the electors voting on a levy for the support of the programs and services of the county board of developmental disabilities vote in favor of the levy, the board of county commissioners may levy a tax within the county at the additional rate outside the ten-mill limitation during the specified or continuing period, for the purpose stated in the resolution.

The county board of developmental disabilities, within its budget and with the approval of the board of county commissioners through annual appropriations, shall use the proceeds of a levy approved under this section or division (L) of section 5705.19 of the Revised Code solely for the purposes authorized by that section or division.

A board of county commissioners that levies a tax under this section or for the purpose authorized by division (L) of section 5705.19 of the Revised Code, by a majority vote of the full
membership, may adopt a resolution to renew such a levy, or renew two or more such levies as a single ballot question, in the manner provided by section 5705.25 of the Revised Code for the renewal of existing levies. The purpose of the renewal levy may be for any of the purposes authorized for a levy imposed under this section or division (L) of section 5705.19 of the Revised Code. The term of the renewal levy may be for any number of years not exceeding ten or for a continuing period of time.

(B) When electors have approved a tax levy under this section, the county commissioners may anticipate a fraction of the proceeds of the levy and issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code.

(C) The county auditor, upon receipt of a resolution from the county board of developmental disabilities, shall establish a capital improvements account or a reserve balance account, or both, as specified in the resolution. The capital improvements account shall be a contingency account for the necessary acquisition, replacement, renovation, or construction of facilities and movable and fixed equipment. Upon the request of the county board of developmental disabilities, moneys not needed to pay for current expenses may be appropriated to this account, in amounts such that this account does not exceed twenty-five percent of the replacement value of all capital facilities and equipment currently used by the county board of developmental disabilities for developmental disabilities programs and services. Other moneys available for current capital expenses from federal, state, or local sources may also be appropriated to this account.

The reserve balance account shall contain those moneys that are not needed to pay for current operating expenses and not deposited in the capital improvements account but that will be
needed to pay for operating expenses in the future. Upon the
request of a county board of developmental disabilities, the board
of county commissioners may appropriate moneys to the reserve
balance account.

Sec. 5705.23. The board of library trustees of any county, municipal corporation, school district, or township public library by a vote of two-thirds of all its members may at any time declare by resolution that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the public library, that it is necessary to levy a tax in excess of such limitation for current expenses of the public library or for the construction of any specific permanent improvement or class of improvements which the board of library trustees is authorized to make or acquire and which could be included in a single issue of bonds, and that the question of such additional tax levy shall be submitted by the taxing authority of the political subdivision to whose jurisdiction the board is subject, to the electors of the subdivision, or, in the case of a qualifying library levy, to the electors residing within the boundaries of the library district on the day specified by division (E) of section 3501.01 of the Revised Code for the holding of a general election or a special election held on a day on which a primary election or an election on another day to be specified in the resolution. No more than two elections may be held under authority of this section in any one calendar year. Such resolution shall conform to section 5705.19 of the Revised Code, except that the tax levy may be in effect for any specified number of years or for a continuing period of time, as set forth in the resolution, and the resolution shall specify
the date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution to the taxing authority of the political subdivision to whose jurisdiction the board is subject, and which shall be consistent with the requirements of section 3501.01 of the Revised Code. The resolution shall not include a levy on the current tax list and duplicate unless the election is to be held at or prior to the first Tuesday after the first Monday in November of the current tax year.

Upon receipt of the resolution, the taxing authority of the political subdivision to whose jurisdiction the board is subject shall adopt a resolution providing for the submission of such additional tax levy to the electors of the subdivision, or, in the case of a qualifying library levy, to the electors residing within the boundaries of the library district on the date specified in the resolution of the board of library trustees. The resolution adopted by the taxing authority shall otherwise conform to the resolution certified to it by the board. The resolution of the taxing authority shall be certified to the board of elections of the proper county not less than ninety days before the date of such election. Such resolution shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided in the notice of election. Section 5705.25 of the Revised Code shall govern the arrangements for the submission of such question and other matters concerning the election, to which that section refers, except that such election shall be held on the date specified in the resolution. If a majority of the electors voting on the question so submitted in an election vote in favor of such levy, the taxing authority may forthwith make the necessary levy within the subdivision or, in the case of a qualifying library levy, within the boundaries of
the library district at the additional rate in excess of the ten-mill limitation on the tax list, for the purpose stated in such resolutions. Such tax levy shall be included in the next annual tax budget that is certified to the county budget commission. The proceeds of any library levy in excess of the ten-mill limitation shall be used for purposes of the board in accordance with the law applicable to the board.

After the approval of a levy on the current tax list and duplicate to provide an increase in current expenses, and prior to the time when the first tax collection from such levy can be made, the taxing authority at the request of the board of library trustees may anticipate a fraction of the proceeds of such levy and issue anticipation notes in an amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy.

After the approval of a levy to provide revenues for the construction or acquisition of any specific permanent improvement or class of improvements, the taxing authority at the request of the board of library trustees may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected in each year over a period of ten years after the issuance of such notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed ten years, and may have a principal payment in the year of their issuance.

Any levy approved by the electors of a library district shall be made within the library district only.
Sec. 5705.233. (A) As used in this section, "criminal justice facility" means any facility located within the county in which a tax is levied under this section and for which the board of commissioners of such county may make an appropriation under section 307.45 of the Revised Code.

(B) The board of county commissioners of any county, at any time, may declare by resolution that it may be necessary for the county to issue general obligation bonds for permanent improvements to a criminal justice facility, including the acquisition, construction, enlargement, renovation, or maintenance of such a facility. The resolution shall state all of the following:

(1) The necessity and purpose of the bond issue;

(2) The date of the general or special election at which the question shall be submitted to the electors, which shall be the day of a general election or a special election held on a day on which a primary election may be held;

(3) The amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid;

(4) The necessity of levying a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities.

On adoption of the resolution, the board of county commissioners shall certify a copy of it to the county auditor. The county auditor promptly shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.
Revised Code. Division (B) of section 5705.03 of the Revised Code does not apply to tax levy proceedings initiated under this section.

(C) After receiving the county auditor's certification under division (B) of this section, the board of county commissioners may declare by resolution that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future criminal justice requirements of the county; that it is necessary to issue general obligation bonds of the county for permanent improvements to a criminal justice facility and to levy an additional tax in excess of the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities; that it is necessary for a specified number of years or for a continuing period of time to levy additional taxes in excess of the ten-mill limitation to provide funds for the acquisition, construction, enlargement, renovation, maintenance, and financing of permanent improvements to such a criminal justice facility or to pay for operating expenses of the facility and other criminal justice services for which the board may make an appropriation under section 307.45 of the Revised Code, or both; and that the question of the bonds and taxes shall be submitted to the electors of the county at a general election or a special election held on a day on which a primary election may be held, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3501.01 of the Revised Code. The resolution shall specify all of the following:

(1) The county auditor's estimate of the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds;
(2) The proposed rate of the tax, if any, for operating expenses and criminal justice services, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time;

(3) The proposed rate of the tax, if any, for permanent improvements to a criminal justice facility, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time.

The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of county commissioners shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (B) of this section, to the board of elections immediately after its adoption.

(D) The board of elections shall make the arrangements for the submission of the question proposed under division (C) of this section to the electors of the county, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the county for the election of county officers. The resolution shall be put before the electors as one ballot question, with a favorable vote indicating approval of the bond issue, the levy to pay debt charges on the bonds and any anticipatory securities, the operating expenses and criminal justice services levy, and the permanent improvements levy, as those levies may be proposed. The board of elections shall publish notice of the election in a newspaper of general circulation in the county once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, before the election. If a board of elections operates and maintains a web site, that board
also shall post notice of the election on its web site for thirty
days before the election. The notice of election shall state all
of the following:

(1) The principal amount of the proposed bond issue;

(2) The permanent improvements for which the bonds are to be
issued;

(3) The maximum number of years over which the principal of
the bonds may be paid;

(4) The estimated additional average annual property tax rate
to pay the debt charges on the bonds, as certified by the county
auditor;

(5) The proposed rate of the additional tax, if any, for
operating expenses and criminal justice services;

(6) The number of years the operating expenses or criminal
justice services tax will be in effect, or that it will be in
effect for a continuing period of time;

(7) The proposed rate of the additional tax, if any, for
permanent improvements;

(8) The number of years the permanent improvements tax will
be in effect, or that it will be in effect for a continuing period
of time;

(9) The time and place of the election.

(E) The form of the ballot for an election under this section
is as follows:

"Shall ............ be authorized to do the following:

(1) Issue bonds for the purpose of ............ in the
principal amount of $........, to be repaid annually over a maximum
period of ...... years, and levy a property tax outside the

ten-mill limitation, estimated by the county auditor to average

over the bond repayment period ...... mills for each one dollar of
tax valuation, which amounts to ...... (rate expressed in cents or
dollars and cents, such as "36 cents" or "$1.41") for each $100 of
tax valuation, to pay the annual debt charges on the bonds, and to
pay debt charges on any notes issued in anticipation of those
bonds?"

    If either a levy for permanent improvements or a levy for
operating expenses and criminal justice services is proposed, or
both are proposed, the ballot also shall contain the following
language, as appropriate:

"(2) Levy an additional property tax to provide funds for the
acquisition, construction, enlargement, renovation, maintenance,
and financing of permanent improvements to a criminal justice
facility at a rate not exceeding ...... mills for each one dollar
of tax valuation, which amounts to ...... (rate expressed in
cents or dollars and cents) for each $100 of tax valuation, for
...... (number of years of the levy, or a continuing period of
time)?

(3) Levy an additional property tax to pay operating expenses
of a criminal justice facility and provide other criminal justice
services at a rate not exceeding ...... mills for each one dollar
of tax valuation, which amounts to ...... (rate expressed in
cents or dollars and cents) for each $100 of tax valuation, for
...... (number of years of the levy, or a continuing period of
time)?

FOR THE BOND ISSUE AND LEVY (OR LEVIES)

AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)"

133HB166-HC2210X1/MM
(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor. If a majority of the electors voting on the question vote for it, the board of county commissioners may proceed with issuance of the bonds and the levy and collection of the property tax for the debt service on the bonds and any anticipatory securities in the same manner and subject to the same limitations as for securities issued under section 133.18 of the Revised Code, and with the levy and collection of the property tax or taxes for operating expenses and criminal justice services and for permanent improvements at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of commissioners under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

(G)(1) After the approval of a tax for operating expenses and criminal justice services under this section and before the time the first collection and distribution from the levy can be made, the board of county commissioners may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy.

(2) After the approval of a tax under this section for permanent improvements to a criminal justice facility, the board of county commissioners may anticipate a fraction of the proceeds of the tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a period of five years after issuance of the notes.

Anticipation notes under this section shall be issued as...
provided in section 133.24 of the Revised Code. Notes issued under division (G) of this section shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(H) A tax for operating expenses and criminal justice services or for permanent improvements levied under this section for a specified number of years may be renewed or replaced in the same manner as a tax for current operating expenses or permanent improvements levied under section 5705.19 of the Revised Code. A tax levied under this section for a continuing period of time may be decreased in accordance with section 5705.261 of the Revised Code.

Sec. 5705.24. The board of county commissioners of any county, at any time and in any year, after providing the normal and customary percentage of the total general fund appropriations for the support of children services and the care and placement of children, by vote of two-thirds of all the members of said board may declare by resolution that the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the support of such children services, and that it is necessary to levy a tax in excess of the ten-mill limitation to supplement such general fund appropriations for such purpose. Taxes collected from a levy imposed under this section may be expended for any operating or capital improvement expenditure necessary for the support of children services and the care and placement of children.

Such resolution shall conform to the requirements of section 5705.19 of the Revised Code, except that the levy may be for any number of years not exceeding ten. The resolution shall be
certified to the board of elections not less than ninety days before the general, primary, or special election upon which it will be voted, and which shall be a general election or a special election held on a day on which a primary election may be held. The resolution shall be submitted in the manner provided in section 5705.25 of the Revised Code, except that it may be placed on the ballot in any such election.

If the majority of the electors voting on a levy to supplement general fund appropriations for the support of children services and the care and placement of children vote in favor thereof, the board may levy a tax within such county at the additional rate outside the ten-mill limitation during the period and for the purpose stated in the resolution or at any less rate or for any of the said years.

After the approval of such levy and prior to the time when the first tax collection from such levy can be made, the board of county commissioners may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not to exceed fifty per cent of the total estimated proceeds of the levy throughout its life.

Such notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not exceeding the life of the levy, and may have a principal payment in the year of their issuance.

Sec. 5705.25. (A) A copy of any resolution adopted as provided in section 5705.19 or 5705.2111 of the Revised Code shall be certified by the taxing authority to the board of elections of the proper county not less than ninety days before the general
election in any year, and the board shall submit the proposal to
the electors of the subdivision at the succeeding November
election. In the case of a qualifying library levy, the board
shall submit the question to the electors of the library district
or association library district. Except as otherwise provided in
this division, a resolution to renew an existing levy, regardless
of the section of the Revised Code under which the tax was
imposed, shall not be placed on the ballot unless the question is
submitted at the general election held during the last year the
tax to be renewed may be extended on the real and public utility
property tax list and duplicate, or at any the general election or
at the special election held on a day on which a primary election
may be held, occurring in the ensuing year. The limitation of the
foregoing sentence does not apply to a resolution to renew and
increase or to renew part of an existing levy that was imposed
under section 5705.191 of the Revised Code to supplement the
general fund for the purpose of making appropriations for one or
more of the following purposes: for public assistance, human or
social services, relief, welfare, hospitalization, health, and
support of general hospitals. The limitation of the second
preceding sentence also does not apply to a resolution that
proposes to renew two or more existing levies imposed under
section 5705.222 or division (L) of section 5705.19 of the Revised
Code, or under section 5705.21 or 5705.217 of the Revised Code, in
which case the question shall be submitted on the date of the
general election or the special election held on a day on which a
primary election may be held, occurring during the last year at
least one of the levies to be renewed may be extended on the real
and public utility property tax list and duplicate, or at any such
election held during the ensuing year. For purposes of this
section, a levy shall be considered to be an "existing levy"
through the year following the last year it can be placed on that tax list and duplicate.

The board shall make the necessary arrangements for the submission of such questions to the electors of such subdivision, library district, or association library district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in such subdivision, library district, or association library district for the election of county officers. Notice of the election shall be published in a newspaper of general circulation in the subdivision, library district, or association library district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the purpose, the proposed increase in rate expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each one dollar of valuation, the number of years during which the increase will be in effect, the first month and year in which the tax will be levied, and the time and place of the election.

(B) The form of the ballots cast at an election held pursuant to division (A) of this section shall be as follows:

"An additional tax for the benefit of (name of subdivision or public library) ........... for the purpose of (purpose stated in the resolution) ........... at a rate not exceeding ...... mills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents) ............ for each one hundred dollars of valuation, for ...... (life of indebtedness or number of years the levy is to run).
(C) If the levy is to be in effect for a continuing period of time, the notice of election and the form of ballot shall so state instead of setting forth a specified number of years for the levy.

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase "commencing in .......... (first year the tax is to be levied), first due in calendar year .......... (first calendar year in which the tax shall be due)."

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in division (B) of this section may be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in case of a proposal to renew an existing levy in the same amount; the words "A renewal of ....... mills and an increase of ...... mills to constitute a" in the case of an increase; or the words "A renewal of part of an existing levy, being a reduction of ...... mills, to constitute a" in the case of a decrease in the proposed levy.

If the levy submitted is a proposal to renew two or more existing levies imposed under section 5705.222 or division (L) of section 5705.19 of the Revised Code, or under section 5705.21 or 5705.217 of the Revised Code, the form of the ballot specified in division (B) of this section shall be modified by substituting for the words "an additional tax" the words "a renewal of ....(insert the number of levies to be renewed) existing taxes."
If the levy submitted is a levy under section 5705.72 of the Revised Code or a proposal to renew, increase, or decrease an existing levy imposed under that section, the name of the subdivision shall be "the unincorporated area of ........... (name of township)."

The question covered by such resolution shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election.

(D) A levy voted in excess of the ten-mill limitation under this section shall be certified to the tax commissioner. In the first year of the levy, it shall be extended on the tax lists after the February settlement succeeding the election. If the additional tax is to be placed upon the tax list of the current year, as specified in the resolution providing for its submission, the result of the election shall be certified immediately after the canvass by the board of elections to the taxing authority, who shall make the necessary levy and certify it to the county auditor, who shall extend it on the tax lists for collection. After the first year, the tax levy shall be included in the annual tax budget that is certified to the county budget commission.

Sec. 5705.251. (A) A copy of a resolution adopted under section 5705.212 or 5705.213 of the Revised Code shall be certified by the board of education to the board of elections of the proper county not less than ninety days before the date of the election specified in the resolution, and the which shall be a general election or a special election held on a day on which a primary election may be held. The board of elections shall submit the proposal to the electors of the school district at a special
the specified election to be held on that date. The board of elections shall make the necessary arrangements for the submission of the question or questions to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the school district for the election of county officers. Notice of the election shall be published in a newspaper of general circulation in the subdivision once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election.

(1) In the case of a resolution adopted under section 5705.212 of the Revised Code, the notice shall state separately, for each tax being proposed, the purpose; the proposed increase in rate, expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each one dollar of valuation; the number of years during which the increase will be in effect; and the first calendar year in which the tax will be due. For an election on the question of a renewal levy, the notice shall state the purpose; the proposed rate, expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each one dollar of valuation; and the number of years the tax will be in effect. If the resolution is adopted under division (C) of that section, the rate of each tax being proposed shall be expressed as both the total rate and the portion of the total rate to be allocated to the qualifying school district and the portion to be allocated to partnering community schools.

(2) In the case of a resolution adopted under section 5705.213 of the Revised Code, the notice shall state the purpose; the amount proposed to be raised by the tax in the first year it
is levied; the estimated average additional tax rate for the first
year it is proposed to be levied, expressed in mills for each one
dollar of valuation and in dollars and cents for each one hundred
dollars of valuation; the number of years during which the
increase will be in effect; and the first calendar year in which
the tax will be due. The notice also shall state the amount by
which the amount to be raised by the tax may be increased in each
year after the first year. The amount of the allowable increase
may be expressed in terms of a dollar increase over, or a
percentage of, the amount raised by the tax in the immediately
preceding year. For an election on the question of a renewal levy,
the notice shall state the purpose; the amount proposed to be
raised by the tax; the estimated tax rate, expressed in mills for
each one dollar of valuation and in dollars and cents for each one
hundred dollars of valuation; and the number of years the tax will
be in effect.

In any case, the notice also shall state the time and place
of the election.

(B)(1) The form of the ballot in an election on taxes
proposed under section 5705.212 of the Revised Code shall be as
follows:

"Shall the ............ school district be authorized to levy
taxes for current expenses, the aggregate rate of which may
increase in ...... (number) increment(s) of not more than ......
mill(s) for each dollar of valuation, from an original rate of
 ...... mill(s) for each dollar of valuation, which amounts to
 ...... (rate expressed in dollars and cents) for each one hundred
dollars of valuation, to a maximum rate of ...... mill(s) for each
dollar of valuation, which amounts to ...... (rate expressed in
dollars and cents) for each one hundred dollars of valuation? The
original tax is first proposed to be levied in ...... (the first year of the tax), and the incremental tax in ...... (the first year of the increment) (if more than one incremental tax is proposed in the resolution, the first year that each incremental tax is proposed to be levied shall be stated in the preceding format, and the increments shall be referred to as the first, second, third, or fourth increment, depending on their number). The aggregate rate of tax so authorized will .......... (insert either, "expire with the original rate of tax which shall be in effect for ...... years" or "be in effect for a continuing period of time").

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If the tax is proposed by a qualifying school district under division (C)(1) of section 5705.212 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each dollar of valuation," the following: "(of which ...... mills is to be allocated to partnering community schools)."

(2) The form of the ballot in an election on the question of a renewal levy under section 5705.212 of the Revised Code shall be as follows:

"Shall the ........ school district be authorized to renew a tax for current expenses at a rate not exceeding ........ mills for each dollar of valuation, which amounts to ........ (rate expressed in dollars and cents) for each one hundred dollars of valuation, for ........ (number of years the levy shall be in effect, or a continuing period of time)?
If the tax is proposed by a qualifying school district under division (C)(2) of section 5705.212 of the Revised Code and the total rate and the rates allocated to the school district and partnering community schools are to remain the same as those of the levy being renewed, the form of the ballot shall be modified by adding, after the phrase "each dollar of valuation," the following: "(of which ...... mills is to be allocated to partnering community schools)." If the total rate is to be increased, the form of the ballot shall state that the proposal is to renew the existing tax with an increase in rate and shall state the increase in rate, the total rate resulting from the increase, and, of that rate, the portion of the rate to be allocated to partnering community schools. If the total rate is to be decreased, the form of the ballot shall state that the proposal is to renew a part of the existing tax and shall state the reduction in rate, the total rate resulting from the decrease, and, of that rate, the portion of the rate to be allocated to partnering community schools.

(3) If a tax proposed by a ballot form prescribed in division (B)(1) or (2) of this section is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to be in effect, the phrase ", commencing in .......... (first year the tax is to be levied), first due in calendar year .......... (first calendar year in which the tax shall be due)."

(C) The form of the ballot in an election on a tax proposed
under section 5705.213 of the Revised Code shall be as follows:

"Shall the ......... school district be authorized to levy the following tax for current expenses? The tax will first be levied in ...... (year) to raise ...... (dollars). In the ...... (number of years) following years, the tax will increase by not more than ...... (per cent or dollar amount of increase) each year, so that, during ...... (last year of the tax), the tax will raise approximately ...... (dollars). The county auditor estimates that the rate of the tax per dollar of valuation will be ...... mill(s), which amounts to $...... per one hundred dollars of valuation, both during ...... (first year of the tax) and ...... mill(s), which amounts to $...... per one hundred dollars of valuation, during ...... (last year of the tax). The tax will not be levied after ...... (year).

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The form of the ballot in an election on the question of a renewal levy under section 5705.213 of the Revised Code shall be as follows:

"Shall the ......... school district be authorized to renew a tax for current expenses which will raise ...... (dollars), estimated by the county auditor to be ...... mills for each dollar of valuation, which amounts to ...... (rate expressed in dollars and cents) for each one hundred dollars of valuation? The tax shall be in effect for ...... (the number of years the levy shall be in effect, or a continuing period of time).
If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to be in effect, the phrase ", commencing in .......... (first year the tax is to be levied), first due in calendar year .......... (first calendar year in which the tax shall be due)."

(D) The question covered by a resolution adopted under section 5705.212 or 5705.213 of the Revised Code shall be submitted as a separate question, but may be printed on the same ballot with any other question submitted at the same election, other than the election of officers. More than one question may be submitted at the same election.

(E) Taxes voted in excess of the ten-mill limitation under division (B) or (C) of this section shall be certified to the tax commissioner. If an additional tax is to be placed upon the tax list of the current year, as specified in the resolution providing for its submission, the result of the election shall be certified immediately after the canvass by the board of elections to the board of education. The board of education immediately shall make the necessary levy and certify it to the county auditor, who shall extend it on the tax list for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission.

Sec. 5705.261. The question of decrease of an increased rate of levy approved for a continuing period of time by the voters of a subdivision or, in the case of a qualifying library levy, the
voters of the library district or association library district, may be initiated by the filing of a petition with the board of elections of the proper county not less than ninety days before the general election in any year requesting that an election be held on such question. Such petition shall state the amount of the proposed decrease in the rate of levy and shall be signed by qualified electors residing in the subdivision, library district, or association library district equal in number to at least ten per cent of the total number of votes cast in the subdivision, library district, or association library district for the office of governor at the most recent general election for that office. Only one such petition may be filed during each five-year period following the election at which the voters approved the increased rate for a continuing period of time.

After determination by it that such petition is valid, the board of elections shall submit the question to the electors of the subdivision, library district, or association library district at the succeeding general election. The election shall be conducted, canvassed, and certified in the same manner as regular elections in such subdivision, library district, or association library district for county offices. Notice of the election shall be published in a newspaper of general circulation in the district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the purpose, the amount of the proposed decrease in rate, and the time and place of the election. The form of the ballot cast at such election shall be prescribed by the secretary of state. The question covered by such petition shall be submitted as a separate
proposition but it may be printed on the same ballot with any other propositions submitted at the same election other than the election of officers. If a majority of the qualified electors voting on the question of a decrease at such election approve the proposed decrease in rate, the result of the election shall be certified immediately after the canvass by the board of elections to the appropriate taxing authority, which shall thereupon, after the current year, cease to levy such increased rate or levy such tax at such reduced rate upon the duplicate of the subdivision, library district, or association library district. If notes have been issued in anticipation of the collection of such levy, the taxing authority shall continue to levy and collect under authority of the election authorizing the original levy such amounts as will be sufficient to pay the principal of and interest on such anticipation notes as the same fall due.

In the case of a levy for the current expenses of a qualifying school district and of partnering community schools imposed under section 5705.192, division (B) of section 5705.21, division (C) of section 5705.212, or division (D) (I) of section 5705.218 of the Revised Code for a continuing period of time, the rate allocated to the school district and to partnering community schools shall each be decreased by a number of mills per dollar that is proportionate to the decrease in the rate of the levy in proportion to the rate at which the levy was imposed before the decrease.

Sec. 5705.55. (A) The board of directors of a lake facilities authority, by a vote of two-thirds of all its members, may at any time declare by resolution that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for
the necessary requirements of the authority, that it is necessary to levy a tax in excess of such limitation for any of the purposes specified in divisions (A), (B), (F), and (H) of section 5705.19 of the Revised Code, and that the question of such additional tax levy shall be submitted by the board to the electors residing within the boundaries of the impacted lake district on the day of a primary or general election or a special election held on a day on which a primary election may be held. The resolution shall conform to section 5705.19 of the Revised Code, except that the tax levy may be in effect for no more than five years, as set forth in the resolution, unless the levy is for the payment of debt charges, and the total number of mills levied for each dollar of taxable valuation that may be levied under this section for any tax year shall not exceed one mill. If the levy is for the payment of debt charges, the levy shall be for the life of the bond indebtedness.

The resolution shall specify the date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution to the board of elections. The resolution shall not include a levy on the current tax list and duplicate unless the election is to be held at or prior to the first Tuesday after the first Monday in November of the current tax year.

The resolution shall be certified to the board of elections of the proper county or counties not less than ninety days before the date of the election. The resolution shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided in the notice of election. Section 5705.25 of the Revised Code shall govern the arrangements for the submission of such question and other matters concerning the election, to which that section refers, except that
the election shall be held on the date specified in the resolution. If a majority of the electors voting on the question so submitted in an election vote in favor of the levy, the board of directors may forthwith make the necessary levy within the boundaries of the impacted lake district at the additional rate in excess of the ten-mill limitation on the tax list, for the purpose stated in the resolution. The tax levy shall be included in the next annual tax budget that is certified to the county budget commission.

(B) The form of the ballot in an election held on the question of levying a tax proposed pursuant to this section shall be as follows or in any other form acceptable to the secretary of state:

"A tax for the benefit of (name of lake facilities authority) .......... for the purpose of .......... at a rate not exceeding .......... mills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents) .......... for each one hundred dollars of valuation, for .......... (life of indebtedness or number of years the levy is to run).

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(C) On approval of the levy, notes may be issued in anticipation of the collection of the proceeds of the tax levy, other than the proceeds to be received for the payment of bond debt charges, in the amount and manner and at the times as are provided in section 5705.193 of the Revised Code, for the issuance of notes by a county in anticipation of the proceeds of a tax levy. The lake facilities authority may borrow money in
anticipation of the collection of current revenues as provided in section 133.10 of the Revised Code.

(D) If a tax is levied under this section in a tax year, no other taxing authority of a subdivision or taxing unit, including a port authority, may levy a tax on property in the impacted lake district in the same tax year if the purpose of the levy is substantially the same as the purpose for which the lake facilities authority of the impacted lake district was created.

Sec. 5705.72. (A) As used in this section and in section 5705.25 of the Revised Code with regard to a levy submitted under this section, "electors" means electors of the unincorporated area of a township.

(B) The board of trustees of any township that withdraws or proposes by resolution to withdraw the unincorporated area of the township from a regional transit authority under section 306.55 of the Revised Code, by vote of two-thirds of all the members of the board of trustees, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide transportation services to the unincorporated area of the township and that it is necessary to levy a tax in excess of that limitation within the unincorporated area of that township for the purpose of providing transportation services for the movement of persons within, from, or to the unincorporated area of that township.

The resolution shall specify the necessary amount of the increase in rate to levy, the purpose of such increase, and the number of years, not exceeding ten, during which the rate increase shall be in effect, which may or may not include a levy upon the tax list of the current year.
The resolution shall be submitted to the proper county board of elections not less than ninety days before the date of the election at which the question will appear on the ballot and in the manner provided by section 5705.25 of the Revised Code, except that the question may be submitted to electors at a general election or a special election held on a date consistent with section 3501.01 of the Revised Code day on which a primary election may be held.

A resolution adopted by the board of trustees of a township under this section may be combined with a resolution for the withdrawal of the unincorporated area of the township from a regional transit authority as provided in section 306.55 of the Revised Code, by vote of two-thirds of all members of the board. The board may certify the combined resolution to the board of elections as a combined question. The question appearing on the ballot shall be as provided in section 5705.252 of the Revised Code.

When electors have approved a tax levy under this section, the board of township trustees may anticipate a fraction of the proceeds of the levy and issue anticipation notes as authorized by section 5705.191 of the Revised Code for a current expense levy with a fixed term, and may anticipate the collection of current revenue under section 133.10 of the Revised Code.

Sec. 5739.021. (A) For the purpose of providing additional general revenues for the county, supporting criminal and administrative justice services in the county, funding a regional transportation improvement project under section 5595.06 of the Revised Code, or any combination of the foregoing, and to pay the expenses of administering such levy, any county may levy a tax at the rate of not more than one per cent upon every retail sale made...
in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase the rate of an existing tax to not more than one per cent. The rate of any tax levied pursuant to this section shall be a multiple of one-fourth or one-tenth of one per cent.

The tax shall be levied and the rate increased pursuant to a resolution of the board of county commissioners. The resolution shall state the purpose for which the tax is to be levied and the number of years for which the tax is to be levied, or that it is for a continuing period of time. If the tax is to be levied for the purpose of providing additional general revenues and for the purpose of supporting criminal and administrative justice services, the resolution shall state the rate or amount of the tax to be apportioned to each such purpose. The rate or amount may be different for each year the tax is to be levied, but the rates or amounts actually apportioned each year shall not be different from that stated in the resolution for that year. If the resolution is adopted as an emergency measure necessary for the immediate preservation of the public peace, health, or safety, it must receive an affirmative vote of all of the members of the board of county commissioners and shall state the reasons for such necessity. The board shall deliver a certified copy of the resolution to the tax commissioner, not later than the sixty-fifth day prior to the date on which the tax is to become effective, which shall be the first day of the calendar quarter.

Prior to the adoption of any resolution under this section, the board of county commissioners shall conduct two public hearings on the resolution, the second hearing to be not less than three nor more than ten days after the first. Notice of the date,
time, and place of the hearings shall be given by publication in a newspaper of general circulation in the county, or as provided in section 7.16 of the Revised Code, once a week on the same day of the week for two consecutive weeks, the second publication being not less than ten nor more than thirty days prior to the first hearing.

Except as provided in division (B)(3) of this section, the resolution shall be subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code.

If a petition for a referendum is filed, the county auditor with whom the petition was filed shall, within five days, notify the board of county commissioners and the tax commissioner of the filing of the petition by certified mail. If the board of elections with which the petition was filed declares the petition invalid, the board of elections, within five days, shall notify the board of county commissioners and the tax commissioner of that declaration by certified mail. If the petition is declared to be invalid, the effective date of the tax or increased rate of tax levied by this section shall be the first day of a calendar quarter following the expiration of sixty-five days from the date the commissioner receives notice from the board of elections that the petition is invalid.

(B)(1) A resolution that is not adopted as an emergency measure may direct the board of elections to submit the question of levying the tax or increasing the rate of tax to the electors of the county at a general election or a special election held on a day on which a primary election may be held on the date, as specified by the board of county commissioners in the resolution, provided that the election occurs not less than ninety days after a certified copy of such resolution is transmitted to the board of
elections and the election is not held in February or August of any year. Upon transmission of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. No resolution adopted under this division shall go into effect unless approved by a majority of those voting upon it, and, except as provided in division (B)(3) of this section, shall become effective on the first day of a calendar quarter following the expiration of sixty-five days from the date the tax commissioner receives notice from the board of elections of the affirmative vote.

(2) A resolution that is adopted as an emergency measure shall go into effect as provided in division (A) of this section, but may direct the board of elections to submit the question of repealing the tax or increase in the rate of the tax to the electors of the county at the next general election in the county occurring not less than ninety days after a certified copy of the resolution is transmitted to the board of elections. Upon transmission of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. The ballot question shall be the same as that prescribed in section 5739.022 of the Revised Code. The board of elections shall notify the board of county commissioners and the tax commissioner of the result of the election immediately after the result has been declared. If a majority of the qualified electors voting on the question of repealing the tax or increase in the rate of the tax vote for repeal of the tax or repeal of the increase, the board of county commissioners, on the first day of a calendar quarter following the expiration of sixty-five days after the date the board and tax commissioner receive notice of the result of the
election, shall, in the case of a repeal of the tax, cease to levy the tax, or, in the case of a repeal of an increase in the rate of the tax, cease to levy the increased rate and levy the tax at the rate at which it was imposed immediately prior to the increase in rate.

(3) If a vendor makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax levied or repealed or rate changed under this section shall not apply to such a sale until the first day of a calendar quarter following the expiration of one hundred twenty days from the date of notice by the tax commissioner pursuant to division (H) of this section.

(C) If a resolution is rejected at a referendum or if a resolution adopted after January 1, 1982, as an emergency measure is repealed by the electors pursuant to division (B)(2) of this section or section 5739.022 of the Revised Code, then for one year after the date of the election at which the resolution was rejected or repealed the board of county commissioners may not adopt any resolution authorized by this section as an emergency measure.

(D) The board of county commissioners, at any time while a tax levied under this section is in effect, may by resolution reduce the rate at which the tax is levied to a lower rate authorized by this section. Any reduction in the rate at which the tax is levied shall be made effective on the first day of a calendar quarter next following the sixty-fifth day after a certified copy of the resolution is delivered to the tax commissioner.

(E) The tax on every retail sale subject to a tax levied pursuant to this section shall be in addition to the tax levied by
section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.023 or 5739.026 of the Revised Code.

A county that levies a tax pursuant to this section shall levy a tax at the same rate pursuant to section 5741.021 of the Revised Code.

The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code. If the additional tax or some portion thereof is levied for the purpose of criminal and administrative justice services, the revenue from the tax, or the amount or rate apportioned to that purpose, shall be credited to a special fund created in the county treasury for receipt of that revenue.

Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code and in addition shall not be applicable to sales not within the taxing power of a county under the Constitution of the United States or the Ohio Constitution.

(F) For purposes of this section, a copy of a resolution is "certified" when it contains a written statement attesting that the copy is a true and exact reproduction of the original resolution.

(G) If a board of commissioners intends to adopt a resolution to levy a tax in whole or in part for the purpose of criminal and administrative justice services, the board shall prepare and make available at the first public hearing at which the resolution is considered a statement containing the following information:

(1) For each of the two preceding fiscal years, the amount of expenditures made by the county from the county general fund for the purpose of criminal and administrative justice services;
(2) For the fiscal year in which the resolution is adopted, the board's estimate of the amount of expenditures to be made by the county from the county general fund for the purpose of criminal and administrative justice services;

(3) For each of the two fiscal years after the fiscal year in which the resolution is adopted, the board's preliminary plan for expenditures to be made from the county general fund for the purpose of criminal and administrative justice services, both under the assumption that the tax will be imposed for that purpose and under the assumption that the tax would not be imposed for that purpose, and for expenditures to be made from the special fund created under division (E) of this section under the assumption that the tax will be imposed for that purpose.

The board shall prepare the statement and the preliminary plan using the best information available to the board at the time the statement is prepared. Neither the statement nor the preliminary plan shall be used as a basis to challenge the validity of the tax in any court of competent jurisdiction, nor shall the statement or preliminary plan limit the authority of the board to appropriate, pursuant to section 5705.38 of the Revised Code, an amount different from that specified in the preliminary plan.

(H) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) or (D) of this section, or from the board of elections of a notice of the results of an election required by division (A) or (B)(1) or (2) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change.
The commissioner, by rule, may establish the method by which notice will be provided.

(I) As used in this section, "criminal and administrative justice services" means the exercise by the county sheriff of all powers and duties vested in that office by law; the exercise by the county prosecuting attorney of all powers and duties vested in that office by law; the exercise by any court in the county of all powers and duties vested in that court; the exercise by the clerk of the court of common pleas, any clerk of a municipal court having jurisdiction throughout the county, or the clerk of any county court of all powers and duties vested in the clerk by law except, in the case of the clerk of the court of common pleas, the titling of motor vehicles or watercraft pursuant to Chapter 1548. or 4505. of the Revised Code; the exercise by the county coroner of all powers and duties vested in that office by law; making payments to any other public agency or a private, nonprofit agency, the purposes of which in the county include the diversion, adjudication, detention, or rehabilitation of criminals or juvenile offenders; the operation and maintenance of any detention facility, as defined in section 2921.01 of the Revised Code; and the construction, acquisition, equipping, or repair of such a detention facility, including the payment of any debt charges incurred in the issuance of securities pursuant to Chapter 133. of the Revised Code for the purpose of constructing, acquiring, equipping, or repairing such a facility.

Sec. 5739.026. (A) A board of county commissioners may levy a tax on every retail sale in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, at a rate of not more than one-half of one per cent and may increase the
rate of an existing tax to not more than one-half of one per cent to pay the expenses of administering the tax and, except as provided in division (A)(6) of this section, for any one or more of the following purposes provided that the aggregate levy for all such purposes does not exceed one-half of one per cent:

(1) To provide additional revenues for the payment of bonds or notes issued in anticipation of bonds issued by a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and to provide additional operating revenues for the convention facilities authority;

(2) To provide additional revenues for a transit authority operating in the county;

(3) To provide additional revenue for the county's general fund;

(4) To provide additional revenue for permanent improvements to be distributed by the community improvements board in accordance with section 307.283 and to pay principal, interest, and premium on bonds issued under section 307.284 of the Revised Code;

(5) To provide additional revenue for the acquisition, construction, equipping, or repair of any specific permanent improvement or any class or group of permanent improvements, which improvement or class or group of improvements shall be enumerated in the resolution required by division (D) of this section, and to pay principal, interest, premium, and other costs associated with the issuance of bonds or notes in anticipation of bonds issued pursuant to Chapter 133. of the Revised Code for the acquisition, construction, equipping, or repair of the specific permanent improvement.
improvement or class or group of permanent improvements;

(6) To provide revenue for the implementation and operation of a 9-1-1 system in the county. If the tax is levied or the rate increased exclusively for such purpose, the tax shall not be levied or the rate increased for more than five years. At the end of the last year the tax is levied or the rate increased, any balance remaining in the special fund established for such purpose shall remain in that fund and be used exclusively for such purpose until the fund is completely expended, and, notwithstanding section 5705.16 of the Revised Code, the board of county commissioners shall not petition for the transfer of money from such special fund, and the tax commissioner shall not approve such a petition.

If the tax is levied or the rate increased for such purpose for more than five years, the board of county commissioners also shall levy the tax or increase the rate of the tax for one or more of the purposes described in divisions (A)(1) to (5) of this section and shall prescribe the method for allocating the revenues from the tax each year in the manner required by division (C) of this section.

(7) To provide additional revenue for the operation or maintenance of a detention facility, as that term is defined under division (F) of section 2921.01 of the Revised Code;

(8) To provide revenue to finance the construction or renovation of a sports facility, but only if the tax is levied for that purpose in the manner prescribed by section 5739.028 of the Revised Code.

As used in division (A)(8) of this section:

(a) "Sports facility" means a facility intended to house
major league professional athletic teams.

(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment.

(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county;

(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services;

(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code;

(12) To provide additional revenue for a regional transportation improvement project under section 5595.06 of the Revised Code.

Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code.

The rate of tax shall be a multiple of one-fourth or one-tenth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this...
section and section 5739.023 of the Revised Code shall be a multiple of one-fourth or one-tenth of one per cent.

The tax shall be levied and the rate increased pursuant to a resolution adopted by a majority of the members of the board. The board shall deliver a certified copy of the resolution to the tax commissioner, not later than the sixty-fifth day prior to the date on which the tax is to become effective, which shall be the first day of a calendar quarter.

Prior to the adoption of any resolution to levy the tax or to increase the rate of tax exclusively for the purpose set forth in division (A)(3) of this section, the board of county commissioners shall conduct two public hearings on the resolution, the second hearing to be no fewer than three nor more than ten days after the first. Notice of the date, time, and place of the hearings shall be given by publication in a newspaper of general circulation in the county, or as provided in section 7.16 of the Revised Code, once a week on the same day of the week for two consecutive weeks. The second publication shall be no fewer than ten nor more than thirty days prior to the first hearing. Except as provided in division (E) of this section, the resolution shall be subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code. If the resolution is adopted as an emergency measure necessary for the immediate preservation of the public peace, health, or safety, it must receive an affirmative vote of all of the members of the board of county commissioners and shall state the reasons for the necessity.

If the tax is for more than one of the purposes set forth in divisions (A)(1) to (7), (9), (10), and (12) of this section, or is exclusively for one of the purposes set forth in division (A)(1), (2), (4), (5), (6), (7), (9), (10), or (12) of this
section, the resolution shall not go into effect unless it is approved by a majority of the electors voting on the question of the tax.

(B) The board of county commissioners shall adopt a resolution under section 351.02 of the Revised Code creating the convention facilities authority, or under section 307.283 of the Revised Code creating the community improvements board, before adopting a resolution levying a tax for the purpose of a convention facilities authority under division (A)(1) of this section or for the purpose of a community improvements board under division (A)(4) of this section.

(C)(1) If the tax is to be used for more than one of the purposes set forth in divisions (A)(1) to (7), (9), (10), and (12) of this section, the board of county commissioners shall establish the method that will be used to determine the amount or proportion of the tax revenue received by the county during each year that will be distributed for each of those purposes, including, if applicable, provisions governing the reallocation of a convention facilities authority's allocation if the authority is dissolved while the tax is in effect. The allocation method may provide that different proportions or amounts of the tax shall be distributed among the purposes in different years, but it shall clearly describe the method that will be used for each year. Except as otherwise provided in division (C)(2) of this section, the allocation method established by the board is not subject to amendment during the life of the tax.

(2) Subsequent to holding a public hearing on the proposed amendment, the board of county commissioners may amend the allocation method established under division (C)(1) of this section for any year, if the amendment is approved by the
governing board of each entity whose allocation for the year would be reduced by the proposed amendment. In the case of a tax that is levied for a continuing period of time, the board may not so amend the allocation method for any year before the sixth year that the tax is in effect.

(a) If the additional revenues provided to the convention facilities authority are pledged by the authority for the payment of convention facilities authority revenue bonds for as long as such bonds are outstanding, no reduction of the authority's allocation of the tax shall be made for any year except to the extent that the reduced authority allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(b) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes described in division (A)(4) or (5) of this section, for as long as such bonds or notes are outstanding, no reduction of the county's or the community improvements board's allocation of the tax shall be made for any year, except to the extent that the reduced county or community improvements board allocation is sufficient to meet the debt service requirements for that year on such bonds or notes.

(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.
(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes.

(D)(1) The resolution levying the tax or increasing the rate of tax shall state the rate of the tax or the rate of the increase; the purpose or purposes for which it is to be levied; the number of years for which it is to be levied or that it is for a continuing period of time; the allocation method required by division (C) of this section; and if required to be submitted to the electors of the county under division (A) of this section, the date of the election at which the proposal shall be submitted to the electors of the county, which shall be a general election or a special election held on a day on which a primary election may be held, occurring not less than ninety days after the certification of a copy of the resolution to the board of elections and, if the tax is to be levied exclusively for the purpose set forth in division (A)(3) of this section, shall not occur in August of any year. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. If approved by a majority of the electors, the tax shall become effective on the first day of a calendar quarter next following the sixty-fifth day following the date the board of county commissioners and tax commissioner receive from the board of elections the certification of the results of the election, except as provided in division (E) of this section.

(2)(a) A resolution specifying that the tax is to be used
exclusively for the purpose set forth in division (A)(3) of this section that is not adopted as an emergency measure may direct the board of elections to submit the question of levying the tax or increasing the rate of the tax to the electors of the county at a general election or a special election held on a day on which a primary election may be held on the date, as specified by the board of county commissioners in the resolution, provided that the election occurs not less than ninety days after the resolution is certified to the board of elections and the election is not held in August of any year. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. No resolution adopted under division (D)(2)(a) of this section shall go into effect unless approved by a majority of those voting upon it and, except as provided in division (E) of this section, not until the first day of a calendar quarter following the expiration of sixty-five days from the date the tax commissioner receives notice from the board of elections of the affirmative vote.

(b) A resolution specifying that the tax is to be used exclusively for the purpose set forth in division (A)(3) of this section that is adopted as an emergency measure shall become effective as provided in division (A) of this section, but may direct the board of elections to submit the question of repealing the tax or increase in the rate of the tax to the electors of the county at the next general election in the county occurring not less than ninety days after the resolution is certified to the board of elections. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. The ballot question shall be the same.
as that prescribed in section 5739.022 of the Revised Code. The board of elections shall notify the board of county commissioners and the tax commissioner of the result of the election immediately after the result has been declared. If a majority of the qualified electors voting on the question of repealing the tax or increase in the rate of the tax vote for repeal of the tax or repeal of the increase, the board of county commissioners, on the first day of a calendar quarter following the expiration of sixty-five days after the date the board and tax commissioner received notice of the result of the election, shall, in the case of a repeal of the tax, cease to levy the tax, or, in the case of a repeal of an increase in the rate of the tax, cease to levy the increased rate and levy the tax at the rate at which it was imposed immediately prior to the increase in rate.

(c) A board of county commissioners, by resolution, may reduce the rate of a tax levied exclusively for the purpose set forth in division (A)(3) of this section to a lower rate authorized by this section. Any such reduction shall be made effective on the first day of the calendar quarter next following the sixty-fifth day after the tax commissioner receives a certified copy of the resolution from the board.

(E) If a vendor makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax levied or repealed or rate changed under this section shall not apply to such a sale until the first day of a calendar quarter following the expiration of one hundred twenty days from the date of notice by the tax commissioner pursuant to division (G) of this section.

(F) The tax levied pursuant to this section shall be in addition to the tax levied by section 5739.02 of the Revised Code.
and any tax levied pursuant to section 5739.021 or 5739.023 of the Revised Code.

A county that levies a tax pursuant to this section shall levy a tax at the same rate pursuant to section 5741.023 of the Revised Code.

The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code.

Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code and in addition shall not be applicable to sales not within the taxing power of a county under the Constitution of the United States or the Ohio Constitution.

(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

Sec. 5739.028. As used in this section "sports facility" and "constructing" have the same meanings as in division (A)(8) of section 5739.026 of the Revised Code.

This section applies only to taxes levied pursuant to sections 5739.023 and 5741.022 of the Revised Code by a regional transit authority created under section 306.31 of the Revised Code for a continuing period of time and at an aggregate rate, on the
The effective date of this section is July 19, 1995, greater than one-half of one per cent on every retail sale made in the territory of the transit authority.

The board of county commissioners of the most populous county in the territory of a regional transit authority levying a tax to which this section applies may adopt a resolution not later than one hundred eighty days after the effective date of this section, July 19, 1995 proposing to reduce the rate of such a tax and to increase by the same extent the rate of tax levied under sections 5739.026 and 5741.023 of the Revised Code for the purpose of constructing or renovating a sports facility. The total reduction in the rate of taxes levied by a transit authority and the increase in the rate of tax levied for the purpose of constructing or renovating a sports facility shall not exceed one-tenth of one per cent upon retail sales made in the territory of the transit authority; provided, the amount of taxes received by the county for the purpose of constructing or renovating a sports facility under this section shall not exceed four million five hundred thousand dollars in any calendar year. Any amounts received by a county in a calendar year in excess of four million five hundred thousand dollars pursuant to this section shall be paid to the transit authority by the county within forty-five days following receipt by the county.

The resolution shall specify that the rate of tax levied by the transit authority will be reduced and that a tax will be levied at the same rate for the purpose of constructing or renovating a sports facility; the rate by which the tax levied by the transit authority will be reduced and by which the tax levied for the purpose of constructing or renovating a sports facility will be increased; the date the rates levied for those purposes will be reduced and increased, respectively; and the number of
years the rate levied by a transit authority will be reduced and the rate levied for constructing or renovating a sports facility will be increased. The date the rate levied by the transit authority will be reduced and the rate levied for the purpose of constructing or renovating a sports facility will be increased shall not be earlier than the first day of the month that begins at least sixty days after the day the election on the question is conducted unless the board of county commissioners levies a tax under one or more of sections 307.697, 4301.421, 5743.024, and 5743.323 of the Revised Code on the effective date of this section July 19, 1995, in which case the date the rate levied by the transit authority will be reduced and the rate levied for the purpose of constructing or renovating a sports facility will be increased shall not be earlier than the first day following the latest day on which any of the taxes levied under one of those sections on the effective date of this amendment July 19, 1995 may be levied as prescribed by the resolution levying that tax. The number of years the rate of the existing tax may be reduced and the rate of tax may be levied for constructing or renovating a sports facility may be any number of years as specified in the resolution, or for a continuing period of time if so specified in the resolution.

Before a resolution adopted under this section may take effect, the board of county commissioners shall submit the resolution to the approval of the electors of the county, and the resolution shall be approved by a majority of voters voting on the question. Upon adoption of the resolution, the board of county commissioners shall certify a copy of the resolution to the board of elections of the county and to the tax commissioner, and the board of elections shall submit the question at a **general election** or a special **election held on a day on which a primary election**
may be held on the date, as specified by the board of county commissioners in the resolution, provided that the election occurs not less than seventy-five days after the resolution is certified to the board of elections and the election is not held in February or August of any year. The board of county commissioners shall certify the copy of the resolution to the board of elections in the manner prescribed under section 3505.071 of the Revised Code. The board of elections shall certify the results of the election to the board of county commissioners and to the tax commissioner. If the question is approved by a majority of electors voting on the question, the rate of tax imposed under sections 5739.023 and 5741.022 of the Revised Code shall be reduced, and the rate of tax levied for constructing or renovating a sports facility under sections 5739.026 and 5741.023 of the Revised Code shall be increased by the same amount, on the date specified in the resolution.

If revenue from a tax levied under sections 5739.023 and 5741.022 of the Revised Code and subject to reduction under this section is pledged to the payment of bonds, notes, or notes in anticipation of bonds, the board of county commissioners adopting a resolution under this section shall provide sufficient revenue from the tax for the repayment of debt charges on those bonds or notes, unless an adequate substitute for payment of those charges is provided by the transit authority.

Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The
regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. Except as provided in divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (12) of this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax on the transactions, a uniform percentage of the tax collected in the municipal corporation or in the unincorporated portion of the township from each transaction, not to exceed thirty-three and one-third per cent. The remainder of the revenue arising from the tax shall be deposited in a separate fund and shall be spent solely to make contributions to the convention and visitors' bureau operating within the county, including a pledge and contribution of any portion of the remainder pursuant to an agreement authorized by section 307.678 or 307.695 of the Revised Code, provided that if the board of county commissioners of an eligible county as defined in section 307.678 or 307.695 of the Revised Code adopts a resolution amending a resolution levying a tax under this division to provide that revenue from the tax shall be used by the board as described in either division (D) of section 307.678 or division (H) of section 307.695 of the Revised Code, the remainder of the revenue shall be used as described in the resolution making that amendment. Except as provided in division (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) or (H) of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to this division in any municipal
corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of this section. The board of a county that has levied a tax under division (C) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under this division to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered into under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue from the tax has been so pledged.

The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend a resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, in which case the tax shall remain in effect at the rate at which it was imposed for the duration of any agreement entered into by the board under section 307.695 of the Revised Code, the duration during which any securities issued by the board under that section are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

The board of county commissioners of an eligible county as defined in section 307.678 of the Revised Code may, by resolution, amend a resolution levying a tax under this division to provide that revenue from the tax, not to exceed five hundred thousand
dollars each year, may be used as described in division (E) of section 307.678 of the Revised Code.

Notwithstanding division (A)(1) of this section, the board of county commissioners of a county described in division (A)(8)(a) of this section may, by resolution, amend a resolution levying a tax under this division to provide that all or a portion of the revenue from the tax, including any revenue otherwise required to be returned to townships or municipal corporations under this division, may be used or pledged for the payment of debt service on securities issued to pay the costs of constructing, operating, and maintaining sports facilities described in division (A)(8)(b) of this section.

The board of county commissioners of a county described in division (A)(9) of this section may, by resolution, amend a resolution levying a tax under this division to provide that all or a portion of the revenue from the tax may be used for the purposes described in section 307.679 of the Revised Code.

(2) A board of county commissioners that levies an excise tax under division (A)(1) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (C) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each
transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under division (A)(1) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under
Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

Division (A)(3) of this section does not apply to the board of county commissioners of any county in which a convention center or facility exists or is being constructed on November 15, 1998, or of any county in which a convention facilities authority levies a tax pursuant to section 351.021 of the Revised Code on that date.

As used in division (A)(3) of this section, "cost" and "facility" have the same meanings as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(4)(a) A board of county commissioners that levies a tax under division (A)(1) of this section on June 30, 2002, at a rate of three per cent may, by resolution adopted not later than September 30, 2002, amend the resolution levying the tax to
provide for all of the following:

(i) That the rate of the tax shall be increased by not more than an additional three and one-half per cent on each transaction;

(ii) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(iii) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this section;

(iv) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(b) Any board of county commissioners that, pursuant to division (A)(4)(a) of this section, has amended a resolution levying the tax authorized by division (A)(1) of this section may further amend the resolution to provide that the revenue referred to in division (A)(4)(a)(ii) of this section shall be pledged and contributed both to a convention facilities authority to pay the
costs of constructing, expanding, maintaining, or operating one or more convention centers in the county, including paying bonds, or notes issued in anticipation of bonds, as provided in Chapter 351. of the Revised Code, and to a convention and visitors' bureau to pay the costs of promoting one or more convention centers in the county.

As used in division (A)(4) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(5)(a) As used in division (A)(5) of this section:

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;
(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A)(1) of this section at a rate of three per cent and levies an additional excise tax under division (E) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A)(1) and (E) of this section, the resolution shall provide that all of the revenue from the increase in rate, after deducting the real and actual costs of administering the tax, shall be used to pay the costs of improving, expanding, equipping, financing, or operating a convention center by a convention and visitors' bureau in the county. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed ten years, and may be extended for an additional period of time not to exceed ten years.
thereafter by a resolution adopted by a majority of the members of the board. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under that division.

(7) Division (A)(7) of this section applies only to a county with a population greater than sixty-five thousand and less than seventy thousand according to the most recent federal decennial census and in which, on December 31, 2006, an excise tax is levied under division (A)(1) of this section at a rate not less than and not greater than three per cent, and in which the most recent increase in the rate of that tax was enacted or took effect in November 1984.

The board of county commissioners of a county to which this division applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purpose of paying expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed twenty years, provided that the increase in rate may not continue beyond the time when the purpose for which the increase is levied ceases to exist. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an
adequate substitute for that revenue that is satisfactory to the
trustee if a trust agreement secures payment of the debt charges.
The increase in rate shall be subject to the regulations adopted
under division (A)(1) of this section, except that the resolution
may provide that no portion of the revenue from the increase in
the rate shall be returned to townships or municipal corporations
as would otherwise be required under division (A)(1) of this
section. A resolution adopted under division (A)(7) of this
section is subject to referendum under sections 305.31 to 305.99
of the Revised Code.

(8)(a) Division (A)(8) of this section applies only to a
county satisfying all of the following:

(i) The population of the county is greater than one hundred
seventy-five thousand and less than two hundred twenty-five
thousand according to the most recent federal decennial census.

(ii) An amusement park with an average yearly attendance in
excess of two million guests is located in the county.

(iii) On December 31, 2014, an excise tax was levied in the
county under division (A)(1) of this section at a rate of three
per cent.

(b) The board of county commissioners of a county to which
this division applies, by resolution adopted by a majority of the
members of the board, may increase the rate of the tax by not more
than one per cent on transactions by which lodging by a hotel is
or is to be furnished to transient guests. The increase in rate
shall be used to pay the costs of constructing and maintaining
facilities owned by the county or by a port authority created
under Chapter 4582. of the Revised Code, and designed to host
sporting events and expenses deemed necessary by the convention
and visitors' bureau operating in the county to promote travel and
tourism with reference to the sports facilities, and to pay or
pledge to the payment of debt service on securities issued to pay
the costs of constructing, operating, and maintaining the sports
facilities. The increase in rate shall remain in effect for the
period specified in the resolution. If revenue from the increase
in rate is pledged to the payment of debt charges on securities,
the increase in rate is not subject to diminution by initiative or
referendum or by law for so long as the securities are
outstanding, unless provision is made by law or by the board of
county commissioners for an adequate substitute for that revenue
that is satisfactory to the trustee if a trust agreement secures
payment of the debt charges. The increase in rate shall be subject
to the regulations adopted under division (A)(1) of this section,
except that the resolution may provide that no portion of the
revenue from the increase in the rate shall be returned to
townships or municipal corporations as would otherwise be required
under division (A)(1) of this section.

(9) The board of county commissioners of a county with a
population greater than seventy-five thousand and less than
seventy-eight thousand, by resolution adopted by a majority of the
members of the board not later than October 15, 2015, may increase
the rate of the tax by not more than one per cent on transactions
by which lodging by a hotel is or is to be furnished to transient
guests. The increase in rate shall be for the purposes described
in section 307.679 of the Revised Code or for the promotion of
travel and tourism in the county, including travel and tourism to
sports facilities. The increase in rate shall remain in effect for
the period specified in the resolution and as necessary to fulfill
the county's obligations under a cooperative agreement entered
into under section 307.679 of the Revised Code. If the resolution
is adopted by the board before September 29, 2015, but after that
enactment becomes law, the increase in rate shall become effective beginning on September 29, 2015. If revenue from the increase in rate is pledged to the payment of debt charges on securities, or to substitute for other revenues pledged to the payment of such debt, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(10) Division (A)(10) of this section applies only to counties satisfying either of the following:

(a) A county that, on July 1, 2015, does not levy an excise tax under division (A)(1) of this section and that has a population of at least thirty-nine thousand but not more than forty thousand according to the 2010 federal decennial census;

(b) A county that, on July 1, 2015, levies an excise tax under division (A)(1) of this section at a rate of three per cent and that has a population of at least seventy-one thousand but not more than seventy-five thousand according to 2010 federal decennial census.

The board of county commissioners of a county to which division (A)(10) of this section applies, by resolution adopted by a majority of the members of the board, may levy an excise tax at a rate not to exceed three per cent on transactions by which
lodging by a hotel is or is to be furnished to transient guests for the purpose of acquiring, constructing, equipping, or repairing permanent improvements, as defined in section 133.01 of the Revised Code. If the board does not levy a tax under division (A)(1) of this section, the board shall establish regulations necessary to provide for the administration of the tax, which may prescribe the time for payment of the tax and the imposition of penalty or interest subject to the limitations on penalty and interest provided in division (A)(1) of this section. No portion of the revenue shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board. The tax shall apply throughout the territory of the county, including in any township or municipal corporation levying an excise tax under division (B) of this section or division (A) of section 5739.08 of the Revised Code. The levy of the tax is subject to referendum as provided under section 305.31 of the Revised Code.

The tax shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding unless provision is made by law or by the board for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(11) The board of county commissioners of an eligible county, as defined in section 307.678 of the Revised Code, that levies an excise tax under division (A)(1) of this section on July 1, 2017, at a rate of three per cent may, by resolution adopted by a majority of the members of the board, amend the resolution levying the tax to increase the rate of the tax by not more than an
additional three per cent on each transaction. No portion of the revenue shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board. Otherwise, the revenue from the increase in the rate shall be distributed and used in the same manner described under division (A)(1) of this section or distributed or used to provide credit enhancement facilities as authorized under section 307.678 of the Revised Code. The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding unless provision is made by law or by the board for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(12)(a) As used in this division:

(i) "Eligible county" means a county that has a population greater than one hundred ninety thousand and less than two hundred thousand according to the 2010 federal decennial census and that levies an excise tax under division (A)(1) of this section at a rate of three per cent.

(ii) "Professional sports facility" means a sports facility that is intended to house major or minor league professional athletic teams, including a stadium, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements, and interests that may be appropriate for, or used in connection with, the operation of the facility.

(b) Subject to division (A)(12)(c) of this section, the board
of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Revenue from the increase in rate shall be used for the purposes of paying the costs of constructing, improving, and maintaining a professional sports facility in the county and paying expenses considered necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with respect to that professional sports facility. The tax shall take effect only after the convention and visitors' bureau enters into a contract for the construction, improvement, or maintenance of a professional sports facility that is or will be located on property acquired, in whole or in part, with revenue from the increased rate, and thereafter shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless a provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(c) If, on December 31, 2019, the convention and visitors' bureau has not entered into a contract for the construction, improvement, or maintenance of a professional sports facility that
is or will be located on property acquired, in whole or in part, 
with revenue from the increased rate, the authority to levy the 
tax under division (A)(12)(b) of this section is hereby repealed 
on that date.

(B)(1) The legislative authority of a municipal corporation 
or the board of trustees of a township that is not wholly or 
partly located in a county that has in effect a resolution levying 
an excise tax pursuant to division (A)(1) of this section may, by 
ordinance or resolution, levy an excise tax not to exceed three 
per cent on transactions by which lodging by a hotel is or is to 
be furnished to transient guests. The legislative authority of the 
municipal corporation or the board of trustees of the township 
shall deposit at least fifty per cent of the revenue from the tax 
levied pursuant to this division into a separate fund, which shall 
be spent solely to make contributions to convention and visitors' 
bureaus operating within the county in which the municipal 
corporation or township is wholly or partly located, and the 
balance of that revenue shall be deposited in the general fund. 
The municipal corporation or township shall establish all 
regulations necessary to provide for the administration and 
allocation of the tax. The regulations may prescribe the time for 
payment of the tax, and may provide for the imposition of a 
penalty or interest, or both, for late payments, provided that the 
penalty does not exceed ten per cent of the amount of tax due, and 
the rate at which interest accrues does not exceed the rate per 
annum prescribed pursuant to section 5703.47 of the Revised Code. 
The levy of a tax under this division is in addition to any tax 
imposed on the same transaction by a municipal corporation or a 
township as authorized by division (A) of section 5739.08 of the 
Revised Code.

(2)(a) The legislative authority of the most populous
municipal corporation located wholly or partly in a county in
which the board of county commissioners has levied a tax under
division (A)(4) of this section may amend, on or before September
30, 2002, that municipal corporation's ordinance or resolution
that levies an excise tax on transactions by which lodging by a
hotel is or is to be furnished to transient guests, to provide for
all of the following:

(i) That the rate of the tax shall be increased by not more
than an additional one per cent on each transaction;

(ii) That all of the revenue from the increase in rate shall
be pledged and contributed to a convention facilities authority
established by the board of county commissioners under Chapter
351. of the Revised Code on or before May 15, 2002, and be used to
pay costs of constructing, expanding, maintaining, operating, or
promoting a convention center in the county, including paying
bonds, or notes issued in anticipation of bonds, as provided by
that chapter;

(iii) That the increase in rate shall not be subject to
diminution by initiative or referendum or by law while any bonds,
or notes in anticipation of bonds, issued by the authority under
Chapter 351. of the Revised Code to which the revenue is pledged,
remain outstanding in accordance with their terms, unless
provision is made by law, by the board of county commissioners, or
by the legislative authority, for an adequate substitute therefor
that is satisfactory to the trustee if a trust agreement secures
the bonds.

(b) The legislative authority of a municipal corporation
that, pursuant to division (B)(2)(a) of this section, has amended
its ordinance or resolution to increase the rate of the tax
authorized by division (B)(1) of this section may further amend
the ordinance or resolution to provide that the revenue referred
to in division (B)(2)(a)(ii) of this section shall be pledged and
contributed both to a convention facilities authority to pay the
costs of constructing, expanding, maintaining, or operating one or
more convention centers in the county, including paying bonds, or
notes issued in anticipation of bonds, as provided in Chapter 351.
of the Revised Code, and to a convention and visitors' bureau to
pay the costs of promoting one or more convention centers in the
county.

As used in division (B)(2) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(3) The legislative authority of an eligible municipal corporation may amend, on or before December 31, 2017, that municipal corporation's ordinance or resolution that levies an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests, to provide for the following:

(a) That the rate of the tax shall be increased by not more than an additional three per cent on each transaction;

(b) That all of the revenue from the increase in rate shall be used by the municipal corporation for economic development and tourism-related purposes.

As used in division (B)(3) of this section, "eligible municipal corporation" means a municipal corporation that, on the effective date of the amendment of this section by H.B. 49 of the 132nd general assembly, September 29, 2017, levied a tax under division (B)(1) of this section at a rate of three per cent and that is located in a county that, on that date, levied a tax under division (A) of this section at a rate of three per cent and that
has, according to the most recent federal decennial census, a population exceeding three hundred thousand but not greater than three hundred fifty thousand.

(C) For the purposes described in section 307.695 of the Revised Code and to cover the costs of administering the tax, a board of county commissioners of a county where a tax imposed under division (A)(1) of this section is in effect may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, levy an additional excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax authorized by this division shall be in addition to any tax that is levied pursuant to division (A) of this section, but it shall not apply to transactions subject to a tax levied by a municipal corporation or township pursuant to the authorization granted by division (A) of section 5739.08 of the Revised Code. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.695 of the Revised Code. The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend the resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code. A tax imposed under this
division shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement entered into by the board under section 307.695 of the Revised Code is in effect, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(D) For the purpose of providing contributions under division (B)(1) of section 307.671 of the Revised Code to enable the acquisition, construction, and equipping of a port authority educational and cultural facility in the county and, to the extent provided for in the cooperative agreement authorized by that section, for the purpose of paying debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section, a board of county commissioners, by resolution adopted within ninety days after December 22, 1992, by a majority of the members of the board, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by this division shall be in addition to any tax that is levied pursuant to divisions (A), (B), and (C) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code. The board of county commissioners shall establish all regulations necessary to provide for the administration and allocation of the tax that are not inconsistent with this section or section 307.671 of the Revised Code. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not
exceed ten per cent of the amount of tax due, and the rate at
which interest accrues does not exceed the rate per annum
prescribed pursuant to section 5703.47 of the Revised Code. All
revenues arising from the tax shall be expended in accordance with
section 307.671 of the Revised Code and division (D) of this
section. The levy of a tax imposed under this division may not
commence prior to the first day of the month next following the
execution of the cooperative agreement authorized by section
307.671 of the Revised Code by all parties to that agreement. The
tax shall remain in effect at the rate at which it is imposed for
the period of time described in division (C) of section 307.671 of
the Revised Code for which the revenue from the tax has been
pledged by the county to the corporation pursuant to that section,
but, to any extent provided for in the cooperative agreement, for
no lesser period than the period of time required for payment of
the debt service charges on bonds, or notes in anticipation of
bonds, described in division (B)(1)(b) of that section.

(E) For the purpose of paying the costs of acquiring,
constructing, equipping, and improving a municipal educational and
cultural facility, including debt service charges on bonds
provided for in division (B) of section 307.672 of the Revised
Code, and for any additional purposes determined by the county in
the resolution levying the tax or amendments to the resolution,
including subsequent amendments providing for paying costs of
acquiring, constructing, renovating, rehabilitating, equipping,
and improving a port authority educational and cultural performing
arts facility, as defined in section 307.674 of the Revised Code,
and including debt service charges on bonds provided for in
division (B) of section 307.674 of the Revised Code, the
legislative authority of a county, by resolution adopted within
ninety days after June 30, 1993, by a majority of the members of
the legislative authority, may levy an additional excise tax not
to exceed one and one-half per cent on transactions by which
lodging by a hotel is or is to be furnished to transient guests.
The excise tax authorized by this division shall be in addition to
any tax that is levied pursuant to divisions (A), (B), (C), and
(D) of this section, to any excise tax levied pursuant to section
5739.08 of the Revised Code, and to any excise tax levied pursuant
to section 351.021 of the Revised Code. The legislative authority
of the county shall establish all regulations necessary to provide
for the administration and allocation of the tax. The regulations
may prescribe the time for payment of the tax, and may provide for
the imposition of a penalty or interest, or both, for late
payments, provided that the penalty does not exceed ten per cent
of the amount of tax due, and the rate at which interest accrues
does not exceed the rate per annum prescribed pursuant to section
5703.47 of the Revised Code. All revenues arising from the tax
shall be expended in accordance with section 307.672 of the
Revised Code and this division. The levy of a tax imposed under
this division shall not commence prior to the first day of the
month next following the execution of the cooperative agreement
authorized by section 307.672 of the Revised Code by all parties
to that agreement. The tax shall remain in effect at the rate at
which it is imposed for the period of time determined by the
legislative authority of the county. That period of time shall not
exceed fifteen years, except that the legislative authority of a
county with a population of less than two hundred fifty thousand
according to the most recent federal decennial census, by
resolution adopted by a majority of its members before the
original tax expires, may extend the duration of the tax for an
additional period of time. The additional period of time by which
a legislative authority extends a tax levied under this division
shall not exceed fifteen years.

(F) The legislative authority of a county that has levied a tax under division (E) of this section may, by resolution adopted within one hundred eighty days after January 4, 2001, by a majority of the members of the legislative authority, amend the resolution levying a tax under that division to provide for the use of the proceeds of that tax, to the extent that it is no longer needed for its original purpose as determined by the parties to a cooperative agreement amendment pursuant to division (D) of section 307.672 of the Revised Code, to pay costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, and to pay all obligations under any guaranty agreements, reimbursement agreements, or other credit enhancement agreements described in division (C) of section 307.674 of the Revised Code. The resolution may also provide for the extension of the tax at the same rate for the longer of the period of time determined by the legislative authority of the county, but not to exceed an additional twenty-five years, or the period of time required to pay all debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code and on port authority revenue bonds provided for in division (B) of section 307.674 of the Revised Code. All revenues arising from the amendment and extension of the tax shall be expended in accordance with section 307.674 of the Revised Code, this division, and division (E) of this section.

(G) For purposes of a tax levied by a county, township, or municipal corporation under this section or section 5739.08 of the Revised Code, a board of county commissioners, board of township
trustees, or the legislative authority of a municipal corporation may adopt a resolution or ordinance at any time specifying that "hotel," as otherwise defined in section 5739.01 of the Revised Code, includes the following:

1) Establishments in which fewer than five rooms are used for the accommodation of guests.

2) Establishments at which rooms are used for the accommodation of guests regardless of whether each room is accessible through its own keyed entry or several rooms are accessible through the same keyed entry; and, in determining the number of rooms, all rooms are included regardless of the number of structures in which the rooms are situated or the number of parcels of land on which the structures are located if the structures are under the same ownership and the structures are not identified in advertisements of the accommodations as distinct establishments. For the purposes of division (G)(2) of this section, two or more structures are under the same ownership if they are owned by the same person, or if they are owned by two or more persons the majority of the ownership interests of which are owned by the same person.

The resolution or ordinance may apply to a tax imposed pursuant to this section prior to the adoption of the resolution or ordinance if the resolution or ordinance so states, but the tax shall not apply to transactions by which lodging by such an establishment is provided to transient guests prior to the adoption of the resolution or ordinance.

(H)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.
(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of this section, the legislative authority of a county with a population of one million or more according to the most recent federal decennial census that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution may provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be deposited in the county general fund.

(4) The legislative authority of a county with a population
of one million or more that has levied a tax under division (A)(1) of this section may, by resolution adopted on or before August 30, 2004, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A)(1) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A)(1) of this section, shall be deposited in the county general fund, provided that such proceeds shall be used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code.

(5) No amount collected from a tax levied, extended, or required to be deposited in the county general fund under division (H) of this section shall be contributed to a convention facilities authority, corporation, or other entity created after July 1, 2003, for the principal purpose of constructing, improving, expanding, equipping, financing, or operating a convention center unless the mayor of the municipal corporation in which the convention center is to be operated by that convention facilities authority, corporation, or other entity has consented to the creation of that convention facilities authority, corporation, or entity. Notwithstanding any contrary provision of section 351.04 of the Revised Code, if a tax is levied by a county under division (H) of this section, the board of county commissioners of that county may determine the manner of selection, the qualifications, the number, and terms of office of the members of the board of directors of any convention facilities authority, corporation, or other entity described in division (H)(5) of this section.

(6)(a) No amount collected from a tax levied, extended, or
required to be deposited in the county general fund under division (H) of this section may be used for any purpose other than paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center and for the real and actual costs of administering the tax, unless, prior to the adoption of the resolution of the legislative authority of the county authorizing the levy, extension, increase, or deposit, the county and the mayor of the most populous municipal corporation in that county have entered into an agreement as to the use of such amounts, provided that such agreement has been approved by a majority of the mayors of the other municipal corporations in that county. The agreement shall provide that the amounts to be used for purposes other than paying the convention center or administrative costs described in division (H)(6)(a) of this section be used only for the direct and indirect costs of capital improvements, including the financing of capital improvements.

(b) If the county in which the tax is levied has an association of mayors and city managers, the approval of that association of an agreement described in division (H)(6)(a) of this section shall be considered to be the approval of the majority of the mayors of the other municipal corporations for purposes of that division.

(7) Each year, the auditor of state shall conduct an audit of the uses of any amounts collected from taxes levied, extended, or deposited under division (H) of this section and shall prepare a report of the auditor of state's findings. The auditor of state shall submit the report to the legislative authority of the county that has levied, extended, or deposited the tax, the speaker of the house of representatives, the president of the senate, and the leaders of the minority parties of the house of representatives.
and the senate.

(I)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted
by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution shall provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(4) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted on or before July 1, 2008, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A)(1) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A)(1) of this section, shall be used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code or shall otherwise be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(5) Any amount collected from a tax levied or extended under division (I) of this section may be contributed to a convention facilities authority created before July 1, 2005, but no amount collected from a tax levied or extended under division (I) of this section may be contributed to a convention facilities authority, corporation, or other entity created after July 1, 2005, unless
the mayor of the municipal corporation in which the convention
center is to be operated by that convention facilities authority,
corporation, or other entity has consented to the creation of that
convention facilities authority, corporation, or entity.

(J)(1) Except as provided in division (J)(2) of this section,
money collected by a county and distributed under this section to
a convention and visitors' bureau in existence as of June 30,
2013, the effective date of H.B. 59 of the 130th general assembly,
except for any such money pledged, as of that effective date, to
the payment of debt service charges on bonds, notes, securities,
or lease agreements, shall be used solely for tourism sales,
marketing and promotion, and their associated costs, including,
but not limited to, operational and administrative costs of the
bureau, sales and marketing, and maintenance of the physical
bureau structure.

(2) A convention and visitors' bureau that has entered into
an agreement under section 307.678 of the Revised Code may use
revenue it receives from a tax levied under division (A)(1) of
this section as described in division (E) of section 307.678 of
the Revised Code.

(K) The board of county commissioners of a county with a
population between one hundred three thousand and one hundred
seven thousand according to the most recent federal decennial
census, by resolution adopted by a majority of the members of the
board within six months after September 15, 2014, the effective
date of H.B. 483 of the 130th general assembly, may levy a tax not
to exceed three per cent on transactions by which a hotel is or is
to be furnished to transient guests. The purpose of the tax shall
be to pay the costs of expanding, maintaining, or operating a
soldiers' memorial and the costs of administering the tax. All
revenue arising from the tax shall be credited to one or more special funds in the county treasury and shall be spent solely for the purposes of paying those costs. The board of county commissioners shall adopt all rules necessary to provide for the administration of the tax subject to the same limitations on imposing penalty or interest under division (A)(1) of this section.

As used in this division "soldiers' memorial" means a memorial constructed and funded under Chapter 345. of the Revised Code.

(L) A board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may levy an excise tax at the rate of up to three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of paying the costs of permanent improvements at sites at which one or more agricultural societies conduct fairs or exhibits, paying the costs of maintaining or operating such permanent improvements, and paying the costs of administering the tax. A resolution adopted under this division shall direct the board of elections to submit the question of the proposed lodging tax to the electors of the county at a general election or a special election held on a day on which a primary election may be held on the date, as specified by the board in the resolution, provided that the election occurs not less than ninety days after a certified copy of the resolution is transmitted to the board of elections. A resolution submitted to the electors under this division shall not go into effect unless it is approved by a majority of those voting upon it. The resolution takes effect on the date the board of county commissioners receives notification from the board of elections of an affirmative vote.
The tax shall remain in effect for the period specified in the resolution, not to exceed five years. All revenue arising from the tax shall be credited to one or more special funds in the county treasury and shall be spent solely for the purposes of paying the costs of such permanent improvements and maintaining or operating the improvements. Revenue allocated for the use of a county agricultural society may be credited to the county agricultural society fund created in section 1711.16 of the Revised Code upon appropriation by the board. If revenue is credited to that fund, it shall be expended only as provided in that section.

The board of county commissioners shall adopt all rules necessary to provide for the administration of the tax. The rules may prescribe the time for payment of the tax, and may provide for the imposition or penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed in section 5703.47 of the Revised Code.

As used in this division, "eligible county" means a county in which a county agricultural society or independent agricultural society is organized under section 1711.01 or 1711.02 of the Revised Code, provided the agricultural society owns a facility or site in the county at which an annual harness horse race is conducted where one-day attendance equals at least forty thousand attendees.

(M) As used in this division, "eligible county" means a county in which a tax is levied under division (A) of this section at a rate of three per cent and whose territory includes a part of Lake Erie the shoreline of which represents at least fifty per
cent of the linear length of the county's border with other counties of this state.

The board of county commissioners of an eligible county that has entered into an agreement with a port authority in the county under section 4582.56 of the Revised Code may levy an additional lodging tax on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of financing lakeshore improvement projects constructed or financed by the port authority under that section. The resolution levying the tax shall specify the purpose of the tax, the rate of the tax, which shall not exceed two per cent, and the number of years the tax will be levied or that it will be levied for a continuing period of time. The tax shall be administered pursuant to the regulations adopted by the board under division (A) of this section, except that all the proceeds of the tax levied under this division shall be pledged to the payment of the costs, including debt charges, of lakeshore improvements undertaken by a port authority pursuant to the agreement under section 4582.56 of the Revised Code. No revenue from the tax may be used to pay the current expenses of the port authority.

A resolution levying a tax under this division is subject to referendum under sections 305.31 to 305.41 and 305.99 of the Revised Code.

(N)(1)(a) Notwithstanding division (A) of this section, the board of county commissioners, board of township trustees, or legislative authority of any county, township, or municipal corporation that levies a lodging tax on September 29, 2017, and in which any part of a tourism development district is located on or after that date shall amend the ordinance or resolution levying the tax to require either of the following:
(i) In the case of a tax levied by a county, that all tourism
development district lodging tax proceeds from that tax be used
exclusively to foster and develop tourism in the tourism
development district;

(ii) In the case of a tax levied by a township or municipal
corporation, that all tourism development district lodging tax
proceeds from that tax be used exclusively to foster and develop
tourism in the tourism development district.

(b) Notwithstanding division (A) of this section, any
ordinance or resolution levying a lodging tax adopted on or after
September 29, 2017, by a county, township, or municipal
corporation in which any part of a tourism development district is
located on or after that date shall require that all tourism
development district lodging tax proceeds from that tax be used
exclusively to foster and develop tourism in the tourism
development district.

(c) A county shall not use any of the proceeds described in
division (N)(1)(a)(i) or (N)(1)(b) of this section unless the
convention and visitors' bureau operating within the county
approves the manner in which such proceeds are used to foster and
develop tourism in the tourism development district. Upon
obtaining such approval, the county may pay such proceeds to the
bureau to use for the agreed-upon purpose.

A municipal corporation or township shall not use any of the
proceeds described in division (N)(1)(a)(ii) or (N)(1)(b) of this
section unless the convention and visitors' bureau operating
within the municipal corporation or township approves the manner
in which such proceeds are used to foster and develop tourism in
the tourism development district. Upon obtaining such approval,
the municipal corporation or township may pay such proceeds to the
bureau to use for the agreed-upon purpose.

(2)(a) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that levies a lodging tax on March 23, 2018, may amend the resolution levying that tax to require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county shall be used to foster and develop tourism in a tourism development district.

(b) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that adopts a resolution levying a lodging tax on or after March 23, 2018, may require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county pursuant to division (A) of this section shall be used to foster and develop tourism in a tourism development district.

(c) A county shall not use any of the proceeds in the manner described in division (N)(2)(a) or (b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed upon purpose.

(3) As used in division (N) of this section:

(a) "Tourism development district" means a district designated by a municipal corporation under section 715.014 of the Revised Code or by a township under section 503.56 of the Revised Code.
(b) "Lodging tax" means a tax levied pursuant to this section or section 5739.08 of the Revised Code.

c) "Tourism development district lodging tax proceeds" means all proceeds of a lodging tax derived from transactions by which lodging by a hotel located in a tourism development district is or is to be provided to transient guests.

d) "Eligible county" has the same meaning as in section 307.678 of the Revised Code.

Sec. 5743.021. (A) As used in this section, "qualifying regional arts and cultural district" means a regional arts and cultural district created under section 3381.04 of the Revised Code in a county having a population of one million two hundred thousand or more according to the 2000 federal decennial census.

(B) For one or more of the purposes for which a tax may be levied under section 3381.16 of the Revised Code and for the purposes of paying the expenses of administering the tax and the expenses charged by a board of elections to hold an election on a question submitted under this section, the board of county commissioners of a county that has within its territorial boundaries a qualifying regional arts and cultural district may levy a tax on the sale of cigarettes sold for resale at retail in the county composing the district. The rate of the tax, when added to the rate of any other tax concurrently levied by the board under this section, shall not exceed fifteen mills per cigarette, and shall be computed on each cigarette sold. Only one sale of the same article shall be used in computing the amount of tax due. The tax may be levied for any number of years not exceeding ten years.

The tax shall be levied pursuant to a resolution of the board of county commissioners approved by a majority of the electors in

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the county voting on the question of levying the tax. The
resolution shall specify the rate of the tax, the number of years
the tax will be levied, and the purposes for which the tax is
levied. The election may be held on the date of a general,
primary, election or a special election held on a day on which a
primary election may be held, occurring not sooner than ninety
days after the date the board certifies its resolution to the
board of elections. If approved by the electors, the tax shall
take effect on the first day of the month specified in the
resolution but not sooner than the first day of the month that is
at least sixty days after the certification of the election
results by the board of elections. A copy of the resolution
levying the tax shall be certified to the tax commissioner at
least sixty days prior to the date on which the tax is to become
effective.

(C) The form of the ballot in an election held under this
section shall be as follows, or in any other form acceptable to
the secretary of state:

"For the purpose of .......... (insert the purpose or
purposes of the tax), shall an excise tax be levied throughout
 .......... County for the benefit of the .......... (name of the
qualifying regional arts and cultural district) on the sale of
cigarettes at wholesale at the rate of .... mills per cigarette
for ..... years?

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(D) All money arising from taxes levied on behalf of each
district under this section and section 5743.321 of the Revised
Code shall be credited as follows:
(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section certified by the tax commissioner pursuant to section 5743.05 of the Revised Code;

(2) Following the crediting of amounts pursuant to division (D)(1) of this section:

(a) To the permissive tax distribution fund created under section 4301.423 of the Revised Code, an amount equal to ninety-eight per cent of the remainder collected;

(b) To the local excise tax administrative fund, which is hereby created in the state treasury, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund during the preceding month by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied.

Sec. 5743.024. (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for such purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on sales of cigarettes sold for resale at retail in the county. The tax shall not exceed two and twenty-five hundredths of a mill per cigarette, and shall be computed on each cigarette sold. The tax may be levied for any number of years not exceeding twenty. Only one sale of the same article shall be used in
computing the amount of tax due. 10337

The tax shall be levied pursuant to a resolution of the county commissioners approved by a majority of the electors in the county voting on the question of levying the tax **at a general election or a special election held on a day on which a primary election may be held**. The resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. Such election may be held on the date of a general or special election held not sooner than ninety days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax shall take effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax shall be certified to the tax commissioner at least sixty days prior to the date on which the tax is to become effective.

A resolution under this section may be joined on the ballot as a single question with a resolution adopted under section 307.697 or 4301.421 of the Revised Code to levy a tax for the same purposes and for the purpose of paying the expenses of administering the tax. The form of the ballot in an election held pursuant to this section shall be as prescribed in section 307.697 of the Revised Code.

(B) All money arising from each county's taxes levied under this section and section 5743.323 of the Revised Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section certified by the tax commissioner pursuant to
section 5743.05 of the Revised Code;

(2) Following the crediting of amounts pursuant to division (B)(1) of this section:

(a) To the permissive tax distribution fund created by division (B)(1) of section 4301.423 of the Revised Code, an amount equal to ninety-eight per cent of the remainder collected;

(b) To the local excise tax administrative fund, which is hereby created in the state treasury, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund during the preceding month by providing for payment of the appropriate amount to the county treasurer of each county levying the tax.

(C) The board of county commissioners of a county in which a tax is imposed under this section on the effective date of the amendment of this section by H.B. 59 of the 130th general assembly, September 29, 2013, may levy a tax for the purpose of section 307.673 of the Revised Code regardless of whether or not the cooperative agreement authorized under that section has been entered into prior to the day the resolution adopted under division (C)(1) or (2) of this section is adopted, for the purpose of reimbursing a county for costs incurred in the construction of a sports facility pursuant to an agreement entered into by the county under section 307.696 of the Revised Code, or for the purpose of paying the costs of capital repairs of and improvements to a sports facility. The tax shall be levied and approved in one of the manners prescribed by division (C)(1) or (2) of this section.
(1) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than forty-five days after July 19, 1995. A board of county commissioners approving a tax under division (C)(1) of this section may approve a tax under division (D)(1) of section 307.697 or division (B)(1) of section 4301.421 of the Revised Code at the same time. Subject to the resolution being submitted to a referendum under sections 305.31 to 305.41 of the Revised Code, the resolution shall take effect immediately, but the tax levied pursuant to the resolution shall not be levied prior to the day following the last day that any tax previously levied pursuant to this division may be levied.

(2) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than September 1, 2015, and approved by a majority of the electors of the county voting on the question of levying the tax at a general election or a special election held on a day on which a primary election may be held. The board of county commissioners shall certify a copy of the resolution to the board of elections immediately upon adopting a resolution under division (C)(2) of this section. The election may be held on the date of a general or special election held not sooner than ninety days after the date the board certifies its resolution to the board of elections. The form of the ballot shall be as prescribed by division (C) of section 307.697 of the Revised Code, except that the phrase "paying not more than one-half of the costs of providing a sports facility together with related redevelopment and economic development projects" shall be replaced by the phrase "paying the costs of constructing, renovating, improving, or repairing a sports facility and reimbursing a county for costs incurred by the county in the construction of a sports facility," and the phrase
", beginning ........ (here insert the earliest date the tax
would take effect)" shall be appended after "years." A board of
county commissioners submitting the question of a tax under
division (C)(2) of this section may submit the question of a tax
under division (D)(2) of section 307.697 or division (B)(2) of
section 4301.421 of the Revised Code as a single question, and the
form of the ballot shall include each of the proposed taxes.

If approved by a majority of electors voting on the question,
the tax shall take effect on the day specified on the ballot,
which shall not be earlier than the day following the last day
that any tax previously levied pursuant to this division may be
levied.

The rate of a tax levied pursuant to division (C)(1) or (2)
of this section shall not exceed the rate specified in division
(A) of this section. A tax levied pursuant to division (C)(1) or
(2) of this section may be levied for any number of years not
exceeding twenty.

A board of county commissioners adopting a resolution under
this division shall certify a copy of the resolution to the tax
commissioner immediately upon adoption of the resolution.

(D) No tax shall be levied under division (A) of this section
on or after September 23, 2008. This division does not apply to a
tax levied under division (C) of this section, and does not
prevent the collection of any tax levied under this section before
September 23, 2008, so long as that tax remains effective.

Sec. 5743.026. For the purposes of section 351.26 of the
Revised Code, to pay the expenses of administering the tax, and to
pay any or all of the charge the board of elections makes against
the county to hold the election on the question of levying the
tax, the board of county commissioners, in the manner prescribed by division (A) of section 351.26 of the Revised Code, may levy a tax on sales of cigarettes sold for resale at retail in the county. The rate of the tax shall not exceed two and twenty-five hundredths mills per cigarette, and shall be computed on each cigarette sold. The tax may be levied for any number of years not to exceed twenty. Only one sale of the same article shall be used in computing the amount of tax due.

The tax shall be levied pursuant to a resolution of the board of county commissioners adopted as prescribed by division (A) of section 351.26 of the Revised Code and approved by a majority of the electors in the county voting on the question of levying the tax at a general election or a special election held on a day on which a primary election may be held. The resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. Such election may be held on the date of a general or special election held not sooner than ninety days after the date the board certifies its resolution to the board of elections. If approved by voters, the tax shall take effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax shall be certified to the tax commissioner at least sixty days prior to the date on which the tax is to become effective.

A resolution under this section may be joined on the ballot as a single question with a resolution adopted under section 4301.424 of the Revised Code to levy a tax for the same purposes and for the purpose of paying the expenses of administering the tax. The form of the ballot in an election held pursuant to this

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section shall be as prescribed in section 351.26 of the Revised Code.

The treasurer of state shall credit all moneys arising from each tax levied under this section and section 5743.324 of the Revised Code in the same manner prescribed by section 5743.024 of the Revised Code for the crediting of money arising from taxes levied under that section, except that the tax commissioner shall distribute the amount credited to the permissive tax distribution fund by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied, who shall credit the payment to the fund or account designated by the board of directors of the convention facilities authority levying the tax.

Sec. 5748.02. (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. A copy of the resolution shall be certified to the tax commissioner no later than one hundred days prior to the date of the election at which the board intends to propose a levy under this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;
(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution proposing an income tax under division (B) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The commissioner's certification applies only to the board's proposal to levy an income tax at the election for which the board requested the certification. If the board intends to submit a proposal to levy an income tax at any other election, it shall request another certification for that election in the manner prescribed in this division.

(B)(1) Upon the receipt of a certification from the tax commissioner under division (A) of this section, a majority of the members of a board of education may adopt a resolution proposing the levy of an annual tax for school district purposes on school district income. The proposed levy may be for a continuing period of time or for a specified number of years. The resolution shall set forth the purpose for which the tax is to be imposed, the rate of the tax, which shall be the rate set forth in the commissioner's certification rounded to the nearest one-fourth of one per cent, the number of years the tax will be levied or that it will be levied for a continuing period of time, the date on which the tax shall take effect, which shall be the first day of January of any year following the year in which the question is submitted, and the date of the election at which the proposal shall be submitted to the electors of the district, which shall be on the date of a primary, general, election or a special election.
held on a day on which a primary election the date of which is consistent with section 3501.01 of the Revised Code may be held.

The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. The specification shall be the same as the specification in the resolution adopted and certified under division (A) of this section.

If the tax is to be levied for current expenses and permanent improvements, the resolution shall apportion the annual rate of the tax. The apportionment may be the same or different for each year the tax is levied, but the respective portions of the rate actually levied each year for current expenses and for permanent improvements shall be limited by the apportionment.

If the board of education currently imposes an income tax pursuant to this chapter that is due to expire and a question is submitted under this section for a proposed income tax to take effect upon the expiration of the existing tax, the board may specify in the resolution that the proposed tax renews the expiring tax. Two or more expiring income taxes may be renewed under this paragraph if the taxes are due to expire on the same date. If the tax rate being proposed is no higher than the total tax rate imposed by the expiring tax or taxes, the resolution may state that the proposed tax is not an additional income tax.

(2) A board of education adopting a resolution under division (B)(1) of this section proposing a school district income tax for a continuing period of time and limited to the purpose of current expenses may propose in that resolution to reduce the rate or rates of one or more of the school district's property taxes levied for a continuing period of time in excess of the ten-mill
limitation for the purpose of current expenses. The reduction in the rate of a property tax may be any amount, expressed in mills per one dollar in valuation, not exceeding the rate at which the tax is authorized to be levied. The reduction in the rate of a tax shall first take effect for the tax year that includes the day on which the school district income tax first takes effect, and shall continue for each tax year that both the school district income tax and the property tax levy are in effect.

In addition to the matters required to be set forth in the resolution under division (B)(1) of this section, a resolution containing a proposal to reduce the rate of one or more property taxes shall state for each such tax the maximum rate at which it currently may be levied and the maximum rate at which the tax could be levied after the proposed reduction, expressed in mills per one dollar in valuation, and that the tax is levied for a continuing period of time.

If a board of education proposes to reduce the rate of one or more property taxes under division (B)(2) of this section, the board, when it makes the certification required under division (A) of this section, shall designate the specific levy or levies to be reduced, the maximum rate at which each levy currently is authorized to be levied, and the rate by which each levy is proposed to be reduced. The tax commissioner, when making the certification to the board under division (A) of this section, also shall certify the reduction in the total effective tax rate for current expenses for each class of property that would have resulted if the proposed reduction in the rate or rates had been in effect the previous tax year. As used in this paragraph, "effective tax rate" has the same meaning as in section 323.08 of the Revised Code.
(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, a copy of the resolution shall be certified to the board of elections of the proper county, which shall submit the proposal to the electors on the date specified in the resolution. The form of the ballot shall be as provided in section 5748.03 of the Revised Code. Publication of notice of the election shall be made in a newspaper of general circulation in the county once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall contain the time and place of the election and the question to be submitted to the electors. The question covered by the resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers.

(D) No board of education shall submit the question of a tax on school district income to the electors of the district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

(E)(1) No board of education may submit to the electors of the district the question of a tax on school district income on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on the taxable income of individuals.
and estates as defined in divisions (E)(1)(a) and (2) of that section.

(2) No board of education may submit to the electors of the district the question of a tax on school district income on the taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on the taxable income of individuals as defined in division (E)(1)(b) of that section.

Sec. 5748.021. A board of education that levies a tax under section 5748.02 of the Revised Code on the school district income of individuals and estates as defined in divisions (G) and (E)(1)(a) and (2) of section 5748.01 of the Revised Code may declare, at any time, by a resolution adopted by a majority of its members, the necessity of raising annually a specified amount of money for school district purposes by replacing the existing tax with a tax on the school district income of individuals as defined in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the Revised Code. The specified amount of money to be raised annually may be the same as, or more or less than, the amount of money raised annually by the existing tax.

The board shall certify a copy of the resolution to the tax commissioner not later than the eighty-fifth day before the date of the election at which the board intends to propose the replacement to the electors of the school district. Not later than the tenth day after receiving the resolution, the tax commissioner shall estimate the tax rate that would be required in the school district annually to raise the amount of money specified in the resolution. The tax commissioner shall certify the estimate to the board.

Upon receipt of the tax commissioner's estimate, the board...
may propose, by a resolution adopted by a majority of its members, to replace the existing tax on the school district income of individuals and estates as defined in divisions (G) and (E)(1)(a) and (2) of section 5748.01 of the Revised Code with the levy of an annual tax on the school district income of individuals as defined in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the Revised Code. In the resolution, the board shall specify the rate of the replacement tax, whether the replacement tax is to be levied for a specified number of years or for a continuing time, the specific school district purposes for which the replacement tax is to be levied, the date on which the replacement tax will begin to be levied, the date of the election at which the question of the replacement is to be submitted to the electors of the school district, that the existing tax will cease to be levied and the replacement tax will begin to be levied if the replacement is approved by a majority of the electors voting on the replacement, and that if the replacement is not approved by a majority of the electors voting on the replacement the existing tax will remain in effect under its original authority for the remainder of its previously approved term. The resolution goes into immediate effect upon its adoption. Publication of the resolution is not necessary, and the information that will be provided in the notice of election is sufficient notice. At least seventy-five days before the date of the election at which the question of the replacement will be submitted to the electors of the school district, the board shall certify a copy of the resolution to the board of elections.

The replacement tax shall have the same specific school district purposes as the existing tax, and its rate shall be the same as the tax commissioner's estimate rounded to the nearest one-fourth of one per cent. The replacement tax shall begin to be
levied on the first day of January of the year following the year
in which the question of the replacement is submitted to and
approved by the electors of the school district or on the first
day of January of a later year, as specified in the resolution.
The date of the election shall be the date of an otherwise
scheduled primary, a general election or a special election held
on a day on which a primary election may be held.

The board of elections shall make arrangements to submit the
question of the replacement to the electors of the school district
on the date specified in the resolution. The board of elections
shall publish notice of the election on the question of the
replacement in one newspaper of general circulation in the school
district once a week for four consecutive weeks or as provided in
section 7.16 of the Revised Code. The notice shall set forth the
question to be submitted to the electors and the time and place of
the election thereon.

The question shall be submitted to the electors of the school
district as a separate proposition, but may be printed on the same
ballot with other propositions that are submitted at the same
election, other than the election of officers. The form of the
ballot shall be substantially as follows:

"Shall the existing tax of ..... (state the rate) on the
school district income of individuals and estates imposed by ..... (state the name of the school district) be replaced by a tax of ..... (state the rate) on the earned income of individuals residing in the school district for ..... (state the number of years the tax is to be in effect or that it will be in effect for a continuing time), beginning ..... (state the date the new tax will take effect), for the purpose of ..... (state the specific school district purposes of the tax)? If the new tax is not
approved, the existing tax will remain in effect under its
original authority, for the remainder of its previously approved
term.

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The board of elections shall conduct and canvass the election
in the same manner as regular elections in the school district for
the election of county officers. The board shall certify the
results of the election to the board of education and to the tax
commissioner. If a majority of the electors voting on the question
vote in favor of the replacement, the existing tax shall cease to
be levied, and the replacement tax shall begin to be levied, on
the date specified in the ballot question. If a majority of the
electors voting on the question vote against the replacement, the
existing tax shall continue to be levied under its original
authority, for the remainder of its previously approved term.

A board of education may not submit the question of replacing
a tax more than twice in a calendar year. If a board submits the
question more than once, one of the elections at which the
question is submitted shall be on the date of a general election.

If a board of education later intends to renew a replacement
tax levied under this section, it shall repeat the procedure
outlined in this section to do so, the replacement tax then being
levied being the "existing tax" and the renewed replacement tax
being the "replacement tax."

Sec. 5748.07. Notwithstanding any section of the Revised Code
to the contrary, the board of education of a school district may
submit a proposal to levy a tax under this chapter on the ballot at a special election held in August if the resolution or ordinance proposing the tax declares that the purpose of such tax, in addition to any other purpose authorized for that tax under this chapter, is to prevent the conditions that would qualify the school district for a fiscal emergency declaration as described in division (B) of section 3316.03 of the Revised Code. This additional purpose shall be included in the election notice advertising the tax and in the tax's ballot language.

Sec. 5748.08. (A) The board of education of a city, local, or exempted village school district, at any time by a vote of two-thirds of all its members, may declare by resolution that it may be necessary for the school district to do all of the following:

(1) Raise a specified amount of money for school district purposes by levying an annual tax on school district income;

(2) Issue general obligation bonds for permanent improvements, stating in the resolution the necessity and purpose of the bond issue and the amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid;

(3) Levy a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities;

(4) Submit the question of the school district income tax and bond issue to the electors of the district at a general election or a special election held on a day on which a primary election may be held.

The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as
On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor no later than one hundred five days prior to the date of the special election at which the board intends to propose the income tax and bond issue. Not later than ten days of receipt of the resolution, the tax commissioner, in the same manner as required by division (A) of section 5748.02 of the Revised Code, shall estimate the rates designated in divisions (A)(1) and (2) of that section and certify them to the board. Not later than ten days of receipt of the resolution, the county auditor shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.

(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this section, the board of education of the city, local, or exempted village school district, by a vote of two-thirds of all its members, may adopt a resolution proposing for a specified number of years or for a continuing period of time the levy of an annual tax for school district purposes on school district income and declaring that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district; that it is necessary to issue general obligation bonds of the school district for specified permanent improvements and to levy an additional tax in excess of the ten-mill limitation to pay the debt charges on the bonds and any anticipatory securities; and that the question
of the bonds and taxes shall be submitted to the electors of the school district at a general election or a special election held on a day on which a primary election may be held, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3501.01 of the Revised Code. The resolution shall specify all of the following:

(1) The purpose for which the school district income tax is to be imposed and the rate of the tax, which shall be the rate set forth in the tax commissioner's certification rounded to the nearest one-fourth of one per cent;

(2) Whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. The specification shall be the same as the specification in the resolution adopted and certified under division (A) of this section.

(3) The number of years the tax will be levied, or that it will be levied for a continuing period of time;

(4) The date on which the tax shall take effect, which shall be the first day of January of any year following the year in which the question is submitted;

(5) The county auditor's estimate of the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that
provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, the board of education shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections of the proper county. The board of education shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers.

The resolution shall be put before the electors as one ballot question, with a majority vote indicating approval of the school district income tax, the bond issue, and the levy to pay debt charges on the bonds and any anticipatory securities. The board of elections shall publish the notice of the election in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, it also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following:

1. The questions to be submitted to the electors;
2. The rate of the school district income tax;
3. The principal amount of the proposed bond issue;
4. The permanent improvements for which the bonds are to be issued;
5. The maximum number of years over which the principal of the bonds may be paid;
(6) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;

(7) The time and place of the special election.

(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:

"Shall the ........ school district be authorized to do both of the following:

(1) Impose an annual income tax of ...... (state the proposed rate of tax) on the school district income of individuals and of estates, for ........ (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning ........ (state the date the tax would first take effect), for the purpose of ........ (state the purpose of the tax)?

(2) Issue bonds for the purpose of ........ in the principal amount of $........, to be repaid annually over a maximum period of ........ years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period ........ mills for each one dollar of tax valuation, which amounts to ........ (rate expressed in cents or dollars and cents, such as "36 cents" or "$1.41") for each $100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

FOR THE INCOME TAX AND BOND ISSUE

AGAINST THE INCOME TAX AND BOND ISSUE "
(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(H) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in
accordance with section 5748.04 of the Revised Code.

(I) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

Sec. 5748.09. (A) The board of education of a city, local, or exempted village school district, at any time by a vote of two-thirds of all its members, may declare by resolution that it may be necessary for the school district to do all of the following:

(1) Raise a specified amount of money for school district purposes by levying an annual tax on school district income;

(2) Levy an additional property tax in excess of the ten-mill limitation for the purpose of providing for the necessary requirements of the district, stating in the resolution the amount of money to be raised each year for such purpose;

(3) Submit the question of the school district income tax and property tax to the electors of the district at a general election or a special election held on a day on which a primary election may be held.

The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section.

On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor not later
than one hundred days prior to the date of the special election at which the board intends to propose the income tax and property tax. Not later than ten days after receipt of the resolution, the tax commissioner, in the same manner as required by division (A) of section 5748.02 of the Revised Code, shall estimate the rates designated in divisions (A)(1) and (2) of that section and certify them to the board. Not later than ten days after receipt of the resolution, the county auditor, in the same manner as required by section 5705.195 of the Revised Code, shall make the calculation specified in that section and certify it to the board.

(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this section, the board of education of the city, local, or exempted village school district, by a vote of two-thirds of all its members, may adopt a resolution declaring that the amount of taxes that can be raised by all tax levies the district is authorized to impose, when combined with state and federal revenues, will be insufficient to provide an adequate amount for the present and future requirements of the school district, and that it is therefore necessary to levy, for a specified number of years or for a continuing period of time, an annual tax for school district purposes on school district income, and to levy, for a specified number of years not exceeding ten or for a continuing period of time, an additional property tax in excess of the ten-mill limitation for the purpose of providing for the necessary requirements of the district, and declaring that the question of the school district income tax and property tax shall be submitted to the electors of the school district at a general election or at a special election held on a day on which a primary election may be held, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent.
with section 3501.01 of the Revised Code. The resolution shall specify all of the following:

(1) The purpose for which the school district income tax is to be imposed and the rate of the tax, which shall be the rate set forth in the tax commissioner's certification rounded to the nearest one-fourth of one per cent;

(2) Whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. The specification shall be the same as the specification in the resolution adopted and certified under division (A) of this section.

(3) The number of years the school district income tax will be levied, or that it will be levied for a continuing period of time;

(4) The date on which the school district income tax shall take effect, which shall be the first day of January of any year following the year in which the question is submitted;

(5) The amount of money it is necessary to raise for the purpose of providing for the necessary requirements of the district for each year the property tax is to be imposed;

(6) The number of years the property tax will be levied, or that it will be levied for a continuing period of time;

(7) The tax list upon which the property tax shall be first levied, which may be the current year's tax list;

(8) The amount of the average tax levy, expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each one dollar of valuation, estimated by the county.
 auditor under division (A) of this section.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, the board of education shall certify a copy of the resolution, along with copies of the county auditor's certification and the resolution under division (A) of this section, to the board of elections of the proper county. The board of education shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers.

The resolution shall be put before the electors as one ballot question, with a majority vote indicating approval of the school district income tax and the property tax. The board of elections shall publish the notice of the election in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following:

(1) The questions to be submitted to the electors as a single ballot question;

(2) The rate of the school district income tax;

(3) The number of years the school district income tax will be levied or that it will be levied for a continuing period of
(4) The annual proceeds of the proposed property tax levy for the purpose of providing for the necessary requirements of the district;

(5) The number of years during which the property tax levy shall be levied, or that it shall be levied for a continuing period of time;

(6) The estimated average additional tax rate of the property tax, expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each one dollar of valuation, outside the limitation imposed by Section 2 of Article XII, Ohio Constitution, as certified by the county auditor;

(7) The time and place of the special election.

(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:

"Shall the ....... school district be authorized to do both of the following:

(1) Impose an annual income tax of ...... (state the proposed rate of tax) on the school district income of individuals and of estates, for ......... (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning ........ (state the date the tax would first take effect), for the purpose of ........ (state the purpose of the tax)?

(2) Impose a property tax levy outside of the ten-mill limitation for the purpose of providing for the necessary requirements of the district in the sum of ............... (here insert annual amount the levy is to produce), estimated by the county auditor to average ............... (here insert number
of mills) mills for each one dollar of valuation, which amounts to
................ (here insert rate expressed in dollars and cents)
for each one hundred dollars of valuation, for ............
(state the number of years the tax is to be imposed or that it
will be imposed for a continuing period of time), commencing in
........... (first year the tax is to be levied), first due in
calendar year ............ (first calendar year in which the tax
shall be due)?

| FOR THE INCOME TAX AND
| PROPERTY TAX             |
| AGAINST THE INCOME TAX AND
| PROPERTY TAX             |

If the question submitted to electors proposes a school
district income tax only on the taxable income of individuals as
defined in division (E)(1)(b) of section 5748.01 of the Revised
Code, the form of the ballot shall be modified by stating that the
tax is to be levied on the "earned income of individuals residing
in the school district" in lieu of the "school district income of
individuals and of estates."

(E) The board of elections promptly shall certify the results
of the election to the tax commissioner and the county auditor of
the county in which the school district is located. If a majority
of the electors voting on the question vote in favor of it:

(1) The income tax and the applicable provisions of Chapter
5747. of the Revised Code shall take effect on the date specified
in the resolution.

(2) The board of education of the school district may make
the additional property tax levy necessary to raise the amount
specified on the ballot for the purpose of providing for the
necessary requirements of the district. The property tax levy
shall be included in the next tax budget that is certified to the
county budget commission.

(F)(1) After approval of a question under this section, the
board of education may anticipate a fraction of the proceeds of
the school district income tax in accordance with section 5748.05
of the Revised Code. Any anticipation notes under this division
shall be issued as provided in section 133.24 of the Revised Code,
shall have principal payments during each year after the year of
their issuance over a period not to exceed five years, and may
have a principal payment in the year of their issuance.

(2) After the approval of a question under this section and
prior to the time when the first tax collection from the property
tax levy can be made, the board of education may anticipate a
fraction of the proceeds of the levy and issue anticipation notes
in an amount not exceeding the total estimated proceeds of the
levy to be collected during the first year of the levy. Any
anticipation notes under this division shall be issued as provided
in section 133.24 of the Revised Code, shall have principal
payments during each year after the year of their issuance over a
period not to exceed five years, and may have a principal payment
in the year of their issuance.

(G)(1) The question of repeal of a school district income tax
levied for more than five years may be initiated and submitted in
accordance with section 5748.04 of the Revised Code.

(2) A property tax levy for a continuing period of time may
be reduced in the manner provided under section 5705.261 of the
Revised Code.
(H) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

(I) If the electors of the school district approve a question under this section, and if the last calendar year the school district income tax is in effect and the last calendar year of collection of the property tax are the same, the board of education of the school district may propose to submit under this section the combined question of a school district income tax to take effect upon the expiration of the existing income tax and a property tax to be first collected in the calendar year after the calendar year of last collection of the existing property tax, and specify in the resolutions adopted under this section that the proposed taxes would renew the existing taxes. The form of the ballot on a question submitted to the electors under division (I) (H) of this section shall be as follows:

"Shall the ......... school district be authorized to do both of the following:

(1) Impose an annual income tax of ....... (state the proposed rate of tax) on the school district income of individuals and of estates to renew an income tax expiring at the end of ....... (state the last year the existing income tax may be levied) for ....... (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning ....... (state the date the tax would first take effect), for the purpose of ....... (state the purpose of the tax)?

(2) Impose a property tax levy renewing an existing levy
outside of the ten-mill limitation for the purpose of providing for the necessary requirements of the district in the sum of .................... (here insert annual amount the levy is to produce), estimated by the county auditor to average ................. (here insert number of mills) mills for each one dollar of valuation, which amounts to ................. (here insert rate expressed in dollars and cents) for each one hundred dollars of valuation, for ............. (state the number of years the tax is to be imposed or that it will be imposed for a continuing period of time), commencing in ........... (first year the tax is to be levied), first due in calendar year ............ (first calendar year in which the tax shall be due)?

FOR THE INCOME TAX AND PROPERTY TAX

AGAINST THE INCOME TAX AND "

PROPERTY TAX

If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

The question of a renewal levy under this division shall not be placed on the ballot unless the question is submitted on a date on which at a general election or a special election held on a day on which a primary election may be held under section 3501.01 of the Revised Code, except for the first Tuesday after the first
Monday in February and August, occurring during the last year the property tax levy to be renewed may be extended on the real and public utility property tax list and duplicate, or at any such election held in the ensuing year.

(1) If the electors of the school district approve a question under this section, the board of education of the school district may propose to renew either or both of the existing taxes as individual ballot questions in accordance with section 5748.02 of the Revised Code for the school district income tax, or section 5705.194 of the Revised Code for the property tax.

Section 130.___. That existing sections 133.06, 133.18, 306.32, 306.321, 306.322, 306.70, 307.695, 307.697, 323.17, 349.14, 505.14, 505.20, 505.47, 511.27, 511.28, 511.34, 703.20, 707.30, 715.38, 715.691, 715.70, 715.71, 715.72, 718.04, 718.09, 718.10, 1545.041, 1545.21, 3311.21, 3311.213, 3311.22, 3311.231, 3311.26, 3311.50, 3313.38, 3313.911, 3318.06, 3318.061, 3318.063, 3318.361, 3354.02, 3354.12, 3357.02, 3381.03, 4301.421, 4301.424, 5705.191, 5705.192, 5705.194, 5705.199, 5705.21, 5705.211, 5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2111, 5705.2112, 5705.221, 5705.222, 5705.23, 5705.233, 5705.24, 5705.25, 5705.251, 5705.261, 5705.55, 5705.72, 5739.021, 5739.026, 5739.028, 5739.09, 5743.021, 5743.024, 5743.026, 5748.02, 5748.021, 5748.08, and 5748.09 of the Revised Code are hereby repealed.

Section 130.___. That section 5705.214 of the Revised Code is hereby repealed.

Section 130.___. Sections 130.___ to 130.___ of this act apply to elections held on or after the one hundredth day after the effective date of those sections."
After line 82783, insert:

"Section 133.18 of the Revised Code as amended by both Am. Sub. H.B. 48 of the 128th General Assembly and Am. Sub. H.B. 153 of the 129th General Assembly."

After line 82821, insert:


Section 5705.222 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly."

The motion was __________ agreed to.

SYNOPSIS

Local tax issues at August elections

Disallows local tax issues and certain other local tax-implicated issues from being submitted to voters at August special elections. Applies to property taxes, local sales and use taxes, municipal and school district income taxes, lodging taxes, local alcoholic beverage and cigarette excise taxes, and questions of whether to create, dissolve, or add territory to a subdivision in which a tax may be levied.

But authorizes a school district to submit a property or income tax at such an election if it declares that the purpose of the tax is to prevent any of the conditions that could trigger a fiscal emergency declaration from the Auditor of State.
moved to amend as follows:

In line 99 of the title, after "5713.08," insert "5715.19,"

In line 264, after "5709.78," insert "5715.19,"

After line 55689, insert:

"Sec. 5715.19. (A) As used in this section, "member" has the
same meaning as in section 1705.01 of the Revised Code, and
"internet identifier of record" has the same meaning as in section
9.312 of the Revised Code.

     (1) Subject to division (A)(2) of this section, a complaint
against any of the following determinations for the current tax
year shall be filed with the county auditor on or before the
thirty-first day of March of the ensuing tax year or the date of
closing of the collection for the first half of real and public
utility property taxes for the current tax year, whichever is
later:

     (a) Any classification made under section 5713.041 of the
Revised Code;

     (b) Any determination made under section 5713.32 or 5713.35
of the Revised Code;

     (c) Any recoupment charge levied under section 5713.35 of the
Revised Code;
(d) The determination of the total valuation or assessment of any parcel that appears on the tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code;

(e) The determination of the total valuation of any parcel that appears on the agricultural land tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code;

(f) Any determination made under division (A) of section 319.302 of the Revised Code.

If such a complaint is filed by mail or certified mail, the date of the United States postmark placed on the envelope or sender's receipt by the postal service shall be treated as the date of filing. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the filing date.

Any person owning taxable real property in the county or in a taxing district with territory in the county; such a person's spouse; an individual who is retained by such a person and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessing officers; a public accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code, who is retained by such a person; if the person is a firm, company, association, partnership, limited liability company, or corporation, an officer, a salaried employee, a partner, or a member of that person; if the person is a trust, a trustee of the trust; the board of county
commissioners; the prosecuting attorney or treasurer of the county; the board of township trustees of any township with territory within the county; the board of education of any school district with any territory in the county; or the mayor or legislative authority of any municipal corporation with any territory in the county may file such a complaint regarding any such determination affecting any real property in the county, except that a person owning taxable real property in another county may file such a complaint only with regard to any such determination affecting real property in the county that is located in the same taxing district as that person's real property is located. The county auditor shall present to the county board of revision all complaints filed with the auditor.

(2) As used in division (A)(2) of this section, "interim period" means, for each county, the tax year to which section 5715.24 of the Revised Code applies and each subsequent tax year until the tax year in which that section applies again.

No person, board, or officer shall file a complaint against the valuation or assessment of any parcel that appears on the tax list if it filed a complaint against the valuation or assessment of that parcel for any prior tax year in the same interim period, unless the person, board, or officer alleges that the valuation or assessment should be changed due to one or more of the following circumstances that occurred after the tax lien date for the tax year for which the prior complaint was filed and that the circumstances were not taken into consideration with respect to the prior complaint:

(a) The property was sold in an arm's length transaction, as described in section 5713.03 of the Revised Code;

(b) The property lost value due to some casualty;
(c) Substantial improvement was added to the property;

(d) An increase or decrease of at least fifteen per cent in the property's occupancy has had a substantial economic impact on the property.

(3) If a county board of revision, the board of tax appeals, or any court dismisses a complaint filed under this section or section 5715.13 of the Revised Code for the reason that the act of filing the complaint was the unauthorized practice of law or the person filing the complaint was engaged in the unauthorized practice of law, the party affected by a decrease in valuation or the party's agent, or the person owning taxable real property in the county or in a taxing district with territory in the county, may refile the complaint, notwithstanding division (A)(2) of this section.

(4)(a) No complaint filed under this section or section 5715.13 of the Revised Code shall be dismissed for the reason that the complaint fails to accurately identify the owner of the property that is the subject of the complaint.

(b) If a complaint fails to accurately identify the owner of the property that is the subject of the complaint, the board of revision shall exercise due diligence to ensure the correct property owner is notified as required by divisions (B) and (C) of this section.

(5) Notwithstanding division (A)(2) of this section, a person, board, or officer may file a complaint against the valuation or assessment of any parcel that appears on the tax list if it filed a complaint against the valuation or assessment of that parcel for any prior tax year in the same interim period if the person, board, or officer withdrew the complaint before the complaint was heard by the board.
(6) A board of county commissioners, a board of township trustees, the board of education of a school district, or the mayor or legislative authority of a municipal corporation may not file a complaint or a counterclaim to a complaint under this section with respect to property the political subdivision does not own unless the board or legislative authority or, in the case of a mayor, the legislative authority of the municipal corporation first adopts a resolution authorizing the filing of the complaint or counterclaim at a public meeting of the board or legislative authority. The resolution shall include all of the following information:

(a) Identification of the parcel or parcels that are the subject of the complaint or counterclaim by street address, if available from online records of the county auditor, and by permanent parcel number;

(b) The name of at least one of the record owners of the parcel or parcels;

(c) If the resolution authorizes the filing of a complaint, the basis for the complaint under divisions (A)(1)(a) to (f) of this section relative to each parcel identified in the resolution.

A board or legislative authority shall not adopt a resolution required under division (A)(6) of this section that identifies more than one parcel under division (A)(6)(a) of this section, except that a single resolution may identify more than one parcel under that division if each parcel has the same record owner or the same record owners, as applicable. Such a resolution shall not include any other matter and shall be adopted by a separate vote from the question of whether to adopt any other resolution except another resolution under division (A)(6) of this section.

Before adopting a resolution required by division (A)(6) of
this section, the board or legislative authority shall mail a written notice to at least one of the record owners of the parcel or parcels identified in the resolution stating the intent of the board or legislative authority in adopting the resolution, the proposed date of adoption, and, if the resolution is to authorize the filing of a complaint, the basis for the complaint under divisions (A)(1)(a) to (f) of this section relative to each parcel identified in the resolution. The notice shall be sent by certified mail to the last known tax-mailing address of at least one of the record owners and, if different from that tax-mailing address, to the street address of the parcel or parcels identified in the resolution. Alternatively, if the board has record of an internet identifier of record associated with at least one of the record owners, the board may send the notice by ordinary mail and by that internet identifier of record of the time and place the resolution will be heard. The notice shall be postmarked at least fourteen calendar days before the board or legislative authority adopts the resolution.

A board of revision has jurisdiction to consider a complaint or counterclaim filed pursuant to a resolution adopted under division (A)(6) of this section only if the board, mayor, or legislative authority causes the resolution to be certified to the board of revision within thirty days after the last date such a complaint or counterclaim could be filed. The failure to accurately identify the street address or the name of the record owners of the parcel in the resolution shall not invalidate the resolution nor be a cause for dismissal of the complaint or counterclaim.

(7) A complaint form prescribed by a board of revision or the tax commissioner for the purposes of this section shall include a box that a board, mayor, or legislative authority, when filing a
complaint or counterclaim, must check indicating that a resolution authorizing the complaint was adopted in accordance with division (A)(6) of this section and that notice was provided before adoption of the resolution to at least one of the record owners of the property that is the subject of the complaint or counterclaim.

(B) Within thirty days after the last date such complaints may be filed, the auditor shall give notice of each complaint in which the stated amount of overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect determination is at least seventeen thousand five hundred dollars to each property owner whose property is the subject of the complaint, if the complaint was not filed by the owner or the owner's spouse, and to each board of education whose school district may be affected by the complaint. For the purposes of this division, separate complaints filed with respect to parcels which together form an economic unit shall be treated as if the parcels were included on a single complaint. As used in this division, "economic unit" means property comprised of multiple parcels that is united by an economic function such that it will normally be sold as a single property. An economic unit may be comprised of parcels that are neither contiguous nor owned by the same owner, but the parcels must be managed and operated on a unitary basis and each parcel must make a positive contribution to the operation of the unit.

Within thirty days after receiving such notice, a board of education; a property owner; the owner's spouse; an individual who is retained by such an owner and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessing officers; a public accountant who holds a permit under section 4701.10 of
the Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code, who is retained by such a person; or, if the property owner is a firm, company, association, partnership, limited liability company, corporation, or trust, an officer, a salaried employee, a partner, a member, or trustee of that property owner, may file a complaint in support of or objecting to the amount of alleged overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect determination stated in a previously filed complaint or objecting to the current valuation. Upon the filing of a complaint under this division, the board of education or the property owner shall be made a party to the action.

(C) Each board of revision shall notify any complainant and also the property owner, if the property owner's address is known, when a complaint is filed by one other than the property owner, not less than ten days prior to the hearing, either by certified mail or, if the board has record of an internet identifier of record associated with the owner, by ordinary mail and by that internet identifier of record of the time and place the same will be heard. The board of revision shall hear and render its decision on a complaint within ninety days after the filing thereof with the board, except that if a complaint is filed within thirty days after receiving notice from the auditor as provided in division (B) of this section, the board shall hear and render its decision within ninety days after such filing.

(D) The determination of any such complaint shall relate back to the date when the lien for taxes or recoupment charges for the current year attached or the date as of which liability for such year was determined. Liability for taxes and recoupment charges for such year and each succeeding year until the complaint is
finally determined and for any penalty and interest for nonpayment thereof within the time required by law shall be based upon the determination, valuation, or assessment as finally determined. Each complaint shall state the amount of overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect classification or determination upon which the complaint is based. The treasurer shall accept any amount tendered as taxes or recoupment charge upon property concerning which a complaint is then pending, computed upon the claimed valuation as set forth in the complaint. If a complaint filed under this section for the current year is not determined by the board within the time prescribed for such determination, the complaint and any proceedings in relation thereto shall be continued by the board as a valid complaint for any ensuing year until such complaint is finally determined by the board or upon any appeal from a decision of the board. In such case, the original complaint shall continue in effect without further filing by the original taxpayer, the original taxpayer's assignee, or any other person or entity authorized to file a complaint under this section.

(E) If a taxpayer files a complaint as to the classification, valuation, assessment, or any determination affecting the taxpayer's own property and tenders less than the full amount of taxes or recoupment charges as finally determined, an interest charge shall accrue as follows:

(1) If the amount finally determined is less than the amount billed but more than the amount tendered, the taxpayer shall pay interest at the rate per annum prescribed by section 5703.47 of the Revised Code, computed from the date that the taxes were due on the difference between the amount finally determined and the amount tendered. This interest charge shall be in lieu of any penalty or interest charge under section 323.121 of the Revised Code.
Code unless the taxpayer failed to file a complaint and tender an amount as taxes or recoupment charges within the time required by this section, in which case section 323.121 of the Revised Code applies.

(2) If the amount of taxes finally determined is equal to or greater than the amount billed and more than the amount tendered, the taxpayer shall pay interest at the rate prescribed by section 5703.47 of the Revised Code from the date the taxes were due on the difference between the amount finally determined and the amount tendered, such interest to be in lieu of any interest charge but in addition to any penalty prescribed by section 323.121 of the Revised Code.

(F) Upon request of a complainant, the tax commissioner shall determine the common level of assessment of real property in the county for the year stated in the request that is not valued under section 5713.31 of the Revised Code, which common level of assessment shall be expressed as a percentage of true value and the common level of assessment of lands valued under such section, which common level of assessment shall also be expressed as a percentage of the current agricultural use value of such lands. Such determination shall be made on the basis of the most recent available sales ratio studies of the commissioner and such other factual data as the commissioner deems pertinent.

(G) A complainant shall provide to the board of revision all information or evidence within the complainant's knowledge or possession that affects the real property that is the subject of the complaint. A complainant who fails to provide such information or evidence is precluded from introducing it on appeal to the board of tax appeals or the court of common pleas, except that the board of tax appeals or court may admit and consider the evidence
if the complainant shows good cause for the complainant's failure to provide the information or evidence to the board of revision.

(H) In case of the pendency of any proceeding in court based upon an alleged excessive, discriminatory, or illegal valuation or incorrect classification or determination, the taxpayer may tender to the treasurer an amount as taxes upon property computed upon the claimed valuation as set forth in the complaint to the court. The treasurer may accept the tender. If the tender is not accepted, no penalty shall be assessed because of the nonpayment of the full taxes assessed."

In line 63465, after "5709.78," insert "5715.19,"

After line 82742, insert:

"Section 757.__. The amendment by this act of section 5715.19 of the Revised Code applies to any complaint or counterclaim to a complaint filed for tax year 2019 or any tax year thereafter."

The motion was __________ agreed to.

**SYNOPSIS**

**Local government property tax contests**

R.C. 5715.19; Section 757.__

Requires a local government, before filing a property tax complaint or counter-complaint, to pass a resolution approving the complaint or counter-complaint at a public meeting. Modifies the circumstances under which a county auditor must notify the property owner or a school board that a property tax complaint has been filed against a property. Applies to complaints and
counter-complaints filed for tax year 2019 and thereafter.
moved to amend as follows:

1. In line 72317, delete "$1,015,000 $0" and insert "$1,090,000 $75,000"

2. In line 72321, add $75,000 to each fiscal year

3. In line 72376, add $75,000 to each fiscal year

4. After line 72492, insert:

   "Of the foregoing appropriation item 195503, Local Development Projects, $75,000 in each fiscal year shall be used to support the Camp James A. Garfield Joint Military Training Center."

The motion was ______ agreed to.

SYNOPSIS

Development Services Agency

Sections 259.10 and 259.20

Increases appropriations by $75,000 in each of FY 2020 and FY 2021 to GRF line item 195503, Local Development Projects, and earmarks the increase for the Camp James A. Garfield Joint Military Training Center.
moved to amend as follows:

1 After line 76171, insert:

"Section 307.109. CHILDREN'S HUNGER ALLIANCE

Of the foregoing appropriation item 600689, TANF Block Grant, $470,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Children's Hunger Alliance to assist with meal sponsorship, early child care programs, and summer nutrition programs.

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, $705,000 in each fiscal year shall be provided to the Children's Hunger Alliance to assist with child care, meal sponsorship, consultations and nutrition education, school district nutrition programs, afterschool nutrition programs, and summer nutrition programs."

The motion was ________ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.109

Earmarks $470,000 in FY 2020 and FY 2021 from federal Fund 3V60 appropriation item 600689, TANF Block Grant, and $705,000
in FY 2020 and FY 2021 from GRF appropriation item 600410, TANF State Maintenance of Effort, for the Children's Hunger Alliance to assist with child care, meal sponsorship, early child care programs, consultations and nutrition education, school district nutrition programs, afterschool nutrition programs, and summer nutrition programs.
moved to amend as follows:

In line 120 of the title, after "901.172," insert "936.01, 936.02, 936.03, 936.04, 936.05, 936.06, 936.07, 936.08, 936.09, 936.10, 936.11, 936.12, 936.13, 936.99"

In line 280, after "901.172," insert "936.01, 936.02, 936.03, 936.04, 936.05, 936.06, 936.07, 936.08, 936.09, 936.10, 936.11, 936.12, 936.13, 936.99"

After line 9029, insert:

"Sec. 936.01. As used in this chapter:

"Education" means any activity designed to provide information regarding propane, propane equipment, mechanical and technical practices, and uses and promotion of propane to consumers and members of the propane industry.

"Propane" means liquefied petroleum gas, a material with a vapor pressure not exceeding that of commercial propane composed predominately of the following hydrocarbons or mixtures:

(A) Propane;
(B) Propylene;
(C) Butane;
(D) Butylene

"Propane council" or "council" means the propane council created under section 936.02 of the Revised Code.
"Retailer" means a person engaged primarily in the sale of odorized propane to the ultimate consumer or to a retail propane dispenser.

"Wholesale distributor" means a person whose primary business involves the sale of propane to a retailer.

Sec. 936.02. (A) The director of agriculture shall establish a propane council and adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement this chapter.

(B) The director shall appoint the following members to the council in accordance with this section and rules adopted under it:

(1) Two multi-state propane gas retailers;

(2) Two intrastate propane gas retailers;

(3) One cooperative propane gas retailer;

(4) One wholesale propane gas wholesale distributor;

(5) One propane gas equipment dealer;

The director of agriculture or the director's designee and the state fire marshal or the fire marshal's designee also shall serve on the council.

(C) The director shall appoint members under divisions (B)(1) through (5) of this section from a list submitted by a qualified statewide propane association. The director shall not appoint a person as a member of the council unless the person is at least twenty-five years old and has at least five years of active experience in the propane gas industry.

(D) Not later than ninety days after the effective date of this section, the director shall make initial appointments to the
council. Members shall serve three-year staggered terms of office in accordance with rules adopted by the director.

Sec. 936.03. The propane council shall adopt procedures by which retailers of propane in this state may propose, develop, and operate a marketing program to do all of the following:

(A) Promote the safe and efficient use of propane;

(B) Demonstrate to the general public the importance and economic significance of propane;

(C) Develop new uses and markets for propane and enable engagement in promotional activities that incentivize the use of propane;

(D) Support research, training, and educational activities concerning the propane industry;

(E) Determine the eligibility of retailers to participate in referendums and other procedures that may be required to establish the marketing program;

(F) Establish procedures necessary to implement and administer the marketing program;

(G) Enter into contracts with qualified organizations, agencies, individuals, or any combination thereof, to carry out the purpose of the marketing program;

(H) Employ staff to carry out the purpose of the marketing program.

Sec. 936.04. (A) Retailers in this state may present the propane council with a petition signed by the lesser of twenty-five or ten per cent of all such retailers requesting that the council hold a referendum in accordance with section 936.05 of
the Revised Code to establish or amend a marketing program for
propane.

(B) At the time of presentation of the petition to the
council under division (A) of this section, the petitioners also
shall present the proposed program or amendment, which shall
include all of the following:

(1) The rate of assessment to be made on the volume of
odorized propane purchased by a retailer from a wholesale
distributor in this state, which shall not exceed five thousandths
of a mill per gallon;

(2) Terms, conditions, limitations, and other eligibility
qualifications for assessment;

(3) Procedures and eligibility requirements for a refund of
the assessment.

(C) Before the council makes a decision to approve or
disapprove a proposed program or amendment, the council shall
publish in at least two appropriate periodicals designated by the
council a notice that the program or amendment has been proposed
and informing interested persons of the procedures for submitting
comments regarding the proposal. After publishing the notice, the
council shall provide interested persons with a copy of the
proposed program or amendment and an opportunity to comment on the
proposed program or amendment for thirty days after the
publication of the notice. The petitioners may make changes to the
proposed program or amendment based upon the comments received.
The council may make technical changes to the proposal to ensure
compliance with this chapter. Subsequent to any changes made by
the petitioners or any technical changes made by the council to a
proposed program or amendment, the council may approve or
disapprove the proposed program or amendment.
(D) If the council approves the proposed program or amendment, with any changes made under division (C) of this section, the council shall hold a referendum in accordance with section 936.05 of the Revised Code to establish a marketing program for propane or to amend an existing program.

Sec. 936.05. (A) Not later than ninety days after the propane council has approved a marketing program proposed under section 936.04 of the Revised Code, or an amendment to such a program, the council shall determine by a referendum whether the eligible retailers, as determined under section 936.03 of the Revised Code, favor the proposed program or amendment. The council shall cause a ballot request form to be published not less than thirty days before the beginning of the election period established under division (B) of this section in at least two appropriate periodicals designated by the council and shall make the form available for reproduction to any qualified statewide propane association.

(B) In a referendum held under this section, each eligible retailer is entitled to one vote. The council shall establish a three-day period during which eligible retailers may vote either in person during normal business hours at polling places designated by the council or by mailing a ballot to such a polling place. The council shall send a mail-in ballot by first-class mail to any eligible retailer who requests one by sending in the ballot request form provided for in division (A) of this section or by any additional method that the council may provide. A ballot that is returned by mail is not valid if it is postmarked later than the third day of the election period established by the council.

(C) A marketing program or an amendment to a marketing program is favored by retailers if a majority of the retailers who
vote in the referendum vote in favor of the program or amendment.

Sec. 936.06. When the retailers who vote in a referendum held under section 936.05 of the Revised Code favor a proposed marketing program, the propane council shall order the program established.

Sec. 936.07. The director of agriculture shall monitor the actions of the propane council to ensure all of the following:

(A) A marketing program is self-supporting.

(B) The council keeps all records that are required for agencies of the state.

(C) All program operations are in accord with both of the following:

(1) The provisions of the marketing program;

(2) This chapter and procedures established under it.

Sec. 936.08. (A) For the purpose of a marketing program established under this chapter, the council may levy assessments on retailers at the time of purchase of odorized propane by a retailer from a wholesale distributor. The council shall base the assessments on the volume of odorized propane purchased by the retailer from the wholesale distributor.

(B) A marketing program shall require a refund of assessments collected under this section after receiving an application for a refund from a retailer who has been assessed and is eligible for a refund. The retailer shall submit the application for a refund on a form furnished by the council. The council shall ensure that refund forms are available where assessments for its program are withheld.
A retailer who desires a refund shall submit a request for a refund not later than thirty days after the end of the month for which the request is submitted. The council shall refund the assessment to the retailer not later than sixty days after the request for the refund is submitted.

(C) The propane council shall not use money from any assessments that it levies for any political or legislative purpose or for preferential treatment of one person to the detriment of another person who is affected by the marketing program that the council administers.

(D) If the propane council requests that a retailer seeking a refund provide additional information to support a refund request, any additional information provided to the council is not a public record under section 149.43 of the Revised Code, is confidential, and the propane council shall treat the information as confidential.

Sec. 936.09. (A) There is hereby established a fund for the marketing program that is established by the propane council under this chapter. The fund shall be in the custody of the treasurer of state, but shall not be part of the state treasury. Except as authorized in division (B) of this section, all money collected pursuant to section 936.08 of the Revised Code for the marketing program shall be paid into the fund for the marketing program and shall be disbursed only pursuant to a voucher signed by the chairperson of the council for use in defraying the costs of administration of the marketing program and for carrying out sections 936.03 and 936.11 of the Revised Code.

(B) In lieu of deposits in the fund established under division (A) of this section, the propane council may deposit all
money collected pursuant to section 936.08 of the Revised Code with a bank as defined in section 1101.01 of the Revised Code. All money collected pursuant to section 936.08 of the Revised Code for the marketing program and deposited pursuant to this division also shall be used only in defraying the costs of administration of the marketing program and for carrying out sections 936.03 and 936.11 of the Revised Code.

(C) The council shall establish a fiscal year for its marketing program, shall publish an activity and financial report within sixty days of the end of each fiscal year, and shall make the report available to each retailer who pays an assessment or otherwise contributes to the marketing program that the council administers and to other interested persons.

(D) In addition to the report required by division (C) of this section, if the council deposits money in accordance with division (B) of this section, the council shall annually submit a financial statement prepared by a certified public accountant holding valid certification from the Ohio board of accountancy issued pursuant to Chapter 4701. of the Revised Code to the department of agriculture. The council shall file the financial statement with the department not more than one hundred fifty days after the end of each fiscal year.

(E) The council shall use money in the fund or deposited in a bank to promote the common good, welfare, and advancement of the propane industry, including, but not limited to, all of the following activities and programs:

(1) Education;

(2) Training;

(3) Safety compliance;
(4) Advertising:

(5) Promotion:

(6) Customer rebates to encourage energy efficient appliance and equipment purchases by residential, commercial, or agricultural customers.

Sec. 936.10. (A) The director of agriculture temporarily may suspend the operation of a marketing program, or any part of a program, established under this chapter for any reason upon recommendation by the propane council for a period of not more than twelve consecutive months.

(B) At least once in each five years of operation, or at any time upon written petition by the lesser of twenty-five or ten percent of the retailers in this state, the council shall hold a hearing as prescribed in Chapter 119. of the Revised Code to consider the continuation of the program.

(C) Not later than thirty days after the close of any hearing to consider the continuation of a marketing program, the council shall recommend continuation or termination of the program, shall give public notice, and shall notify each retailer of record, all parties appearing at the hearing, and other interested parties of the recommendation.

(D) When the council recommends termination of a marketing program, within forty-five days the council shall conduct a referendum to determine whether retailers favor the proposed termination. Retailers favor the termination of the program if a majority of the retailers who vote in the referendum vote in favor of termination of the program.

Sec. 936.11. (A) When retailers favor termination of a
marketing program established under this chapter, the propane council shall terminate all operations of the program.

(B)(1) Except as provided in division (B)(2) of this section, upon termination of a program, the council shall return any remaining unobligated money to the retailers who paid the assessments levied under section 936.08 of the Revised Code during the immediately preceding twelve months and shall prorate the money accordingly.

(2) If a program is operated by a nonprofit corporation that is organized under Chapter 1702. of the Revised Code for the purpose of carrying out the purposes identified in section 936.03 of the Revised Code, and if the nonprofit corporation is exempt from federal income taxation pursuant to section 501(a) of the Internal Revenue Code and is described in section 501(c) (3) of the Internal Revenue Code, upon termination of the program, the nonprofit corporation shall distribute any remaining unobligated money to be used for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code or to the federal, a state, or a local government to be used for a public purpose. If there remains any unobligated money after the distribution by the nonprofit corporation, the court of common pleas of the county in which the principal office of the nonprofit corporation is located shall distribute the remaining unobligated money to be used for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, to the federal, a state, or a local government to be used for a public purpose, or to one or more organizations that are organized and operated exclusively for one or more of the purposes that are within the meaning of section 501(c)(3) of the Internal Revenue Code, as the court determines is best to accomplish the exempt purposes of the nonprofit corporation.
Sec. 936.12. The propane council may institute an action at law or in equity that appears necessary to enforce compliance with this chapter, a procedure established under it, or a marketing program established under it.

Sec. 936.13. No retailer shall knowingly fail or refuse to withhold or remit any assessment levied under section 936.08 of the Revised Code.

Sec. 936.99. Whoever violates section 936.13 of the Revised Code is guilty of a misdemeanor of the fourth degree."

The motion was __________ agreed to.

SYNOPSIS

Propane marketing program

R.C. 936.01, 936.02, 936.03, 936.04, 936.05, 936.06, 936.07, 936.08, 936.09, 936.10, 936.11, 936.12, 936.13, and 936.99

Requires the Director of Agriculture to establish a Propane Council composed of members appointed by the Director, including propane retailers (engaged primarily in the sale of odorized propane to the ultimate consumer or to a retail propane dispenser) and wholesale distributors.

Requires the Council to adopt procedures by which Ohio propane retailers may propose, develop, and operate a marketing program to do specified tasks, including promoting the safe and efficient use of propane and demonstrating to the general public the importance and economic significance of propane.
Establishes requirements and procedures by which propane retailers may create a propane marketing program, including doing both of the following:

--Establishing an assessment on the volume of odorized propane purchased by a retailer from a wholesale distributor that is not more than .005 mills per gallon of odorized propane purchased; and

--Establishing procedures for retailers to vote on the creation of a marketing program.

Requires the Director to perform certain duties and responsibilities, including monitoring the actions of the Council to ensure that a propane marketing program is self-supporting.

Establishes procedures for propane retailers to apply for and receive a refund for assessments levied for the propane marketing program.

Requires the Council to deposit assessments either in a state fund created by the Council or a private bank account provided that certain requirements are met.

Establishes requirements and procedures for the temporary suspension or termination of the propane marketing program.

Prohibits a propane retailer from knowingly failing or refusing to withhold or remit any assessment levied by the Council and specifies that a violator is guilty of a fourth degree misdemeanor.
moved to amend as follows:

In line 36 of the title, after "3702.30," insert "3702.59,"

In line 218, after "3702.30," insert "3702.59,"

After line 26024, insert:

"Sec. 3702.59. (A) The director of health shall accept for review certificate of need applications as provided in sections 3702.592, 3702.593, and 3702.594 of the Revised Code.

(B)(1) The director shall not approve an application for a certificate of need for the addition of long-term care beds to an existing long-term care facility or for the development of a new long-term care facility if any of the following apply:

(a) The existing long-term care facility in which the beds are being placed has one or more waivers for life safety code deficiencies, one or more state fire code violations, or one or more state building code violations, and the project identified in the application does not propose to correct all life safety code deficiencies for which a waiver has been granted, all state fire code violations, and all state building code violations at the existing long-term care facility in which the beds are being placed;

(b) During the sixty-month period preceding the filing of the
application, a notice of proposed license revocation was issued under section 3721.03 of the Revised Code for the existing long-term care facility in which the beds are being placed or a nursing home owned or operated by the applicant or a principal participant, unless in the case of such a nursing home the either of the following applies:

(i) The notice was issued solely because the nursing home had already closed or ceased operations;

(ii) The department of health did not provide the owner of the nursing home with copies of the inspection or survey reports giving rise to the proposed license revocation before the notice was issued.

(c) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing long-term care facility in which the beds are being placed, any of the following occurred:

(i) The facility was cited on three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies.

(ii) The facility was cited on two or more separate occasions for final, nonappealable immediate jeopardy deficiencies.

(iii) The facility was cited on two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.

(d) More than two nursing homes owned or operated in this state by the applicant or a principal participant or, if the applicant or a principal participant owns or operates more than twenty nursing homes in this state, more than ten per cent of
those nursing homes, were each cited during the period that
precedes the filing of the application for the certificate of need
and is encompassed by the three most recent standard surveys of
the nursing homes that were so cited in any of the following
manners:

(i) On three or more separate occasions for final,
nonappealable actual harm but not immediate jeopardy deficiencies;

(ii) On two or more separate occasions for final,
nonappealable immediate jeopardy deficiencies;

(iii) On two separate occasions for final, nonappealable
actual harm but not immediate jeopardy deficiencies and on one
occasion for a final, nonappealable immediate jeopardy deficiency.

(2) In applying divisions (B)(1)(a) to (d) of this section,
the director shall not consider deficiencies or violations cited
before the applicant or a principal participant acquired or began
to own or operate the long-term care facility at which the
deficiencies or violations were cited. The director may disregard
deficiencies and violations cited after the long-term care
facility was acquired or began to be operated by the applicant or
a principal participant if the deficiencies or violations were
attributable to circumstances that arose under the previous owner
or operator and the applicant or principal participant has
implemented measures to alleviate the circumstances. In the case
of an application proposing development of a new long-term care
facility by relocation of beds, the director shall not consider
deficiencies or violations that were solely attributable to the
physical plant of the existing long-term care facility from which
the beds are being relocated.

(C) The director also shall accept for review any application
for the conversion of infirmary beds to long-term care beds if the
infirmary meets all of the following conditions:

(1) Is operated exclusively by a religious order;

(2) Provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related;

(3) Was providing care exclusively to members of such a religious order on January 1, 1994.

(D) Notwithstanding division (C)(2) of this section, a facility that has been granted a certificate of need under division (C) of this section may provide care to any of the following family members of the individuals described in division (C)(2) of this section: mothers, fathers, brothers, sisters, brothers-in-law, sisters-in-law, or children. Such a facility may also provide care to any individual who has been designated an associate member by the religious order that operates the facility.

The long-term care beds in a facility that have been granted a certificate of need under division (C) of this section may not be relocated pursuant to sections 3702.592 to 3702.594 of the Revised Code."

In line 63419, after "3702.30," insert "3702.59,"

After line 82424, insert:

"Section 737.____. As used in this section, "certificate of need" has the same meaning as in section 3702.51 of the Revised Code.

If the Director of Health denied an application for a certificate of need only because of division (B)(1)(b) of section 3702.59 of the Revised Code, as that section existed on the day...
immediately preceding the effective date of the amendment by this act to that section, and the applicant appealed the denial under section 3702.60 of the Revised Code, the Director shall reverse the denial and grant the application not later than ten days after the effective date of this section regardless of the status of the appeal if division (B)(1)(b) of section 3702.59 of the Revised Code would not have been grounds for denying the application had the amendment by this act to that section been in effect at the time the application was submitted to the Director."

The motion was __________ agreed to.

SYNOPSIS

Certificates of need

R.C. 3702.59 and Section 737.___

Provides that the Department of Health is not required to deny a certificate of need on the basis that, during the 60-month period before the application was filed, the Department issued a notice of proposed licensed revocation for a nursing home owned or operated by the applicant or a principal participant if the Department did not provide the owner of the nursing home with copies of the inspection or survey reports that gave rise to the proposed license revocation before the notice was issued.
moved to amend as follows:

In line 35 of the title, after "3701.601," insert "3701.602," 1
In line 217, after "3701.601," insert "3701.602," 2
After line 25497, insert:

"Sec. 3701.602. (A) As used in this section, "eligible nonprofit corporation" means a nonprofit corporation that meets all of the following requirements:

(1) The nonprofit corporation is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code.  
(2) For at least ten years before the effective date of this section \textit{September 29, 2015}, the primary purpose of the nonprofit corporation, or the nonprofit corporation's predecessor in interest, has been granting the wishes of individuals under the age of eighteen who have been diagnosed with a life-threatening medical condition.
(3) The nonprofit corporation has spent at least one million two hundred fifty thousand dollars per year for each of the last three years in furtherance of the purpose described in division (A)(2) of this section.
(B) There is hereby created in the state treasury the wishes for sick children income tax contribution fund, which shall
consist of money contributed to it under section 5747.113 of the Revised Code and of contributions made directly to it. Any person may contribute directly to the fund in addition to or independently of the income tax refund contribution system established in section 5747.113 of the Revised Code.

The department of health shall distribute all funds contributed under this section to an eligible nonprofit corporation that will use the contributions to grant the wishes of individuals who are under the age of eighteen, are residents of this state, and have been diagnosed with a life-threatening medical condition. Not later than six months after the effective date of this section September 29, 2015, the department shall develop guidelines under which an eligible nonprofit corporation may apply to receive funding under this section."

In line 63418, after "3701.601," insert "3701.602,"

The motion was __________ agreed to.

SYNOPSIS

Wishes for Sick Children eligibility change

R.C. 3701.602

Changes the amount a nonprofit corporation must spend (from $1,000,000 to $250,000 per year in the prior three years) granting wishes of minors with life-threatening illnesses to be eligible to receive funds from the Wishes for Sick Children Income Tax Contribution Fund.
moved to amend as follows:

1. In line 72317, delete "$1,015,000 $0" and insert "$1,165,000 $150,000"
2. In line 72321, add $150,000 to each fiscal year
3. In line 72376, add $150,000 to each fiscal year
4. After line 72492, insert:
   "Of the foregoing appropriation item 195503, Local Development Projects, $150,000 in each fiscal year shall be allocated to the Stark County Minority Business Association to work in partnership with the Canton Regional Chamber of Commerce to support a demonstration pilot project."

11. The motion was _______ agreed to.

SYNOPSIS

Development Services Agency

Sections 259.10 and 259.20

Increases appropriations by $150,000 in each of FY 2020 and FY 2021 to GRF line item 195503, Local Development Projects, and earmarks the amount for the Stark County Minority Business Association to partner with the Canton Regional Chamber of Commerce to support a demonstration pilot project.
moved to amend as follows:

1. After line 75163a, insert:

2. "GRF 715506 George Barley Water Prize $125,000 $0"

3. In line 75164, add $125,000 to fiscal year 2020

4. In line 75225, add $125,000 to fiscal year 2020

5. In line 75227, after "Section 277.20." insert "GEORGE BARLEY WATER PRIZE"

6. The foregoing appropriation item, 715506, George Barley Water Prize, shall be used to support the final stage of the awards process for the Everglades Foundation's George Barley Water Prize. On July 1, 2020, or as soon as possible thereafter, the Director of Environmental Protection may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 715506, George Barley Water Prize, at the end of fiscal year 2020 to be reappropriated in fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021."; begin a new paragraph

7. After line 82424, insert:
Section 737. The Director of Environmental Protection shall enter into a memorandum of understanding with the Everglades Foundation prior to disbursing to the Foundation any money appropriated to the Environmental Protection Agency for the George Barley Water Prize. The Director, a representative from any entity that the Agency contracts with for purposes of the George Barley Water Prize, and a representative from the Everglades Foundation shall sign the memorandum. The memorandum shall specify all of the following:

(A) That the money will be used to support the final stage of the award process for the Everglades Foundation's George Barley Water Prize;

(B) That the State of Ohio or the Agency will be listed as a sponsor of the George Barley Water Prize;

(C) That the Agency, and any other entity that the Agency contracts with for purposes of the George Barley Water Prize, may assist in the development of testing parameters for data collection in the Grand Challenge testing stage of the competition;

(D) That the Agency, and any other entity that the Agency contracts with for purposes of the George Barley Water Prize, will have access to all data collected during the George Barley Water Prize's campaign as well as access to the data and
technologies developed during the George Barley Water Prize process; and

(E) That the Agency, and any other entity that the Agency contracts with for purposes of the George Barley Water Prize, will enter into a nondisclosure agreement with the Everglades Foundation for data collected in the Grand Challenge testing stage of the competition."

The motion was ________ agreed to.

SYNOPSIS

Environmental Protection Agency

Sections 277.10 and 277.20

Creates GRF line item 715506, George Barley Water Prize, with an appropriation of $125,000 in fiscal year 2020, and requires those amounts in each fiscal year to be used to support the final stage of the awards process for the Everglades Foundation's George Barley Water Prize.

Permits the Director of Environmental Protection, on July 1, 2020, or as soon as possible thereafter, to certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of GRF appropriation item 715506, George Barley Water Prize, to be reappropriated from FY 2020 to FY 2021. Appropriates the amount certified.

Memorandum of understanding between EPA and the Everglades Foundation

Section 737.____

Requires the Director of Environmental Protection to enter into a memorandum of understanding with the Everglades Foundation prior to disbursing any money appropriated to the Environmental Protection Agency for the Foundation and requires
the memorandum to be signed by the Director, a representative from any entity that OEPA contracts with for purposes of the George Barley Water Prize, and a representative from the Everglades Foundation.

Requires the memorandum to specify all of the following:

1. That the money will be used to support the final stage of the awards process for the Everglades Foundation’s George Barley Water Prize;

2. That the State of Ohio or OEPA will be listed as a sponsor of the George Barley Water Prize;

3. That OEPA, and any other entity that OEPA contracts with for purposes of the George Barley Water Prize, may assist in the development of testing parameters for data collection in the Grand Challenge testing stage of the competition;

4. That OEPA, and any other entity that OEPA contracts with for purposes of the George Barley Water Prize, will have access to all data collected during the George Barley Water Prize's campaign as well as access to the data and technologies developed during the George Barley Water Prize process; and

5. That OEPA, and any other entity that OEPA contracts with for purposes of the George Barley Water Prize, will enter into a nondisclosure agreement with the Everglades Foundation for data collected in the Grand Challenge testing stage of the competition.
moved to amend as follows:

1 After line 75523, insert:

2 "GRF 440465 FQHC Primary Care Workforce Initiative $1,300,000

3 $1,300,000"

4 In line 75534, add $1,300,000 to each fiscal year

5 In line 75584, add $1,300,000 to each fiscal year

6 After line 75611, insert:

7 "FQHC PRIMARY CARE WORKFORCE INITIATIVE

8 The foregoing appropriation item 440465, FQHC Primary Care

9 Workforce Initiative, shall be provided to the Ohio Association

10 of Community Health Centers to administer the FQHC Primary Care

11 Workforce Initiative. The Initiative shall provide medical,

12 dental, behavioral health, physician assistant, and advanced

13 practice nursing students with clinical rotations through

14 federally qualified health centers."

15 The motion was ________ agreed to.
Department of Health

Sections 291.10 and 291.20

Appropriates $1.3 million in each fiscal year in GRF appropriation item 440465, FQHC Primary Care Workforce Initiative, and requires the funds to be provided to the Ohio Association of Community Health Centers to administer the FQHC Primary Care Workforce Initiative.

Requires the Initiative to provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers.
moved to amend as follows:

1. After line 78365a, insert:

   "GRF 4154XX Centers for Independent Living $450,000 $450,000"

2. In line 78370, add $450,000 to each fiscal year

3. In line 78391, add $450,000 to each fiscal year

4. After line 78402, insert:

   "The foregoing appropriation item 4154XX, Centers for Independent Living, shall be used to support the operations of the Centers for Independent Living in accordance with the State Plan for Independent Living."

The motion was ______ agreed to.

SYNOPSIS

Opportunities for Ohioans with Disabilities

Sections 353.10 and 353.20

Appropriates $450,000 in FY 2020 and FY 2021 to new GRF appropriation item 4154XX, Centers for Independent Living. Earmarks the funds to be used to support the operations of the Centers for Independent Living.
moved to amend as follows:

In line 79670, delete "each" and insert "all of the following shall apply:

(a) Each"

In line 79671, delete the second comma and insert "and"

In line 79672, delete ", community"

Delete lines 79673 and 79674

In line 79675, delete "under Chapter 3357."

In line 79678, delete "Increases" and insert:

"(b) Each community college established under Chapter 3354., state community college established under Chapter 3358., or technical college established under Chapter 3357. of the Revised Code may increase its in-state undergraduate instructional and general fees by not more than $5 per credit hour over what the institution charged for the 2018-2019 academic year.

(c) For state institutions of higher education, as defined in section 3345.011 of the Revised Code, increases"

The motion was _______ agreed to.
Restriction on fee increases at two-year colleges

Section 381.160

For the 2019-2020 and 2020-2021 academic years, permits community colleges, state community colleges, and technical colleges to charge $5 per credit hour over what the institution charged in the 2018-2019 academic year for in-state undergraduate instructional and general fees, instead of limiting the increase of instructional and general fees to 2% as under the Executive version of the bill.
moved to amend as follows:

In line 140 of the title, after "5104.211," insert
"5119.39,"

In line 295, after "5104.211," insert "5119.39,"

After line 47740, insert:

"Sec. 5119.39. (A) As used in this section, "medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(B) There is hereby created in the department of mental health and addiction services the medication-assisted treatment drug reimbursement program. Under the program, the department shall reimburse counties for the costs of drugs that are both of the following:

(1) Prescribed or furnished to inmates of county jails;

(2) Approved by the United States food and drug administration for use in medication-assisted treatment, including full opioid agonists, partial opioid agonists, and injectable long-acting or extended-release opioid antagonists.
The department, based on factors it considers appropriate, shall allocate an amount to each county for reimbursement of medication-assisted treatment drug costs incurred by the county.

(C)(1) Subject to division (C)(2) of this section, to be eligible for reimbursement under the program, a county shall establish procedures to minimize the risk of inmates abusing or diverting full or partial opioid agonists.

(2) When a full or partial opioid agonist is prescribed or furnished to one or more inmates as part of medication-assisted treatment, a county shall do all of the following:

(a) Establish a baseline for the inmate's drug use by ordering for the inmate a urine drug test and evaluating the test results;

(b) Monitor the inmate's adherence to treatment and determine if the inmate is using other drugs by ordering for the inmate on a periodic basis a urine drug test and evaluating the test results;

(c) If necessary, order for the inmate more definitive drug testing and evaluate the test results.

(D) The director of mental health and addiction services may adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code."

After line 77781, insert:
"Section 337.75. MEDICATION-ASSISTED TREATMENT DRUG REIMBURSEMENT PROGRAM

Of the foregoing appropriation item 336422, Criminal Justice Services, $1,000,000 in each fiscal year shall be used to support the Medication-Assisted Treatment Drug Reimbursement Program established in section 5119.39 of the Revised Code."

The motion was _______ agreed to.

SYNOPSIS

Medication-Assisted Treatment Drug Reimbursement Program

R.C. 5119.39

Creates in the Department of Mental Health and Addiction Services the Medication-Assisted Treatment Drug Reimbursement Program to reimburse counties for the costs of medication-assisted treatment for substance use disorders among inmates of county jails.

Requires counties, to be eligible for reimbursement, to establish procedures to minimize the risk of inmates abusing or diverting the drugs, and requires certain precautions when full or partial agonist drugs are used.

Department of Mental Health and Addiction Services

Section 337.75

Requires $1.0 million in each fiscal year from GRF line item 336422, Criminal Justice Services, to be allocated to the Medication-Assisted Treatment Drug Reimbursement Program.
moved to amend as follows:

In line 44 of the title, after "3901.3814," insert "3905.426,"

In line 224, after "3901.3814," insert "3905.426,"

After line 31468, insert:

"Sec. 3905.426. (A) As used in this section:

(1) "Contract holder" means the person who purchased a motor vehicle ancillary product protection contract, any authorized transferee or assignee of the purchaser, or any other person assuming the purchaser's rights under the motor vehicle ancillary product protection contract.

(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code and also includes utility vehicles as defined in that section.

(3)(a) "Motor vehicle ancillary product protection contract" means a contract or agreement that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle, or its parts or equipment, to perform any one or more of the following services:

(i) Repair or replacement of glass on a motor vehicle necessitated by wear and tear or damage caused by a road hazard;
(ii) Removal of a dent, ding, or crease without affecting the existing paint finish using paintless dent removal techniques but which expressly excludes replacement of vehicle body panels, sanding, bonding, or painting;

(iii) Repair to the interior components of a motor vehicle necessitated by wear and tear but which expressly excludes replacement of any part or component of a motor vehicle's interior;

(iv) Repair or replacement of tires or wheels damaged because of a road hazard;

(v) Replacement of a lost, stolen, or inoperable key or key fob.

(b) A motor vehicle ancillary product protection contract may, but is not required to, provide for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental, and emergency road services.

(c) "Motor vehicle ancillary product protection contract" does not include any of the following:

(i) A motor vehicle service contract;

(ii) A vehicle protection product warranty as defined in section 3905.421 of the Revised Code;

(iii) A home service contract as defined in section 3905.422 of the Revised Code;

(iv) A consumer goods service contract as defined in section 3905.423 of the Revised Code;

(v) A contract for prepaid routine, scheduled maintenance only;

(vi) A motor vehicle tire or wheel road hazard contract.
(4) "Motor vehicle service contract" means a contract or agreement to perform or pay for the repair, replacement, or maintenance of a motor vehicle due to defect in materials or workmanship, normal wear and tear, mechanical or electrical breakdown, or failure of parts or equipment of a motor vehicle, with or without additional provisions for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental, and emergency road services, that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle.

(5) "Motor vehicle tire or wheel road hazard contract" means a contract or agreement to perform or pay for repairs or replacement of tires or wheels damaged because of a road hazard with or without additional provisions for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental, and emergency road services, that is effective for a specified duration and paid for by means other than the purchase of the motor vehicle.

(6) "Provider" means a person who is contractually obligated to a contract holder under the terms of a motor vehicle ancillary product protection contract.

(6)(7) "Road hazard" means a condition that may cause damage or wear and tear to a tire or wheel on a public or private roadway, roadside, driveway, or parking lot or garage, including potholes, nails, glass, road debris, and curbs. "Road hazard" does not include fire, theft, vandalism or malicious mischief, or other perils normally covered by automobile physical damage insurance.

(7)(8) "Reimbursement insurance policy" means a policy of insurance issued by an insurer authorized or eligible to do business in this state to a provider to pay, on behalf of the
provider in the event of the provider's nonperformance, all
covered contractual obligations incurred by the provider under the
terms and conditions of the motor vehicle ancillary product
protection contract.

(8)(9) "Supplier" has the same meaning as in section 1345.01
of the Revised Code.

(B) All motor vehicle ancillary product protection contracts
issued in this state shall be covered by a reimbursement insurance
policy.

(C) A motor vehicle ancillary product protection contract
issued by a provider that is required to be covered by a
reimbursement insurance policy under division (B) of this section
shall conspicuously state all of the following:

(1) "This contract is not insurance and is not subject to the
insurance laws of this state."

(2) That the obligations of the provider are guaranteed under
a reimbursement insurance policy;

(3) That if a provider fails to perform or make payment due
under the terms of the contract within sixty days after the
contract holder requests performance or payment pursuant to the
terms of the contract, the contract holder may request performance
or payment directly from the provider's reimbursement insurance
policy insurer, including any obligation in the contract by which
the provider must refund the contract holder upon cancellation of
a contract;

(4) The name, address, and telephone number of the provider's
reimbursement insurance policy insurer.

(D) A motor vehicle ancillary product protection contract
that includes repair or replacement of glass on a motor vehicle as
provided in division (A)(3)(a)(i) of this section, shall conspicuously state: "This contract may provide a duplication of coverage already provided by your automobile physical damage insurance policy."

(E) A reimbursement insurance policy that is required to be issued under this section shall contain:

(1) A statement that if a provider fails to perform or make payment due under the terms of the motor vehicle ancillary product protection contract within sixty days after the contract holder requests performance or payment pursuant to the terms of the contract, the contract holder may request performance or payment directly from the provider's reimbursement insurance policy insurer, including any obligation in the contract by which the provider must refund the contract holder upon cancellation of a contract.

(2) A statement that in the event of cancellation of the provider's reimbursement insurance policy, insurance coverage will continue for all contract holders whose motor vehicle ancillary product protection contracts were issued by the provider and reported to the insurer for coverage during the term of the reimbursement insurance policy.

(F) The sale or issuance of a motor vehicle ancillary product protection contract or a motor vehicle tire or wheel road hazard contract is a consumer transaction for purposes of sections 1345.01 to 1345.13 of the Revised Code. The provider is the supplier and the contract holder is the consumer for purposes of those sections.

(G) Unless issued by an insurer authorized or eligible to do business in this state, a motor vehicle ancillary product protection contract does not constitute a contract substantially
amounting to insurance, or the contract's issuance the business of insurance, under section 3905.42 of the Revised Code.

(H) Unless issued by an insurer authorized or eligible to do business in this state, a contract identified in division (A)(3)(c)(i) or (v) of this section does not constitute a contract substantially amounting to insurance, or the contract's issuance the business of insurance, under section 3905.42 of the Revised Code.

(I) The rights of a contract holder against a provider's reimbursement insurance policy insurer as provided in this section apply only in regard to a reimbursement insurance policy issued under this section. This section does not create any contractual rights in favor of a person that does not qualify as an insured under any other type of insurance policy described in Title XXXIX of the Revised Code. This section does not prohibit the insurer of a provider's reimbursement insurance policy from assuming liability for contracts issued prior to the effective date of the policy or July 1, 2009.

(J) A contract or agreement described in division (A)(3)(a)(iv) of this section in which the provider is a tire manufacturer shall be exempt from the requirements of division (B) of this section if the contract or agreement conspicuously states all of the following:

(1) That the contract or agreement is not an insurance contract;

(2) That any covered obligations or claims under the contract or agreement are the responsibility of the provider;

(3) The name, address, and telephone number of any administrator responsible for the administration of the contract.
or agreement, the provider obligated to perform under the contract or agreement, and the contract seller;

(4) The procedure for making a claim under the contract or agreement, including a toll-free telephone number for claims service and a procedure for obtaining emergency repairs or replacements performed outside normal business hours."

In line 63424, after "3901.3814," insert "3905.426,"

The motion was __________ agreed to.

SYNOPSIS

Motor vehicle tire or wheel road hazard contracts

R.C. 3905.426

Excludes motor vehicle tire or wheel road hazard contracts from the provisions governing motor vehicle ancillary product protection contracts.

Makes the sale of a motor vehicle tire or wheel road hazard contract a consumer transaction for purposes of the Consumer Sales Practices Act.
moved to amend as follows:

1 In line 76096, delete "$13,035,000" and insert  "$13,285,000"
2 After line 76102, insert:
3 "Of the amount earmarked for the Governor's Office of Faith-Based and Community Initiatives, $250,000 in each fiscal year shall be provided to Think Tank, Inc. to support a project that provides a sustainable, scalable system to support and keep families together."

The motion was ______ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.70

Increases the earmark from Federal Fund 3V60 appropriation 600689, TANF Block Grant, for the Governor's Office of Faith Based and Community Initiatives by $250,000 in FY 2020 and FY 2021. Requires the increased amounts to be provided to Think Tank, Inc. to support a project that provides a sustainable, scalable system to support and keep families together.
move to amend as follows:

In line 125 of the title, after "3317.26," insert "3317.60," 1

In line 284, after "3317.26," insert "3317.60," 2

After line 23702, insert:

"Sec. 3317.60. (A)(1) The office of budget and management shall, in consultation with the department of education, create an inventory of all state budget line items that, in the office's determination, provide funding services to children that includes all of the following information:

(a) The fiscal year 2018 funding for each line item;

(b) A brief description of services provided by each line item;

(c) Estimates of funding and program descriptions of all line items that are also used to fund other types of programs, including a description explaining how those different programs interact and for whom they are provided;

(d) A preliminary analysis of policy implications regarding the potential creation and funding of "wrap-around services," as defined by the office, including health clinics provided in educational settings."
(2) The data in the inventory shall be disaggregated into three categories based on students' age ranges as follows:

(a) Students receiving special education services for a disability specified in divisions (A) to (F) of section 3317.013 of the Revised Code between zero and twenty-one years of age;

(b) Students not described by division (A)(2)(a) of this section between zero and four years of age; and

(c) Students not described in division (A)(2)(a) of this section between five and eighteen years of age.

Additionally, the data shall be disaggregated into service categories that may be provided by multiple agencies, funds, and line items, such as children's mental health, children's physical health, child nutrition, early childhood education, primary and secondary education, special education, juvenile detention services, and any other categories that receive significant state and federal funding.

The office shall submit the inventory to the individuals prescribed in division (B) of this section not later than December 31, 2020.

(B) The report prepared under division (A) of this section shall be submitted to all of the following:

(1) The chair, vice chair, and ranking minority member of the finance committee of the house of representatives and the senate;

(2) The chair, vice chair, and ranking minority member of the finance subcommittees regarding primary and secondary education of the house of representatives and the senate;

(3) The chair, vice chair, and ranking minority member of the standing committee of the house of representatives and the senate.
that consider legislation regarding primary and secondary education:

(4) The superintendent of public instruction;

(5) The president of the state board of education."

In line 74296, delete "and"; after "3317.51" insert ", and 3317.60"

The motion was __________ agreed to.

**SYNOPSIS**

*Inventory of state budget line items that provide funding services to children*

**R.C. 3317.60; Section 265.215**

Requires the Office of Budget and Management, in consultation with the Department of Education, to create an inventory of all state budget line items that provide funding services to children, by December 31, 2020.

Requires the inventory to be submitted to the Superintendent of Public Instruction, the President of the State Board of Education, and the chair, vice chair, and ranking members of the finance and education committees and subcommittees on kindergarten through 12 education in both the House of Representatives and the Senate.
moved to amend as follows:

In line 125 of the title, after "3317.26," insert "3317.60,"

In line 284, after "3317.26," insert "3317.60,"

After line 23702, insert:

"Sec. 3317.60. (A) The department of education, in consultation with the joint education oversight committee, shall conduct an evaluation of all of the following topics regarding special education:

(1) The categories of special education students specified under section 3317.013 of the Revised Code and the funding amounts corresponding to those categories;

(2) Best practices for providing education to special education students;

(3) Protocols for providing treatment to special education students;

(4) Technology to enhance the provision of special education;

(5) Costs of providing special education.

The department shall submit a report of its findings and recommendations to the individuals prescribed in division (B) of this section not later than December 31, 2020.
(B) The report prepared under division (A) of this section shall be submitted to all of the following:

(1) The chair, vice chair, and ranking minority member of the finance committee of the house of representatives and the senate;

(2) The chair, vice chair, and ranking minority member of the finance subcommittees regarding primary and secondary education of the house of representatives and the senate;

(3) The chair, vice chair, and ranking minority member of the standing committee of the house of representatives and the senate that consider legislation regarding primary and secondary education;

(4) The superintendent of public instruction;

(5) The president of the state board of education.

(C) It is the intent of the general assembly that the recommendations developed under division (A) of this section be the basis of legislation enacted by the general assembly in order to take effect for fiscal year 2022."

In line 74296, delete "and"; after "3317.51" insert ", and 3317.60"

The motion was __________ agreed to.

SYNOPSIS

Special education study

R.C. 3317.60; Section 265.215

Requires the Department of Education (ODE), in consultation with the Joint Education Oversight Committee (JEOC), to evaluate
special education best practices, including, treatment protocols, disability categories, technology, costs, and current funding amounts, by December 31, 2020.

Requires the study to be submitted to the Superintendent of Public Instruction, the President of the State Board of Education, and the chair, vice chair, and ranking members of the finance and education committees and subcommittees on kindergarten through 12 education in both the House of Representatives and the Senate.

Specifies that it is the intent of the General Assembly that the recommendations of the study be the basis of legislation enacted by the General Assembly in order to take effect for FY 2022.
moved to amend as follows:

In line 125 of the title, after "3317.26," insert "3317.60,"

In line 284, after "3317.26," insert "3317.60,"

After line 23702, insert:

"Sec. 3317.60. (A) The joint education oversight committee
shall, in collaboration with the department of education, the
auditor of state, and a workgroup established by the committee
that consists of educators, auditors, and employees of the
department of education, review the funding reporting protocols
and requirements for gifted services with the intention of
recommending improvements regarding accountability for the
spending of gifted funds paid to city, local, and exempted village
school districts under section 3317.022 of the Revised Code. The
committee shall submit a report of its findings and
recommendations to the individuals prescribed in division (B) of
this section not later than December 31, 2020.

(B) The report prepared under division (A) of this section
shall be submitted to all of the following:

(1) The chair, vice chair, and ranking minority member of the
finance committee of the house of representatives and the senate;

(2) The chair, vice chair, and ranking minority member of the
finance subcommittees regarding primary and secondary education of the house of representatives and the senate;

(3) The chair, vice chair, and ranking minority member of the standing committee of the house of representatives and the senate that consider legislation regarding primary and secondary education;

(4) The superintendent of public instruction;

(5) The president of the state board of education.

(C) It is the intent of the general assembly that the recommendations developed under division (A) of this section be the basis of legislation enacted by the general assembly in order to take effect for fiscal year 2022.

In line 74296, delete "and"; after "3317.51" insert ", and 3317.60,"

The motion was __________ agreed to.

SYNOPSIS

Gifted funding study

R.C. 3317.60; Section 265.215

Requires the Joint Education Oversight Committee (JEOC), in collaboration with the Department of Education and Auditor of State, to establish a work-group of educators, auditors, and other department staff to review and update the funding reporting protocols and requirements for gifted services, by December 31, 2020.

Requires the study to be submitted to the Superintendent of
Public Instruction, the President of the State Board of Education, and the chair, vice chair, and ranking members of the finance and education committees and subcommittees on kindergarten through 12 education in both the House of Representatives and the Senate.

Specifies that it is the intent of the General Assembly that the recommendations of the study be the basis of legislation enacted by the General Assembly in order to take effect for FY 2022.
moved to amend as follows:

In line 31 of the title, after "3326.33," insert "3327.01,"  

In line 214, after "3326.33," insert "3327.01,"  

After line 24288, insert:

"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.

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.

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 3313.90 of the Revised Code, for any student attending a career-technical program operated by another school district, including a joint vocational school district, as prescribed under that section, the board of education of the student's district of residence shall provide transportation from the public high school operated by that district to which the student is assigned to the career-technical program.

In all city, local, and exempted village school districts, the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community high school which they attend for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code.

A board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school where such transportation would require more than thirty minutes of direct travel time as measured by school bus from the public school building to which the pupils would be assigned if attending the public school designated by the district of residence.

Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section 3327.02 of the Revised Code.

A board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school on Saturday or Sunday, unless a board of
education and a nonpublic or community school have an agreement in
place to do so before the first day of July of the school year in
which the agreement takes effect.

In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so
disabled that they are unable to walk to and 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 which they attend. In case of dispute whether the child is
able to walk to and from the school, the health commissioner shall
be the judge of such ability. In all city, exempted village, and
local school districts, the board shall provide transportation to
and from school or special education classes for mentally disabled
children in accordance with standards adopted by the state board
of education.

When transportation of pupils is provided the conveyance
shall be run on a time schedule that shall be adopted and put in
force by the board not later than ten days after the beginning of
the school term. For pupils attending a nonpublic or community
school, the district's drop-off time may be up to thirty minutes
prior to the start of the school day for that school and the
pick-up time may be up to thirty minutes after the end of the
school day for that school.

The cost of any transportation service authorized by this
section shall be paid first out of federal funds, if any,
available for the purpose of pupil transportation, and secondly
out of state appropriations, in accordance with regulations
adopted by the state board of education.

No transportation of any pupils shall be provided by any
board of education to or from any school which in the selection of
pupils, faculty members, or employees, practices discrimination against any person on the grounds of race, color, religion, or national origin."

In line 63415, after "3326.33," insert "3327.01,"

The motion was __________ agreed to.

SYNOPSIS

Transportation of students attending nonpublic or community schools

R.C. 3327.01

For students attending a nonpublic or community school, specifies that a district's bus drop-off time may be up to 30 minutes prior to the start of the school day and the pick-up time may be up to 30 minutes after the end of the school day.
moved to amend as follows:

In line 125 of the title, after "3317.26," insert "3317.60," 1
In line 284, after "3317.26," insert "3317.60," 2
After line 23702, insert:

"Sec. 3317.60. (A) The joint education oversight committee shall, in consultation with the department of education, develop recommendations for an incentive program for school districts in rural areas of the state that provide services to students identified as gifted under division (A), (B), (C), or (D) of section 3324.03 of the Revised Code and submit a report of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2020.

(B) The report prepared under division (A) of this section shall be submitted to all of the following:

(1) The chair, vice chair, and ranking minority member of the finance committee of the house of representatives and the senate;

(2) The chair, vice chair, and ranking minority member of the finance subcommittees regarding primary and secondary education of the house of representatives and the senate;

(3) The chair, vice chair, and ranking minority member of the standing committee of the house of representatives and the senate;
that consider legislation regarding primary and secondary education:

(4) The superintendent of public instruction;

(5) The president of the state board of education.

(C) It is the intent of the general assembly that the recommendations developed under division (A) of this section be the basis of legislation enacted by the general assembly in order to take effect for fiscal year 2022."

In line 74296, delete "and"; after "3317.51" insert ", and 3317.60"

The motion was __________ agreed to.

SYNOPSIS

Study of incentive program for rural districts serving identified gifted children

R.C. 3317.60; Section 265.215

Requires the Joint Education Oversight Committee (JEOC) to develop recommendations for an incentive program for rural districts serving identified gifted children, by December 31, 2020.

Requires the study to be submitted to the Superintendent of Public Instruction, the President of the State Board of Education, and the chair, vice chair, and ranking members of the finance and education committees and subcommittees on kindergarten through 12 education in both the House of Representatives and the Senate.

Specifies that it is the intent of the General Assembly that
the recommendations of the study be the basis of legislation enacted by the General Assembly in order to take effect for FY 2022.
moved to amend as follows:

In line 125 of the title, after "3317.26," insert "3317.61,"

In line 284, after "3317.26," insert "3317.61,"

After line 23702, insert:

"Sec. 3317.61. (A) The department of education, in consultation with community school governing authorities and other appropriate stakeholders, shall evaluate the cost of operating community schools on a per-pupil or other reasonable basis as a replacement for the discontinuance of a fixed per pupil formula amount.

(B) Not later than December 31, 2020, the department shall submit its findings to all of the following:

(1) The chair, vice chair, and ranking minority member of the finance committee of the house of representatives and the senate;

(2) The chair, vice chair, and ranking minority member of the finance subcommittees regarding primary and secondary education of the house of representatives and the senate;

(3) The chair, vice chair, and ranking minority member of the standing committee of the house of representatives and the senate that consider legislation regarding primary and secondary education;"
The motion was __________ agreed to.

SYNOPSIS

Community school operations cost study

R.C. 3317.61; Section 265.215

Requires the Department of Education, in consultation with community school governing authorities and other appropriate stakeholders, to evaluate the cost of operating community schools on a per-pupil or other reasonable basis as a replacement for the discontinuance of a fixed per pupil formula amount.

Requires the study to be submitted, by December 31, 2020, to the Superintendent of Public Instruction, the President of the State Board of Education, and the chair, vice chair, and ranking members of the finance and education committees and subcommittees on K-12 education in both the House of Representatives and the Senate.
moved to amend as follows:

In line 125 of the title, after "3317.26," insert "3317.60,"

In line 284, after "3317.26," insert "3317.60,

After line 23702, insert:

"Sec. 3317.60. (A) The department of education shall, in consultation with the joint education oversight committee, conduct a study that does both of the following:

(1) Evaluates and determines the essential types and amounts of resources needed to provide economically disadvantaged students the emotional, social, and academic services necessary to ensure adequate opportunities for success.

(2) Evaluates and revises the current definition of "economically disadvantaged student."

The department shall submit a report of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2020.

(B) The report prepared under division (A) of this section shall be submitted to all of the following:

(1) The chair, vice chair, and ranking minority member of the finance committee of the house of representatives and the senate;
The chair, vice chair, and ranking minority member of the finance subcommittees regarding primary and secondary education of the house of representatives and the senate;

(3) The chair, vice chair, and ranking minority member of the standing committee of the house of representatives and the senate that consider legislation regarding primary and secondary education;

(4) The superintendent of public instruction;

(5) The president of the state board of education.

(C) It is the intent of the general assembly that the recommendations developed under division (A) of this section be the basis of legislation enacted by the general assembly in order to take effect for fiscal year 2022."

In line 74296, delete "and"; after "3317.51" insert ", and 3317.60"

The motion was _________ agreed to.

SYNOPSIS

Study regarding economically disadvantaged students

R.C. 3317.60; Section 265.215

Requires the Department of Education, in consultation with the Joint Education Oversight Committee, to conduct a study of essential types and amounts of resources needed to provide economically disadvantaged students the necessary emotional, social, and academic services, by December 31, 2020.

Requires the study to be submitted to the Superintendent of education.
Public Instruction, the President of the State Board of Education, and the chair, vice chair, and ranking members of the finance and education committees and subcommittees on kindergarten through 12 education in both the House of Representatives and the Senate.

Specifies that it is the intent of the General Assembly that the recommendations of the study be the basis of legislation enacted by the General Assembly in order to take effect for FY 2022.
moved to amend as follows:

In line 125 of the title, after "3317.26," insert "3317.62," 1

In line 284, after "3317.26," insert "3317.62," 2

After line 23702, insert:

"Sec. 3317.62. (A) A joint legislative task force to examine transportation of community school and nonpublic school students is hereby established and shall consist of six members, three of whom shall be appointed by the speaker of the house of representatives and three of whom shall be appointed by the president of the senate. The speaker of the house of representatives and president of the senate shall appoint a chairperson and vice-chairperson or co-chairpersons for the task force.

(B) The task force, in consultation with the superintendent of public instruction, the auditor of state, and other stakeholders, shall study the transportation of such students and determine methods to create greater efficiency and minimize costs in transporting such students. The task force shall report its findings to the speaker of the house of representatives and the president of the senate not later than December 31, 2020."

In line 74296, delete "and"; after "3317.51" insert ", and
The motion was __________ agreed to.

SYNOPSIS

Study of transportation of community school and nonpublic school students

R.C. 3317.62; Section 265.215

Establishes a joint legislative task force consisting of six members, three each appointed by the Speaker of the House of Representatives and the Senate President to study, in consultation with the Superintendent of Public Instruction, the Auditor of State, and other stakeholders, the transportation of community school and nonpublic school students to determine methods to create greater efficiency and minimize costs in transporting such students, which findings must be reported to the Speaker and the Senate President by December 31, 2020.
moved to amend as follows:

In line 125 of the title, after "3317.26," insert "3317.60,"

In line 284, after "3317.26," insert "3317.60,"

After line 23702, insert:

"Sec. 3317.60. (A) The department of education shall, in consultation with the joint education oversight committee, the department of job and family services, and the auditor of state, conduct an evaluation of all of the following topics regarding preschool education:

(1) The cost effectiveness of continuing the existing multiple provider system;

(2) Ways in which the existing system may be better coordinated and cost efficient;

(3) Alternative ways in which the state can supply high quality preschool, especially for economically disadvantaged students.

The department shall submit a report of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2020.

(B) The report prepared under division (A) of this section
shall be submitted to all of the following:

(1) The chair, vice chair, and ranking minority member of the finance committee of the house of representatives and the senate;

(2) The chair, vice chair, and ranking minority member of the finance subcommittees regarding primary and secondary education of the house of representatives and the senate;

(3) The chair, vice chair, and ranking minority member of the standing committee of the house of representatives and the senate that consider legislation regarding primary and secondary education;

(4) The superintendent of public instruction;

(5) The president of the state board of education.

(C) It is the intent of the general assembly that the recommendations developed under division (A) of this section be the basis of legislation enacted by the general assembly in order to take effect for fiscal year 2022."

In line 74296, delete "and"; after "3317.51" insert ", and 3317.60"

The motion was __________ agreed to.

SYNOPSIS

Study regarding preschool education

R.C. 3317.60; Section 265.215

Requires the Department of Education, in consultation with the Joint Education Oversight Committee, the Department of Job and Family Services, and the Auditor of State, to conduct an
examination of preschool programs, including the current multi-tier provider system with recommendations regarding its effectiveness, by December 31, 2020.

Requires the study to be submitted to the Superintendent of Public Instruction, the President of the State Board of Education, and the chair, vice chair, and ranking members of the finance and education committees and subcommittees on kindergarten through 12 education in both the House of Representatives and the Senate.

Specifies that it is the intent of the General Assembly that the recommendations of the study be the basis of legislation enacted by the General Assembly in order to take effect for FY 2022.
moved to amend as follows:

In line 125 of the title, after "3317.26," insert "3317.60,"

In line 284, after "3317.26," insert "3317.60,"

After line 23702, insert:

"Sec. 3317.60. (A) The joint education oversight committee shall, in collaboration with the department of education, the auditor of state, and the Ohio educational service center association, conduct an evaluation of educational service centers, including all of the following:

(1) Services provided;

(2) Cost of existing services;

(3) The ability to generate revenue for providing nonmandatory services and offset fixed costs with that revenue;

(4) The average operating cost per pupil;

(5) The effectiveness and efficiency of all educational service centers.

The committee shall submit a report of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2020.

(B) The report prepared under division (A) of this section
shall be submitted to all of the following:

   (1) The chair, vice chair, and ranking minority member of the
finance committee of the house of representatives and the senate;

   (2) The chair, vice chair, and ranking minority member of the
finance subcommittees regarding primary and secondary education of
the house of representatives and the senate;

   (3) The chair, vice chair, and ranking minority member of the
standing committee of the house of representatives and the senate
that consider legislation regarding primary and secondary
education;

   (4) The superintendent of public instruction;

   (5) The president of the state board of education.

(C) It is the intent of the general assembly that the
recommendations developed under division (A) of this section be
the basis of legislation enacted by the general assembly in order
to take effect for fiscal year 2022."

In line 74296, delete "and"; after "3317.51" insert ", and
3317.60"

The motion was __________ agreed to.

SYNOPSIS

Study regarding educational service centers

R.C. 3317.60; Section 265.215

Requires the Joint Education Oversight Committee (JEOC), in
collaboration with the Auditor of State and the Ohio educational
service center association, to conduct a study of educational
service centers operations and services, by December 31, 2020.

Requires the study to be submitted to the Superintendent of Public Instruction, the President of the State Board of Education, and the chair, vice chair, and ranking members of the finance and education committees and subcommittees on kindergarten through 12 education in both the House of Representatives and the Senate.

Specifies that it is the intent of the General Assembly that the recommendations of the study be the basis of legislation enacted by the General Assembly in order to take effect for FY 2022.
moved to amend as follows:

In line 125 of the title, after "3317.26," insert "3317.60,"

In line 284, after "3317.26," insert "3317.60,"

After line 23702, insert:

"Sec. 3317.60. (A) The department of education shall, in consultation with the joint education oversight committee, evaluate the current funding amounts and required services for all categories of English language learners described in section 3317.016 of the Revised Code. The department shall submit a report of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2020.

(B) The report prepared under division (A) of this section shall be submitted to all of the following:

(1) The chair, vice chair, and ranking minority member of the finance committee of the house of representatives and the senate;

(2) The chair, vice chair, and ranking minority member of the finance subcommittees regarding primary and secondary education of the house of representatives and the senate;

(3) The chair, vice chair, and ranking minority member of the standing committee of the house of representatives and the senate that consider legislation regarding primary and secondary
education;

(4) The superintendent of public instruction;

(5) The president of the state board of education.

(C) It is the intent of the general assembly that the recommendations developed under division (A) of this section be the basis of legislation enacted by the general assembly in order to take effect for fiscal year 2023."

In line 74296, delete "and"; after "3317.51" insert ", and 3317.60"

The motion was __________ agreed to.

SYNOPSIS

English language learners study

R.C. 3317.60; Section 265.215

Requires the Department of Education, in consultation with the Joint Education Oversight Committee, to conduct an evaluation of the current funding amounts and required services for all categories of English learners, by December 31, 2020.

Requires the study to be submitted to the Superintendent of Public Instruction, the President of the State Board of Education, and the chair, vice chair, and ranking members of the finance and education committees and subcommittees on kindergarten through 12 education in both the House of Representatives and the Senate.

Specifies that it is the intent of the General Assembly that the recommendations of the study be the basis of legislation enacted by the General Assembly in order to take effect for FY
moved to amend as follows:

1 After line 72721a, insert:

2 "GRF 322XXX Best Buddies Ohio $50,000 $50,000"

3 In line 72727, add $50,000 to each fiscal year

4 In line 72749, add $50,000 to each fiscal year

5 After line 72796, insert:

6 "Section 261.50. BEST BUDDIES OHIO

7 The foregoing appropriation item 322XXX, Best Buddies Ohio,

8 shall be provided to the Best Buddies Ohio program to support

9 the delivery and expansion of inclusion services throughout Ohio

10 schools."

11 The motion was ______ agreed to.

SYNOPSIS

Department of Developmental Disabilities

Sections 261.10 and 261.50

Establishes an appropriation of $50,000 in each fiscal year
in new GRF line item 322XXX, Best Buddies Ohio. Provides funds
for the Best Buddies Ohio program to provide inclusion services
throughout Ohio schools.
moved to amend as follows:

In line 92 of the title, after "5166.22," insert "5166.40, 5166.401, 5166.402, 5166.403, 5166.404, 5166.405, 5166.406, 5166.407, 5166.409,"

In line 115 of the title, after "(4751.03)," insert "5166.401 (5166.402), 5166.402 (5166.403), 5166.403 (5166.404), 5166.404 (5166.405), 5166.405 (5166.406), 5166.406 (5166.407), 5166.407 (5166.408), 5166.408 (5166.4010), 5166.409 (5166.4011)"

In line 143 of the title, after "5166.162," insert "5166.401, 5166.409,"

In line 259, after "5166.22," insert "5166.40, 5166.401, 5166.402, 5166.403, 5166.404, 5166.405, 5166.406, 5166.407, 5166.409,"

In line 275, after "(4751.03)," insert "5166.401 (5166.402), 5166.402 (5166.403), 5166.403 (5166.404), 5166.404 (5166.405), 5166.405 (5166.406), 5166.406 (5166.407), 5166.407 (5166.408), 5166.408 (5166.4010), 5166.409 (5166.4011)"

In line 298, after "5166.162," insert "5166.401, 5166.409,"

In line 317, after "(A)," insert "(1)"

In line 317, delete "(1)" and insert "(a)"

In line 317, delete "(2)" and insert "(b)"
In line 31751, delete "(a)" and insert "(i)"

In line 31753, delete "(b)" and insert "(ii)"

In line 31759, delete "(3)" and insert "(c)"

In line 31762, delete "(4)" and insert "(d)"

After line 31768, insert:

"(2) If the patient is a healthy Ohio program participant in the plus component, the cost estimate shall be computed as buckeye account points credited to the participant's buckeye account under division (C) of section 5166.404 of the Revised Code."

After line 52241, insert:

"Sec. 5166.40. (A) As used in sections 5166.40 to 5166.409 of the Revised Code:

(1) "Adult" means an individual who is at least eighteen years of age.

(2) "Basic component" means the component of the healthy Ohio program into which a healthy Ohio program participant is placed pursuant to division (B) of section 5166.401 of the Revised Code.

(3) "Buckeye account" means a modified health savings account established under section 5166.402 of the Revised Code.

(3) "Contribution" means a method of payment issued by a managed care organization to a healthy Ohio program participant in the plus component under section 5166.404 of the Revised Code or issued by the medicaid director to a former healthy Ohio program participant under section 5166.408 of the Revised Code.

(5)(a) "Contributions" means the amounts that an individual contributes to the individual's buckeye account and are...
contributed to the account on the individual's all of the following:

(i) The personal contributions made by a healthy Ohio program participant;

(ii) Contributions made on behalf of a participant under divisions (C) and division (D) of section 5166.402 5166.403 of the Revised Code;

(iii) Amounts representing points transferred to a participant's account pursuant to division (F) of section 5166.403 of the Revised Code;

(iv) Amounts credited to a participant's account under section 5166.409 of the Revised Code.

"Contributions" does not mean the portion of an individual's buckeye account that consists of medicaid funds deposited points awarded to a participant's buckeye account under division (B) of section 5166.402 5166.403 of the Revised Code or section 5166.404 5166.405 of the Revised Code.

"Core portion" means the portion of a healthy Ohio program participant's buckeye account that consists of the following:

(a) The amount of contributions to the account;

(b) The amounts awarded to the account under divisions (C) and (D) of section 5166.404 of the Revised Code.

"Eligible employer-sponsored health plan" has the same meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 1986," 26 U.S.C. 5000A(f)(2).

"Healthy Ohio program" means the medicaid waiver component established under sections 5166.40 to 5166.409 5166.4011.
of the Revised Code under which medicaid recipients specified in

division (B) of this section enroll in comprehensive health plans

and contribute to buckeye accounts consisting of a basic component

and a plus component.

(7) "Healthy Ohio program debit swipe card" means a debit

swipe card issued by a managed care organization to a healthy Ohio

program participant under section 5166.403 of the Revised Code.

(8) "Not-for-profit organization" means an organization that

is exempt from federal income taxation under section 501(a) and

(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a)

and (c)(3).

(9) "Mandatory services" has the same meaning as in section

5164.01 of the Revised Code.

(10)(a) "Personal contributions" means the amounts that a

healthy Ohio program participant contributes under division (C) of

section 5166.403 of the Revised Code to participate in the plus

component of the healthy Ohio program.

(b) "Personal contributions" does not mean any of the following:

(i) Amounts that are contributed on a participant's behalf

under division (D) of section 5166.403 of the Revised Code;

(ii) Amounts that represent points transferred to a

participant's buckeye account pursuant to division (F) of section

5166.403 of the Revised Code;

(iii) Amounts credited to a participant's buckeye account

under section 5166.409 of the Revised Code.

(11) "Plus component" means the component of the healthy Ohio

program into which a healthy Ohio program participant is placed

pursuant to division (A) of section 5166.401 of the Revised Code.
(12) "Ward of the state" means an individual who is a ward, as defined in section 2111.01 of the Revised Code.

(13) "Workforce development activity" and "local board" have the same meanings as in section 6301.01 of the Revised Code.

(B) The medicaid director shall establish a medicaid waiver component to be known as the healthy Ohio program. Each adult medicaid recipient, other than a ward of the state, determined to be eligible for medicaid on the basis of either of the following shall participate in the healthy Ohio program:

1. On the basis of being included in the category identified by the department of medicaid as covered families and children;

2. On the basis of being included in the expansion eligibility group.

(C) Except as provided in section 5166.406 of the Revised Code, a healthy Ohio program participant shall not receive medicaid services under the fee-for-service component of medicaid or participate in the care management system.

Sec. 5166.401. (A) A healthy Ohio program participant shall be placed in the plus component of the healthy Ohio program when the participant begins to participate in the healthy Ohio program.

(B) Except as provided in division (C) of this section, a healthy Ohio program participant shall be moved to the basic component of the healthy Ohio program if a monthly installment payment authorized by division (E) of section 5166.403 of the Revised Code is sixty days late. There shall be no gap in coverage under the healthy Ohio program when a participant is moved from the plus component to the basic component. Contributions are not required for a participant to be in the basic component. A
participant in the basic component may not return to the plus component until the later of the following:

(1) Twelve months after the date the participant is moved to the basic component;

(2) When all of the participant's unpaid monthly installment payments due for the months the participant was in the plus component are paid in full.

(C) Division (B) of this section and division (C) of section 5166.403 of the Revised Code do not apply to a healthy Ohio program participant if any of the following is the case:

(1) The participant is pregnant.

(2) The participant has a severe and persistent mental illness.

(3) The participant needs treatment for cancer.

(4) The participant is in treatment for alcoholism or drug addiction as those terms are defined in section 5119.01 of the Revised Code and the participant is making satisfactory progress under the treatment according to criteria established in rules authorized by section 5166.4011 of the Revised Code.

Sec. 5166.401 5166.402. (A) A healthy Ohio program participant shall enroll in a comprehensive health plan offered by a managed care organization under contract with the department of medicaid. All of the following apply to the health plan:

(A) It (1) If the participant is in the plus component of the healthy Ohio program and subject to division (B) of this section, the plan shall cover physician, hospital inpatient, hospital outpatient, pregnancy-related, mental health, pharmaceutical, laboratory, and other health care services the medicaid director...
determines necessary.

(B) It shall not begin to pay for any services it covers until the amount of the noncore portion of the participant's Buckeye account is zero.

(C) If the participant is in the basic component of the healthy Ohio program, both of the following apply to the plan's coverage:

(a) Subject to divisions (A)(2)(b), (B), and (E) of this section, the plan shall cover only mandatory services and, at the Medicaid director's discretion, other health care services the director determines necessary.

(b) The plan shall not cover services the Medicaid director chooses to exclude from coverage.

(3) If the participant is in the plus component, the plan shall require copayments do both of the following:

(a) Require coinsurance for health care services covered by the health plan, except that a participant's copayments shall be waived whenever the amount of the core portion of the participant's Buckeye account is zero for the first five hundred dollars of costs for preventative health services the participant receives under the plan each year for the purpose of satisfying requirements established in rules authorized by section 5166.4011 of the Revised Code;

(b) Permit a provider to charge the participant a copayment for health care services covered by the plan if the participant fails to appear for a previously scheduled appointment two or more times in a calendar year without providing the provider notice in accordance with the provider's appointment cancellation policies.

(D) If the participant is in the basic component, the
plan shall require copayments for health care services that are covered by the plan and made subject to copayment requirements by rules authorized by section 5166.4011 of the Revised Code.

(5) The plan shall have the following payout limits:

(a) Three hundred thousand dollars per year;
(b) One million dollars for a participant's lifetime.

(B) The comprehensive health plan in which a healthy Ohio program participant enrolls may exclude from coverage a prescription drug if the medicaid director determines that the health care condition the prescription drug would otherwise be used to treat can be adequately treated by another prescription drug or health care service covered by the plan.

(C) The coinsurance required by division (A)(3)(a) of this section for a health care service covered by the plan in which a healthy Ohio program participant is enrolled shall equal twenty per cent of the plan's payment rate for the health care service.

(D) The copayments required by division (A)(4) of this section shall not exceed the maximum amounts permitted under 42 C.F.R. 447.50 to 447.57.

(E) If the medicaid director determines that it is necessary for the basic component to cover other health care services in addition to mandatory services, the director shall ensure that there is enough of a difference between what the plus component and basic component cover so as to provide a strong incentive for healthy Ohio program participants to comply with the requirements to participate in the plus component.

**Sec. 5166.402 5166.403.** (A)(1) A buckeye account shall be established for each healthy Ohio program participant in the plus
component. Subject to division (A)(2) of this section, a participant's buckeye account shall consist of both of have the following number of points:

(a) The medicaid funds deposited into points awarded to the account under division (B) of this section and division (A) of section 5166.404, 5166.405 of the Revised Code;

(b) Contributions made One point for each dollar contributed by the participant and on the participant's behalf under divisions (C) and (D) of this section;

(c) The points transferred to the account pursuant to division (F) of this section;

(d) The points credited to the account under section 5166.409 of the Revised Code.

(2) A buckeye account shall not have more than ten fifteen thousand dollars in it points at one time.

(B) Subject to division (A)(2) of this section, one two thousand dollars of five hundred medicaid funds points shall be deposited awarded each year into to the buckeye account of a healthy Ohio program participant in the plus component. Except in the case of a participant who is not required to make contributions to the participant's buckeye account, the initial deposit of medicaid funds into a participant's buckeye account shall not occur until the initial contribution to the participant's account is made under division (C) or (D) of this section.

(C) Subject to divisions (A)(2), (D), and (F)(G) of this section and division (C) of section 5166.401 of the Revised Code, a healthy Ohio program participant shall contribute each year to the participant's buckeye account make an annual personal
contribution in an amount equal to the lesser of the following to participate in the plus component of the healthy Ohio program:

(a) (1) Two per cent of the participant's annual countable family income or twelve dollars, whichever is greater;

(b) Ninety-nine (2) Two hundred forty dollars.

(2) A participant's contributions to the participant's buckeye account may be made in monthly installments. A monthly installment payment shall be considered an initial contribution.

(D)(1) Subject to division (D)(2) of this section, the following may make contributions to a healthy Ohio program participant's buckeye account on the participant's behalf of a healthy Ohio program participant in the plus component of the healthy Ohio program:

(a) The participant's employer, but only up to fifty per cent of the personal contributions the participant is required to make;

(b) A not-for-profit organization, but only up to seventy-five per cent of the personal contributions the participant is required to make;

(c) The managed care organization that offers the health plan in which the participant enrolls under the healthy Ohio program, but both of the following apply to such contributions:

(i) They shall be used only to pay the costs for the participant to participate in a health-related incentive available under the health plan, such as completion of a risk assessment or participation in a smoking cessation program.

(ii) They cannot reduce the amount of personal contributions the participant is required to contribute make.

(2) Contributions made on a participant's behalf under
divisions (D)(1)(a) and (b) of this section shall be coordinated in a manner so that the participant makes at least twenty-five percent of the personal contributions the participant is required to make.

(E) Except in the case of a healthy Ohio program participant who is not required to make contributions to the participant's buckeye account, a participant shall not begin to receive benefits under the healthy Ohio program until the initial contribution to the participant's buckeye account is made under division (C) or (D) of this section. Contributions that must be made for a healthy Ohio program participant to be in the plus component of the healthy Ohio program may be made in monthly installment payments.

(F) If a healthy Ohio program participant's spouse also participates in the plus component of the healthy Ohio program and the number of points in the participant's buckeye account exceeds the sum of the number of medicaid points required to be awarded for a year under division (B) of this section and the number of points representing the participant's personal contributions required to be made that year under division (C) of this section, the participant may transfer one or more points from the participant's buckeye account to the buckeye account of the participant's spouse. The transfer shall be made in accordance with rules authorized by section 5166.4011 of the Revised Code.

(G)(1) The following portion of the amount points that remain in a healthy Ohio program participant's buckeye account at the end of a year shall carry forward in the account for the next year:

(a) If the participant satisfies requirements regarding preventative health services established in rules authorized by section 5166.409 of the Revised Code, the entire amount
all of the remaining points;

(b) If division (F)(G)(1)(a) of this section does not apply, the amount points representing the participant's personal contributions to the account.

(2) The amount of personal contributions that must be made to a participant's buckeye account for a year shall be reduced by the amount points that are carried forward under division (F)(G)(1) of this section. If the amount number of points carried forward represents at least the amount of personal contributions that division (C) of this section requires for that year, no contributions are required to be made for the participant that year.

(G) (H) A buckeye account shall be used only for the following:

(1) To pay for the expenses for which a healthy Ohio program debit swipe card buckeye account payment mechanism may be used as specified in division (A) (B) of section 5166.403 5166.404 of the Revised Code;

(2) Other purposes authorized by rules adopted under section 5166.409 5166.4011 of the Revised Code.

(H) (I) The department of medicaid shall provide for a healthy Ohio program participant in the plus component to receive monthly statements showing the current amount number of points in the participant's buckeye account and the number of points used in the previous month's expenditures from the account month. The statement shall specify how much of the amount in the participant's buckeye account is the core portion and how much is the noncore portion. The department may arrange for the statements to be provided in an electronic format.
(J) If a healthy Ohio program participant is moved to the basic component, the participant's buckeye account shall be deactivated and shall not be reactivated until the participant returns to the plus component.

Sec. 5166.403 5166.404. (A) A managed care organization that offers the health plan in which a healthy Ohio program participant in the plus component enrolls shall issue to the participant a debit swipe card to be used to pay buckeye account payment mechanism, which shall be issued in the form of technology the department of medicaid deems most convenient.

(B)(1) A healthy Ohio program participant may use the participant's buckeye account payment mechanism only for the following:

(1) Until the amount of the noncore portion of the participant's buckeye account is zero, the costs of health care services that are covered by the health plan and provided to the participant by a provider participating in the health plan;

(2)(a) The participant's copayments coinsurance under division (C)(A)(3)(a) of section 5166.401 5166.402 of the Revised Code but not any copayments charged pursuant to division (A)(3)(b) of that section;

(2)(b) Subject to division (B)(2) of this section and rules authorized by section 5166.409 5166.4011 of the Revised Code, both of the following:

(i) The costs of health care services that are medically necessary for the participant but not covered by the health plan;

(ii) The costs of medically necessary health care services that are provided to a minor child or other family member of the participant.
participant and not covered by any other private or government health insurance.

(B)(1) (2) Only the number of points on a participant's buckeye account payment mechanism that represent the medicaid points awarded to the participant's buckeye account under section 5166.405 of the Revised Code may be used for the purposes specified in divisions (B)(1)(b)(i) and (ii) of this section.

(C) A healthy Ohio program participant's debit swipe card buckeye account payment mechanism shall be credited with one point for each of the following:

(a) Each dollar of medicaid funds deposited into point in the participant's buckeye account under division (B) of section 5166.402 of the Revised Code;

(b) Each dollar contributed to the participant's buckeye account under divisions (C) and (D) of section 5166.402 of the Revised Code;

(c) Each point awarded to the participant under section 5166.404 of the Revised Code.

(2) Each time a healthy Ohio program participant uses the participant's debit swipe card buckeye account payment mechanism, the amount for which the card is used shall be deducted from the number of points on the card as follows:

(a) If the card is used for the purpose specified in division (A)(1) of this section, the deduction shall come from the points representing the noncore portion of the participant's buckeye account.

(b) If the card is used for the purpose specified in division (A)(2) or (3) of this section, the deduction shall come from the points representing the core portion of the participant's buckeye account.
(D) A healthy Ohio program participant's debit swipe card buckeye account payment mechanism shall do all of the following:

1. Verify the participant's eligibility for the healthy Ohio program;
2. Determine whether the service the participant seeks is covered under the health plan;
3. Determine whether the provider from which the participant seeks the service is a participating provider under the health plan;
4. Be linked to the participant's buckeye account in a manner Facilitate the production of a reasonable, good faith cost estimate under Chapter 3962. of the Revised Code when the participant seeks a service covered under the health care plan, including the component of the cost estimate that enables informs the participant to know at the point of service what about how many points will be deducted from the noncore portion and core portion of the participant's buckeye account for the service and how much many points will remain in each portion of the account after the deduction.

Sec. 5166.404 5166.405. (A) The medicaid director shall establish a system under which medicaid points are awarded in accordance with this section to healthy Ohio program debit swipe cards buckeye accounts. One dollar of medicaid funds shall be deposited into a healthy Ohio program participant's buckeye account for each point awarded to the participant under this section.

(B) The director shall provide a one-time award of twenty
points to a healthy Ohio program participant who provides for the participant's contributions under division (C) of section 5166.402 of the Revised Code to be made by electronic funds transfers from the participant's checking or savings account. Twenty points shall be deducted from the participant's card if the participant terminates the electronic funds transfers.

(C) The director may award up to two hundred one thousand medicaid points annually to a healthy Ohio program participant who achieves is in the plus component of the program and whose health status has improved after achieving objectively verifiable health care goals outcomes. The medicaid points shall be awarded in accordance with the rules authorized by section 5166.409 of the Revised Code. A participant shall not be awarded more than two hundred one thousand medicaid points per year under this division section regardless of the number of health care goals those outcomes the participant achieves that year.

(D) Up to one hundred points may be awarded annually to a healthy Ohio program participant by one or more primary care physicians who verify that the participant has satisfied health care benchmarks set by the physicians. A participant shall not be awarded more than one hundred points per year under this division regardless of how many primary care physicians award points to the participant that year and the number of points the primary care physicians award the participant that year.

Sec. 5166.405 5166.406. (A) A healthy Ohio program participant's participation in the program shall cease if any of the following applies:

(1) Unless the participant is pregnant, a monthly installment payment to the participant's buckeye account is sixty days late.
(2) The participant fails to submit documentation needed for a redetermination of the participant's eligibility for medicaid before the sixty-first day after the documentation is requested.

(3)(2) The participant becomes eligible for medicaid on a basis other than being included in the category identified by the department of medicaid as covered families and children or being included in the expansion eligibility group.

(4)(3) The participant becomes a ward of the state.

(5)(4) The participant ceases to be eligible for medicaid.

(6)(5) The participant exhausts the annual or lifetime payout limit specified in division (D)(A)(5) of section 5166.401 5166.402 of the Revised Code.

(7)(6) The participant requests that the participant's participation be terminated.

(B) A healthy Ohio program participant who ceases to participate in the program because of division (A)(1) or (2) of this section may not resume participation until the former participant pays the full amount of the monthly installment payment or submits the documentation needed for the former participant's medicaid eligibility redetermination. The former participant shall not be transferred to the fee-for-service component of medicaid or the care management system as a result of ceasing to participate in the healthy Ohio program because of division (A)(1) or (2) of this section.

(C) Except as provided in section 5166.407 5166.408 of the Revised Code, a healthy Ohio program participant who ceases to participate in the program shall be provided the contributions that are in receive a refund from the participant's buckeye account at the time the participant ceases participation.
amount of the refund shall be determined as follows:

(1) Determine the total number of points that represents the participant's personal contributions and has been credited to the participant's buckeye account since the participant began participating in the program or, if the participant has resumed participation after having previously received a refund under division (C) of this section, the total number of points that represents the participant's personal contributions and has been credited to the participant's buckeye account since the participant last resumed participation;

(2) Determine the total number of points that represents the contributions credited, and the medicaid points awarded under section 5166.405 of the Revised Code, to the participant's buckeye account since the participant began participating in the program or, if the participant has resumed participation after having previously received a refund under division (C) of this section, the number of such points credited and awarded since the participant last resumed participation;

(3) Determine the percentage that the number of points determined under division (C)(1) of this section is of the number of points determined under division (C)(2) of this section;

(4) Determine the amount that is the percentage determined under division (C)(3) of this section of the number of points that the participant's buckeye account has at the time the participant ceases participation and that represents the contributions and medicaid points awarded under section 5166.405 of the Revised Code.

Sec. 5166.406 5166.407. If a healthy Ohio program participant exhausts the annual or lifetime payout limits specified in

Sec. 5166.406 5166.407. If a healthy Ohio program participant exhausts the annual or lifetime payout limits specified in
division (D) (A)(5) of section 5166.401 of the Revised Code, the participant shall be transferred to the fee-for-service component of medicaid or the care management system on the day immediately following the day that the participant exhausts the payout limit. A participant who exhausts the annual payout limit for a year shall resume participation in the healthy Ohio program at the beginning of the immediately following year if division (B) of section 5166.40 of the Revised Code continues to apply to the participant.

Sec. 5166.407 5166.408. (A) If a healthy Ohio program participant ceases to qualify for medicaid due to increased family countable income or because the medicaid program ceases to cover the participant's eligibility group and the participant purchases a health insurance policy or obtains health care coverage under an eligible employer-sponsored health plan, the amount equal to the number of points remaining in the former participant's buckeye account shall be transferred in accordance with rules authorized by section 5166.4011 of the Revised Code to an account to be known as a bridge account. The amount so transferred may be used only to pay for the following:

(1) If the former participant has purchased a health insurance policy, the former participant's premiums and costs in purchasing the policy and paying for the former participant's out of pocket expenses copayments and deductibles under the policy for health care services and prescription drugs covered by the policy;

(2) If the former participant has obtained health care coverage under an eligible employer-sponsored health plan, the former participant's out of pocket expenses premiums, copayments,
and deductibles under the plan for health care services and
prescription drugs covered by the plan.

(B) Only the an amount equal to the number of points
remaining in a former healthy Ohio program participant’s buckeye
account at the time the former participant ceased to participate
in the healthy Ohio program shall be deposited into the bridge
account. The bridge account shall be closed once the amount
transferred to it under division (A) of this section is exhausted
or the amount remaining in the account is credited to a new
buckeye account pursuant to section 5166.409 of the Revised Code.

(C) The medicaid director shall notify a former healthy Ohio
program participant when a bridge account is established for the
former participant under this section and provide for the former
participant to receive a buckeye account payment mechanism that is
connected to the participant’s bridge account. The buckeye account
payment mechanism may be used only for the purposes specified in
divisions (A)(1) and (2) of this section.

Sec. 5166.409. If a former healthy Ohio program participant
for whom a bridge account was created under section 5166.408 of
the Revised Code regains eligibility for medicaid and a new
buckeye account is established for the participant under section
5166.403 of the Revised Code, one point for each dollar remaining
in the bridge account shall be credited to the new buckeye account
in accordance with rules authorized by section 5166.4011 of the
Revised Code and the bridge account shall be closed.

Sec. 5166.408 5166.4010. Each county department of job and
family services shall offer to refer to a local board each healthy
Ohio program participant who resides in the county served by the
county department and is either unemployed or employed for less
than an average of twenty hours per week. The referral shall include information about the workforce development activities available from the local board. A participant may refuse to accept the referral and to participate in the workforce development activities without any affect on the participant's eligibility for, or participation in, the healthy Ohio program.

Sec. 5166.409 5166.4011. The medicaid director shall adopt rules under section 5166.02 of the Revised Code to do all of the following:

(A) For the purpose of division (C)(4) of section 5166.401 of the Revised Code, establish criteria to be used to determine whether a healthy Ohio program participant is making satisfactory progress in a treatment program for alcoholism or drug addiction.

(B) For the purpose of division (A)(3)(a) of section 5166.402 of the Revised Code and division (F)(G)(1)(a) of section 5166.403 of the Revised Code, establish requirements regarding preventative health services for healthy Ohio program participants. The requirements may differ for participants of different ages and genders.

(C) For the purpose of division (A)(4) of section 5166.402 of the Revised Code, specify the health care services that are subject to copayment requirements.

(D) For the purpose of division (F) of section 5166.403 of the Revised Code, establish procedures for a healthy Ohio program participant to transfer points from the participant's buckeye account to the buckeye account of the participant's spouse.

(E) For the purpose of division (C)(H)(2) of section 5166.402 of the Revised Code, authorize additional uses of a
buckeye account and establish the means for using the account for those purposes.

(C) (F) For the purpose purposes of division (A)(3) divisions (B)(1)(b)(i) and (ii) of section 5166.403 5166.404 of the Revised Code, establish requirements for the use of a healthy Ohio program debit swipe card buckeye account payment mechanism to pay for the following:

(1) The costs of medically necessary health care services not covered by the health plan in which a healthy Ohio program participant in the plus component enrolls;

(2) The costs of medically necessary health care services that are provided to a minor child or other family member of a healthy Ohio program participant in the plus component and not covered by any other private or government health insurance.

(B) (G) For the purpose of division (C) of section 5166.404 5166.405 of the Revised Code, establish a system under which the director may award medicaid points to healthy Ohio program participants who achieve are in the plus component of the program and whose health status has improved after achieving objectively verifiable health care goals outcomes. The rules shall specify the goals outcomes that qualify for medicaid points and the number of medicaid points each goal outcome is worth. The number of medicaid points may vary for different goals outcomes.

(E) (H) For the purpose of section 5166.407 5166.408 of the Revised Code, establish procedures and requirements for the transfer of the amounts remaining in former healthy Ohio program participants' buckeye accounts to bridge accounts.

(I) For the purpose of section 5166.409 of the Revised Code, establish procedures and requirements for crediting points to new buckeye accounts."
In line 52337, strike through "5166.406" and insert "5166.407"

In line 63460, after "5166.22," insert "5166.40, 5166.401, 5166.402, 5166.403, 5166.404, 5166.405, 5166.406, 5166.407, 5166.408, 5166.409,"

After line 77434, insert:

"Section 333.__. HEALTHY OHIO PROGRAM WAIVER REQUEST

Not later than July 1, 2020, the Medicaid Director shall submit to the United States Secretary of Health and Human Services a request for a waiver necessary for the implementation of the Healthy Ohio Program under sections 5166.40 to 5166.4011 of the Revised Code."

The motion was __________ agreed to.

SYNOPSIS

Healthy Ohio Program

R.C. 5166.40, 5166.401 (new enact), 5166.402, 5166.403, 5166.404, 5166.405, 5166.406, 5166.407, 5166.408, 5166.409 (new enact), 5166.4010, 5166.4011, and 5167.03; Section 333.__

Revises the Medicaid waiver called the Healthy Ohio Program.
moved to amend as follows:

In line 88 of the title, after "5162.12," insert "5162.364,"

In line 256, after "5162.12," insert "5162.364,"

In line 49842, after the comma insert "the governing board of an educational service center."

After line 49953, insert:

"Sec. 5162.364. The medicaid director shall adopt rules under section 5162.02 of the Revised Code as necessary to implement the medicaid school component of the medicaid program, including rules that establish or specify all of the following:

(A) Conditions a board of education of a city, local, or exempted school district, a governing board of an educational service center, governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind must meet to participate in the component;

(B) Services the component covers;

(C) Payment rates for the services the component covers.

The rules shall be adopted in accordance with Chapter 119. of the Revised Code."
In line 63457, after "5162.12," insert "5162.364,"

The motion was __________ agreed to.

**SYNOPSIS**

**Ohio Medicaid School Plan**

**R.C. 5162.01 and 5162.364**

Permits educational service centers to participate in the school component of the Medicaid Program.
In line 180 of the title, after "207.10" insert ", 225.10,"  
In line 82022, after "207.10" insert ", 225.10,"  
After line 82089, insert:

"Sec. 225.10. DOT DEPARTMENT OF TRANSPORTATION
Administrative Building Fund (Fund 7026)
C77706 Allen County Building Demolition, Maintenance, or Construction $ 200,000
TOTAL Administrative Building Fund $ 200,000

Transportation Building Fund (Fund 7029)
C77705 Statewide Land and Buildings $ 60,000,000
TOTAL Transportation Building Fund $ 60,000,000
TOTAL ALL FUNDS $ 60,200,000"

In line 82113, after "207.10" insert ", 225.10,"

The motion was __________ agreed to.

SYNOPSIS

Capital appropriation change
Section 601.10
Amends Section 225.10 of H.B. 529 of the 132nd General
Assembly, the capital budget bill for the FY 2019-FY 2020 biennium, to change the line item name of Administrative Building Fund (Fund 7026) line item C77706 to "Allen County Building Demolition, Maintenance, or Construction."
Sub. H.B. 166
LSC 133 0001-4

moved to amend as follows:

In line 180 of the title, after "207.10" insert ", 217.10,"  
1
In line 82022, after "207.10" insert ", 217.10,"  
2
After line 82089, insert:

"Sec. 217.10. COM DEPARTMENT OF COMMERCE

State Fire Marshal Fund (Fund 5460)

C80023  SFM Renovations and Improvements  $ 1,497,500  
6
C80034  Fire Training Apparatus  $ 1,675,000  
7
C800XX  Green Township Department - Lucas CPR Device

TOTAL State Fire Marshal Fund  $ 3,172,500  
9

 Administrative Building Fund (Fund 7026)

C80038  Mahoning County Live Fire Training Facility

C80039  Weathersfield Township Multi-jurisdictional Center

TOTAL Administrative Building Fund  $ 525,000  
13
TOTAL ALL FUNDS  $ 3,712,500"  
14

In line 82113, after "207.10" insert ", 217.10,"  
16
The motion was __________ agreed to.

SYNOPSIS

Department of Commerce

Sections 601.10 and 601.11

Amends Section 217.10 of H.B. 529 of the 132nd General Assembly, the capital budget for FY 2019-FY 2020 capital biennium, to appropriate $15,000 under Fund 5460 appropriation item C800XX, Green Township Fire Department - Lucas CPR Device, to provide funds to Green Township Volunteer Fire Department to purchase a Lucas CPR Device.
moved to amend as follows:

In line 29 of the title, after "3317.06," insert "3317.13,"

In line 213, after "3317.06," insert "3317.13,"

After line 23323, insert:

"Sec. 3317.13. (A) As used in this section and section 3317.14 of the Revised Code:

(1) "Years of service" includes the following:

(a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of
this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and

(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.

(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant to this section, years of service shall include the sum of all years of the teacher's teaching service included in divisions (A)(1)(a), (b), (c), and (d) of this section; except that any school district or educational service center employing a teacher new to the district or educational service center shall grant such teacher a total of not more than ten years of service pursuant to divisions (A)(1)(b), (c), and (d) of this section.

Upon written complaint to the superintendent of public instruction that the board of education of a district or the governing board of an educational service center governing board has failed or refused to annually adopt a salary schedule or to pay salaries in accordance with the salary schedule set forth in division (C) of this section, the superintendent of public instruction shall cause to be made an immediate investigation of
such complaint. If the superintendent finds that the conditions
complained of exist, the superintendent shall order the board to
correct such conditions within ten days from the date of the
finding. No moneys shall be distributed to the district or
educational service center under this chapter until the
superintendent has satisfactory evidence of the board of
education's full compliance with such order.

Each teacher shall be fully credited with placement in the
appropriate academic training level column in the district's or
educational service center's salary schedule with years of service
properly credited pursuant to this section or section 3317.14 of
the Revised Code. No rule shall be adopted or exercised by any
board of education or educational service center governing board
which restricts the placement or the crediting of annual salary
increments for any teacher according to the appropriate academic
training level column.

(C) Minimum salaries exclusive of retirement and sick leave
for teachers shall be as follows:

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<th>Years of Service</th>
<th>Teachers with Bachelor's Degree</th>
<th>Teachers with Five Years of Training, but no Master's Degree</th>
<th>Teachers with Master's Degree or Higher</th>
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* Percentages represent the percentage which each salary is of the base amount.

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience.

As used in this division:
(1) "Base amount" means twenty thirty thousand dollars.

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.

(D) For purposes of this section, all credited training shall be from a recognized college or university."

In line 63413, after "3317.06," insert "3317.13,"

The motion was __________ agreed to.

**SYNOPSIS**

**Teacher salaries**

**R.C. 3317.13**

Specifies that the minimum salary (base salary) for teachers with bachelor's degrees is $30,000, rather than $20,000 as under current law.

Makes changes to the other steps specified in the statutory stepped teacher salary schedule based on the change to the minimum salary, using the same percentages for each step as under current law.
moved to amend as follows:

In line 85 of the title, after "5123.023," insert "5123.044,"  

In line 86 of the title, after "5123.166," insert "5126.01,  
5126.042, 5126.046,"

In line 141 of the title, after "5123.691," insert  
"5126.047,"  

In line 254, after "5123.023," insert "5123.044,"  

In line 255, after "5123.166," insert "5126.01, 5126.042,  
5126.046,"

In line 295, after "5123.691," insert "5126.047,"  

In line 48164, strike through "has" and insert "and "ICF/IID  
services" have"; strike through "meaning" and insert "meanings"  

After line 48352, insert:  

"Sec. 5123.044. The department of developmental disabilities  
shall determine whether county boards of developmental  
disabilities violate the rights that individuals with  
developmental disabilities have under section 5126.046 of the  
Revised Code to obtain home and community-based services, ICF/IID  
services, nonmedicaid residential services, or nonmedicaid  
supported living from qualified and willing providers. The  
department shall provide assistance to an individual with a  
developmental disability who requests assistance with the  
individual's rights under that section if the department is
notified of a county board's alleged violation of the individual's rights under that section."

After line 4078, insert:

"Sec. 5126.01. As used in this chapter:

(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code.

(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills.

(2) "Adult services" includes all of the following:

(a) Adult day habilitation services;

(b) Employment services;

(c) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports.

(B)(1) "Adult day habilitation services" means adult services
that do the following:

(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved;

(b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community.

(2) "Adult day habilitation services" includes all of the following:

(a) Personal care services needed to ensure an individual's ability to experience and participate in vocational services, educational services, community activities, and any other adult day habilitation services;

(b) Skilled services provided while receiving adult day habilitation services, including such skilled services as behavior management intervention, occupational therapy, speech and language therapy, physical therapy, and nursing services;

(c) Training and education in self-determination designed to help the individual do one or more of the following: develop self-advocacy skills, exercise the individual's civil rights, acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills that enable the individual to become more independent, integrated, or
productive in the community;

(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports;

(e) Transportation necessary to access adult day habilitation services;

(f) Habilitation management, as described in section 5126.14 of the Revised Code.

(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services.

(C) "Appointing authority" means the following:

(1) In the case of a member of a county board of developmental disabilities appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners;

(2) In the case of a member of a county board appointed by, or to be appointed by, a senior probate judge, the senior probate judge.

(D) "Community employment," "competitive employment," and "integrated setting" have the same meanings as in section 5123.022 of the Revised Code.

(E) "Supported employment services" means vocational assessment, job training and coaching, job development and placement, worksite accessibility, and other services related to employment outside a sheltered workshop. "Supported employment services" includes both of the following:

(1) Job training resulting in the attainment of community employment, supported work in a typical work environment, or...
(2) Support for ongoing community employment, supported work at community-based sites, or self-employment.

(F) "Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code;

(2) It is manifested before age twenty-two;

(3) It is likely to continue indefinitely;

(4) It results in one of the following:

(a) In the case of a person under age three, at least one developmental delay, as defined in rules adopted under section 5123.011 of the Revised Code, or a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay, as defined in those rules;

(b) In the case of a person at least age three but under age six, at least two developmental delays, as defined in rules adopted under section 5123.011 of the Revised Code;

(c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.

(5) It causes the person to need a combination and sequence
of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

"Developmental disability" includes intellectual disability.

(G) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with developmental disabilities who have not attained compulsory school age.

(H) "Employment services" means prevocational services or supported employment services.

(I)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.

(2) "Environmental modifications" includes such adaptations as installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, and installation of specialized electric and plumbing systems necessary to accommodate the individual's medical equipment and supplies.

(3) "Environmental modifications" does not include physical adaptations or improvements to the home that are of general utility or not of direct medical or remedial benefit to the individual, including such adaptations or improvements as carpeting, roof repair, and central air conditioning.

(J) "Family support services" means the services provided under a family support services program operated under section 5126.11 of the Revised Code.
(K) "Habilitation" means the process by which the staff of
the facility or agency assists an individual with a developmental
disability in acquiring and maintaining those life skills that
enable the individual to cope more effectively with the demands of
the individual's own person and environment, and in raising the
level of the individual's personal, physical, mental, social, and
vocational efficiency. Habilitation includes, but is not limited
to, programs of formal, structured education and training.

(L) "Home and community-based services" has the same meaning
as in section 5123.01 of the Revised Code.

(M) "ICF/IID" has and "ICF/IID services" have the same
meaning meanings as in section 5124.01 of the Revised Code.

(N) "Immediate family" means parents, grandparents, brothers,
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law,
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and
daughters-in-law.

(O) "Intellectual disability" means a mental impairment
manifested during the developmental period characterized by
significantly subaverage general intellectual functioning existing
concurrently with deficiencies in the effectiveness or degree with
which an individual meets the standards of personal independence
and social responsibility expected of the individual's age and
cultural group.

(P) "Medicaid case management services" means case management
services provided to an individual with a developmental disability
that the state medicaid plan requires.

(Q) "Prevocational services" means services that provide
learning and work experiences, including volunteer work
experiences, from which an individual can develop general
strengths and skills that are not specific to a particular task or job but contribute to employability in community employment, supported work at community-based sites, or self-employment.

(R) "Residential services" means services to individuals with developmental disabilities to provide housing, food, clothing, habilitation, staff support, and related support services necessary for the health, safety, and welfare of the individuals and the advancement of their quality of life. "Residential services" includes program management, as described in section 5126.14 of the Revised Code.

(S) "Resources" means available capital and other assets, including moneys received from the federal, state, and local governments, private grants, and donations; appropriately qualified personnel; and appropriate capital facilities and equipment.

(T) "Senior probate judge" means the current probate judge of a county who has served as probate judge of that county longer than any of the other current probate judges of that county. If a county has only one probate judge, "senior probate judge" means that probate judge.

(U) "Service and support administration" means the duties performed by a service and support administrator pursuant to section 5126.15 of the Revised Code.

(V)(1) "Specialized medical, adaptive, and assistive equipment, supplies, and supports" means equipment, supplies, and supports that enable an individual to increase the ability to perform activities of daily living or to perceive, control, or communicate within the environment.

(2) "Specialized medical, adaptive, and assistive equipment,
supplies, and supports" includes the following:

(a) Eating utensils, adaptive feeding dishes, plate guards, mylatex straps, hand splints, reaches, feeder seats, adjustable pointer sticks, interpreter services, telecommunication devices for the deaf, computerized communications boards, other communication devices, support animals, veterinary care for support animals, adaptive beds, supine boards, prone boards, wedges, sand bags, sidelayers, bolsters, adaptive electrical switches, hand-held shower heads, air conditioners, humidifiers, emergency response systems, folding shopping carts, vehicle lifts, vehicle hand controls, other adaptations of vehicles for accessibility, and repair of the equipment received.

(b) Nondisposable items not covered by medicaid that are intended to assist an individual in activities of daily living or instrumental activities of daily living.

(W) "Supportive home services" means a range of services to families of individuals with developmental disabilities to develop and maintain increased acceptance and understanding of such persons, increased ability of family members to teach the person, better coordination between school and home, skills in performing specific therapeutic and management techniques, and ability to cope with specific situations.

(X)(1) "Supported living" means services provided for as long as twenty-four hours a day to an individual with a developmental disability through any public or private resources, including moneys from the individual, that enhance the individual's reputation in community life and advance the individual's quality of life by doing the following:

(a) Providing the support necessary to enable an individual to live in a residence of the individual's choice, with any number
of individuals who are not disabled, or with not more than three individuals with developmental disabilities unless the individuals are related by blood or marriage;

(b) Encouraging the individual's participation in the community;

(c) Promoting the individual's rights and autonomy;

(d) Assisting the individual in acquiring, retaining, and improving the skills and competence necessary to live successfully in the individual's residence.

(2) "Supported living" includes the provision of all of the following:

(a) Housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the individual receiving the services;

(b) A combination of lifelong or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;

(c) Personal care services and homemaker services;

(d) Household maintenance that does not include modifications to the physical structure of the residence;

(e) Respite care services;

(f) Program management, as described in section 5126.14 of the Revised Code.

Sec. 5126.042. (A) As used in this section...
(1) "Alternative services" means the various programs, funding mechanisms, and services and supports, other than home and community-based services, that exist as part of the developmental service system and other service systems. "Alternative services" include services offered through the medicaid state plan, such as home health services and ICF/IID services.

(2) "Department of developmental disabilities-administered medicaid waiver component" means a medicaid waiver component administered by the department of developmental disabilities pursuant to section 5166.21 of the Revised Code.

(B) If a county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request non-medicaid programs or services, it shall establish one or more waiting lists for the non-medicaid programs or services in accordance with its plan developed under section 5126.04 of the Revised Code. The board may establish priorities for making placements on its waiting lists established under this division. Any such priorities shall be consistent with the board's plan and applicable law.

(C) If a county board determines that available resources are insufficient to enroll in department of developmental disabilities-administered medicaid waiver components all individuals who are assessed as needing home and community-based services and have requested those services, it shall establish a waiting list for the services in accordance with rules adopted under this section. Before placing an individual on a waiting list established under this division, the board shall inform the individual of available alternative services. The board also shall inform the individual of the list of providers maintained on the
department's internet web site pursuant to section 5123.193 of the Revised Code.

(D) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing a county board's waiting list established under division (C) of this section, including rules that establish all of the following:

(1) Procedures a county board is to follow to transition individuals from a waiting list the county board established under division (C) of this section before the effective date of this amendment September 29, 2017, to the waiting list the county board establishes under that division after that date;

(2) Procedures by which a county board is to ensure that the due process rights of individuals placed on the county board's waiting list are observed;

(3) Criteria a county board is to use to determine all of the following:

(a) An individual's eligibility to be placed on the county board's waiting list;

(b) The date an individual was assessed as needing home and community-based services;

(c) The order in which individuals on the county board's waiting list are to be offered enrollment in a department of developmental disabilities-administered medicaid waiver component;

(d) The department of developmental disabilities-administered medicaid waiver component in which an individual on the county board's waiting list is to be offered enrollment.

(4) Grounds for removing an individual from the county board's waiting list.
(E) The director shall consult with all of the following when adopting rules under division (D) of this section:

1. Individuals with developmental disabilities;
2. Associations representing individuals with developmental disabilities and the families of such individuals;
3. Associations representing providers of services to individuals with developmental disabilities;
4. The Ohio association of county boards serving people with developmental disabilities.

(F) The following shall take precedence over the applicable provisions of this section:

1. Medicaid rules and regulations;
2. Any specific requirements that may be contained within a medicaid state plan amendment or department of disabilities-administered medicaid waiver component with respect to which a county board has authority to provide services, programs, or supports.

**Sec. 5126.046.** (A) Except as otherwise provided by 42 C.F.R. 431.51, an individual with a developmental disability who is eligible for home and community-based services has the right to obtain the services from any provider of the services that is qualified to furnish the services and is willing to furnish the services to the individual. A county board of developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services and refuses to permit an individual to obtain home and community-based services from a qualified and willing provider shall provide the individual timely
notice that the individual may appeal under section 5160.31 of the Revised Code.

(B) Except as otherwise provided by 42 C.F.R. 431.51, an individual with a developmental disability who is eligible for ICF/IID services has the right to obtain the services from any provider that is qualified to furnish the services and is willing to furnish the services to the individual.

(C) An individual with a developmental disability who is eligible for both home and community-based services and ICF/IID services has the right to choose whether to receive home and community-based services or ICF/IID services.

(D) An individual with a developmental disability who is eligible for nonmedicaid residential services or nonmedicaid supported living has the right to obtain the services from any provider of the residential services or supported living that is qualified to furnish the residential services or supported living and is willing to furnish the residential services or supported living to the individual.

(C) The department of developmental disabilities shall make available to the public on its internet web site an up-to-date list of all providers of home and community-based services, nonmedicaid residential services, and nonmedicaid supported living. County boards shall assist individuals with developmental disabilities and the families of such individuals access the list on the department's internet web site.

(D) (E) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing the implementation of this section. The rules shall include procedures for individuals to choose their providers.
Sec. 5126.047. (A) When an individual with a developmental disability or a person acting on such an individual's behalf contacts a county board of developmental disabilities about residential services, the county board shall inform the individual or person about the different types of residential services, including ICF/IID services, nonmedicaid residential services, and home and community-based services. When informing the individual or person about residential services, the county board shall do both of the following:

(1) Provide the individual or person a written explanation of residential services, including ICF/IID services, developed by the department of developmental disabilities;

(2) Inform the individual or person of the list of providers that the department of developmental disabilities maintains on its internet web site pursuant to section 5123.193 of the Revised Code.

In line 63454, after "5123.023," insert "5123.044,"

In line 63455, after "5123.166," insert "5126.01, 5126.042, 5126.046,"

The motion was _______ agreed to.

SYNOPSIS

ICF/IID and home and community-based services

R.C. 5126.042, 5126.046, 5126.047, conforming changes 5123.01, 5123.044, and 5126.01

Requires a county board of developmental disabilities to
provide to an individual inquiring about available services
information about the different types of available services
including home and community-based services available under a
Medicaid waiver administered by the Ohio Department of
Developmental Disabilities (DD), non Medicaid residential
services, and the services of an intermediate care facility for
individuals with intellectual disabilities (ICF/IID).

Requires a county board to inform an individual about
alternative services that are available, including the list of
providers maintained on DD's website, before placing the
individual on a waiting list for DD-administered home and
community-based services.

Codifies in state law a federal requirement that individuals
with developmental disabilities who are eligible to receive
ICF/IID services have the right to receive the services from any
willing and qualified provider.

Requires DD to determine whether county boards violate this
right.

Permits individuals with developmental disabilities who are
eligible for both DD-administered home and community-based
services and ICF/IID services to choose which of the services to
receive.

Provides that a county board's duty to establish a waiting
list for DD-administered home and community-based services applies
when it determines that available resources are insufficient to
enroll all individuals who are assessed as needing them and have
requested them.
moved to amend as follows:

In line 7 of the title, after "141.16," insert "145.114," 1

In line 11 of the title, after "718.90," insert "742.114," 2


In line 22 of the title, after "3302.18," insert "3307.152, 3309.157," 4

In line 47 of the title, after "4507.12," insert "4582.06, 4582.31," 5

In line 97 of the title, after "5502.63," insert "5505.68," 6

In line 120 of the title, after "1521.08," insert "1707.05, 1707.051, 1707.052, 1707.053, 1707.054, 1707.055, 1707.056, 1707.057, 1707.058, 1707.50," 7

In line 197, after "141.16," insert "145.114," 8

In line 200, after "718.90," insert "742.114," 9


In line 22 of the title, after "3302.18," insert "3307.152, 3309.157," 11

In line 47 of the title, after "4507.12," insert "4582.06, 4582.31," 12

In line 97 of the title, after "5502.63," insert "5505.68," 13

In line 120 of the title, after "1521.08," insert "1707.05, 1707.051, 1707.052, 1707.053, 1707.054, 1707.055, 1707.056, 1707.057, 1707.058, 1707.50," 14

In line 197, after "141.16," insert "145.114," 15

In line 200, after "718.90," insert "742.114," 16


In line 22 of the title, after "3302.18," insert "3307.152, 3309.157," 18

In line 47 of the title, after "4507.12," insert "4582.06, 4582.31," 19

In line 97 of the title, after "5502.63," insert "5505.68," 20
1707.20, 1707.21, 1707.23, 1707.24, 1707.25, 1707.26, 1707.261, 21
1707.27, 1707.28, 1707.29, 1707.30, 1707.31, 1707.32, 1707.34, 22
1707.35, 1707.38, 1707.39, 1707.391, 1707.40, 1707.431, 1707.44, 23
1707.99," 24

In line 203, after "1711.53," insert "1724.02," 25

In line 208, after "3302.18," insert "3307.152, 3309.157," 26

In line 226, after "4507.12," insert "4582.06, 4582.31," 27

In line 263, after "5502.63," insert "5505.68," 28

In line 280, after "1181.23," insert "1707.05, 1707.051, 29
1707.052, 1707.053, 1707.054, 1707.055, 1707.056, 1707.057, 30
1707.058, 1707.50,"

After line 5402, insert:

"Sec. 145.114. (A) As used in this section and in section 32
145.116 of the Revised Code:

(1) "Agent" means a dealer, as defined in section 1707.01 of 33
the Revised Code, who is licensed under sections 1707.01 to 34
1707.45 1707.50 of the Revised Code or under comparable laws of
another state or of the United States.

(2) "Minority business enterprise" has the same meaning as in 39
section 122.71 of the Revised Code.

(3) "Ohio-qualified agent" means an agent designated as such 40
by the public employees retirement board.

(4) "Ohio-qualified investment manager" means an investment 41
manager designated as such by the public employees retirement
board.

(5) "Principal place of business" means an office in which 42
the agent regularly provides securities or investment advisory
services and solicits, meets with, or otherwise communicates with clients.

(B) The public employees retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements:

(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code;

(2) The agent is authorized to conduct business in this state;

(3) The agent maintains a principal place of business in this state and employs at least five residents of this state.

(C) The public employees retirement board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following:

(1) Commissions charged by the agent, both in the aggregate and on a per share basis;

(2) The execution speed and trade settlement capabilities of the agent;

(3) The responsiveness, reliability, and integrity of the agent;

(4) The nature and value of research provided by the agent;

(5) Any special capabilities of the agent.

(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an
Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.

(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final."

After line 8673, insert:

"Sec. 742.114. (A) As used in this section and in section 742.116 of the Revised Code:

(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to 1707.50 of the Revised Code or under comparable laws of another state or of the United States.

(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(3) "Ohio-qualified agent" means an agent designated as such by the board of trustees of the fund.

(4) "Ohio-qualified investment manager" means an investment manager designated as such by the board of trustees of the fund.

(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients.
(B) The board of trustees of the fund shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements:

(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code;

(2) The agent is authorized to conduct business in this state;

(3) The agent maintains a principal place of business in this state and employs at least five residents of this state.

(C) The board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following:

(1) Commissions charged by the agent, both in the aggregate and on a per share basis;

(2) The execution speed and trade settlement capabilities of the agent;

(3) The responsiveness, reliability, and integrity of the agent;

(4) The nature and value of research provided by the agent;

(5) Any special capabilities of the agent.

(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed-income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.
(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final."

After line 10318, insert:

"Sec. 1707.01. As used in this chapter:

(A) Whenever the context requires it, "division" or "division of securities" may be read as "director of commerce" or as "commissioner of securities."

(B) "Security" means any certificate or instrument, or any oral, written, or electronic agreement, understanding, or opportunity, that represents title to or interest in, or is secured by any lien or charge upon, the capital, assets, profits, property, or credit of any person or of any public or governmental body, subdivision, or agency. It includes shares of stock, certificates for shares of stock, an uncertificated security, membership interests in limited liability companies, voting-trust certificates, warrants and options to purchase securities, subscription rights, interim receipts, interim certificates, promissory notes, all forms of commercial paper, evidences of indebtedness, bonds, debentures, land trust certificates, fee certificates, leasehold certificates, syndicate certificates, endowment certificates, interests in or under profit-sharing or participation agreements, interests in or under oil, gas, or mining leases, preorganization or reorganization subscriptions,
preorganization certificates, reorganization certificates, interests in any trust or pretended trust, any investment contract, any life settlement interest, any instrument evidencing a promise or an agreement to pay money, warehouse receipts for intoxicating liquor, and the currency of any government other than those of the United States and Canada, but sections 1707.01 to 1707.45 1707.50 of the Revised Code do not apply to the sale of real estate.

(C)(1) "Sale" has the full meaning of "sale" as applied by or accepted in courts of law or equity, and includes every disposition, or attempt to dispose, of a security or of an interest in a security. "Sale" also includes a contract to sell, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a solicitation of an offer to buy, a subscription, or an offer to sell, directly or indirectly, by agent, circular, pamphlet, advertisement, or otherwise.

(2) "Sell" means any act by which a sale is made.

(3) The use of advertisements, circulars, or pamphlets in connection with the sale of securities in this state exclusively to the purchasers specified in division (D) of section 1707.03 of the Revised Code is not a sale when the advertisements, circulars, and pamphlets describing and offering those securities bear a readily legible legend in substance as follows: "This offer is made on behalf of dealers licensed under sections 1707.01 to 1707.45 1707.50 of the Revised Code, and is confined in this state exclusively to institutional investors and licensed dealers."

(4) The offering of securities by any person in conjunction with a licensed dealer by use of advertisement, circular, or pamphlet is not a sale if that person does not otherwise attempt to sell securities in this state.
(5) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase and has been "sold."

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person acting in a representative capacity, includes sale on behalf of such party by an agent, including a licensed dealer or salesperson.

(D) "Person," except as otherwise provided in this chapter, means a natural person, firm, partnership, limited partnership, partnership association, syndicate, joint-stock company, unincorporated association, trust or trustee except where the trust was created or the trustee designated by law or judicial authority or by a will, and a corporation or limited liability company organized under the laws of any state, any foreign government, or any political subdivision of a state or foreign government.

(E)(1) "Dealer," except as otherwise provided in this chapter, means every person, other than a salesperson, who engages or professes to engage, in this state, for either all or part of the person's time, directly or indirectly, either in the business of the sale of securities for the person's own account, or in the business of the purchase or sale of securities for the account of others in the reasonable expectation of receiving a commission, fee, or other remuneration as a result of engaging in the purchase and sale of securities. "Dealer" does not mean any of the following:

(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 the seller or purchaser.
(K) Except as otherwise specifically provided, whenever any classification or computation is based upon "par value," as applied to securities without par value, the average of the aggregate consideration received or to be received by the issuer for each class of those securities shall be used as the basis for that classification or computation.

(L)(1) "Intangible property" means patents, copyrights, secret processes, formulas, services, good will, promotion and organization fees and expenses, trademarks, trade brands, trade names, licenses, franchises, any other assets treated as intangible according to generally accepted accounting principles, and securities, accounts receivable, or contract rights having no readily determinable value.

(2) "Tangible property" means all property other than intangible property and includes securities, accounts receivable, and contract rights, when the securities, accounts receivable, or contract rights have a readily determinable value.

(M) "Public utilities" means those utilities defined in sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised Code; in the case of a foreign corporation, it means those utilities defined as public utilities by the laws of its domicile; and in the case of any other foreign issuer, it means those utilities defined as public utilities by the laws of the situs of its principal place of business. The term always includes railroads whether or not they are so defined as public utilities.

(N) "State" means any state of the United States, any territory or possession of the United States, the District of Columbia, and any province of Canada.

(O) "Bank" means any bank, trust company, savings and loan association, savings bank, or credit union that is incorporated or
organized under the laws of the United States, any state of the
United States, Canada, or any province of Canada and that is
subject to regulation or supervision by that country, state, or
province.

(P) "Include," when used in a definition, does not exclude
other things or persons otherwise within the meaning of the term
defined.

(Q)(1) "Registration by description" means that the
requirements of section 1707.08 of the Revised Code have been
complied with.

(2) "Registration by qualification" means that the
requirements of sections 1707.09 and 1707.11 of the Revised Code
have been complied with.

(3) "Registration by coordination" means that there has been
compliance with section 1707.091 of the Revised Code. Reference in
this chapter to registration by qualification also includes
registration by coordination unless the context otherwise
indicates.

(R) "Intoxicating liquor" includes all liquids and compounds
that contain more than three and two-tenths per cent of alcohol by
weight and are fit for use for beverage purposes.

(S) "Institutional investor" means any of the following,
whether acting for itself or for others in a fiduciary capacity:

(1) A bank or international banking institution;

(2) An insurance company;

(3) A separate account of an insurance company;

(4) An investment company as defined in the "Investment
Company Act of 1940," 15 U.S.C. 80a-3;

(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:


(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;

(c) An investment adviser registered under this chapter, a bank, or an insurance company.

(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:


(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;

(c) An investment adviser registered under this chapter, a
bank, or an insurance company.

(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (5)(6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;

(9) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;

(10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars;

(11) A private business development company as defined in section 202(a)(22) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(22), with total assets in excess of ten million dollars;

(12) A federal covered investment adviser acting for its own account;

(13) A "qualified institutional buyer" as defined in 17 C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);

(14) A "major U.S. institutional investor" as defined in 17 C.F.R. 240.15a-6(b)(4)(i);

(15) Any other person, other than an individual, of institutional character with total assets in excess of ten million
dollars not organized for the specific purpose of evading this chapter;

(16) Any other person specified by rule adopted or order issued under this chapter.

(T) A reference to a statute of the United States or to a rule, regulation, or form promulgated by the securities and exchange commission or by another federal agency means the statute, rule, regulation, or form as it exists at the time of the act, omission, event, or transaction to which it is applied under this chapter.

(U) "Securities and exchange commission" means the securities and exchange commission established by the Securities Exchange Act of 1934.

(V)(1) "Control bid" means the purchase of or offer to purchase any equity security of a subject company from a resident of this state if either of the following applies:

(a) After the purchase of that security, the offeror would be directly or indirectly the beneficial owner of more than ten per cent of any class of the issued and outstanding equity securities of the issuer.

(b) The offeror is the subject company, there is a pending control bid by a person other than the issuer, and the number of the issued and outstanding shares of the subject company would be reduced by more than ten per cent.

(2) For purposes of division (V)(1) of this section, "control bid" does not include any of the following:

(a) A bid made by a dealer for the dealer's own account in the ordinary course of business of buying and selling securities;
(b) An offer to acquire any equity security solely in exchange for any other security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, in good faith and not for the purpose of avoiding the provisions of this chapter, and not involving any public offering of the other security within the meaning of Section 4 of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), as amended;

(c) Any other offer to acquire any equity security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, from not more than fifty persons, in good faith and not for the purpose of avoiding the provisions of this chapter.

(W) "Offeror" means a person who makes, or in any way participates or aids in making, a control bid and includes persons acting jointly or in concert, or who intend to exercise jointly or in concert any voting rights attached to the securities for which the control bid is made and also includes any subject company making a control bid for its own securities.

(X)(1) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of regular business, issues or promulgates analyses or reports concerning securities.

(2) "Investment adviser" does not mean any of the following:

(a) Any attorney, accountant, engineer, or teacher, whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the practice of the
attorney's, accountant's, engineer's, or teacher's profession; 

(b) A publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation; 

(c) A person who acts solely as an investment adviser representative; 

(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; 

(e) A bank, or any receiver, conservator, or other liquidating agent of a bank; 

(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; 

(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; 

(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

(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.

(Z) "Beneficial owner" includes any person who directly or indirectly through any contract, arrangement, understanding, or relationship has or shares, or otherwise has or shares, the power to vote or direct the voting of a security or the power to dispose of, or direct the disposition of, the security. "Beneficial ownership" includes the right, exercisable within sixty days, to acquire any security through the exercise of any option, warrant, or right, the conversion of any convertible security, or otherwise. Any security subject to any such option, warrant, right, or conversion privilege held by any person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by that person, but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A person shall be deemed the beneficial owner of any security beneficially owned by any relative or spouse or relative of the spouse residing in the home of that person, any trust or estate in which that person owns ten per cent or more of the total beneficial interest or serves as trustee or executor, any corporation or entity in which that person owns ten per cent or more of the equity, and any affiliate or associate of that person.

(AA) "Offeree" means the beneficial or record owner of any security that an offeror acquires or offers to acquire in connection with a control bid.

(BB) "Equity security" means any share or similar security, or any security convertible into any such security, or carrying
any warrant or right to subscribe to or purchase any such
security, or any such warrant or right, or any other security
that, for the protection of security holders, is treated as an
equity security pursuant to rules of the division of securities.

(CC)(1) "Investment adviser representative" means a
supervised person of an investment adviser, provided that the
supervised person has more than five clients who are natural
persons other than excepted persons defined in division (EE) of
this section, and that more than ten per cent of the supervised
person's clients are natural persons other than excepted persons
defined in division (EE) of this section. "Investment adviser
representative" does not mean any of the following:

(a) A supervised person that does not on a regular basis
solicit, meet with, or otherwise communicate with clients of the
investment adviser;

(b) A supervised person that provides only investment
advisory services described in division (X)(1) of this section by
means of written materials or oral statements that do not purport
to meet the objectives or needs of specific individuals or
accounts;

(c) 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 is consistent with the provisions fairly
intended by the policy and provisions of this chapter.

(2) For the purpose of the calculation of clients in division
(CC)(1) of this section, a natural person and the following
persons are deemed a single client: Any minor child of the natural
person; any relative, spouse, or relative of the spouse of the
natural person who has the same principal residence as the natural
person; all accounts of which the natural person or the persons referred to in division (CC)(2) of this section are the only primary beneficiaries; and all trusts of which the natural person or persons referred to in division (CC)(2) of this section are the only primary beneficiaries. Persons who are not residents of the United States need not be included in the calculation of clients under division (CC)(1) of this section.

(3) If subsequent to March 18, 1999, amendments are enacted or adopted defining "investment adviser representative" 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 "investment adviser representative" 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.

(DD) "Supervised person" means a natural person who is any of the following:

(1) A partner, officer, or director of an investment adviser, or other person occupying a similar status or performing similar functions with respect to an investment adviser;

(2) An employee of an investment adviser;

(3) A person who provides investment advisory services described in division (X)(1) of this section on behalf of the investment adviser and is subject to the supervision and control of the investment adviser.

(EE) "Excepted person" means a natural person to whom any of...
the following applies:

(1) Immediately after entering into the investment advisory contract with the investment adviser, the person has at least seven hundred fifty thousand dollars under the management of the investment adviser.

(2) The investment adviser reasonably believes either of the following at the time the investment advisory contract is entered into with the person:

(a) The person has a net worth, together with assets held jointly with a spouse, of more than one million five hundred thousand dollars.

(b) The person is a qualified purchaser as defined in division (FF) of this section.

(3) Immediately prior to entering into an investment advisory contract with the investment adviser, the person is either of the following:

(a) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser;

(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.
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.

(FF)(1) "Qualified purchaser" means either of the following:

(a) A natural person who owns not less than five million dollars in investments as defined by rule by the division of securities;

(b) A natural person, acting for the person's own account or accounts of other qualified purchasers, who in the aggregate owns and invests on a discretionary basis, not less than twenty-five million dollars in investments as defined by rule by the division of securities.

(2) If subsequent to March 18, 1999, amendments are enacted or adopted defining "qualified purchaser" 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 "qualified purchaser" for purposes of the Investment Advisers Act of 1940, the division of securities shall, by rule, adopt 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.

(GG)(1) "Purchase" has the full meaning of "purchase" as
applied by or accepted in courts of law or equity and includes every acquisition of, or attempt to acquire, a security or an interest in a security. "Purchase" also includes a contract to purchase, an exchange, an attempt to purchase, an option to purchase, a solicitation of a purchase, a solicitation of an offer to sell, a subscription, or an offer to purchase, directly or indirectly, by agent, circular, pamphlet, advertisement, or otherwise.

(2) "Purchase" means any act by which a purchase is made.

(3) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase.

(HH) "Life settlement interest" means the entire interest or any fractional interest in an insurance policy or certificate of insurance, or in an insurance benefit under such a policy or certificate, that is the subject of a life settlement contract.

For purposes of this division, "life settlement contract" means an agreement for the purchase, sale, assignment, transfer, devise, or bequest of any portion of the death benefit or ownership of any life insurance policy or contract, in return for consideration or any other thing of value that is less than the expected death benefit of the life insurance policy or contract. "Life settlement contract" includes a viatical settlement contract as defined in section 3916.01 of the Revised Code, but does not include any of the following:

(1) A loan by an insurer under the terms of a life insurance policy, including, but not limited to, a loan secured by the cash value of the policy;

(2) An agreement with a bank that takes an assignment of a
life insurance policy as collateral for a loan;

(3) The provision of accelerated benefits as defined in section 3915.21 of the Revised Code;

(4) Any agreement between an insurer and a reinsurer;

(5) An agreement by an individual to purchase an existing life insurance policy or contract from the original owner of the policy or contract, if the individual does not enter into more than one life settlement contract per calendar year;

(6) The initial purchase of an insurance policy or certificate of insurance from its owner by a viatical settlement provider, as defined in section 3916.01 of the Revised Code, that is licensed under Chapter 3916. of the Revised Code.

(II) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system.

(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.

(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer.

Sec. 1707.03. (A) As used in this section, "exempt" means
that, except in the case of securities the right to buy, sell, or deal in which has been suspended or revoked under an existing order of the division of securities under section 1707.13 of the Revised Code or under a cease and desist order under division (G) of section 1707.23 of the Revised Code, transactions in securities may be carried on and completed without compliance with sections 1707.08 to 1707.11 of the Revised Code.

(B) A sale of securities made by or on behalf of a bona fide owner, neither the issuer nor a dealer, is exempt if the sale is made in good faith and not for the purpose of avoiding this chapter and is not made in the course of repeated and successive transactions of a similar character. Any sale of securities over a stock exchange that is lawfully conducted in this state and regularly open for public patronage and that has been established and operated for a period of at least five years prior to the sale at a commission not exceeding the commission regularly charged in such transactions also is exempt.

(C) The sale of securities by executors, administrators, receivers, trustees, or anyone acting in a fiduciary capacity is exempt, where such relationship was created by law, by a will, or by judicial authority, and where such sales are subject to approval by, or are made in pursuance to authority granted by, any court of competent jurisdiction or are otherwise authorized and lawfully made by such fiduciary.

(D) A sale to the issuer, to a dealer, or to an institutional investor is exempt.

(E) A sale in good faith, and not for the purpose of avoiding this chapter, by a pledgee of a security pledged for a bona fide debt is exempt.

(F) The sale at public auction by a corporation of shares of
its stock because of delinquency in payment for the shares is exempt.

(G)(1) The giving of any conversion right with, or on account of the purchase of, any security that is exempt, is the subject matter of an exempt transaction, has been registered by description, by coordination, or by qualification, or is the subject matter of a transaction that has been registered by description is exempt.

(2) The giving of any subscription right, warrant, or option to purchase a security or right to receive a security upon exchange, which security is exempt at the time the right, warrant, or option to purchase or right to receive is given, is the subject matter of an exempt transaction, is registered by description, by coordination, or by qualification, or is the subject matter of a transaction that has been registered by description is exempt.

(3) The giving of any subscription right or any warrant or option to purchase a security, which right, warrant, or option expressly provides that it shall not be exercisable except for a security that at the time of the exercise is exempt, is the subject matter of an exempt transaction, is registered by description, by coordination, or by qualification, or at such time is the subject matter of a transaction that has been registered by description is exempt.

(H) The sale of notes, bonds, or other evidences of indebtedness that are secured by a mortgage lien upon real estate, leasehold estate other than oil, gas, or mining leasehold, or tangible personal property, or which evidence of indebtedness is due under or based upon a conditional-sale contract, if all such notes, bonds, or other evidences of indebtedness are sold to a single purchaser at a single sale, is exempt.
(I) The delivery of securities by the issuer on the exercise of conversion rights, the sale of securities by the issuer on exercise of subscription rights or of warrants or options to purchase securities, the delivery of voting-trust certificates for securities deposited under a voting-trust agreement, the delivery of deposited securities on surrender of voting-trust certificates, and the delivery of final certificates on surrender of interim certificates are exempt; but the sale of securities on exercise of subscription rights, warrants, or options is not an exempt transaction unless those rights, warrants, or options when granted were the subject matter of an exempt transaction under division (G) of this section or were registered by description, by coordination, or by qualification.

(J) The sale of securities by a bank, savings and loan association, savings bank, or credit union organized under the laws of the United States or of this state is exempt if at a profit to that seller of not more than two per cent of the total sale price of the securities.

(K)(1) The distribution by a corporation of its securities to its security holders as a share dividend or other distribution out of earnings or surplus is exempt.

(2) The exchange or distribution by the issuer of any of its securities or of the securities of any of the issuer's wholly owned subsidiaries exclusively with or to its existing security holders, if no commission or other remuneration is given directly or indirectly for soliciting the exchange, is exempt.

(3) The sale of preorganization subscriptions for shares of stock of a corporation prior to the incorporation of the corporation is exempt, when the sale is evidenced by a written agreement, no remuneration is given, or promised, directly or
indirectly, for or in connection with the sale of those securities, and no consideration is received, directly or indirectly, by any person from the purchasers of those securities until registration by qualification, by coordination, or by description of those securities is made under this chapter.

(L) The issuance of securities in exchange for one or more bona fide outstanding securities, claims, or property interests, not including securities sold for a consideration payable in whole or in part in cash, under a plan of reorganization, recapitalization, or refinancing approved by a court pursuant to the Bankruptcy Act of the United States or to any other federal act giving any federal court jurisdiction over such plan of reorganization, or under a plan of reorganization approved by a court of competent jurisdiction of any state of the United States is exempt. As used in this division, "reorganization," "recapitalization," and "refinancing" have the same meanings as in section 1707.04 of the Revised Code.

(M) A sale by a licensed dealer, acting either as principal or as agent, of securities issued and outstanding before the sale is exempt, unless the sale is of one or more of the following:

(1) Securities constituting the whole or a part of an unsold allotment to or subscription by a dealer as an underwriter or other participant in the distribution of those securities by the issuer, whether that distribution is direct or through an underwriter, provided that, if the issuer is such by reason of owning one-fourth or more of those securities, the dealer has knowledge of this fact or reasonable cause to believe this fact;

(2) Any class of shares issued by a corporation when the number of beneficial owners of that class is less than twenty-five, with the record owner of securities being deemed the
beneficial owner for this purpose, in the absence of actual knowledge to the contrary;

(3) Securities that within one year were purchased outside this state or within one year were transported into this state, if the dealer has knowledge or reasonable cause to believe, before the sale of those securities, that within one year they were purchased outside this state or within one year were transported into this state; but such a sale of those securities is exempt if any of the following occurs:

(a) A recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations;

(b) Those securities, or securities of the same class, within one year were registered or qualified under section 1707.09 or 1707.091 of the Revised Code, and that registration or qualification is in full force and effect;

(c) The sale is made by a licensed dealer on behalf of the bona fide owner of those securities in accordance with division (B) of this section;

(d) Those securities were transported into Ohio in a transaction of the type described in division (L), (K), or (I) of this section, or in a transaction registered under division (A) of section 1707.06 of the Revised Code.

(N) For the purpose of this division and division (M) of this section, "underwriter" means any person who has purchased from an issuer with a view to, or sells for an issuer in connection with, the distribution of any security, or who participates directly or
indirectly in any such undertaking or in the underwriting thereof, but "underwriter" does not include a person whose interest is limited to a discount, commission, or profit from the underwriter or from a dealer that is not in excess of the customary distributors' or sellers' discount, commission, or profit; and "issuer" includes any person or any group of persons acting in concert in the sale of such securities, owning beneficially one-fourth or more of the outstanding securities of the class involved in the transactions in question, with the record owner of securities being deemed the beneficial owner for this purpose, in the absence of actual knowledge to the contrary.

(O)(1) The sale of any equity security is exempt if all the following conditions are satisfied:

(a) The sale is by the issuer of the security.

(b) The total number of purchasers in this state of all securities issued or sold by the issuer in reliance upon this exemption during the period of one year ending with the date of the sale does not exceed ten. A sale of securities registered under this chapter or sold pursuant to an exemption under this chapter other than this exemption shall not be integrated with a sale pursuant to this exemption in computing the number of purchasers under this exemption.

(c) No advertisement, article, notice, or other communication published in any newspaper, magazine, or similar medium or broadcast over television or radio is used in connection with the sale, but the use of an offering circular or other communication delivered by the issuer to selected individuals does not destroy this exemption.

(d) The issuer reasonably believes after reasonable investigation that the purchaser is purchasing for investment.
(e) The aggregate commission, discount, and other remuneration, excluding legal, accounting, and printing fees, paid or given directly or indirectly does not exceed ten per cent of the initial offering price.

(f) Any such commission, discount, or other remuneration for sales in this state is paid or given only to dealers or salespersons registered pursuant to this chapter.

(2) For the purposes of division (O)(1) of this section, each of the following is deemed to be a single purchaser of a security: husband and wife, a child and its parent or guardian when the parent or guardian holds the security for the benefit of the child, a corporation, a limited liability company, a partnership, an association or other unincorporated entity, a joint-stock company, or a trust, but only if the corporation, limited liability company, partnership, association, entity, joint-stock company, or trust was not formed for the purpose of purchasing the security.

(3) As used in division (O)(1) of this section, "equity security" means any stock or similar security of a corporation or any membership interest in a limited liability company; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security that the division considers necessary or appropriate, by such rules as it may prescribe in the public interest or for the protection of investors, to treat as an equity security.

(P) The sale of securities representing interests in or under profit-sharing or participation agreements relating to oil or gas wells located in this state, or representing interests in or under
oil or gas leases of real estate situated in this state, is exempt
if the securities are issued by an individual, partnership,
limited partnership, partnership association, syndicate, pool,
trust or trust fund, or other unincorporated association and if
each of the following conditions is complied with:

(1) The beneficial owners of the securities do not, and will
not after the sale, exceed five natural persons;

(2) The securities constitute or represent interests in not
more than one oil or gas well;

(3) A certificate or other instrument in writing is furnished
to each purchaser of the securities at or before the consummation
of the sale, disclosing the maximum commission, compensation for
services, cost of lease, and expenses with respect to the sale of
such interests and with respect to the promotion, development, and
management of the oil or gas well, and the total of that
commission, compensation, costs, and expenses does not exceed
twenty-five per cent of the aggregate interests in the oil or gas
well, exclusive of any landowner's rental or royalty;

(4) The sale is made in good faith and not for the purpose of
avoiding this chapter.

(Q) The sale of any security is exempt if all of the
following conditions are satisfied:

(1) The provisions of section 5 of the Securities Act of 1933
do not apply to the sale by reason of an exemption under section 4
(2) of that act.

(2) The aggregate commission, discount, and other
remuneration, excluding legal, accounting, and printing fees, paid
or given directly or indirectly does not exceed ten per cent of
the initial offering price.
(3) Any such commission, discount, or other remuneration for sales in this state is paid or given only to dealers or salespersons registered under this chapter.

(4) The issuer or dealer files with the division of securities, not later than sixty days after the sale, a report setting forth the name and address of the issuer, the total amount of the securities sold under this division, the number of persons to whom the securities were sold, the price at which the securities were sold, and the commissions or discounts paid or given.

(5) The issuer pays a filing fee of one hundred dollars for the first filing and fifty dollars for every subsequent filing during each calendar year.

(R) A sale of a money order, travelers' check, or other instrument for the transmission of money by a person qualified to engage in such business under Chapter 1315. of the Revised Code is exempt.

(S) A sale by a licensed dealer of securities that are in the process of registration under the Securities Act of 1933, unless exempt under that act, and that are in the process of registration, if registration is required under this chapter, is exempt, provided that no sale of that nature shall be consummated prior to the registration by description or qualification of the securities.

(T) The execution by a licensed dealer of orders for the purchase of any security is exempt, provided that the dealer acts only as agent for the purchaser, has made no solicitation of the order to purchase the security, has no interest in the distribution of the security, and delivers to the purchaser written confirmation of the transaction that clearly itemizes the
dealer's commission. "Solicitation," as used in this division, means solicitation of the order for the specific security purchased and does not include general solicitations or advertisements of any kind.

(U) The sale insofar as the security holders of a person are concerned, where, pursuant to statutory provisions of the jurisdiction under which that person is organized or pursuant to provisions contained in its articles of incorporation, certificate of incorporation, partnership agreement, declaration of trust, trust indenture, or similar controlling instrument, there is submitted to the security holders, for their vote or consent, (1) a plan or agreement for a reclassification of securities of that person that involves the substitution of a security of that person for another security of that person, (2) a plan or agreement of merger or consolidation or a similar plan or agreement of acquisition in which the securities of that person held by the security holders will become or be exchanged for securities of any other person, or (3) a plan or agreement for a combination as defined in division (Q) of section 1701.01 of the Revised Code or a similar plan or agreement for the transfer of assets of that person to another person in consideration of the issuance of securities of any person, is exempt if, with respect to any of the foregoing transactions, either of the following conditions is satisfied:

(a) The securities to be issued to the security holders are effectively registered under sections 6 to 8 of the Securities Act of 1933 and offered and sold in compliance with section 5 of that act;

(b) At least twenty days prior to the date on which a meeting of the security holders is held or the earliest date on which
corporate action may be taken when no meeting is held, there is submitted to the security holders, by that person, or by the person whose securities are to be issued in the transaction, information substantially equivalent to the information that would be required to be included in a proxy statement or information statement prepared by or on behalf of the management of an issuer subject to section 14(a) or 14(c) of the Securities Exchange Act of 1934.

(V) The sale of any security is exempt if the division by rule finds that registration is not necessary or appropriate in the public interest or for the protection of investors.

(W) Any offer or sale of securities made in reliance on the exemptions provided by Rule 505 of Regulation D made pursuant to the Securities Act of 1933 and the conditions and definitions provided by Rules 501 to 503 thereunder is exempt if the offer or sale satisfies all of the following conditions:

(1) No commission or other remuneration is given, directly or indirectly, to any person for soliciting or selling to any person in this state in reliance on the exemption under this division, except to dealers licensed in this state.

(2)(a) Unless the cause for disqualification is waived under division (W)(2)(b) of this section, no exemption under this section is available for the securities of an issuer unless the issuer did not know and in the exercise of reasonable care could not have known that any of the following applies to any of the persons described in Rule 262(a) to (c) of Regulation A under the Securities Act of 1933:

(i) The person has filed an application for registration or qualification that is the subject of an effective order entered against the issuer, its officers, directors, general partners,
controlling persons or affiliates thereof, pursuant to the law of
any state within five years before the filing of a notice required
under division (W)(3) of this section denying effectiveness to, or
suspending or revoking the effectiveness of, the registration
statement.

(ii) The person has been convicted of any offense in
connection with the offer, sale, or purchase of any security or
franchise, or any felony involving fraud or deceit, including, but
not limited to, forgery, embezzlement, fraud, theft, or conspiracy
to defraud.

(iii) The person is subject to an effective administrative
order or judgment that was entered by a state securities
administrator within five years before the filing of a notice
required under division (W)(3) of this section and that prohibits,
denies, or revokes the use of any exemption from securities
registration, prohibits the transaction of business by the person
as a dealer, or is based on fraud, deceit, an untrue statement of
a material fact, or an omission to state a material fact.

(iv) The person is subject to any order, judgment, or decree
of any court entered within five years before the filing of a
notice required under division (W)(3) of this section, temporarily, preliminarily, or permanently restraining or
enjoining the person from engaging in or continuing any conduct or
practice in connection with the offer, sale, or purchase of any
security, or the making of any false filing with any state.

(b)(i) Any disqualification under this division involving a
dealer may be waived if the dealer is or continues to be licensed
in this state as a dealer after notifying the commissioner of the
act or event causing disqualification.

(ii) The commissioner may waive any disqualification under
this paragraph upon a showing of good cause that it is not necessary under the circumstances that use of the exemption be denied.

(3) Not later than five business days before the earlier of the date on which the first use of an offering document or the first sale is made in this state in reliance on the exemption under this division, there is filed with the commissioner a notice comprised of offering material in compliance with the requirements of Rule 502 of Regulation D under the Securities Act of 1933 and a fee of one hundred dollars. Material amendments to the offering document shall be filed with the commissioner not later than the date of their first use in this state.

(4) The aggregate commission, discount, and other remuneration paid or given, directly or indirectly, does not exceed twelve per cent of the initial offering price, excluding legal, accounting, and printing fees.

(X) Any offer or sale of securities made in reliance on the exemption provided in Rule 506 of Regulation D under the Securities Act of 1933, and in accordance with Rules 501 to 503 of Regulation D under the Securities Act of 1933, is exempt provided that all of the following apply:

(1) The issuer makes a notice filing with the division on form D of the securities and exchange commission within fifteen days of the first sale in this state;

(2) Any commission, discount, or other remuneration for sales of securities in this state is paid or given only to dealers or salespersons licensed under this chapter;

(3) The issuer pays a filing fee of one hundred dollars to the division; however, no filing fee shall be required to file...
(Y) The offer or sale of securities by an issuer is exempt provided that all of the following apply:

(1) The sale of securities is made only to persons who are, or who the issuer reasonably believes are, accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933.

(2) The issuer reasonably believes that all purchasers are purchasing for investment and not with a view to or for sale in connection with a distribution of the security. Any resale of a security sold in reliance on this exemption within twelve months of sale shall be presumed to be with a view to distribution and not for investment, except a resale to which any of the following applies:

(a) The resale is pursuant to a registration statement effective under section 1707.09 or 1707.091 of the Revised Code.

(b) The resale is to an accredited investor, as defined in Rule 501 of Regulation D under the Securities Act of 1933.

(c) The resale is to an institutional investor pursuant to the exemptions under division (B) or (D) of this section.

(3) The exemption under this division is not available to an issuer that is in the development stage and that either has no specific business plan or purpose or has indicated that its business plan is to engage in a merger or acquisition with an unidentified company or companies, or other entities or persons.

(4) The exemption under this division is not available to an issuer, if the issuer, any of the issuer's predecessors, any affiliated issuer, any of the issuer's directors, officers,
general partners, or beneficial owners of ten per cent or more of any class of its equity securities, any of the issuer's promoters presently connected with the issuer in any capacity, any underwriter of the securities to be offered, or any partner, director, or officer of such underwriter:

(a) Within the past five years, has filed a registration statement that is the subject of a currently effective registration stop order entered by any state securities administrator or the securities and exchange commission;

(b) Within the past five years, has been convicted of any criminal offense in connection with the offer, purchase, or sale of any security, or involving fraud or deceit;

(c) Is currently subject to any state or federal administrative enforcement order or judgment, entered within the past five years, finding fraud or deceit in connection with the purchase or sale of any security;

(d) Is currently subject to any order, judgment, or decree of any court of competent jurisdiction, entered within the past five years, that temporarily, preliminarily, or permanently restrains or enjoins the party from engaging in or continuing to engage in any conduct or practice involving fraud or deceit in connection with the purchase or sale of any security.

(5) Division (Y)(4) of this section is inapplicable if any of the following applies:

(a) The party subject to the disqualification is licensed or registered to conduct securities business in the state in which the order, judgment, or decree creating the disqualification was entered against the party described in division (Y)(4) of this section.
(b) Before the first offer is made under this exemption, the state securities administrator, or the court or regulatory authority that entered the order, judgment, or decree, waives the disqualification.

(c) The issuer did not know and, in the exercise of reasonable care based on reasonable investigation, could not have known that a disqualification from the exemption existed under division (Y)(4) of this section.

(6) A general announcement of the proposed offering may be made by any means; however, the general announcement shall include only the following information, unless additional information is specifically permitted by the division by rule:

(a) The name, address, and telephone number of the issuer of the securities;

(b) The name, a brief description, and price of any security to be issued;

(c) A brief description of the business of the issuer;

(d) The type, number, and aggregate amount of securities being offered;

(e) The name, address, and telephone number of the person to contact for additional information; and

(f) A statement indicating all of the following:

(i) Sales will only be made to accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933;

(ii) No money or other consideration is being solicited or will be accepted by way of this general announcement;

(iii) The securities have not been registered with or
approved by any state securities administrator or the securities and exchange commission and are being offered and sold pursuant to an exemption from registration.

(7) The issuer, in connection with an offer, may provide information in addition to the general announcement described in division (Y)(6) of this section, provided that either of the following applies:

(a) The information is delivered through an electronic database that is restricted to persons that are accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933.

(b) The information is delivered after the issuer reasonably believes that the prospective purchaser is an accredited investor as defined in Rule 501 of Regulation D under the Securities Act of 1933.

(8) No telephone solicitation shall be done, unless prior to placing the telephone call, the issuer reasonably believes that the prospective purchaser to be solicited is an accredited investor as defined in Rule 501 of Regulation D under the Securities Act of 1933.

(9) Dissemination of the general announcement described in division (Y)(6) of this section to persons that are not accredited investors, as defined in Rule 501 of Regulation D under the Securities Act of 1933, does not disqualify the issuer from claiming an exemption under this division.

(10) The issuer shall file with the division notice of the offering of securities within fifteen days after notice of the offering is made or a general announcement is made in this state. The filing shall be on forms adopted by the division and shall
include a copy of the general announcement, if one is made
regarding the proposed offering, and copies of any offering
materials, circulars, or prospectuses. A filing fee of one hundred
dollars also shall be included.

(Z) The offer or sale of securities by an OhioInvests issuer
under sections 1707.05 to 1707.058 of the Revised Code is exempt.

Sec. 1707.04. (A) The division of securities may consider and
conduct hearings upon any plan of reorganization,
recapitalization, or refinancing of a corporation organized under
the laws of this state, or having its principal place of business
within this state, when such plan is proposed by such corporation
or by any of its shareholders or creditors and contains a proposal
to issue securities in exchange for one or more bona fide
outstanding securities, claims, or property interests, or partly
in such exchange or partly for cash. The division may also approve
the terms of such issuance and exchange and the fairness of such
terms, after a hearing upon such fairness at which all persons to
whom it is proposed to issue securities in such exchange have the
right to appear, if application for such a hearing is made by such
corporation, by the holders of a majority in amount of its debts,
or by the holders of a majority in amount of any outstanding class
of securities issued by it. Notice in person or by mail of the
time and place of such hearing shall be given to all persons to
whom it is proposed to issue such securities, and evidence
satisfactory to the division that such notice has been given shall
be filed with the division. Securities issued in accordance with a
plan so approved by the division are exempt from sections 1707.01
to 1707.45 1707.50 of the Revised Code, relating to registration
or qualification of securities or the registration of transactions
therein.
(B) "Reorganization," "recapitalization," and "refinancing," as used in this section, include the following:

1. A readjustment by modification of the terms of securities by agreement;

2. A readjustment by the exchange of securities by the issuer for others of its securities;

3. The exchange of securities by the issuer for securities of another issuer;

4. The acquisition of assets of a person, directly or indirectly, partly or wholly in consideration for securities distributed or to be distributed as part of the same transaction, directly or indirectly, to holders of securities issued by such person or secured by assets of such person;

5. A merger or consolidation.

(C) Upon filing an application with the division under this section, the applicant shall pay to the division a filing fee of one hundred dollars and shall deposit with the division such sum, not in excess of one thousand dollars, as the division requires for the purpose of defraying the costs of the hearing provided for in this section and of any investigation which the division may make in connection herewith.

Sec. 1707.042. (A) No person who makes or opposes a control bid to offerees in this state shall knowingly do any of the following:

1. Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;
(2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any such offeree;

(3) Engage in any manipulative act or practice.

(B) Any person who makes or opposes a control bid to offerees in this state, or who realizes any profit which inures to and is recoverable by a corporation, formed in this state, pursuant to section 1707.043 of the Revised Code, is conclusively presumed to have designated the secretary of state as its agent for the service of process in any action or proceeding under this chapter. Upon receipt of any such process, together with an affidavit showing the last known address of the person who made or opposed the control bid or who realized such profit, the secretary of state shall forthwith give notice by telegraph of the fact of the service of process and forward a copy of such process to such address by certified mail, return receipt requested. This section does not affect any right to serve process in any other manner permitted by law.

(C) Any person who makes or opposes a control bid is subject to the liabilities and penalties applicable to a seller, and an offeree is entitled to the remedies applicable to a purchaser, as set forth in sections 1707.41 to 1707.45 1707.50 of the Revised Code.

(D) In case any provision or application of any provision of this section is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect any legal and valid provision or application of this section.

Sec. 1707.05. As used in sections 1707.05 to 1707.058 of the Revised Code:
(A) "OhioInvests issuer" means an entity organized under the laws of this state, other than a general partnership, that meets all of the following requirements:

(1) The entity satisfies the requirements of 17 C.F.R. 230.147A.

(2) The entity meets at least one of the following conditions:

   (a) The principal office of the entity is located in this state.

   (b) As of the last day of the most recent semiannual fiscal period of the entity, at least eighty per cent, as described under 17 C.F.R. 230.147A, of the entity's assets were located in this state.

   (c)(i) The entity derived at least eighty per cent, or other threshold permitted under 17 C.F.R. 230.147A, of the entity's gross revenues from the operation of a business in this state during the previous fiscal year, if the OhioInvests offering begins during the first six months of the entity's fiscal year, or during the twelve months ending on the last day of the sixth month of the entity's current fiscal year, if the OhioInvests offering begins following the last day.

   (ii) Division (A)(2)(c)(i) of this section does not apply to any entity whose gross revenue during the most recent period of twelve months did not exceed five thousand dollars.

(3) As to itself or any other person, the entity does not attempt to limit any liability under, or avoid any prohibition in, this chapter.

(4) The entity is not any of the following:
(a) Engaged in the business of investing, reinvesting, owning, holding, or trading in securities, except that the entity may hold securities of one class in an entity that is not itself engaged in the business of investing, reinvesting, owning, holding, or trading in securities;

(b) Subject to the reporting requirement of 15 U.S.C. 78m and 78o(d);

(c) Issuing fractional undivided interests in oil or gas rights, or a similar interest in other mineral rights, or engaging primarily in petroleum, gas, or hydraulic fracturing exploration, production, mining, or other extractive industries;

(d) Issuing life settlement interests;

(e) Engaged as a substantial part of its business in the purchase, sale, or development of commercial paper, notes, or other indebtedness, financial instruments, securities, or real property; purchasing, selling, or holding for investment commercial paper, notes, or other indebtedness, financial instruments, securities, or real property; or otherwise making investments;

(f) A commodity pool, equipment leasing program, or a real estate investment trust.

(B) "OhioInvests offering" means an offer, or an offer and sale, of securities by an OhioInvests issuer that is exempt from registration under section 1707.051 of the Revised Code.

(C) "OhioInvests portal" means a web site that is operated by a portal operator for the offer or sale of securities of an OhioInvests issuer and meets all of the following requirements:

(1) When conducting an OhioInvests offering, it implements steps to limit web site access to residents of only this state in
accordance with 17 C.F.R. 230.147A.

(2) It does not allow an OhioInvests offering to be viewed by a prospective purchaser until both of the following occur:

(a) The portal operator verifies, through its exercise of reasonable steps, such as using a third-party verification service or as otherwise approved by the division of securities, that the prospective purchaser is a resident of this state.

(b) The prospective purchaser makes an affirmative acknowledgment, electronically through the portal, of the following:

"I am an Ohio resident.

The securities and investment opportunities listed on this web site involve high-risk, speculative business ventures. If I choose to invest in any securities or investment opportunity listed on this web site, I may lose all of my investment, and I can afford such a loss.

The securities and investment opportunities listed on this web site have not been reviewed or approved by any state or federal securities commission or division or other regulatory authority, and no such person or authority has confirmed the accuracy or determined the adequacy of any disclosure made to prospective investors relating to any offering.

If I choose to invest in any securities or investment opportunity listed on this web site, I understand that the securities I will acquire may be difficult to transfer or sell, that there is no ready market for the sale of such securities, that it may be difficult or impossible for me to sell or otherwise dispose of this investment at any price, and that, accordingly, I may be required to hold this investment indefinitely."
(3) It does not contain the word "OhioInvests" in its internet address.

(D) "Portal operator" means an entity, including an issuer, that is authorized to do business in this state, is licensed with the division of securities under section 1707.054 of the Revised Code or is a licensed dealer, and satisfies any other conditions determined by the division.

(E) "Executive management" includes executive officers, directors, governors, and managers.

Sec. 1707.051. Subject to section 1707.058 of the Revised Code, the offer, sale, and issuance of securities is exempt from the requirements of sections 1707.08 to 1707.11 of the Revised Code if all of the following conditions are met:

(A) The issuer is an OhioInvests issuer on the date that its securities are first offered for sale in the offering and continuously through the closing of the offering.

(B) The offering meets the requirements of the federal exemption for intrastate offerings in 17 C.F.R. 230.147A.

(C) The offering expires not more than twelve months after the offering commences.

(D) In any twelve-month period, the issuer does not raise more than five million dollars, either in cash or other consideration, in connection with one or more OhioInvests offerings.

(E) The issuer uses at least eighty per cent of the net proceeds of the offering in connection with the operation of its business in this state.

(F) No single purchaser purchases more than ten thousand
dollars in the aggregate in a twelve-month period of securities in connection with OhioInvests offerings unless the purchaser is an accredited investor, as defined in Rule 501 of Regulation D under the Securities Act of 1933. An accredited investor may purchase from all OhioInvests offerings in a twelve-month period up to ten thousand dollars or such greater amount that does not exceed ten per cent of the accredited investor's annual income or net worth, whichever is less.

(G) The sale of the securities is conducted exclusively through an OhioInvests portal.

(H)(1) Subject to division (H)(2) of this section, an investor may cancel the investment commitment for any reason for a period of time specified in the issuer's offering materials, which period shall be at least five business days after the date of commitment.

(2) During the forty-eight hours prior to the deadline identified in the issuer's offering materials, an investment commitment may not be canceled.

(I) The issuer requires the portal operator to do all of the following:

(1) Provide or make available to each prospective purchaser through the OhioInvests portal the following, as applicable:

(a) A copy of the issuer's balance sheet and income statement for the issuer's most recent fiscal year, if the issuer was in existence for that period;

(b) For offerings beginning more than ninety days after the issuer's most recent fiscal year end or if the issuer was not in existence the previous calendar year, a copy of the issuer's balance sheet as of a date not more than ninety days before the
commencement of the offering for the issuer's most recently completed fiscal year, or such shorter portion the issuer was in existence during that period, and the year-to-date period, or inception-to-date period, if shorter, corresponding with the more recent balance sheet.

(2) Make available to each prospective purchaser through the OhioInvests portal a printable or downloadable disclosure document that meets the requirements of section 1707.052 of the Revised Code;

(3) Obtain from each prospective purchaser through the OhioInvests portal the certification described in section 1707.053 of the Revised Code, in either written or electronic form.

(J) All of the following apply:

(1) All payments for the purchase of securities are held in escrow until the aggregate capital deposited into escrow from all purchasers is equal to or greater than the stated minimum offering amount.

(2) The escrow agent used is a bank, trust company, savings bank, savings association, or credit union authorized to do business in this state.

(3) Prior to the execution of the escrow agreement between the issuer and the escrow agent, the escrow agent conducts a search of the issuer and its executive management, as provided to the escrow agent by the portal operator, against the specially designated nationals list maintained by the office of foreign assets control of the United States department of the treasury.

(4) The escrow agent is only responsible to act at the direction of the party establishing the escrow account and does not have a duty or liability, contractual or otherwise, to an
investor or other person except as set forth in the applicable escrow agreement or other contract.

(5) If the minimum offering amount is not raised by the expiration date stipulated in the disclosure document provided to the purchasers, all purchasers will receive a return of all their subscription funds.

(K) Not less than ten days before the beginning of an offering of securities in reliance on the exemption provided under this section, the issuer provides all of the following to the division of securities:

(1) A notice of claim of exemption from registration, specifying that the issuer will be conducting an offering in reliance on the exemption provided under this section;

(2) A copy of the disclosure document described in section 1707.052 of the Revised Code that will be provided to prospective purchasers in connection with the offering;

(3) A filing fee of fifty dollars.

(4) Any other information that the division requires from the issuer or portal for the protection of investors and to enable the division to determine that the sale of securities is entitled to an exemption.

(L) The issuer and the portal operator engage in solicitation and advertising of the OhioInvests offering only if all of the following apply:

(1) The advertisement contains disclaiming language that clearly states all of the following:

(a) The advertisement is not the offer and is for informational purposes only;
(b) The offering is being made in reliance on the exemption provided under this section;

(c) The offering is directed only to residents of this state;

(d) All offers and sales are made through an OhioInvests portal.

(2) In addition to the items listed in division (L)(1) of this section, the advertisement contains not more than the following:

(a) The name and contact information of the issuer;

(b) A brief description of the general type of business conducted by the issuer;

(c) The minimum offering amount the issuer is attempting to raise through its offering;

(d) A description of how the issuer will use the funds raised through the offering;

(e) The duration that the offering will remain open;

(f) The issuer's logo;

(g) The OhioInvests portal through which the offering is being made.

(3) The advertisement complies with all applicable state and federal laws.

(M) Meets such other requirements as the division may, by rule, prescribe for the protection of investors and in the public interest.

Sec. 1707.052. The disclosure document provided to each prospective purchaser through an OhioInvests portal shall contain all of the following:
(A) The following information regarding the OhioInvests issuer:

(1) The type of entity it is;
(2) The address and telephone number of its principal office;
(3) Its formation history for the previous five years;
(4) The identity of all persons owning more than ten per cent of any class of equity interest in the issuer;
(5) The identity of its members, executive management, and any other persons occupying a similar status or performing similar functions in the name of and on behalf of the issuer, including their titles and their relevant experience;
(6) The material facts of its business plan and capital structure;
(7) Any material risks to the issuer and its business plan;
(8) Its intended use of the offering proceeds, including any amounts to be paid, as compensation or otherwise, to an owner, member, person in executive management, or other person occupying a similar status or performing similar functions on behalf of the issuer.

(B) The following information regarding the securities being offered:

(1) The terms and conditions of the securities and a description of any outstanding securities of the issuer;
(2) The minimum and maximum amount of securities being offered;
(3) Either of the following:
   (a) The percentage economic ownership of the issuer
represented by the offered securities, assuming the minimum and, if applicable, maximum number of securities being offered is sold;

(b) The valuation of the issuer implied by the price of the offered securities.

(4) The price per share, unit, or interest of the securities;

(5) Any restrictions on transfer of the securities;

(6) A statement that any future issuance of securities might dilute the value of the securities being offered;

(7) The date on which the offering will expire.

(C) The identity of and consideration payable to a person who has been or will be retained by the issuer to assist the issuer in conducting the offering and sale of the securities, including a portal operator. This requirement does not apply to persons acting primarily as accountants or attorneys and employees whose primary job responsibilities involve operating the business of the issuer rather than assisting the issuer in raising capital.

(D) A description of any pending material litigation, legal proceedings, or regulatory action involving the issuer or any members, persons in executive management, or other persons occupying a similar status or performing similar functions in the name of and on behalf of the issuer;

(E) A copy of the escrow agreement between the escrow agent, the issuer, and, if applicable, the portal operator;

(F) A statement that the securities have not been registered under federal or state securities law and that the securities are subject to limitations on resale;

(G) A statement, printed in boldface type of the minimum size of ten points, as follows: "IN MAKING AN INVESTMENT DECISION,
PURCHASERS MUST RELY ON THEIR OWN EXAMINATION OF THE ISSUER AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES COMMISSION OR DIVISION OR OTHER REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE. THESE SECURITIES ARE SUBJECT TO RESTRICTIONS ON TRANSFERABILITY AND RESALE AND MAY NOT BE TRANSFERRED OR RESOLD EXCEPT AS PERMITTED BY 17 C.F.R. 230.147A(e) AND THE APPLICABLE STATE SECURITIES LAWS, PURSUANT TO REGISTRATION OR EXEMPTION THEREFROM. PURCHASERS SHOULD BE AWARE THAT THEY WILL BE REQUIRED TO BEAR THE FINANCIAL RISKS OF THIS INVESTMENT FOR AN INDEFINITE PERIOD OF TIME."

(H) All material information necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading and such other information as the division may require.

Sec. 1707.053. The certification obtained by the portal operator from each prospective purchaser through an OhioInvests portal shall, at a minimum, state the following:

"I UNDERSTAND AND ACKNOWLEDGE THAT:

If I make an investment in an offering through this OhioInvests portal, it is very likely that I am investing in a high-risk, speculative business venture that could result in the complete loss of my investment, and I need to be able to afford such a loss.

This offering has not been reviewed or approved by any state or federal securities commission or division or other regulatory
authority and that no such person or authority has confirmed the accuracy or determined the adequacy of any disclosure made to me relating to this offering.

If I make an investment in an offering through this OhioInvests portal, it is very likely that the investment will be difficult to transfer or sell and, accordingly, I may be required to hold the investment indefinitely.

By entering into this transaction with the company, I am affirmatively representing myself as being an Ohio resident at the time that this contract is formed, and if this representation is subsequently shown to be false, the contract is void."

Sec. 1707.054. (A) No person other than a dealer licensed under this chapter shall offer or sell securities pursuant to an OhioInvest offering or otherwise act as a portal operator unless the person is licensed as a portal operator by the division of securities or is transacting business through a portal operator licensed by the division. Application for a portal operator's license shall be made in accordance with this section and by filing with the division of securities the information, materials, and forms specified in rules adopted by the division, along with all of the following:

(1) An application in the form prescribed by the division and all applicable schedules and supplemental information;

(2) A copy of the articles of incorporation or other documents that indicate the entity's form of organization;

(3) The filing fee as prescribed in section 1707.17 of the Revised Code.

(B) If the division approves the entity as a portal operator,
the division shall issue a license certificate to the entity.

Sec. 1707.055. No portal operator that is not also a licensed dealer shall do any of the following:

(A) Offer investment advice or recommendations, or solicit the purchase or sale of securities. For purposes of this division, a portal operator shall not be considered to be offering investment advice or recommendations merely because it selects, or may perform due diligence with respect to, issuers or offerings to be listed or merely because it provides general investor educational materials.

(B) Provide transaction-based compensation for securities sold under this chapter to employees, agents, or other persons unless the employees, agents, or other persons are licensed under this chapter and permitted to receive such compensation.

(C) Charge a fee to the issuer for an offering of securities on an OhioInvests portal unless the fee is one of the following:

(1) A fixed amount for each offering;

(2) A variable amount based on the length of time that the securities are offered on the portal;

(3) A combination of such fixed or variable amounts.

(D) Hold, manage, possess, or otherwise handle purchaser funds or securities, unless the portal operator is the issuer.

(E) No portal operator shall allow its officers, directors, or partners, or any person occupying similar status or performing similar function, to have a financial interest in an OhioInvests issuer using the services of the portal operator, or receive a financial interest in the OhioInvests issuer as compensation for services provided to, or for the benefit of, the OhioInvests
issuer, in connection with the offer and sale of its securities.

Sec. 1707.056. (A) Each portal operator shall do all of the following:

1. Provide the division of securities with read-only access to the administrative sections of its OhioInvests portal;

2. Upon the written request of the division, furnish to the division any of the records required to be maintained and preserved under section 1707.057 of the Revised Code.

3. Take reasonable efforts to verify that no purchaser exceeds the purchase limitations set forth in division (F) of section 1707.051 of the Revised Code.

(B)(1) A portal operator shall not disclose, except to the division of securities, personal information without the written or electronic consent of the prospective purchaser or purchaser. For purposes of division (B) of this section, "personal information" means information provided to a portal operator by a prospective purchaser or purchaser that identifies, or can be used to identify, the prospective purchaser or purchaser.

(2) Division (B)(1) of this section does not apply with respect to records required to be furnished to the division under division (A)(2) of this section, the disclosure of personal information to an OhioInvests issuer relating to its OhioInvests offering, or the disclosure of personal information to the extent required or authorized under other law.

Sec. 1707.057. (A) Each portal operator shall maintain and preserve, for a period of at least five years from either the date of the closing or date of the termination of the securities offering, all of the following:
(1) The name of each issuer whose securities have been listed on its OhioInvests portal and the full name, residential address, social security number, date of birth, and copy of a state-issued identification of all owners with greater than ten per cent voting equity in the issuer;

(2) Copies of all offering materials that have been displayed on its OhioInvests portal;

(3) The names and other personal information of each purchaser who has registered at its OhioInvests portal;

(4) Any agreements and contracts between the portal operator and an issuer;

(5) Any information used to establish that a prospective purchaser or purchaser of securities through its OhioInvests portal is a resident of this state and that an issuer whose securities are listed on the portal has its principal office in this state;

(6) Any other records the division requires by rule to be maintained and preserved.

(B)(1) The records described in division (A) of this section shall be maintained and preserved in a manner, including by any electronic storage media, that does all of the following:

(a) Permits the immediate location of any particular document;

(b) Retains the documents exclusively in a nonrewriteable, nonerasable format;

(c) Verifies automatically the quality and accuracy of the storage recording process;

(d) Serializes the originals;
(e) Allows indexes and records preserved to be downloaded to an acceptable medium.

(2) If the records retention system commingles records required to be retained under this section with other records, the division of securities may review all of the commingled records.

(C) Notwithstanding divisions (A) and (B) of this section, the failure of a portal operator that is not the issuer to comply with those divisions does not affect the OhioInvests issuers' exemption from registration under section 1707.051 of the Revised Code.

Sec. 1707.058. (A) As used in this section, "affiliated party" means any of the following:

(1) Any predecessor to the issuer;

(2) Any affiliated issuer;

(3) Any director, executive officer, other officer participating in the offering, general partner, or managing member of the issuer;

(4) Any beneficial owner of twenty per cent or more of the issuer's outstanding voting equity securities, calculated on the basis of voting power;

(5) Any promoter connected with the issuer in any capacity at the time of the sale;

(6) Any investment manager of an issuer that is a pooled investment fund;

(7) Any general partner or managing member of any investment manager participating in the offering;

(8) Any director, executive officer, or other officer
participating in the offering of any investment manager or general
partner or managing member of the investment manager participating
in the offering.

(B) The exemption from registration provided under section
1707.051 of the Revised Code is not available with respect to an
offer, sale, and issuance of securities if the issuer of the
securities or any affiliated party:

(1) Has been convicted, within ten years before the offering
of any felony or misdemeanor:

(a) In connection with the purchase or sale of any security;

(b) Involving the making of any false filing with the
securities and exchange commission or a state securities
commissioner; or

(c) Arising out of the conduct of the business of an
underwriter, broker, dealer, municipal securities dealer,
investment adviser, or paid solicitor of purchasers of securities.

(2) Is subject to any order, judgment, or decree of any court
of competent jurisdiction, entered within five years before the
sale, that, at the time of the sale, restrains or enjoins the
person from engaging or continuing to engage in any conduct or
practice:

(a) In connection with the purchase or sale of any security;

(b) Involving the making of any false filing with the
securities and exchange commission or a state securities
commissioner; or

(c) Arising out of the conduct of the business of an
underwriter, broker, dealer, municipal securities dealer,
investment adviser, or paid solicitor of purchasers of securities.
(3) Is subject to a final order of the securities and exchange commission; a state securities commission or an agency or officer of a state performing like functions; a state authority that supervises or examines banks, savings associations, or credit unions; a state insurance commission or an agency or officer of a state performing like functions; an appropriate federal banking agency; the United States commodity futures trading commission; or the national credit union administration that:

(a) At the time of the offering, bars the person from associating with an entity regulated by the commission, authority, agency, or officer; engaging in the business of securities, insurance, or banking; or engaging in savings association or credit union activities; or

(b) Constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct entered within ten years before the offering.

(4) Is subject to an order of the securities and exchange commission entered pursuant to 15 U.S.C. 78o(b), 78o-4(c), 80b-3(e), or 80b-3(f), or an order of a state securities commission or an agency or officer of a state performing like functions, that, at the time of the offering, does any of the following:

(a) Suspends or revokes the person's license or registration as a broker, dealer, municipal securities dealer, or investment adviser;

(b) Places limitations on the activities, functions, or operations of the person;

(c) Bars the person from being associated with any entity or from participating in the offering of any penny stock.
(5) Is subject to any order of the securities exchange commission, or an order of a state securities commission or an agency or officer of a state performing like functions, entered within ten years before the sale, that, at the time of the sale, orders the person to cease and desist from committing or causing a violation or future violation of any of the following:

(a) Any scienter-based antifraud provision of the federal securities laws, including, but not limited to, 15 U.S.C. 77q(a)(1), 78j(b), 78o(c)(1), and 80b-6(1), and 17 C.F.R. 240.10b-5 or any other regulation adopted thereunder;

(b) 15 U.S.C. 77e, division (C)(1) of section 1707.44 of the Revised Code, or any state securities law that requires the registration of securities;

(c) Any state securities law requiring state registration as a broker dealer, investment adviser, agent, salesperson, investment adviser, or OhioInvests portal;

(d) Any state securities law involving fraudulent, manipulative, or deceptive conduct.

(6) Is suspended or expelled from membership in, or suspended or barred from association with a member of, a registered national securities exchange or a registered national or affiliated securities association for any act or omission to act constituting conduct inconsistent with just and equitable principles of trade;

(7) Has filed as a registrant or issuer, or was or was named as an underwriter in, any registration statement or Regulation A offering statement filed with the securities and exchange commission or a state securities commissioner that, within five years before the sale, was the subject of a refusal order, stop order, or order suspending the Regulation A exemption;
(8) Is, at the time of the sale, the subject of an investigation or proceeding to determine whether a stop order or a suspension order of the type described in division (B)(7) of this section should be issued;

(9) Is subject to a United States postal service false representation order entered within five years before the offering;

(10) Is, at the time of the offering, subject to a temporary restraining order or preliminary injunction with respect to conduct alleged by the United States postal service to constitute a scheme or device for obtaining money or property through the mail by means of false representations.

(C) Division (B) of this section does not apply:

(1) With respect to any conviction, order, judgment, decree, suspension, expulsion, or bar that occurred or was issued before the effective date of this section;

(2) Upon a showing of good cause and without prejudice to any other action by the securities and exchange commission or a state securities commissioner, if the division determines that it is not necessary under the circumstance that an exemption be denied;

(3) If, before the relevant offering, the court of regulatory authority that entered the relevant order, judgment, or decree advises in writing that the disqualification under division (B) of this section should not arise as a consequence of the order, judgment, or decree, whether the advice is contained in the relevant judgment, order, or decree or separately to the securities and exchange commission or a state securities commissioner or their staff; or

(4) If the issuer establishes to the division that it did not
know and, in the exercise of reasonable care, could not have known that a disqualification existed under division (B) of this section.

(D) For purposes of division (B) of this section, events relating to any affiliated issuer that occurred before the affiliation arose will not be considered disqualifying if the affiliated entity is not either of the following:

(1) In control of the issuer;

(2) Under common control with the issuer by a third party that was in control of the affiliated entity at the time of the events.

Sec. 1707.10. Any securities required by sections 1707.01 to 1707.50, inclusive, of the Revised Code, to be registered by qualification before being sold in this state may be offered for sale and sold preliminary to and pending their full qualification, where the division of securities is satisfied that the issuer is solvent and of good business repute and that such preliminary offering will not deceive or tend to deceive the public; but no such preliminary offering shall be made until the division consents thereto in writing, and such consent shall be on condition that within thirty days from the date thereof, or within such further time as the division allows, there is filed in the office of the division application under such sections for the full qualification of said securities, or for a registration of such securities by description if, within such time, such securities become entitled to registration by description; and the entire proceeds of the sale of such securities, without deduction for commissions or other charges, shall be segregated or deposited in escrow in such manner and for such time as the division
No applicant which is an issuer not a resident of this state shall be entitled to the benefit of this section unless there shall also be on file with the division a consent to service as provided in section 1707.11 of the Revised Code.

At the time of filing the statement prescribed in this section, the applicant shall pay to the division the filing fee prescribed by section 1707.09 of the Revised Code; and upon receipt of notice of the division's favorable action on the application, the applicant shall pay to the division the registration fee prescribed by such section for the qualification of securities.

If the dealer is unable to complete such qualification or such registration by description, or if the division, acting upon more complete information furnished or obtained from its examination, does not finally register such security by description or qualification, the issuer or dealer who has sold it or offered it for sale shall withdraw the security from the market and return or tender to purchasers of the security, within such time as the division specifies, the amounts paid for it by them.

Sec. 1707.13. The division of securities may suspend the registration by description or by qualification of any securities, or the right of any dealers or of the issuer, or of both, to buy, sell, or deal in any particular security whether it is registered, qualified, or exempt or even though transactions in it are registered or exempt, if the division finds that the issuer has violated sections 1707.01 to 1707.45, inclusive, of the Revised Code, or any lawful order or requirement of the division, has fraudulently conducted its business, or has been engaged in or is engaged or about to engage in deceptive or fraudulent acts,
practices, or transactions; that such security is being disposed 
of or purchased on grossly unfair terms, in such manner as to 
deceive or defraud or as to tend to deceive or defraud purchasers 
or sellers, or in disregard of the lawful rules and regulations of 
the division applicable to such security or to transactions 
therein; or, in the case of securities being sold under a 
registration or qualification, that the issuer is insolvent.

Notice of such suspension shall be mailed by the division to the 
isuer and to all licensed dealers concerned. Such notice shall 
specify the particular security whose registration is being 
suspended and shall set a date, not more than ten days later than 
the date of the order of suspension, for a hearing on the 
continuation or revocation of such suspension. For good cause the 
division may continue such hearing on application of any 
interested party. In conducting such hearing the division shall 
have all the authority and powers set forth in section 1707.23 of 
the Revised Code. Following such hearing the division shall either 
confirm or revoke such suspension. No such suspension shall 
validate any sale of securities made prior thereto; and the 
ights of persons defrauded by any sale shall in no wise be 
impaired.

If the issuer of a security refuses to permit an examination 
to be made by the division of its books, records, and property, or 
refuses to furnish the division any information which it may 
lawfully require under sections 1707.01 to 1707.45 1707.50, 
inclusive, of the Revised Code, such refusal is a sufficient 
ground for the division to suspend the registration by description 
or by qualification of such security, or the right of any dealers 
or of the issuer, or of both, to buy, sell, or deal in such 
security.

If any interested party desires an investigation at a place
other than the office of the division, such person may be required by the division to advance sufficient funds to pay the actual expenses of such investigation.

Whenever the division determines, upon hearing, that any application for qualification was made, or that any securities or any transaction was registered by description, by a person who knew that untrue statements were contained in such application or description, the division may proceed under sections 1707.19, 1707.23, and 1707.44 of the Revised Code, or any of them, against the person who filed such application or such registration by description.

**Sec. 1707.161.** (A) No person shall act as an investment adviser representative, unless one of the following applies:

(1) The person is licensed as an investment adviser representative by the division of securities.

(2) The person is a natural person who is licensed as an investment adviser by the division, and does not act as an investment adviser representative for another investment adviser; however, a natural person who is licensed as an investment adviser by the division may act as an investment adviser representative for another investment adviser if the natural person also is licensed by the division, or is properly excepted from licensure, as an investment adviser representative of the other investment adviser.

(3) The person is employed by or associated with an investment adviser registered under section 203 of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3, and does not have a place of business in this state.

(4) The person is employed by or associated with an
investment adviser that is excepted from licensure pursuant to division (A)(3), (4), (5), or (6) of section 1707.141 of the Revised Code or excepted from notice filing pursuant to division (B)(3) of section 1707.141 of the Revised Code.

(B)(1) No investment adviser representative required to be licensed under this section shall act as an investment adviser representative for more than two investment advisers. An investment adviser representative that acts as an investment adviser representative for two investment advisers shall do so only after the occurrence of both of the following:

(a) Being properly licensed, or properly excepted from licensure under this section, as an investment adviser representative for both investment advisers;

(b) Complying with the requirements set forth in rules adopted by the division regarding consent of both investment advisers and notice.

(2) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both an investment adviser and an investment adviser representative.

(3) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both a salesman and an investment adviser representative.

(4) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both a dealer and an investment adviser representative.

(C) An investment adviser representative's license issued under this section shall not be effective during any period when the investment adviser representative is not employed by or associated with an investment adviser that is licensed by the
division or that is in compliance with the notice filing requirements of division (B) of section 1707.141 of the Revised Code. Notice of the commencement and termination of the employment or association of an investment adviser representative licensed under this section shall be given to the division within thirty days after the commencement or termination by either of the following:

(1) The investment adviser, in the case of an investment adviser representative licensed under this section and employed by or associated with, or formerly employed by or associated with, an investment adviser licensed under section 1707.141 of the Revised Code;

(2) The investment adviser representative, in the case of an investment adviser representative licensed under this section and employed by or associated with, or formerly employed by or associated with, an investment adviser that is subject to the notice filings requirements of division (B) of section 1707.141 of the Revised Code.

(D)(1) Application for an investment adviser representative license shall be made in accordance with this section and by filing with the division the information, materials, and forms specified in rules adopted by the division.

(2) The division shall by rule require an applicant to pass an examination designated by the division or achieve a specified professional designation.

(3) Prior to issuing the investment adviser representative license, the division may require the applicant to reimburse the division for the actual expenses incurred in investigating the applicant. An itemized statement of any such expenses that the applicant is required to pay shall be furnished to the applicant.
by the division.

(E) If the division finds that the applicant is of good business repute, appears to be qualified to act as an investment adviser representative, and has complied with sections 1707.01 to 1707.45 1707.50 of the Revised Code and the rules adopted under those sections by the division, the division, upon payment of the fees prescribed by division (B) of section 1707.17 of the Revised Code, shall issue to the applicant a license authorizing the applicant to act as an investment adviser representative for the investment adviser, or investment advisers that are under common ownership or control, named in the application.

Sec. 1707.17. (A)(1) The license of every dealer in and salesperson of securities shall expire on the thirty-first day of December of each year, and may be renewed upon the filing with the division of securities of an application for renewal, and the payment of the fee prescribed in this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal of a dealer's or salesperson's license.

(2) The license of every investment adviser and investment adviser representative licensed under section 1707.141 or 1707.161 of the Revised Code shall expire on the thirty-first day of December of each year. The licenses may be renewed upon the filing with the division of an application for renewal, and the payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(3) An investment adviser required to make a notice filing under division (B) of section 1707.141 of the Revised Code annually shall file with the division the notice filing and the
(4) The license of every state retirement system investment officer licensed under section 1707.163 of the Revised Code and the license of a bureau of workers' compensation chief investment officer issued under section 1707.165 of the Revised Code shall expire on the thirty-first day of December of each year. The licenses may be renewed on the filing with the division of an application for renewal, and the payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(5) The license of every portal operator licensed under section 1707.054 of the Revised Code shall expire on the thirty-first day of December of each year. The license may be renewed upon the filing with the division an application for renewal, and payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(B)(1) The fee for each dealer's license, and for each annual renewal thereof, shall be two hundred dollars.

(2) The fee for each salesperson's license, and for each annual renewal thereof, shall be sixty dollars.

(3) The fee for each investment adviser's license, and for each annual renewal thereof, shall be one hundred dollars.

(4) The fee for each investment adviser notice filing required by division (B) of section 1707.141 of the Revised Code shall be one hundred dollars.

(5) The fee for each investment adviser representative's license, and for each annual renewal thereof, shall be thirty-five dollars.

fee prescribed in division (B) of this section, no later than the thirty-first day of December of each year.
(6) The fee for each state retirement system investment officer's license, and for each annual renewal thereof, shall be fifty dollars.

(7) The fee for a bureau of workers' compensation chief investment officer's license, and for each annual renewal thereof, shall be fifty dollars.

(8) The fee for a portal operator license, and for each annual renewal thereof, shall be one hundred dollars.

(C) A dealer's, salesperson's, investment adviser's, investment adviser representative's, bureau of workers' compensation chief investment officer's, or state retirement system investment officer's, or portal operator's license may be issued at any time for the remainder of the calendar year. In that event, the annual fee shall not be reduced.

(D) The division may, by rule or order, waive, in whole or in part, any of the fee requirements of this section for any person or class of persons if, in the same calendar year, the person or class of persons is required to pay an additional fee as a result of changes in federal law and regulations implemented under Title IV of the "Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010," 124 Stat. 1576 (2010), 15 U.S.C. 80b-3a(a), under which a person or class of persons formerly subject to regulation under the United States securities and exchange commission is subject to state regulation under Chapter 1707. of the Revised Code.

Sec. 1707.19. (A) An original license, or a renewal thereof, applied for by a dealer or salesperson of securities, or by an investment adviser, investment adviser representative, bureau of
workers' compensation chief investment officer, or state retirement system investment officer, or portal operator as defined in section 1707.05 of the Revised Code may be refused, and any such license granted may be suspended and, after notice and hearing in accordance with Chapter 119. of the Revised Code, may be revoked, by the division of securities, if the division determines that the applicant or the licensed dealer, salesperson, investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, or state retirement system investment officer:

(1) Is not of good business repute;

(2) Is conducting an illegitimate or fraudulent business;

(3) Is, in the case of a dealer or investment adviser, or portal operator, insolvent;

(4) Has knowingly violated any provision of sections 1707.01 to 1707.45 1707.50 of the Revised Code, or any regulation or order made thereunder;

(5) Has knowingly made a false statement of a material fact or an omission of a material fact in an application for a license, in a description or application that has been filed, or in any statement made to the division under such sections;

(6) Has refused to comply with any lawful order or requirement of the division under section 1707.23 of the Revised Code;

(7) Has been guilty of any fraudulent act in connection with the sale of any securities or in connection with acting as an investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, or state retirement system investment officer, or portal operator;
(8) Conducts business in purchasing or selling securities at such variations from the existing market as in the light of all the circumstances are unconscionable;

(9) Conducts business in violation of such rules and regulations as the division prescribes for the protection of investors, clients, or prospective clients;

(10)(a) Has failed to furnish to the division any information with respect to the purchases or sales of securities within this state that may be reasonably requested by the division as pertinent to the protection of investors in this state.

(b) Has failed to furnish to the division any information with respect to acting as an investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, or state retirement system investment officer or portal operator within this state that may be reasonably requested by the division.

(B) For the protection of investors the division may prescribe reasonable rules defining fraudulent, evasive, deceptive, or grossly unfair practices or devices in the purchase or sale of securities.

(C) For the protection of investors, clients, or prospective clients, the division may prescribe reasonable rules regarding the acts and practices of an investment adviser or an investment adviser representative.

(D) For the protection of investors, the division may prescribe reasonable rules regarding the acts and practices of a portal operator.

(E) Pending any investigation or hearing provided for in sections 1707.01 to 1707.45 1707.50 of the Revised Code, the
division may order the suspension of any dealer's, salesperson's, investment adviser's, investment adviser representative's, bureau of workers' compensation chief investment officer's, or state retirement system investment officer's, or portal operator's license by notifying the party concerned of such suspension and the cause for it. If it is a salesperson whose license is suspended, the division shall also notify the dealer employing the salesperson. If it is an investment adviser representative whose license is suspended, the division also shall notify the investment adviser with whom the investment adviser representative is employed or associated. If it is a state retirement system investment officer whose license is suspended, the division shall also notify the state retirement system with whom the state retirement system investment officer is employed. If it is a bureau of workers' compensation chief investment officer whose license is suspended, the division shall also notify the bureau of workers' compensation.

(E)(F) (1) The suspension or revocation of the dealer's license suspends the licenses of all the dealer's salespersons.

(2) The suspension or revocation of the investment adviser's license suspends the licenses of all the investment adviser's investment adviser representatives. The suspension or revocation of an investment adviser's registration under section 203 of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3, suspends the licenses of all the investment adviser's investment adviser representatives.

(F)(G) It is sufficient cause for refusal, revocation, or suspension of the license in case of a partnership, partnership association, corporation, or unincorporated association if any general partner of the partnership, manager of the partnership association, or executive officer of the corporation or
unincorporated association is not of good business repute or has  
been guilty of any act or omission which would be cause for  
refusing or revoking the license of an individual dealer,  
salesperson, investment adviser, or investment adviser  
representative, or portal operator.

Sec. 1707.20. (A)(1) The division of securities may adopt,  
amend, and rescind such rules, forms, and orders as are necessary  
to carry out sections 1707.01 to 1707.45 1707.50 of the Revised  
Code, including rules and forms governing registration statements,  
applications, and reports, and defining any terms, whether or not  
used in sections 1707.01 to 1707.45 1707.50 of the Revised Code,  
insofar as the definitions are not inconsistent with these  
sections. For the purpose of rules and forms, the division may  
classify securities, persons, and matters within its jurisdiction,  
and prescribe different requirements for different classes.  

(2) Notwithstanding sections 121.71 to 121.76 of the Revised  
Code, the division may incorporate by reference into its rules any  
statute enacted by the United States congress or any rule,  
regulation, or form promulgated by the securities and exchange  
commission, or by another federal agency, in a manner that also  
incorporates all future amendments to the statute, rule,  
regulation, or form.

(B) No rule, form, or order may be made, amended, or  
rescinded unless the division finds that the action is necessary  
or appropriate in the public interest or for the protection of  
investors, clients, prospective clients, state retirement systems,  
or the workers' compensation system and consistent with the  
purposes fairly intended by the policy and provisions of sections  
1707.01 to 1707.45 1707.50 of the Revised Code. In prescribing  
rules and forms and in otherwise administering sections 1707.01 to
1707.45 1707.50 of the Revised Code, the division may cooperate with the securities administrators of the other states and the securities and exchange commission with a view of effectuating the policy of this section to achieve maximum uniformity in the form and content of registration statements, applications, reports, and overall securities regulation wherever practicable.

(C) The division may by rule or order prescribe:

(1) The form and content of financial statements required under sections 1707.01 to 1707.45 1707.50 of the Revised Code;

(2) The circumstances under which consolidated financial statements will be filed;

(3) Whether any required financial statements shall be certified audited by independent or certified public accountants, specifying by rule the criteria necessary to be granted a hardship exemption from the audit requirement. All financial statements shall be prepared in accordance with generally accepted accounting principles and comply with other requirements specified by rule adopted or order issued under sections 1707.01 to 1707.50 of the Revised Code.

(D) All rules and forms of the division shall be published; and in addition to fulfilling the requirements of Chapter 119. of the Revised Code, the division shall prescribe, and shall publish and make available its rules regarding the sale of securities, the administration of sections 1707.01 to 1707.45 1707.50 of the Revised Code, and the procedure and practice before the division.

(E)(1) No provision of sections 1707.01 to 1707.45 1707.50 of the Revised Code imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form, or order of the division of securities, notwithstanding that the rule, form, or order may later be amended or rescinded or be determined
by judicial or other authority to be invalid for any reason, except that the issuance of an order granting effectiveness to a registration under section 1707.09 or 1707.091 of the Revised Code for the purposes of this division shall not be deemed an order other than as the establishment of the fact of registration.

(2) No provision of sections 1707.01 to 1707.50 of the Revised Code imposing any liability, penalty, sanction, or disqualification applies to any act done or omitted in good faith in conformity with either of the following:

(a) Any provision of sections 1707.01 to 1707.50 of the Revised Code that incorporates by reference a federal statute, rule, regulation, or form;

(b) Any rule, form, or order of the division that incorporates by reference a federal statute, rule, regulation, or form.

Division (E)(2) of this section applies notwithstanding that the incorporation by reference, or any application of the incorporated provision, is later determined by judicial or other authority to be unconstitutional or invalid for any reason.

Sec. 1707.21. In so far as any information required to be filed with the division of securities under sections 1707.01 to 1707.50, inclusive, of the Revised Code, is contained in a registration statement filed with the securities and exchange commission of the United States and such registration statement is in effect, such required information may, with the consent of the division, be furnished by filing with the division a copy of such registration statement together with an affidavit of an interested party that it is in effect.
Sec. 1707.23. Whenever it appears to the division of securities, from its files, upon complaint, or otherwise, that any person has engaged in, is engaged in, or is about to engage in any practice declared to be illegal or prohibited by this chapter or rules adopted under this chapter by the division, or defined as fraudulent in this chapter or rules adopted under this chapter by the division, or any other deceptive scheme or practice in connection with the sale of securities, or acting as a dealer, a salesperson, an investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, or state retirement system investment officer, or portal operator as defined in section 1707.05 of the Revised Code or when the division believes it to be in the best interests of the public and necessary for the protection of investors, the division may do any of the following:

(A) Require any person to file with it, on such forms as it prescribes, an original or additional statement or report in writing, under oath or otherwise, as to any facts or circumstances concerning the issuance, sale, or offer for sale of securities within this state by the person, as to the person's acts or practices as a dealer, a salesperson, an investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, or state retirement system investment officer, or portal operator within this state, and as to other information as it deems material or relevant thereto;

(B) Examine any investment adviser, investment adviser representative, state retirement system investment officer, bureau of workers' compensation chief investment officer, or any seller, dealer, salesperson, or issuer of any securities, or any portal operator, and any of their agents, employees, partners, officers,
directors, members, or shareholders, wherever located, under oath; and examine and produce records, books, documents, accounts, and papers as the division deems material or relevant to the inquiry;

(C) Require the attendance of witnesses, and the production of books, records, and papers, as are required either by the division or by any party to a hearing before the division, and for that purpose issue a subpoena for any witness, or a subpoena duces tecum to compel the production of any books, records, or papers. The subpoena shall be served by personal service or by certified mail, return receipt requested. If the subpoena is returned because of inability to deliver, or if no return is received within thirty days of the date of mailing, the subpoena may be served by ordinary mail. If no return of ordinary mail is received within thirty days after the date of mailing, service shall be deemed to have been made. If the subpoena is returned because of inability to deliver, the division may designate a person or persons to effect either personal or residence service upon the witness. The person designated to effect personal or residence service under this division may be the sheriff of the county in which the witness resides or may be found or any other duly designated person. The fees and mileage of the person serving the subpoena shall be the same as those allowed by the courts of common pleas in criminal cases, and shall be paid from the funds of the division. Fees and mileage for the witness shall be determined under section 119.094 of the Revised Code, and shall be paid from the funds of the division upon request of the witness following the hearing.

(D) Initiate criminal proceedings under section 1707.042 or 1707.44 of the Revised Code or rules adopted under those sections by the division by laying before the prosecuting attorney of the proper county any evidence of criminality which comes to its attention.
knowledge; and in the event of the neglect or refusal of the
prosecuting attorney to prosecute such violations, or at the
request of the prosecuting attorney, the division shall submit the
evidence to the attorney general, who may proceed in the
prosecution with all the rights, privileges, and powers conferred
by law on prosecuting attorneys, including the power to appear
before grand juries and to interrogate witnesses before such grand
juries.

(E) Require any dealers immediately to furnish to the
division copies of prospectuses, circulars, or advertisements
respecting securities that they publish or generally distribute,
or require any investment advisers immediately to furnish to the
division copies of brochures, advertisements, publications,
alyses, reports, or other writings that they publish or
distribute;

(F) Require any dealers to mail to the division, prior to
sale, notices of intention to sell, in respect to all securities
which are not exempt under section 1707.02 of the Revised Code, or
which are sold in transactions not exempt under section 1707.03 or
1707.04 of the Revised Code;

(G) Issue and cause to be served by certified mail upon all
persons affected an order requiring the person or persons to cease
and desist from the acts or practices appearing to the division to
constitute violations of this chapter or rules adopted under this
chapter by the division. The order shall state specifically the
section or sections of this chapter or the rule or rules adopted
under this chapter by the division that appear to the division to
have been violated and the facts constituting the violation. If
after the issuance of the order it appears to the division that
any person or persons affected by the order have engaged in any
act or practice from which the person or persons shall have been required, by the order, to cease and desist, the director of commerce may apply to the court of common pleas of any county for, and upon proof of the validity of the order of the division, the delivery of the order to the person or persons affected, and of the illegality and the continuation of the acts or practices that are the subject of the order, the court may grant an injunction implementing the order of the division.

(H) Issue and initiate contempt proceedings in this state regarding subpoenas and subpoenas duces tecum at the request of the securities administrator of another state, if it appears to the division that the activities for which the information is sought would violate this chapter if the activities had occurred in this state.

(I) The remedies provided by this section are cumulative and concurrent with any other remedy provided in this chapter, and the exercise of one remedy does not preclude or require the exercise of any other remedy.

Sec. 1707.24. In case any person fails to file any statement or report, to obey any subpoena, to give testimony, to answer questions, or to produce any books, records, or papers as required by the division of securities under sections 1707.01 to 1707.45, 1707.50, inclusive, of the Revised Code, the court of common pleas of any county in the state, upon application made to it by the division and upon proof made to it by the division of such failure, may make an order awarding process of subpoena or subpoena duces tecum for such person to appear and testify before the division, and may order any person to give testimony and answer questions, and to produce books, records, or papers, as required by the division. Upon the filing of such order in the
office of the clerk of the court of common pleas, said clerk, under the seal of said court, shall issue process of subpoena for such person to appear before the division at a time and place named in such subpoena, and thereafter from day to day until the examination of such person is completed. Such subpoena may contain a direction that such witness bring with him the witness to such examination any books, records, or papers mentioned in such subpoena. Said clerk shall also issue, under the seal of said court, such other orders, in reference to such examination, appearance, and production of books, records, or papers, as said court directs. If any person so summoned by subpoena fails to obey such subpoena, to give testimony, to answer questions as required, to produce any books, records, or papers so required, or to obey an order of the court, the court, on motion supported by proof, may order an attachment for contempt to be issued against the person charged with disobedience of any order or injunction issued by such court under sections 1707.01 to 1707.45 1707.50, inclusive, of the Revised Code. If such person is brought before the court by virtue of said attachment, and if upon a hearing such disobedience appears, such court may order such offender to be committed and kept in close custody.

Sec. 1707.25. In case any person fails to file any statement or report required by sections 1707.01 to 1707.45 1707.50 of the Revised Code, to obey any subpoena the issuance of which is provided for in those sections, or to produce books, records, or papers, give testimony, or answer questions, as required by those sections, the director of commerce may apply to a court of common pleas of any county for, and upon proof of such failure the court may grant, an injunction restraining the acting as an investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, or state retirement system
investment officer, or the issuance, sale, or offer for sale of any securities by the person or by its agents, employees, partners, officers, directors, or shareholders, until such failure has been remedied and other relief as the facts may warrant has been had. Such injunctive relief is available in addition to the other remedies provided for in sections 1707.01 to 1707.45 1707.50 of the Revised Code.

Where the person refusing to comply with such order of court is an issuer of securities, the court may enjoin the sale by any dealer of any securities of the issuer, and the division of securities may revoke the qualification of the securities of the issuer, or suspend or revoke the sale of any securities of the issuer which have been registered by description, and such securities shall not thereafter be sold by any dealer until the order of the court or of the division is withdrawn.

Sec. 1707.26. Whenever it appears to the division of securities, upon complaint or otherwise, that any person has engaged in, is engaging in, or is about to engage in, any deceptive, fraudulent, or manipulative act, practice, or transaction, in violation of sections 1707.01 to 1707.45 1707.50 of the Revised Code, the director of commerce may apply to a court of common pleas of any county in this state for, and upon proof of any of such offenses such court shall grant an injunction restraining such person and its agents, employees, partners, officers, directors, and shareholders from continuing, engaging in, or doing any acts in furtherance of, such acts, practices, or transactions, and may order such other equitable relief as the facts warrant.

Sec. 1707.261. (A) If a court of common pleas grants an
injunction pursuant to section 1707.26 of the Revised Code, after consultation with the attorney general the director of commerce may request that court to order the defendant or defendants that are subject to the injunction to make restitution or rescission to any purchaser or holder of securities damaged by the defendant's or defendants' violation of any provision of sections 1707.01 to 1707.50 of the Revised Code.

(B) If the court of common pleas is satisfied with the sufficiency of the director's request for restitution or rescission under division (A) of this section and with the sufficiency of the proof of a substantial violation of any provision of sections 1707.01 to 1707.50 of the Revised Code, or of the use of any act, practice, or transaction declared to be illegal or prohibited or defined as fraudulent by those sections or rules adopted under those sections by the division of securities, to the material prejudice of a purchaser or holder of securities, the court may order the defendant or defendants subject to the injunction to make restitution or rescission to any purchaser or holder of securities damaged by the defendant's or defendants' violation of sections 1707.01 to 1707.50 of the Revised Code.

(C) A court order granting restitution or rescission based upon a request made pursuant to division (A) of this section shall meet the requirements of division (B) of this section and may not be based solely upon a final order issued by the division of securities pursuant to Chapter 119. of the Revised Code or upon an action to enforce a final order issued by the division pursuant to that chapter. Notwithstanding the foregoing provision, a request for restitution or rescission pursuant to division (A) of this section may concern the same acts, practices, or transactions that
were, or may later be, the subject of a division of securities action for a violation of any provision of sections 1707.01 to 1707.50 of the Revised Code. If a request for restitution or rescission pursuant to division (A) of this section concerns the same acts, practices, or transactions that were the subject of a final order issued by the division of securities pursuant to Chapter 119. of the Revised Code, the court shall review the request in accordance with division (B) of this section, and the standard of review in section 119.12 of the Revised Code shall not apply to the request.

(D) No purchaser or holder of securities who is entitled to restitution or rescission under this section shall recover, pursuant to this section or any other proceeding, a total amount in excess of the person's purchase price for the securities sold in violation of sections 1707.01 to 1707.50 of the Revised Code.

(E)(1) If a court of common pleas grants an injunction pursuant to section 1707.26 of the Revised Code against any state retirement system investment officer, after consultation with the attorney general, the director of commerce may request that court to order the state retirement system investment officer or officers that are subject to the injunction to make restitution to the state retirement system damaged by the state retirement system investment officer's or officers' violation of any provision of sections 1707.01 to 1707.50 of the Revised Code.

(2) If the court of common pleas is satisfied with the sufficiency of the director's request for restitution under division (E)(1) of this section and with the sufficiency of the proof of a substantial violation of any provision of sections 1707.01 to 1707.50 of the Revised Code, or of the use of
any act, practice, or transaction declared to be illegal or prohibited or defined as fraudulent by those sections or rules adopted under those sections by the division of securities, to the material prejudice of a state retirement system, the court may order the state retirement system investment officer or officers subject to the injunction to make restitution to the state retirement system damaged by the state retirement system investment officer's or officers' violation of sections 1707.01 to 1707.50 of the Revised Code. A request for restitution pursuant to division (E)(1) of this section may concern the same acts, practices, or transactions that were, or may later be, the subject of a division of securities action for a violation of any provision of section 1707.01 to 1707.50 of the Revised Code.

(F)(1) If a court of common pleas grants an injunction pursuant to section 1707.26 of the Revised Code against a bureau of workers' compensation chief investment officer, after consultation with the attorney general, the director of commerce may request that court to order the bureau of workers' compensation chief investment officer who is subject to the injunction to make restitution to the bureau of workers' compensation damaged by the bureau of workers' compensation chief investment officer's violation of any provision of sections 1707.01 to 1707.50 of the Revised Code.

(2) If the court of common pleas is satisfied with the sufficiency of the director's request for restitution under division (F)(1) of this section and with the sufficiency of the proof of a substantial violation of any provision of sections 1707.01 to 1707.50 of the Revised Code, or of the use of any act, practice, or transaction declared to be illegal or prohibited or defined as fraudulent by those sections or rules
adopted under those sections by the division of securities, to the
material prejudice of the bureau of workers' compensation, the
court may order the bureau of workers' compensation chief
investment officer subject to the injunction to make restitution
to the bureau of workers' compensation damaged by the bureau of
workers' compensation chief investment officer's violation of
sections 1707.01 to 1707.45 1707.50 of the Revised Code. A request
for restitution pursuant to division (F)(1) of this section may
concern the same acts, practices, or transactions that were, or
may later be, the subject of a division of securities action for a
violation of any provision of section 1707.01 to 1707.45 1707.50
of the Revised Code.

Sec. 1707.27. If the court of common pleas is satisfied with
the sufficiency of the application for a receivership, and of the
sufficiency of the proof of substantial violation of sections
1707.01 to 1707.45 1707.50 of the Revised Code, or of the use of
any act, practice, or transaction declared to be illegal or
prohibited, or defined as fraudulent by those sections or rules
adopted under those sections by the division of securities, to the
material prejudice of a purchaser or holder of securities, or
client of an investment adviser or investment adviser
representative, the court may appoint a receiver, for any person
so violating sections 1707.01 to 1707.45 1707.50 of the Revised
Code or rules adopted under those sections by the division, with
power to sue for, collect, receive, and take into the receiver's
possession all the books, records, and papers of the person and
all rights, credits, property, and choses in action acquired by
the person by means of any such act, practice, or transaction, and
also all property with which the property has been mingled, if the
property cannot be identified in kind because of the commingling,
and with power to sell, convey, and assign the property, and to
hold and dispose of the proceeds under the direction of the court of common pleas. The court shall have jurisdiction of all questions arising in the proceedings and may make orders and decrees therein as justice and equity require.

Sec. 1707.28. No prosecution or action by the division of securities or the director of commerce for a violation of any provision of sections 1707.01 to 1707.45 1707.50 of the Revised Code shall bar any prosecution or action by the division of securities or the director of commerce, or be barred by any prosecution or other action, for the violation of any other provision of any of those sections or of any other statute; but prosecutions and actions by the division of securities or the director of commerce for a violation of any provision of sections 1707.01 to 1707.45 1707.50 of the Revised Code must be commenced within five years after the commission of the alleged violation.

Sec. 1707.29. In any prosecution brought under sections 1707.01 to 1707.45 1707.50 of the Revised Code, except prosecutions brought for violation of division (A) of section 1707.042 of the Revised Code, the accused shall be deemed to have had knowledge of any matter of fact, where in the exercise of reasonable diligence, he the accused should, prior to the alleged commission of the offense in question, have secured such knowledge.

Sec. 1707.30. In any prosecution, action, or proceeding based upon sections 1707.01 to 1707.45 1707.50, inclusive, of the Revised Code, a certificate signed by the division of securities, showing the filing of or the failure to file any statement, description, or application required by such sections, shall constitute prima-facie evidence of such filing or of such failure.
to file, and shall be admissible in evidence in any action at law or in equity to enforce sections 1707.01 to 1707.45, inclusive, of the Revised Code, or to prosecute violations of such sections.

Sec. 1707.31. Copies of any statements and documents filed in the office of the division of securities and of any records of the division, if such copies are certified to by the division, shall be admissible in any prosecution, action, or proceeding based upon sections 1707.01 to 1707.45, inclusive, of the Revised Code, to the same effect as the originals of such statements, documents, or records would be.

Sec. 1707.32. If an issuer of securities is incorporated or organized to make any insurance named in Title XXXIX of the Revised Code, the superintendent of insurance shall, for all the purposes of sections 1707.01 to 1707.45, inclusive, of the Revised Code, be substituted for the division of securities and the issuer and the beneficial owners of shares thereof shall be subject to section 3901.31 of the Revised Code. The superintendent of insurance shall have over any company disposing or attempting to dispose of any of its securities within this state the powers of regulation, supervision, and examination conferred on him the superintendent by law, with reference to companies licensed to transact the business of insurance within this state.

No person shall, for the purpose of organizing or promoting any insurance company, or of assisting in the sale of the securities of any insurance company after its organization, dispose or offer to dispose, within this state, of any such securities, unless the contract of subscription or disposal is in writing and contains a provision substantially in the following...
No sum shall be used for commission, promotion, and organization expenses on account of any share of stock in this company in excess of ............ per cent of the amount actually paid upon separate subscriptions, and the remainder of such payment shall be invested as authorized by the law governing such company and shall be held by the organizers of such company before organization, and by its directors and officers after organization, as bailees for the subscriber, to be used only in the conduct of the business of such company after the company has been licensed and authorized for such business by proper authority.

In lieu of "in excess of ............ per cent of the amount actually paid upon separate subscriptions," the language of such contract may be, "............... dollars per share from every fully paid subscription"; and in lieu of "organizers" it may be "trustees" if such payments are to be held by trustees.

Funds and securities held by such organizers, trustees, directors, or officers, as bailees, shall be deposited with a bank or trust company of this state, or invested as provided in sections 3925.05 and 3925.08 of the Revised Code, until such company has been licensed to transact the business of insurance in this state.

The amount of such commission, promotion, and organization expenses shall in no case exceed fifteen per cent of the amount actually received upon the subscriptions; except that in the case of joint-stock life insurance companies and joint-stock insurance companies other than life, the amount of such commission, promotion, and organization expenses shall in no case exceed ten per cent of the amount actually received upon the subscriptions.
Sec. 1707.34. (A) Sections 1707.01 to 1707.45 1707.50 of the Revised Code do not apply to the sale of warehouse receipts for intoxicating liquor to distillers, to rectifiers, or to any person engaged in the business of dealing in warehouse receipts.

(B) Warehouse receipts for intoxicating liquor may be sold in this state in accord with and upon compliance with sections 1707.01 to 1707.45 1707.50 of the Revised Code.

Sec. 1707.35. All securities which were "certificated" by the division of securities before July 22, 1929, are, if the "certification" remained unrevoked on such date, qualified for all purposes under sections 1707.01 to 1707.45 1707.50, inclusive, of the Revised Code.

All securities authorized to be sold by reason of the filing of information relative thereto before July 22, 1929, shall for all purposes be deemed registered by description under such sections, but the division shall have the same power to require further information with respect to the further sale of such securities as with respect to the further sale of securities registered by description or by qualification under sections 1707.01 to 1707.45 1707.50, inclusive, of the Revised Code.

Sec. 1707.38. The issuance or sale of any security in violation of sections 1707.01 to 1707.45 1707.50, inclusive, of the Revised Code, does not invalidate such security; but the rights of persons defrauded by any such issuance or sale shall not be impaired.

Sec. 1707.39. When any securities have been sold without compliance with sections 1707.01 to 1707.45 1707.50 of the Revised Code.
Code, or any former law in force at the time of such sale, any
interested person may apply in writing to the division of
securities for the qualification of such securities under such
sections. If it appears to the division that no person has been
defrauded, prejudiced, or damaged by such noncompliance or sale
and that no person will be defrauded, prejudiced, or damaged by
such qualification, the division may permit such securities to be
so qualified upon the payment of a fee of one hundred dollars plus
a fee of one-fifth of one per cent of the aggregate price at which
the securities have been sold in this state, which fee shall in no
case be less than one hundred dollars nor more than two thousand
dollars. In addition, the division may require the applicant to
advance sufficient funds to pay the actual expenses of an
examination or investigation by the division, whether to be
conducted in this state or outside this state. An itemized
statement of such expenses shall be furnished to the applicant.

Such qualification shall estop the division from proceeding
under division (D) of section 1707.23 of the Revised Code against
anyone who has violated division (C)(1) of section 1707.44 of the
Revised Code for acts within the scope of the application, or from
proceeding with administrative action pursuant to section 1707.13
of the Revised Code.

**Sec. 1707.391.** When any securities have been sold in reliance
upon division (Q), (W), (X), or (Y) of section 1707.03 of the
Revised Code, section 1707.08 of the Revised Code, or any other
section of this chapter that the division of securities may
specify by rule, but such reliance was improper because the
required filings were not timely or properly made due to excusable
neglect, upon the effective date of an application made to the
division and payment of any applicable fee, if required and not
already paid, and upon payment of a penalty fee equal to the
greater of the fee or one hundred dollars, the sale of the
securities shall be deemed exempt, qualified, or registered, as
though timely and properly filed. The application shall become
effective upon the expiration of fourteen days after the date of
the filing in question if prior thereto the division did not give
notice to the applicant that the application was denied based on a
finding of lack of excusable neglect. The division shall promptly
adopt and promulgate rules establishing provisions defining
excusable neglect and otherwise establishing reasonable standards
for determining excusable neglect.

The effectiveness of an application under this section does
not relieve anyone who has, other than for excusable neglect,
violated sections 1707.01 to 1707.45 1707.50 of the Revised Code,
or any previous law in force at the time of sale, from prosecution
thereunder.

Sec. 1707.40. Except as provided in section 1707.261 of the
Revised Code, sections 1707.01 to 1707.45 1707.50 of the Revised
Code create no new civil liabilities, and do not limit or restrict
common law liabilities for deception or fraud other than as
specified in sections 1707.042, 1707.043, 1707.41, 1707.42, and
1707.43 of the Revised Code, and there is no civil liability for
noncompliance with orders, requirements, rules, or regulations
made by the division of securities under sections 1707.19,
1707.20, 1707.201, and 1707.23 of the Revised Code.

Sec. 1707.431. For purposes of this section, the following
persons shall not be deemed to have effected, participated in, or
aided the seller in any way in making, a sale or contract of sale
in violation of sections 1707.01 to 1707.45 1707.50 of the Revised
(A) Any attorney, accountant, or engineer whose performance is incidental to the practice of the person's profession;

(B) Any person, other than an investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, or state retirement system investment officer, who brings any issuer together with any potential investor, without receiving, directly or indirectly, a commission, fee, or other remuneration based on the sale of any securities by the issuer to the investor. Remuneration received by the person solely for the purpose of offsetting the reasonable out-of-pocket costs incurred by the person shall not be deemed a commission, fee, or other remuneration.

Any person claiming exemption under this division for a publicly advertised meeting shall file a notice with the division of securities indicating an intent to cause or hold such a meeting at least twenty-one days prior to the meeting. The division may, upon receipt of such notice, issue an order denying the availability of an exemption under this division not more than fourteen days after receipt of the notice based on a finding that the applicant is not entitled to the exemption. Notwithstanding the notice described in this section, a failure to file the notice does not create a presumption that a person was participating in or aiding in the making of a sale or contract of sale in violation of this chapter.

(C) Any person whom the division exempts from this provision by rule.

Sec. 1707.44. (A)(1) No person shall engage in any act or practice that violates division (A), (B), or (C) of section
1707.14 of the Revised Code, and no salesperson shall sell
securities in this state without being licensed pursuant to
section 1707.16 of the Revised Code.

(2) No person shall engage in any act or practice that
violates division (A) of section 1707.141 or section 1707.161 of
the Revised Code.

(3) No person shall engage in any act or practice that
violates section 1707.162 of the Revised Code.

(4) No person shall engage in any act or practice that
violates section 1707.164 of the Revised Code.

(5) No person shall knowingly engage in any act or practice
that violates division (A) of section 1707.054 or section 1707.055
of the Revised Code.

(B) No person shall knowingly make or cause to be made any
false representation concerning a material and relevant fact, in
any oral statement or in any prospectus, circular, description,
application, or written statement, for any of the following
purposes:

(1) Registering securities or transactions, or exempting
securities or transactions from registration, under this chapter;

(2) Securing the qualification of any securities under this
chapter;

(3) Procuring the licensing of any dealer, salesperson,
investment adviser, investment adviser representative, bureau of
workers' compensation chief investment officer, or state
retirement system investment officer, or portal operator as
defined in section 1707.05 of the Revised Code under this chapter;

(4) Selling any securities in this state;
(5) Advising for compensation, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities;

(6) Submitting a notice filing to the division under division (X) of section 1707.03 or section 1707.092 or 1707.141 of the Revised Code.

(C) No person shall knowingly sell, cause to be sold, offer for sale, or cause to be offered for sale, any security which comes under any of the following descriptions:

(1) Is not exempt under section 1707.02 of the Revised Code, nor the subject matter of one of the transactions exempted in section 1707.03, 1707.04, or 1707.34 of the Revised Code, has not been registered by coordination or qualification, and is not the subject matter of a transaction that has been registered by description;

(2) The prescribed fees for registering by description, by coordination, or by qualification have not been paid in respect to such security;

(3) The person has been notified by the division, or has knowledge of the notice, that the right to buy, sell, or deal in such security has been suspended or revoked, or that the registration by description, by coordination, or by qualification under which it may be sold has been suspended or revoked;

(4) The offer or sale is accompanied by a statement that the security offered or sold has been or is to be in any manner indorsed by the division.

(D) No person who is an officer, director, or trustee of, or a dealer, or portal operator for, any issuer, and who knows such issuer to be insolvent in that the liabilities of the issuer
exceed its assets, shall sell any securities of or for any such issuer, without disclosing the fact of the insolvency to the purchaser.

(E) No person with intent to aid in the sale of any securities on behalf of the issuer, shall knowingly make any representation not authorized by such issuer or at material variance with statements and documents filed with the division by such issuer.

(F) No person, with intent to deceive, shall sell, cause to be sold, offer for sale, or cause to be offered for sale, any securities of an insolvent issuer, with knowledge that such issuer is insolvent in that the liabilities of the issuer exceed its assets, taken at their fair market value.

(G) No person in purchasing or selling securities shall knowingly engage in any act or practice that is, in this chapter, declared illegal, defined as fraudulent, or prohibited.

(H) No licensed dealer shall refuse to buy from, sell to, or trade with any person because the person appears on a blacklist issued by, or is being boycotted by, any foreign corporate or governmental entity, nor sell any securities of or for any issuer who is known in relation to the issuance or sale of the securities to have engaged in such practices.

(I) No dealer in securities, knowing that the dealer's liabilities exceed the reasonable value of the dealer's assets, shall accept money or securities, except in payment of or as security for an existing debt, from a customer who is ignorant of the dealer's insolvency, and thereby cause the customer to lose any part of the customer's securities or the value of those securities, by doing either of the following without the customer's consent:
(1) Pledging, selling, or otherwise disposing of such securities, when the dealer has no lien on or any special property in such securities;

(2) Pledging such securities for more than the amount due, or otherwise disposing of such securities for the dealer's own benefit, when the dealer has a lien or indebtedness on such securities.

It is an affirmative defense to a charge under this division that, at the time the securities involved were pledged, sold, or disposed of, the dealer had in the dealer's possession or control, and available for delivery, securities of the same kinds and in amounts sufficient to satisfy all customers entitled to the securities, upon demand and tender of any amount due on the securities.

(J) No person, with purpose to deceive, shall make, issue, publish, or cause to be made, issued, or published any statement or advertisement as to the value of securities, or as to alleged facts affecting the value of securities, or as to the financial condition of any issuer of securities, when the person knows that the statement or advertisement is false in any material respect.

(K) No person, with purpose to deceive, shall make, record, or publish or cause to be made, recorded, or published, a report of any transaction in securities which is false in any material respect.

(L) No dealer shall engage in any act that violates the provisions of section 15(c) or 15(g) of the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C.A. 78o(c) or (g), or any rule or regulation promulgated by the securities and exchange commission thereunder.
(M)(1) No investment adviser or investment adviser representative shall do any of the following:

(a) Employ any device, scheme, or artifice to defraud any person;

(b) Engage in any act, practice, or course of business that operates or would operate as a fraud or deceit upon any person;

(c) In acting as principal for the investment adviser's or investment adviser representative's own account, knowingly sell any security to or purchase any security from a client, or in acting as salesperson for a person other than such client, knowingly effect any sale or purchase of any security for the account of such client, without disclosing to the client in writing before the completion of the transaction the capacity in which the investment adviser or investment adviser representative is acting and obtaining the consent of the client to the transaction. Division (M)(1)(c) of this section does not apply to any investment adviser registered with the securities and exchange commission under section 203 of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3, or to any transaction with a customer of a licensed dealer or salesperson if the licensed dealer or salesperson is not acting as an investment adviser or investment adviser representative in relation to the transaction.

(d) Engage in any act, practice, or course of business that is fraudulent, deceptive, or manipulative. The division of securities may adopt rules reasonably designed to prevent acts, practices, or courses of business that are fraudulent, deceptive, or manipulative.

(2) No investment adviser or investment adviser representative licensed or required to be licensed under this chapter shall take or have custody of any securities or funds of
any person, except as provided in rules adopted by the division.

(3) In the solicitation of clients or prospective clients, no person shall make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made not misleading in light of the circumstances under which the statements were made.

(N) No person knowingly shall influence, coerce, manipulate, or mislead any person engaged in the preparation, compilation, review, or audit of financial statements to be used in the purchase or sale of securities for the purpose of rendering the financial statements materially misleading.

(O) No state retirement system investment officer shall do any of the following:

(1) Employ any device, scheme, or artifice to defraud any state retirement system;

(2) Engage in any act, practice, or course of business that operates or would operate as a fraud or deceit on any state retirement system;

(3) Engage in any act, practice, or course of business that is fraudulent, deceptive, or manipulative. The division of securities may adopt rules reasonably designed to prevent such acts, practices, or courses of business as are fraudulent, deceptive, or manipulative;

(4) Knowingly fail to comply with any policy adopted regarding the officer established pursuant to section 145.094, 742.104, 3307.043, 3309.043, or 5505.065 of the Revised Code.

(P) No bureau of workers' compensation chief investment officer shall do any of the following:
(1) Employ any device, scheme, or artifice to defraud the workers' compensation system;

(2) Engage in any act, practice, or course of business that operates or would operate as a fraud or deceit on the workers' compensation system;

(3) Engage in any act, practice, or course of business that is fraudulent, deceptive, or manipulative. The division of securities may adopt rules reasonably designed to prevent such acts, practices, or courses of business as are fraudulent, deceptive, or manipulative;

(4) Knowingly fail to comply with any policy adopted regarding the officer established pursuant to section 4123.441 of the Revised Code.

(Q)(1) No portal operator shall knowingly do any of the following:

(a) Employ any device, scheme, or artifice to defraud;

(b) Engage in any act, practice, or course of business that operates as a fraud or deceit;

(c) Engage in any act, practice, or course of business that is fraudulent, deceptive, or manipulative.

(2) The division of securities may adopt rules reasonably designed to prevent such acts, practices, or courses of business that are fraudulent, deceptive, or manipulative.

**Sec. 1707.50.** (A) As used in this section, "violation" means a violation of any provision of this chapter in connection with the sale of securities under sections 1707.05 to 1707.058 of the Revised Code where the filing is made pursuant to division (K) of section 1707.051 of the Revised Code and the securities are sold.
through an OhioInvests portal.

(B)(1) If the division of securities finds, after notice and opportunity for a hearing in accordance with Chapter 119. of the Revised Code, that any person has committed a violation, the division may, in its discretion and in addition to or in lieu of any other remedy or sanction provided in this chapter, order the payment of an administrative penalty of up to one thousand dollars per violation, provided that the total penalty shall not exceed the total amount of the OhioInvests offering or offerings involved in the violation.

(2) All administrative penalties collected by the division under division (B)(1) of this section shall be deposited into the state treasury to the credit of the division of securities investor education and enforcement expense fund created in section 1707.37 of the Revised Code.

(C)(1) A purchaser may commence an individual or putative class action to seek recovery of the civil penalty provided for under division (C)(2) of this section for an alleged violation if all of the following requirements are met:

(a) The purchaser or the purchaser's representative brings the action within two years after commission of the alleged violation or within two years after the purchaser discovered or should have discovered the ground for the violation, whichever is later.

(b) Not later than ten days after the commencement of the action, the purchaser or purchaser's representative mails to the division, by certified mail, a file-stamped copy of the complaint that includes the case number assigned by the court.

(c) Not later than ten days from a judgment becoming final
and any subsequent appeals becoming final, the purchaser or purchaser's representative mails to the division, by certified mail, a file-stamped copy of the final judgment and appellate decisions.

(2) The civil penalty provided for under this section shall be as follows:

(a) One hundred dollars per violation, if at the time of the violation the total amount of money raised in the OhioInvests offering is less than twenty-five thousand dollars, provided that the total penalty shall not exceed the total amount of the OhioInvests offering or offerings involved in the violation.

(b) Two hundred fifty dollars per violation, if at the time of the violation the total amount of money raised in the OhioInvests offering is twenty-five thousand dollars or more, provided that the total penalty shall not exceed the total amount of the OhioInvests offering or offerings involved in the violation.

(3) In any civil action by a purchaser or purchaser's representative seeking recovery of a civil penalty under this section, a court may award a lesser amount than the amount specified in division (C)(2) of this section if, based on the facts and circumstances of the particular case, to do otherwise would result in an award that is unjust, arbitrary and oppressive, or confiscatory.

(4) Civil penalties recovered by a purchaser or purchasers in accordance with this section shall be distributed as follows:

(a) Twenty-five per cent to the state to be deposited into the state treasury to the credit of the general revenue fund and set aside for payment of debt service on outstanding bonds that
are direct obligations of the state;

(b) Seventy-five per cent to the purchaser, purchasers, or purchaser class.

(5) Purchasers or purchaser classes that prevail in a civil action brought under this section shall be entitled to reasonable attorney's fees and costs in the action as determined by the court.

(6) Nothing in division (C) of this section shall preclude a purchaser or purchaser's representative from also proceeding with a cause of action otherwise available under any other provision of this chapter or other theory of law.

(D) No person shall knowingly engage in any act, practice, or course of business that would interfere with a purchaser's ability to bring an individual or putative class action pursuant to division (C) of this section.

(E) Nothing in this section shall be construed to alter or limit the authority of the division under any other provision of this chapter, including but not limited to the ability of the division to investigate or prosecute any complaints or allegations under this chapter. Upon timely application, the division may intervene as of right on behalf of the state in any private action or appeal that is pending under this section.

(F) The division may adopt rules in accordance with Chapter 119. of the Revised Code to implement the provisions of this section.

**Sec. 1707.99.** Whoever commits any act described in division (A) of section 1707.042 or section 1707.44 of the Revised Code is guilty of a violation of sections 1707.01 to 1707.45 1707.50 of
the Revised Code and the following apply to the offender:

(A) If the value of the funds or securities involved in the offense or the loss to the victim is less than one thousand dollars, the offender is guilty of a felony of the fifth degree, and the court may impose upon the offender an additional fine of not more than two thousand five hundred dollars.

(B) If the value of the funds or securities involved in the offense or the loss to the victim is one thousand dollars or more but less than seven thousand five hundred dollars, the offender is guilty of a felony of the fourth degree, and the court may impose upon the offender an additional fine of not more than five thousand dollars.

(C) If the value of the funds or securities involved in the offense or the loss to the victim is seven thousand five hundred dollars or more but less than thirty-seven thousand five hundred dollars, the offender is guilty of a felony of the third degree, and the court may impose upon the offender an additional fine of not more than ten thousand dollars.

(D) If the value of the funds or securities involved in the offense or the loss to the victim is thirty-seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars, the offender is guilty of a felony of the second degree, and the court may impose upon the offender an additional fine of not more than fifteen thousand dollars.

(E) If the value of the funds or securities involved in the offense or the loss to the victim is one hundred fifty thousand dollars or more, the offender is guilty of a felony of the first degree, and the court may impose upon the offender an additional fine of not more than twenty thousand dollars."

After line 10536, insert:
Sec. 1724.02. (A) In furtherance of the purposes set forth in section 1724.01 of the Revised Code, a community improvement corporation shall have the following powers:

(1)(a) To borrow money for any of the purposes of the community improvement corporation by means of loans, lines of credit, or any other financial instruments or securities, including the issuance of its bonds, debentures, notes, or other evidences of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust, or other lien on its property, franchises, rights, and privileges of every kind and nature or any part thereof or interest therein; and

(b) If the community improvement corporation is a county land reutilization corporation, the corporation may request, by resolution:

(i) That the board of county commissioners of the county served by the corporation pledge a specifically identified source or sources of revenue pursuant to division (C) of section 307.78 of the Revised Code as security for such borrowing by the corporation; and

(ii)(I) If the land subject to reutilization is located within an unincorporated area of the county, that the board of county commissioners issue notes under section 307.082 of the Revised Code for the purpose of constructing public infrastructure improvements and take other actions as the board determines are in the interest of the county and are authorized under sections 5709.78 to 5709.81 of the Revised Code or bonds or notes under section 5709.81 of the Revised Code for the refunding purposes set forth in that section; or

(II) If the land subject to reutilization is located within
the corporate boundaries of a municipal corporation, that the municipal corporation issue bonds for the purpose of constructing public infrastructure improvements and take such other actions as the municipal corporation determines are in its interest and are authorized under sections 5709.40 to 5709.43 of the Revised Code.

(2) To make loans to any person, firm, partnership, corporation, joint stock company, association, or trust, and to establish and regulate the terms and conditions with respect to any such loans; provided that an economic development corporation shall not approve any application for a loan unless and until the person applying for said loan shows that the person has applied for the loan through ordinary banking or commercial channels and that the loan has been refused by at least one bank or other financial institution. Nothing in this division shall preclude a county land reutilization corporation from making revolving loans to community development corporations, private entities, or any person for the purposes contained in the corporation's plan under section 1724.10 of the Revised Code.

(3) To purchase, receive, hold, manage, lease, lease-purchase, or otherwise acquire and to sell, convey, transfer, lease, sublease, or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including but not restricted to, any real or personal property acquired by the community improvement corporation from time to time in the satisfaction of debts or enforcement of obligations, and to enter into contracts with third parties, including the federal government, the state, any political subdivision, or any other entity. A county land reutilization corporation shall not acquire an interest in real property if such acquisition causes the number of occupied real properties held by the corporation to
exceed the greater of either fifty properties or twenty-five percent of all real property held by the corporation for reutilization, reclamation, or rehabilitation. For the purposes of this division, "occupied real properties" includes all real properties that are not unoccupied as that term is defined in section 323.65 of the Revised Code.

(4) To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, partnerships, corporations, joint stock companies, associations, or trusts, and to assume, undertake, or pay the obligations, debts, and liabilities of any such person, firm, partnership, corporation, joint stock company, association, or trust; to acquire, reclaim, manage, or contract for the management of improved or unimproved and underutilized real estate for the purpose of constructing industrial plants, other business establishments, or housing thereon, or causing the same to occur, for the purpose of assembling and enhancing utilization of the real estate, or for the purpose of disposing of such real estate to others in whole or in part for the construction of industrial plants, other business establishments, or housing; and to acquire, reclaim, manage, contract for the management of, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, sublease, or otherwise dispose of industrial plants, business establishments, or housing.

(5) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of the stock, shares, bonds, debentures, notes, or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association, or trust, and while the owner or holder thereof, to exercise all the rights, powers,
and privileges of ownership, including the right to vote therein, provided that no tax revenue, if any, received by a community improvement corporation shall be used for such acquisition or subscription.

(6) To mortgage, pledge, or otherwise encumber any property acquired pursuant to the powers contained in division (A)(3), (4), or (5) of this section.

(7) Nothing in this section shall limit the right of a community improvement corporation to become a member of or a stockholder in a corporation formed under Chapter 1726. of the Revised Code.

(8) To serve as an agent for grant applications and for the administration of grants, or to make applications as principal for grants for county land reutilization corporations.

(9) To exercise the powers enumerated under Chapter 5722. of the Revised Code on behalf of a county that organizes or contracts with a county land reutilization corporation.

(10) To engage in code enforcement and nuisance abatement, including, but not limited to, cutting grass and weeds, boarding up vacant or abandoned structures, and demolishing condemned structures on properties that are subject to a delinquent tax or assessment lien, or property for which a municipal corporation or township has contracted with a county land reutilization corporation to provide code enforcement or nuisance abatement assistance.

(11) To charge fees or exchange in-kind goods or services for services rendered to political subdivisions and other persons or entities for whom services are rendered.

(12) To employ and provide compensation for an executive
director who shall manage the operations of a county land
reutilization corporation and employ others for the benefit of the
corporation as approved and funded by the board of directors. No
employee of the corporation is or shall be deemed to be an
employee of the political subdivision for whose benefit the
corporation is organized solely because the employee is employed
by the corporation.

(13) To purchase tax certificates at auction, negotiated
sale, or from a third party who purchased and is a holder of one
or more tax certificates issued pursuant to sections 5721.30 to
5721.43 of the Revised Code.

(14) To be assigned a mortgage on real property from a
mortgagee in lieu of acquiring such real property subject to a
mortgage.

(15) To act as a portal operator for purposes of an
OhioInvests offering under sections 1707.05 to 1707.058 of the
Revised Code.

(16) To do all acts and things necessary or convenient to
carry out the purposes of section 1724.01 of the Revised Code and
the powers especially created for a community improvement
corporation in Chapter 1724. of the Revised Code, including, but
not limited to, contracting with the federal government, the state
or any political subdivision, a board of county commissioners
pursuant to section 307.07 of the Revised Code, a county auditor
pursuant to section 319.10 of the Revised Code, a county treasurer
pursuant to section 321.49 of the Revised Code, and any other
party, whether nonprofit or for-profit. An employee of a board of
county commissioners, county auditor, or county treasurer who,
pursuant to a contract entered into in accordance with section
307.07, 319.10, or 321.49 of the Revised Code, provides services
to a county land reutilization corporation shall remain an employee of the county during the provision of those services.

(B) The powers enumerated in this chapter shall not be construed to limit the general powers of a community improvement corporation. The powers granted under this chapter are in addition to those powers granted by any other chapter of the Revised Code, but, as to a county land reutilization corporation, shall be used only for the purposes enumerated under division (B)(2) of section 1724.01 of the Revised Code.

(C) Ownership of real property by an economic development corporation does not constitute public ownership unless the economic development corporation has applied for and been granted a tax exemption for the property under section 5709.08 of the Revised Code.

After line 17149, insert:

"Sec. 3307.152. (A) As used in this section and in section 3307.154 of the Revised Code:

(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to 1707.45 1707.50 of the Revised Code or under comparable laws of another state or of the United States.

(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(3) "Ohio-qualified agent" means an agent designated as such by the state teachers retirement board.

(4) "Ohio-qualified investment manager" means an investment manager designated as such by the state teachers retirement board.

(5) "Principal place of business" means an office in which
the agent regularly provides securities or investment advisory
services and solicits, meets with, or otherwise communicates with
clients.

(B) The state teachers retirement board shall, for the
purposes of this section, designate an agent as an Ohio-qualified
agent if the agent meets all of the following requirements:

(1) The agent is subject to taxation under Chapter 5725.,
5726., 5733., 5747., or 5751. of the Revised Code.

(2) The agent is authorized to conduct business in this
state.

(3) The agent maintains a principal place of business in this
state and employs at least five residents of this state.

(C) The state teachers retirement board shall adopt and
implement a written policy to establish criteria and procedures
used to select agents to execute securities transactions on behalf
of the retirement system. The policy shall address each of the
following:

(1) Commissions charged by the agent, both in the aggregate
and on a per share basis;

(2) The execution speed and trade settlement capabilities of
the agent;

(3) The responsiveness, reliability, and integrity of the
agent;

(4) The nature and value of research provided by the agent;

(5) Any special capabilities of the agent.

(D)(1) The board shall, at least annually, establish a policy
with the goal to increase utilization by the board of
Ohio-qualified agents for the execution of domestic equity and
fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.

(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.

Sec. 3309.157. (A) As used in this section and in section 3309.159 of the Revised Code:

(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to 1707.50 of the Revised Code or under comparable laws of another state or of the United States.

(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(3) "Ohio-qualified agent" means an agent designated as such by the school employees retirement board.

(4) "Ohio-qualified investment manager" means an investment manager designated as such by the school employees retirement board.

(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with...
The school employees retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements:

1. The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code.

2. The agent is authorized to conduct business in this state.

3. The agent maintains a principal place of business in this state and employs at least five residents of this state.

The school employees retirement board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following:

1. Commissions charged by the agent, both in the aggregate and on a per share basis;

2. The execution speed and trade settlement capabilities of the agent;

3. The responsiveness, reliability, and integrity of the agent;

4. The nature and value of research provided by the agent;

5. Any special capabilities of the agent.

The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety.
comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.

(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final."

After line 33123, insert:

"Sec. 4582.06. (A) A port authority created in accordance with section 4582.02 of the Revised Code may:

(1) Acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease to or from, lease with an option to purchase, convey other interests in, or operate real or personal property, or any combination thereof, related to, useful for, or in furtherance of any authorized purpose, and make charges for the use of any port authority facility, which shall be not less than the charges established for the same services furnished by a public utility or common carrier in the jurisdiction of the particular port authority;

(2) Straighten, deepen, and improve any canal, channel, river, stream, or other water course or way that may be necessary or proper in the development of the facilities of the port authority;

(3) Issue bonds or notes for the acquisition, construction, furnishing, or equipping of any real or personal property, or any
combination thereof, related to, useful for, or in furtherance of any authorized purpose, in compliance with Chapter 133. of the Revised Code, except that the bonds or notes only may be issued pursuant to a vote of the electors residing within the territory of the port authority. The net indebtedness incurred by a port authority shall never exceed two per cent of the total value of all property within the territory comprising the authority as listed and assessed for taxation.

(4) By resolution of its board of directors, issue revenue bonds beyond the limit of bonded indebtedness provided by law, for the acquisition, construction, furnishing, or equipping of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of any authorized purpose, including all costs in connection with or incidental thereto.

The revenue bonds of the port authority shall be secured only by a pledge of and a lien on the revenues of the port authority derived from those loan payments, rentals, fees, charges, or other revenues that are designated in the resolution, including, but not limited to, any property to be acquired, constructed, furnished, or equipped with the proceeds of the bond issue, after provision only for the reasonable cost of operating, maintaining, and repairing the property of the port authority so designated. The bonds may further be secured by the covenant of the port authority to maintain rates or charges that will produce revenues sufficient to meet the costs of operating, maintaining, and repairing such property and to meet the interest and principal requirements of the bonds and to establish and maintain reserves for the foregoing purposes. The board of directors, by resolution, may provide for the issuance of additional revenue bonds from time to time, to be secured equally and ratably, without preference, priority, or distinction, with outstanding revenue bonds, but subject to the
terms and limitations of any trust agreement described in this
section, and of any resolution authorizing bonds then outstanding.
The board of directors, by resolution, may designate additional
property of the port authority, the revenues of which shall be
pledged and be subject to a lien for the payment of the debt
charges on revenue bonds theretofore authorized by resolution of
the board of directors, to the same extent as the revenues above
described.

In the discretion of the board of directors, the revenue
bonds of the port authority may be secured by a trust agreement
between the board of directors on behalf of the port authority and
a corporate trustee, that may be any trust company or bank having
powers of a trust company, within or without the state.

The trust agreement may provide for the pledge or assignment
of the revenues to be received, but shall not pledge the general
credit and taxing power of the port authority. A trust agreement
securing revenue bonds issued to acquire, construct, furnish, or
equip real property, plants, factories, offices, and other
structures and facilities for authorized purposes consistent with
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage
the real or personal property, or a combination thereof, to be
acquired, constructed, furnished, or equipped from the proceeds of
such revenue bonds, as further security for the bonds. The trust
agreement or the resolution providing for the issuance of revenue
bonds may set forth the rights and remedies of the bondholders and
trustee, and may contain other provisions for protecting and
enforcing their rights and remedies that are determined in the
discretion of the board of directors to be reasonable and proper.
The agreement or resolution may provide for the custody,
investment, and disbursement of all moneys derived from the sale
of such bonds, or from the revenues of the port authority, other
than those moneys received from taxes levied pursuant to section 4582.14 of the Revised Code, and may provide for the deposit of such funds without regard to section 4582.15 of the Revised Code.

All bonds issued under authority of this chapter, regardless of form or terms and regardless of any other law to the contrary, shall have all qualities and incidents of negotiable instruments, subject to provisions for registration, and may be issued in coupon, fully registered, or other form, or any combination thereof, as the board of directors determines. Provision may be made for the registration of any coupon bonds as to principal alone or as to both principal and interest, and for the conversion into coupon bonds of any fully registered bonds or bonds registered as to both principal and interest.

The revenue bonds shall bear interest at such rate or rates, shall bear such date or dates, and shall mature within forty-five years following the date of issuance and in such amount, at such time or times, and in such number of installments, as may be provided in or pursuant to the resolution authorizing their issuance. The final maturity of any original issue of revenue bonds shall not be later than forty-five years from their date of issue. Such resolution also shall provide for the execution of the bonds, which may be by facsimile signatures unless prohibited by the resolution, and the manner of sale of the bonds. The resolution shall provide for, or provide for the determination of, any other terms and conditions relative to the issuance, sale, and retirement of the bonds that the board of directors in its discretion determines to be reasonable and proper.

Whenever a port authority considers it expedient, it may issue renewal notes and refund any bonds, whether the bonds to be refunded have or have not matured. The final maturity of any
notes, including any renewal notes, shall not be later than five
years from the date of issue of the original issue of notes. The
final maturity of any refunding bonds shall not be later than the
later of forty-five years from the date of issue of the original
issue of bonds. The refunding bonds shall be sold and the proceeds
applied to the purchase, redemption, or payment of the bonds to be
refunded and the costs of issuance of the refunding bonds. The
bonds and notes issued under this chapter, their transfer, and the
income therefrom, shall at all times be free from taxation within
the state.

(5) Do any of the following, in regard to any interests in
any real or personal property, or any combination thereof,
including, without limitation, machinery, equipment, plants,
factories, offices, and other structures and facilities related
to, useful for, or in furtherance of any authorized purpose, for
such consideration and in such manner, consistent with Article
VIII, Ohio Constitution, as the board in its sole discretion may
determine:

(a) Loan moneys to any person or governmental entity for the
acquisition, construction, furnishing, and equipping of the
property;

(b) Acquire, construct, maintain, repair, furnish, and equip
the property;

(c) Sell to, exchange with, lease, convey other interests in,
or lease with an option to purchase the same or any lesser
interest in the property to the same or any other person or
governmental entity;

(d) Guarantee the obligations of any person or governmental
entity.
A port authority may accept and hold as consideration for the conveyance of property or any interest therein such property or interests therein as the board in its discretion may determine, notwithstanding any restrictions that apply to the investment of funds by a port authority.

(6) Construct, maintain, repair, furnish, equip, sell, exchange, lease, or lease with an option to purchase, any property that it is authorized to acquire. A port authority that is subject to this section also may operate any property in connection with transportation, recreational, governmental operations, or cultural activities.

(a) Any purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental entity that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of an activity contemplated by Section 13 or 16 of Article VIII, Ohio Constitution, shall be made in such manner and subject to such terms and conditions as may be determined by the board of directors in its discretion.

(b) Division (A)(6)(a) of this section applies to all contracts that are subject to the division, notwithstanding any other provision of law that might otherwise apply, including, without limitation, any requirement of notice, any requirement of competitive bidding or selection, or any requirement for the provision of security.

(c) Divisions (A)(6)(a) and (b) of this section do not apply to either of the following:

(i) Any contract secured by or to be paid from moneys raised
by taxation or the proceeds of obligations secured by a pledge of moneys raised by taxation;

(ii) Any contract secured exclusively by or to be paid exclusively from the general revenues of the port authority. For the purposes of this section, any revenues derived by the port authority under a lease or other agreement that, by its terms, contemplates the use of amounts payable under the agreement either to pay the costs of the improvement that is the subject of the contract or to secure obligations of the port authority issued to finance costs of such improvement, are excluded from general revenues.

(7) Apply to the proper authorities of the United States pursuant to appropriate law for the right to establish, operate, and maintain foreign trade zones and to establish, operate, and maintain foreign trade zones; and to acquire land or property therefor, in a manner consistent with section 4582.17 of the Revised Code;

(8) Exercise the right of eminent domain to appropriate any land, rights, rights-of-way, franchises, easements, or other property, necessary or proper for any authorized purpose, pursuant to the procedure provided in sections 163.01 to 163.22 of the Revised Code, if funds equal to the appraised value of the property to be acquired as a result of such proceedings are available for that purpose, except that nothing contained in sections 4582.01 to 4582.20 of the Revised Code shall authorize a port authority to take or disturb property or facilities belonging to any agency or political subdivision of this state, public utility, or common carrier, which property or facilities are necessary and convenient in the operation of the agency or political subdivision, public utility, or common carrier, unless
provision is made for the restoration, relocation, or duplication of the property or facilities, or upon the election of the agency or political subdivision, public utility, or common carrier, for the payment of compensation, if any, at the sole cost of the port authority, provided that:

(a) If any restoration or duplication proposed to be made pursuant to this section involves a relocation of such property or facilities, the new facilities and location shall be of at least comparable utilitarian value and effectiveness, and the relocation shall not impair the ability of the public utility or common carrier to compete in its original area of operation.

(b) If any restoration or duplication made pursuant to this section involves a relocation of such property or facilities, the port authority shall acquire no interest or right in or to the appropriated property or facilities, except as provided in division (A)(11) of this section, until the relocated property or facilities are available for use and until marketable title thereto has been transferred to the public utility or common carrier.

(c) Provisions for restoration or duplication shall be described in detail in the resolution for appropriation passed by the port authority.

(9) Enjoy and possess the same rights, privileges, and powers granted municipal corporations under sections 721.04 to 721.11 of the Revised Code;

(10) Maintain such funds as it considers necessary;

(11) Direct its agents or employees, when properly identified in writing, and after at least five days' written notice, to enter upon lands within the confines of its jurisdiction in order to
make surveys and examinations preliminary to location and
construction of works for the purposes of the port authority,
without liability of the port authority or its agents or employees
except for actual damage done;

(12) Sell, lease, or convey other interests in real and
personal property and grant easements or rights-of-way over
property of the port authority. The board of directors shall
specify the consideration and any terms thereof for the sale,
lease, or conveyance of other interests in real and personal
property. Any determinations made by the board of directors under
this division shall be conclusive. The sale, lease, or conveyance
may be made without advertising and the receipt of bids.

(13) Promote, advertise, and publicize the port authority
facilities and its authorized purposes, provide information to
persons with an interest in transportation and other port
authority activities, and appear before rate-making authorities to
represent and promote the interests of the port authority and its
authorized purposes;

(14) Adopt rules, not in conflict with general law, governing
the use of and the safeguarding of its property, grounds,
buildings, equipment, and facilities, safeguarding persons and
their property located on or in port authority property, and
governing the conduct of its employees and the public, in order to
promote the public safety and convenience in and about its
terminals and grounds, and to maintain order. Any such regulation
shall be posted at no less than five public places in the port
authority, as determined by the board of directors, for a period
of not fewer than fifteen days, and shall be available for public
inspection at the principal office of the port authority during
regular business hours. No person shall violate any lawful
regulation adopted and posted as provided in this division.

(15) Establish and administer one or more payment card programs for purposes of paying expenses related to port authority business. Any obligation incurred as a result of the use of such a payment card shall be paid from port authority funds.

(16) Act as a portal operator for purposes of an OhioInvests offering under sections 1707.05 to 1707.058 of the Revised Code;

(17) Do all acts necessary or appropriate to carry out its authorized purposes. The port authority shall have the powers and rights granted to other subdivisions under section 9.20 of the Revised Code.

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

(C) Whoever violates division (A)(14) of this section is guilty of a minor misdemeanor.

Sec. 4582.31. (A) A port authority created in accordance with section 4582.22 of the Revised Code may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) Adopt an official seal;

(3) Maintain a principal office within its jurisdiction, and maintain such branch offices as it may require;

(4) Acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease to or from, or lease with an option to purchase, convey other interests in real or personal property, or
any combination thereof, related to, useful for, or in furtherance of any authorized purpose and operate any property in connection with transportation, recreational, governmental operations, or cultural activities;

(5) Straighten, deepen, and improve any channel, river, stream, or other water course or way which may be necessary or proper in the development of the facilities of a port authority;

(6) Make available the use or services of any port authority facility to one or more persons, one or more governmental agencies, or any combination thereof;

(7) Issue bonds or notes for the acquisition, construction, furnishing, or equipping of any port authority facility or other permanent improvement that a port authority is authorized to acquire, construct, furnish, or equip, in compliance with Chapter 133. of the Revised Code, except that such bonds or notes may only be issued pursuant to a vote of the electors residing within the area of jurisdiction of the port authority. The net indebtedness incurred by a port authority shall never exceed two per cent of the total value of all property within the territory comprising the port authority as listed and assessed for taxation.

(8) Issue port authority revenue bonds beyond the limit of bonded indebtedness provided by law, payable solely from revenues as provided in section 4582.48 of the Revised Code, for the purpose of providing funds to pay the costs of any port authority facility or facilities or parts thereof;

(9) Apply to the proper authorities of the United States pursuant to appropriate law for the right to establish, operate, and maintain foreign trade zones and establish, operate, and maintain foreign trade zones and to acquire, exchange, sell, lease to or from, lease with an option to purchase, or operate
facilities, land, or property therefor in accordance with the "Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 81u;

(10) Enjoy and possess the same rights, privileges, and powers granted municipal corporations under sections 721.04 to 721.11 of the Revised Code;

(11) Maintain such funds as it considers necessary;

(12) Direct its agents or employees, when properly identified in writing, and after at least five days' written notice, to enter upon lands within the confines of its jurisdiction in order to make surveys and examinations preliminary to location and construction of works for the purposes of the port authority, without liability of the port authority or its agents or employees except for actual damage done;

(13) Promote, advertise, and publicize the port authority and its facilities; provide information to shippers and other commercial interests; and appear before rate-making authorities to represent and promote the interests of the port authority;

(14) Adopt rules, not in conflict with general law, it finds necessary or incidental to the performance of its duties and the execution of its powers under sections 4582.21 to 4582.54 of the Revised Code. Any such rule shall be posted at no less than five public places in the port authority, as determined by the board of directors, for a period of not fewer than fifteen days, and shall be available for public inspection at the principal office of the port authority during regular business hours. No person shall violate any lawful rule adopted and posted as provided in this division.

(15) Do any of the following, in regard to any interests in
any real or personal property, or any combination thereof, including, without limitation, machinery, equipment, plants, factories, offices, and other structures and facilities related to, useful for, or in furtherance of any authorized purpose, for such consideration and in such manner, consistent with Article VIII of the Ohio Constitution, as the board in its sole discretion may determine:

(a) Loan moneys to any person or governmental entity for the acquisition, construction, furnishing, and equipping of the property;

(b) Acquire, construct, maintain, repair, furnish, and equip the property;

(c) Sell to, exchange with, lease, convey other interests in, or lease with an option to purchase the same or any lesser interest in the property to the same or any other person or governmental entity;

(d) Guarantee the obligations of any person or governmental entity.

A port authority may accept and hold as consideration for the conveyance of property or any interest therein such property or interests therein as the board in its discretion may determine, notwithstanding any restrictions that apply to the investment of funds by a port authority.

(16) Sell, lease, or convey other interests in real and personal property, and grant easements or rights-of-way over property of the port authority. The board of directors shall specify the consideration and any terms for the sale, lease, or conveyance of other interests in real and personal property. Any determination made by the board under this division shall be
conclusive. The sale, lease, or conveyance may be made without advertising and the receipt of bids.

(17) Exercise the right of eminent domain to appropriate any land, rights, rights-of-way, franchises, easements, or other property, necessary or proper for any authorized purpose, pursuant to the procedure provided in sections 163.01 to 163.22 of the Revised Code, if funds equal to the appraised value of the property to be acquired as a result of such proceedings are available for that purpose. However, nothing contained in sections 4582.201 to 4582.59 of the Revised Code shall authorize a port authority to take or disturb property or facilities belonging to any agency or political subdivision of this state, public utility, cable operator, or common carrier, which property or facilities are necessary and convenient in the operation of the agency or political subdivision, public utility, cable operator, or common carrier, unless provision is made for the restoration, relocation, or duplication of such property or facilities, or upon the election of the agency or political subdivision, public utility, cable operator, or common carrier, for the payment of compensation, if any, at the sole cost of the port authority, provided that:

(a) If any restoration or duplication proposed to be made under this section involves a relocation of the property or facilities, the new facilities and location shall be of at least comparable utilitarian value and effectiveness and shall not impair the ability of the public utility, cable operator, or common carrier to compete in its original area of operation;

(b) If any restoration or duplication made under this section involves a relocation of the property or facilities, the port authority shall acquire no interest or right in or to the
appropriated property or facilities, except as provided in division (A)(15) of this section, until the relocated property or facilities are available for use and until marketable title thereto has been transferred to the public utility, cable operator, or common carrier.


(18)(a) Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under sections 4582.21 to 4582.59 of the Revised Code.

(b) Except as provided in division (A)(18)(c) of this section or except when the port authority elects to construct a building, structure, or other improvement pursuant to a contract made with a construction manager at risk under sections 9.33 to 9.335 of the Revised Code or with a design-build firm under section 153.65 to 153.73 of the Revised Code, when the cost of a contract for the construction of any building, structure, or other improvement undertaken by a port authority involves an expenditure exceeding one hundred fifty thousand dollars and the port authority is the contracting entity, the port authority shall make a written contract after notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. Each such contract shall be let to the lowest responsive and responsible bidder in accordance with section 9.312.
of the Revised Code. Every contract shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the port authority, signed by an authorized officer of the port authority and by the contractor, and shall be executed in triplicate.

Each bid shall be awarded in accordance with sections 153.54, 153.57, and 153.571 of the Revised Code. The port authority may reject any and all bids.

(c) The board of directors by rule may provide criteria for the negotiation and award without competitive bidding of any contract as to which the port authority is the contracting entity for the construction of any building or structure or other improvement under any of the following circumstances:

(i) There exists a real and present emergency that threatens damage or injury to persons or property of the port authority or other persons, provided that a statement specifying the nature of the emergency that is the basis for the negotiation and award of a contract without competitive bidding shall be signed by the officer of the port authority that executes that contract at the time of the contract's execution and shall be attached to the contract.

(ii) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement.

(iii) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code.

(iv) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material.
(v) A single bid is received by the port authority after complying with the provisions of division (A)(18)(b) of this section.

(d)(i) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(ii) of this section, the port authority shall publish a notice calling for technical proposals twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority.

(ii) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(iv) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material.

(e)(i) Any purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental entity that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of an activity contemplated by Section 13 or 16 of Article VIII, Ohio Constitution, shall be made in such manner and subject to such terms and conditions as may be determined by the board of directors in its discretion.

(ii) Division (A)(18)(e)(i) of this section applies to all
contracts that are subject to the division, notwithstanding any
other provision of law that might otherwise apply, including,
without limitation, any requirement of notice, any requirement of
competitive bidding or selection, or any requirement for the
provision of security.

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not
apply to either of the following: any contract secured by or to be
paid from moneys raised by taxation or the proceeds of obligations
secured by a pledge of moneys raised by taxation; or any contract
secured exclusively by or to be paid exclusively from the general
revenues of the port authority. For the purposes of this section,
any revenues derived by the port authority under a lease or other
agreement that, by its terms, contemplates the use of amounts
payable under the agreement either to pay the costs of the
improvement that is the subject of the contract or to secure
obligations of the port authority issued to finance costs of such
improvement, are excluded from general revenues.

(19) Employ managers, superintendents, and other employees
and retain or contract with consulting engineers, financial
consultants, accounting experts, architects, attorneys, and any
other consultants and independent contractors as are necessary in
its judgment to carry out this chapter, and fix the compensation
thereof. All expenses thereof shall be payable from any available
funds of the port authority or from funds appropriated for that
purpose by a political subdivision creating or participating in
the creation of the port authority.

(20) Receive and accept from any state or federal agency
grants and loans for or in aid of the construction of any port
authority facility or for research and development with respect to
port authority facilities, and receive and accept aid or
contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants and contributions are made;

(21) Engage in research and development with respect to port authority facilities;

(22) Purchase fire and extended coverage and liability insurance for any port authority facility and for the principal office and branch offices of the port authority, insurance protecting the port authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the port authority may agree to provide under any resolution authorizing its port authority revenue bonds or in any trust agreement securing the same;

(23) Charge, alter, and collect rentals and other charges for the use or services of any port authority facility as provided in section 4582.43 of the Revised Code;

(24) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

(25) Establish and administer one or more payment card programs for purposes of paying expenses related to port authority business. Any obligation incurred as a result of the use of such a payment card shall be paid from port authority funds.

(26) Act as a portal operator for purposes of an OhioInvests offering under sections 1707.05 to 1707.058 of the Revised Code;

(27) Do all acts necessary or proper to carry out the powers expressly granted in sections 4582.21 to 4582.59 of the Revised Code.

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

(C) Whoever violates division (A)(14) of this section is guilty of a minor misdemeanor."

After line 53553, insert:

"Sec. 5505.068. (A) As used in this section and in section 5505.0610 of the Revised Code:

(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to 1707.45 1707.50 of the Revised Code or under comparable laws of another state or of the United States.

(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(3) "Ohio-qualified agent" means an agent designated as such by the state highway patrol retirement board.

(4) "Ohio-qualified investment manager" means an investment manager designated as such by the state highway patrol retirement board.

(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients.

(B) The state highway patrol retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements:

(1) The agent is subject to taxation under Chapter 5725.
5726., 5733., 5747., or 5751. of the Revised Code.

(2) The agent is authorized to conduct business in this state;

(3) The agent maintains a principal place of business in this state and employs at least five residents of this state.

(C) The state highway patrol retirement board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following:

(1) Commissions charged by the agent, both in the aggregate and on a per share basis;

(2) The execution speed and trade settlement capabilities of the agent;

(3) The responsiveness, reliability, and integrity of the agent;

(4) The nature and value of research provided by the agent;

(5) Any special capabilities of the agent.

(D) (1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.

(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.
(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final."

In line 63397, after "141.16," insert "145.11,"

In line 63400, after "718.90," insert "742.114,"


In line 63408, after "3302.18," insert "3307.152, 3309.157,"

In line 63426, after "4507.12," insert "4582.06, 4582.31,"

In line 63464, after "5502.63," insert "5505.68,"

After line 82359, insert:

"Section 717.____. In enacting section 1707.50 of the Revised Code in Section 101.01 of this act, the General Assembly finds all of the following:

(A) Whereas adequate financing of essential investor protection enforcement is necessary to achieve maximum compliance with state law, to ensure, for businesses that raise money via crowdfunding, an effective disincentive to engage in unlawful, fraudulent, and anticompetitive business practices, and to provide appropriate regulation of an emerging and quickly evolving industry.

(B) Although self-policing efforts by industry watchdog
groups may have some success in educating some fundraisers about their obligations under state consumer and investor laws, in other cases the only meaningful deterrent to unlawful conduct is the vigorous assessment and collection of civil penalties.

(C) It is in the public interest to provide that civil penalties for violations of law may also be assessed and collected by aggrieved crowdfunding investors acting as private attorneys general enforcement."

The motion was __________ agreed to.

**SYNOPSIS**

**Permit crowdfunding and provide hardship exemption from financial statement audits**

R.C. 145.114, 742.114, 1707.01, 1707.03, 1707.04, 1707.042, 1707.05 to 1707.058, 1707.10, 1707.13, 1707.161, 1707.17, 1707.19, 1707.20, 1707.21, 1707.23 to 1707.35, 1707.38 to 1707.40, 1707.431, 1707.44, 1707.50, 1707.99, 1724.02, 3307.152, 3309.157, 4582.06, 4582.31, and 5505.068

Permits *intrastate* equity crowdfunding, to be known as "OhioInvests offerings," under certain circumstances.

Specifies eligibility requirements for persons conducting an OhioInvests offering.

Prohibits an unaccredited investor from purchasing more than $10,000 in securities in a 12-month period in connection with OhioInvests offerings.

Requires that the offerings be made exclusively through an
intermediary consisting of a website operated by a "portal operator."

Requires portal operators to provide certain disclosures to investors.

Requires portal operators to maintain and make available to the Division of Securities specified records.

Subjects portal operators to regulation and enforcement, including the same regulation and enforcement by the Division that exists for licensees in Ohio that hold individual dealer, salesperson, investment advisor, or an investment advisor representative license.

Authorizes the Division to order payment of an administrative penalty for violations of the Securities Law related to OhioInvests offerings and purchasers of the securities to bring an individual or class action to recover specified penalties for those violations.

Expressly authorizes port authorities and community improvement corporations to act as portal operators for the offering of securities through such crowdfunding.

Provides for a hardship exemption from the current requirement that a financial statement required to be filed under the Securities Law be audited.
moved to amend as follows:

In line 7 of the title, after "131.35," insert "133.06," 1
In line 22 of the title, after "3302.03," insert "3302.036,"; 2
delete "3302.12," and insert "3302.16, 3302.17,"
3
In line 23 of the title, after "3310.03," insert "3311.29," 4
In line 26 of the title, after "3314.085," insert "3314.102," 5
In line 116 of the title, after "1533.09," insert "3302.10," 6
In line 122 of the title, delete "3301.28," 7
In line 151 of the title, after "2151.861," insert "3302.10,
3302.101, 3302.102, 3302.11, 3302.12," 8
9
In line 183 of the title, after the second comma insert "to
repeal Sections 4, 5, and 6 of Am. Sub. H.B. 70 of the 131st
General Assembly,"
10
11
In line 197, after "131.35," insert "133.06," 12
In line 207, after "3302.03," insert "3302.036," 13
In line 208, delete "3302.12," and insert "3302.16,
3302.17,"; after "3310.03," insert "3311.29,"" 14
15
In line 211, after "3314.085," insert "3314.102," 16
In line 277, after "1533.09," insert "3302.10," 17
18
"Sec. 133.06. (A) A school district shall not incur, without a vote of the electors, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (D) of section 3313.372 of the Revised Code, or as prescribed in section 3318.052 or 3318.44 of the Revised Code, or as provided in division (J) of this section.

(B) Except as provided in divisions (E), (F), and (I) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation.

(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an amount equal to four per cent of its tax valuation, unless the superintendent of public instruction, acting under policies adopted by the state board of education, and the tax commissioner, acting under written policies of the commissioner, consent to the submission. A request for the consents shall be made at least one hundred twenty days prior to the election at which the question is to be submitted.

The superintendent of public instruction shall certify to the district the superintendent's and the tax commissioner's decisions within thirty days after receipt of the request for consents.

If the electors do not approve the issuance of securities at the election for which the superintendent of public instruction and tax commissioner consented to the submission of the question, the school district may submit the same question to the electors.
on the date that the next special election may be held under section 3501.01 of the Revised Code without submitting a new request for consent. If the school district seeks to submit the same question at any other subsequent election, the district shall first submit a new request for consent in accordance with this division.

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;

(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;

(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;

(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;

(5) Debt incurred under section 3313.374 of the Revised Code;

(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;

(7) Debt incurred under section 3318.042 of the Revised Code;

(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of
which the school district is a participating school district.

(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.

(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:

(a) The history of and a projection of the growth of the tax valuation;

(b) The projected needs;

(c) The estimated cost of permanent improvements proposed to meet such projected needs.

(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information

which the school district is a participating school district.
certified to the superintendent and any other information the 
superintendent obtains, indicates a likelihood of potential 
average growth of tax valuation of the district during the next 
five years of an average of not less than one and one-half per 
cent per year. The findings and certification of the 
superintendent shall be conclusive.

(4) An approved special needs district may incur net 
indebtedness by the issuance of securities in accordance with the 
provisions of this chapter in an amount that does not exceed an 
amount equal to the greater of the following:

(a) Twelve per cent of the sum of its tax valuation plus an 
amount that is the product of multiplying that tax valuation by 
the percentage by which the tax valuation has increased over the 
tax valuation on the first day of the sixtieth month preceding the 
month in which its board determines to submit to the electors the 
question of issuing the proposed securities;

(b) Twelve per cent of the sum of its tax valuation plus an 
amount that is the product of multiplying that tax valuation by 
the percentage, determined by the superintendent of public 
instruction, by which that tax valuation is projected to increase 
during the next ten years.

(F) A school district may issue securities for emergency 
purposes, in a principal amount that does not exceed an amount 
equal to three per cent of its tax valuation, as provided in this 
division.

(1) A board of education, by resolution, may declare an 
emergency if it determines both of the following:

(a) School buildings or other necessary school facilities in 
the district have been wholly or partially destroyed, or condemned
by a constituted public authority, or that such buildings or
cfacilities are partially constructed, or so constructed or planned
as to require additions and improvements to them before the
buildings or facilities are usable for their intended purpose, or
that corrections to permanent improvements are necessary to remove
or prevent health or safety hazards.

(b) Existing fiscal and net indebtedness limitations make
adequate replacement, additions, or improvements impossible.

(2) Upon the declaration of an emergency, the board of
education may, by resolution, submit to the electors of the
district pursuant to section 133.18 of the Revised Code the
question of issuing securities for the purpose of paying the cost,
in excess of any insurance or condemnation proceeds received by
the district, of permanent improvements to respond to the
emergency need.

(3) The procedures for the election shall be as provided in
section 133.18 of the Revised Code, except that:

(a) The form of the ballot shall describe the emergency
existing, refer to this division as the authority under which the
emergency is declared, and state that the amount of the proposed
securities exceeds the limitations prescribed by division (B) of
this section;

(b) The resolution required by division (B) of section 133.18
of the Revised Code shall be certified to the county auditor and
the board of elections at least one hundred days prior to the
election;

(c) The county auditor shall advise and, not later than
ninety-five days before the election, confirm that advice by
certification to, the board of education of the information
required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution
and the information required by division (D) of section 133.18 of
the Revised Code to the board of elections not less than ninety
days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the
Revised Code, the first principal payment of securities issued
under this division may be set at any date not later than sixty
months after the earliest possible principal payment otherwise
provided for in that division.

(G)(1) The board of education may contract with an architect,
professional engineer, or other person experienced in the design
and implementation of energy conservation measures for an analysis
and recommendations pertaining to installations, modifications of
installations, or remodeling that would significantly reduce
energy consumption in buildings owned by the district. The report
shall include estimates of all costs of such installations,
modifications, or remodeling, including costs of design,
engineering, installation, maintenance, repairs, measurement and
verification of energy savings, and debt service, forgone residual
value of materials or equipment replaced by the energy
conservation measure, as defined by the Ohio facilities
construction commission, a baseline analysis of actual energy
consumption data for the preceding three years with the utility
baseline based on only the actual energy consumption data for the
preceding twelve months, and estimates of the amounts by which
energy consumption and resultant operational and maintenance
costs, as defined by the commission, would be reduced.

If the board finds after receiving the report that the amount
of money the district would spend on such installations,
modifications, or remodeling is not likely to exceed the amount of money it would save in energy and resultant operational and maintenance costs over the ensuing fifteen years, the board may submit to the commission a copy of its findings and a request for approval to incur indebtedness to finance the making or modification of installations or the remodeling of buildings for the purpose of significantly reducing energy consumption.

The facilities construction commission, in consultation with the auditor of state, may deny a request under division (G)(1) of this section by the board of education of any school district that is in a state of fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code, if it determines that the expenditure of funds is not in the best interest of the school district.

No district board of education of a school district that is in a state of fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code shall submit a request without submitting evidence that the installations, modifications, or remodeling have been approved by the district's financial planning and supervision commission established under section 3316.05 of the Revised Code.

No board of education of a school district for which an academic distress commission has been established under section 3302.10 of the Revised Code shall submit a request without first receiving approval to incur indebtedness from the district's academic distress commission established under that section, for so long as such commission continues to be required for the district.

(2) The board of education may contract with a person experienced in the implementation of student transportation to produce a report that includes an analysis of and recommendations
for the use of alternative fuel vehicles by school districts. The report shall include cost estimates detailing the return on investment over the life of the alternative fuel vehicles and environmental impact of alternative fuel vehicles. The report also shall include estimates of all costs associated with alternative fuel transportation, including facility modifications and vehicle purchase costs or conversion costs.

If the board finds after receiving the report that the amount of money the district would spend on purchasing alternative fuel vehicles or vehicle conversion is not likely to exceed the amount of money it would save in fuel and resultant operational and maintenance costs over the ensuing five years, the board may submit to the commission a copy of its findings and a request for approval to incur indebtedness to finance the purchase of new alternative fuel vehicles or vehicle conversions for the purpose of reducing fuel costs.

The facilities construction commission, in consultation with the auditor of state, may deny a request under division (G)(2) of this section by the board of education of any school district that is in a state of fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code, if it determines that the expenditure of funds is not in the best interest of the school district.

No district board of education of a school district that is in a state of fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code shall submit a request without submitting evidence that the purchase or conversion of alternative fuel vehicles has been approved by the district's financial planning and supervision commission established under section 3316.05 of the Revised Code.
academic distress commission has been established under section 3302.10 of the Revised Code shall submit a request without first receiving approval to incur indebtedness from the district's academic distress commission established under that section, for so long as such commission continues to be required for the district.

(3) The facilities construction commission shall approve the board's request provided that the following conditions are satisfied:

(a) The commission determines that the board's findings are reasonable.

(b) The request for approval is complete.

(c) If the request was submitted under division (G)(1) of this section, the installations, modifications, or remodeling are consistent with any project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities under sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

Upon receipt of the commission's approval, the district may issue securities without a vote of the electors in a principal amount not to exceed nine-tenths of one per cent of its tax valuation for the purpose specified in division (G)(1) or (2) of this section, but the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation.

(4)(a) So long as any securities issued under division (G)(1) of this section remain outstanding, the board of education shall
monitor the energy consumption and resultant operational and maintenance costs of buildings in which installations or modifications have been made or remodeling has been done pursuant to that division. Except as provided in division (G)(4)(b) of this section, the board shall maintain and annually update a report in a form and manner prescribed by the facilities construction commission documenting the reductions in energy consumption and resultant operational and maintenance cost savings attributable to such installations, modifications, or remodeling. The resultant operational and maintenance cost savings shall be certified by the school district treasurer. The report shall be submitted annually to the commission.

(b) If the facilities construction commission verifies that the certified annual reports submitted to the commission by a board of education under division (G)(4)(a) of this section fulfill the guarantee required under division (B) of section 3313.372 of the Revised Code for three consecutive years, the board of education shall no longer be subject to the annual reporting requirements of division (G)(4)(a) of this section.

(5) So long as any securities issued under division (G)(2) of this section remain outstanding, the board of education shall monitor the purchase of new alternative fuel vehicles or vehicle conversions pursuant to that division. The board shall maintain and annually update a report in a form and manner prescribed by the facilities construction commission documenting the purchase of new alternative fuel vehicles or vehicle conversions, the associated environmental impact, and return on investment. The resultant fuel and operational and maintenance cost savings shall be certified by the school district treasurer. The report shall be submitted annually to the commission.
(H) With the consent of the superintendent of public instruction, a school district may incur without a vote of the electors net indebtedness that exceeds the amounts stated in divisions (A) and (G) of this section for the purpose of paying costs of permanent improvements, if and to the extent that both of the following conditions are satisfied:

(1) The fiscal officer of the school district estimates that receipts of the school district from payments made under or pursuant to agreements entered into pursuant to section 725.02, 1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised Code, or distributions under division (C) of section 5709.43 or division (B) of section 5709.47 of the Revised Code, or any combination thereof, are, after accounting for any appropriate coverage requirements, sufficient in time and amount, and are committed by the proceedings, to pay the debt charges on the securities issued to evidence that indebtedness and payable from those receipts, and the taxing authority of the district confirms the fiscal officer's estimate, which confirmation is approved by the superintendent of public instruction;

(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose upon acquisition or completion thereof, and the superintendent of public instruction approves the taxing authority's confirmation.

The maximum maturity of securities issued under division (H) of this section shall be the lesser of twenty years or the maximum maturity calculated under section 133.20 of the Revised Code.
(I) A school district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in excess of the limit specified in division (B) or (C) of this section when necessary to raise the school district portion of the basic project cost and any additional funds necessary to participate in a project under Chapter 3318. of the Revised Code, including the cost of items designated by the facilities construction commission as required locally funded initiatives, the cost of other locally funded initiatives in an amount that does not exceed fifty per cent of the district's portion of the basic project cost, and the cost for site acquisition. The commission shall notify the superintendent of public instruction whenever a school district will exceed either limit pursuant to this division.

(J) A school district whose portion of the basic project cost of its classroom facilities project under sections 3318.01 to 3318.20 of the Revised Code is greater than or equal to one hundred million dollars may incur without a vote of the electors net indebtedness in an amount up to two per cent of its tax valuation through the issuance of general obligation securities in order to generate all or part of the amount of its portion of the basic project cost if the controlling board has approved the facilities construction commission's conditional approval of the project under section 3318.04 of the Revised Code. The school district board and the Ohio facilities construction commission shall include the dedication of the proceeds of such securities in the agreement entered into under section 3318.08 of the Revised Code. No state moneys shall be released for a project to which this section applies until the proceeds of any bonds issued under this section that are dedicated for the payment of the school district portion of the project are first deposited into the
school district's project construction fund."

After line 16793, insert:

"Sec. 3302.036. (A) Notwithstanding anything in the Revised Code to the contrary, the department of education shall not assign an overall letter grade under division (C)(3) of section 3302.03 of the Revised Code for any school district or building for the 2014-2015, 2015-2016, or 2016-2017 school years, may, at the discretion of the state board of education, not assign an individual grade to any component prescribed under division (C)(3) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools established under Chapter 3314. of the Revised Code, or STEM schools established under Chapter 3326. of the Revised Code under section 3302.21 of the Revised Code for those school years. The report card ratings issued for the 2014-2015, 2015-2016, and 2016-2017 school years shall not be considered in determining whether a school district or a school is subject to sanctions or penalties. However, the report card ratings of any previous or subsequent years shall be considered in determining whether a school district or building is subject to sanctions or penalties. Accordingly, the report card ratings for the 2014-2015, 2015-2016, and 2016-2017 school years shall have no effect in determining sanctions or penalties, but shall not create a new starting point for determinations that are based on ratings over multiple years.

(B) The provisions from which a district or school is exempt under division (A) of this section shall be the following:

(1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";
(2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;

(3) Provisions for academic distress commissions under former section 3302.10 of the Revised Code as it existed prior to the effective date of this amendment. The provisions of this section do not apply to academic distress commissions under the version of that section as it exists on or after the effective date of this amendment.

(4) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

(5) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code;

(6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.

(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 2016-2017 school year years as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015, 2015-2016, or 2016-2017 school years shall be released, except to a student's school district or school or to the student or the
student's parent or guardian."

In line 16935, strike through ", section"

In line 16936, strike through "3302.10 or 3302.12 of the Revised Code,"

Delete lines 17021 through 17093 and insert:

"Sec. 3302.10. (A) Any academic distress commission organized for a school district under former section 3302.10 of the Revised Code, as it existed prior to the effective date of this section, is hereby dissolved. The board of education of each district wherein an academic distress commission previously had been established shall reassume all of the powers granted to it under the Revised Code.

(B)(1) Beginning July 1, 2019, this section shall apply to each building operated by a school district for which an academic distress commission had been established under former section 3302.10 of the Revised Code, as it existed prior to the effective date of this section, and which building also received an overall grade of "F" under division (C)(3) of section 3302.03 of the Revised Code for the previous school year. Each building to which this division applies shall commence the procedure prescribed by division (C)(1) of this section.

(2) Beginning July 1, 2020, this section shall apply to any school building operated by a city, local, or exempted village school district which is not subject to division (B)(1) of this section and which building receives an overall grade of "F" under division (C)(3) of section 3302.03 of the Revised Code for the previous school year. Each building to which this division applies shall commence the procedure prescribed by division (C)(1) of this section."
(C)(1) For each school building, in the first year, to which this section applies, the superintendent of public instruction shall designate the building as "in need of improvement," and the district board shall establish a school improvement team for the building. Each team shall be comprised of administrators and teachers, and may include community stakeholders, with oversight from the district board.

The improvement team shall do the following:

(a) Conduct a performance audit that reviews the needs of students, parents, teachers, and administrators of the school building. As part of the performance audit, the improvement team shall convene a group of parents and community stakeholders from within the attendance zone of the building and seek input on student needs and school improvement strategies.

(b) Develop a school improvement plan based on a multi-tiered, evidence-based model. The plan may include measurable benchmarks for improvement in the following areas:

(i) Parent and family engagement;

(ii) Creating a culture of academic success among students;

(iii) Building a culture of student support among school faculty and staff;

(iv) Student attendance;

(v) Dismissal and exclusion rates;

(vi) Student safety and discipline;

(vii) Student promotion and dropout rates;

(viii) Graduation rates.

(c) Submit the improvement plan to the district board for
approval not later than the final day of the school year in which
the process described in division (C)(1) of this section began.
The district board and the district superintendent shall review
the plan and may change elements of the plan in consultation with
the improvement team. Prior to approving the plan, the district
board shall seek community feedback in one or more public
hearings.

(d) An improvement team may request technical support from
the department of education during development of the plan.

(e) An improvement team may recommend that the district board
voluntarily initiate a community learning center model process for
the building, as described in section 3302.17 of the Revised Code.

(2) If a school building receives an overall grade of "F"
under division (C)(3) of section 3302.03 of the Revised Code for a
second consecutive year, the building shall retain "in need of
improvement status," and the district board and the improvement
team shall begin implementing the improvement plan developed under
division (C)(1) of this section. The improvement team shall
monitor progress on the implementation of the improvement plan,
with oversight from the district board. The improvement team may
hire an academic coordinator or request technical support from the
department during implementation of the plan.

(3) If a school building receives an overall grade of "F"
under division (C)(3) of section 3302.03 of the Revised Code for a
third consecutive year, the building shall retain "in need of
improvement status," and the improvement team shall continue
implementing the improvement plan, with oversight from the
district board. The department of education may perform a mid-year
and end-of-year review of the measurable benchmarks in the
improvement plan and provide feedback to the improvement team.
district board, and district superintendent.

(4)(a) If a school building receives an overall grade of "F" under division (C)(3) of section 3302.03 of the Revised Code for a fourth consecutive year, the building shall retain "in need of improvement status," and the improvement team shall continue implementing the improvement plan, with oversight from the district board. The state superintendent shall review the progress made under the school improvement plan and determine if the building may move out of "in need of improvement status."

(b) In determining whether a building shall move out of "in need of improvement status," the state superintendent shall review whether the school has made marked improvement under the improvement plan in accordance with the criteria developed under division (C)(5) of this section.

(5) The state board of education shall adopt rules establishing criteria for the state superintendent to consider when determining whether a building may move out of "in need of improvement status."

(D)(1) Beginning July 1, 2019, the state superintendent, in conjunction with the state board, shall convene a meeting of stakeholders to determine the best method to support school buildings that fail to meet improvement benchmarks under the improvement plan developed under division (C)(1) of this section and prepare a report of the recommendations.

(2) The state superintendent shall submit this report to the standing committees of the house of representatives and senate that consider education legislation not later than January 1, 2020.

Sec. 3302.16. (A)(1) As used in sections 3302.10, 3302.17, 3302.18, and 3302.19:
and 3302.18 of the Revised Code, "community learning center" means a school operated by a city, exempted village, or local school district or community school established under Chapter 3314. of the Revised Code that participates in a coordinated, community-based effort with community partners to provide comprehensive educational, developmental, family, and health services to students, families, and community members during school hours and hours in which school is not in session.

(2) For purposes of this section and sections 3302.10, 3302.17, and 3302.18 of the Revised Code, "community partner" means a provider to students, families, or community members of health care services, on-site resource coordinators, and any other services or programs determined appropriate by a school action team created under section 3302.18 of the Revised Code.

(B) Prior to providing health services to a student, a community learning center shall obtain the written consent of the student's parent, guardian, or custodian, if the student is less than eighteen years old, or the written consent of the student, if the student is at least eighteen years old.

(C) A community learning center and any employee, contractor, or volunteer of a community learning center shall, in accordance with all applicable state and federal laws, maintain the confidentiality of patient-identifying information obtained in the course of providing health services.

Sec. 3302.17. (A) Any school building operated by a city, exempted village, or local school district, or a community school established under Chapter 3314. of the Revised Code is eligible to initiate the community learning center process as prescribed by this section.
(B) Beginning with the 2015-2016 school year, each district board of education or community school governing authority may initiate a community learning center process for any school building to which this section applies in the manner prescribed by this division.

First, the board or governing authority shall conduct a public information hearing at each school building to which this section applies to inform the community of the community learning center process. The board or governing authority may do all of the following with regard to the public information hearing:

(1) Announce the meeting not less than forty-five days in advance at the school and on the school's or district's web sites and using tools to ensure effective communication with individuals with disabilities;

(2) Schedule the meeting for an evening or weekend time;

(3) Provide interpretation services and written materials in all languages spoken by five per cent or more of the students enrolled in the school;

(4) Provide child care services for parents attending the meeting;

(5) Provide parents, students, teachers, nonteaching employees, and community members with the opportunity to speak at the meeting;

(6) Comply with section 149.43 of the Revised Code.

In preparing for the public information hearing, the board or governing authority shall ensure that information about the hearing is broadly distributed throughout the community.

The board or governing authority may enter into an agreement
with any civic engagement organizations, community organizations, or employee organizations to support the implementation of the community learning center process.

The board or governing authority shall conduct a follow-up hearing at least once annually until action is further taken under the section with respect to the school building or until the conditions described in division (A) of this section no longer apply to the school building.

(C) Not sooner than forty-five days after the first public information hearing, the board or governing authority shall conduct an election, by paper ballot, to initiate the process to become a community learning center. Only parents or guardians of students enrolled in the school and students enrolled in a different school operated by a joint vocational school district but are otherwise entitled to attend the school, and teachers and nonteaching employees who are assigned to the school may vote in the election.

The board or governing authority shall distribute the ballots by mail and shall make copies available at the school and on the web site of the school. The board or governing authority also may distribute the ballots by directly giving ballots to teachers and nonteaching employees and sending home ballots with every student enrolled in the school building.

(D) The board or governing authority shall initiate the transition of the building to a community learning center if the results of the election held under division (C) of this section are as follows:

(1) At least fifty per cent of parents and guardians of students enrolled in the eligible school building and students enrolled in a different building operated by a joint vocational school district.
school district but who are entitled to attend the school cast
ballots by a date set by the board or governing authority, and of
those ballots at least sixty-seven per cent are in favor of
initiating the process; and

(2) At least fifty per cent of teachers and nonteaching
employees who are assigned to the school cast ballots by a date
set by the board or governing authority, and of those ballots at
least sixty-seven per cent are in favor of initiating the process.

(E) If a community learning center process is initiated under
this section, the board or governing authority shall create a
school action team under section 3302.18 of the Revised Code.
Within four months upon selection, the school action team shall
conduct and complete, in consultation with community partners, a
performance audit of the school and review, with parental input,
the needs of the school with regard to restructuring under section
3302.10, 3302.12, or 3302.042 of the Revised Code, or federal law.

The school action team shall provide quarterly updates of its
work in a public hearing that complies with the same
specifications prescribed in division (B) of this section.

(F) Upon completion of the audit and review, the school
action team shall present its findings at a public hearing that
complies with the same specifications prescribed in division (B)
of this section. After the school action team presents its
findings at the public hearing, it shall create a community
learning center improvement plan that designates appropriate
interventions, which may be based on the recommendations developed
by the department under division (H)(1)(b) of this section.

If there is a federally mandated school improvement planning
process, the team shall coordinate its work with that plan.
The school action team shall approve the plan by a majority vote.

(G) Upon approval of the plan by the school action team, the team shall submit the community learning center improvement plan to the same individuals described in division (C) of this section. Ballots shall be distributed and an election shall be conducted in the same manner as indicated under that division.

The school action team shall submit the plan to the district board of education or community school governing authority, if the results of the election under division (G) of this section are as follows:

(1) At least thirty per cent of parents and guardians of students enrolled in the eligible school building and students enrolled in a different building operated by a joint vocational school district but who are entitled to attend the school cast ballots by a date set by the board or governing authority, and of those ballots at least fifty per cent are in favor of initiating the process; and

(2) At least thirty per cent of teachers and nonteaching employees who are assigned to the school cast ballots by a date set by the board or governing authority, and of those ballots at least fifty per cent are in favor of initiating the process.

The board or governing authority shall evaluate the plan and determine whether to adopt it. The board or governing authority shall adopt the plan in full or adopt portions of the plan. If the board or governing authority does not adopt the plan in full, it shall provide a written explanation of why portions of the plan were rejected.

(H)(1) The department shall do all of the following with
respect to this section:

(a) Adopt rules regarding the elections required under this section;

(b) Develop appropriate interventions for a community learning center improvement plan that may be used by a school action team under division (F) of this section;

(c) Publish a menu of programs and services that may be offered by community learning centers. The information shall be posted on the department's web site. To compile this information the department shall solicit input from resource coordinators of existing community learning centers.

(d) Provide information regarding implementation of comprehensive community-based programs and supportive services including the community learning center model to school buildings meeting any of the following conditions:

(i) The building is in improvement status as defined by the "No Child Left Behind Act of 2001" or under an agreement between the Ohio department of education and the United States secretary of education.

(ii) The building is a secondary school that is among the lowest achieving fifteen per cent of secondary schools statewide, as determined by the department.

(iii) The building is a secondary school with a graduation rate of sixty per cent or lower for three or more consecutive years.

(iv) The building is a school that the department determines is persistently low-performing.

(2) The department may do the following with respect to this
(a) Provide assistance, facilitation, and training to school action teams in the conducting of the audit required under this section;

(b) Provide opportunities for members of school action teams from different schools to share school improvement strategies with parents, teachers, and other relevant stakeholders in higher performing schools;

(c) Provide financial support in a school action team's planning process and create a grant program to assist in the implementation of a qualified community learning center plan.

(I) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this section October 15, 2015. However, the board or governing authority and the teachers' labor organization may negotiate additional factors to be considered in the adoption of a community learning center plan."

Delete lines 17150 through 17435 and insert:

"Sec. 3310.03. A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code and the student satisfies one of the conditions in division (A), (B), (C), (D), or (E) of this section:

(A)(1) The student is enrolled in a school building operated
by the student's resident district that, on the report card issued under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought, did not receive a rating as described in division (H)(I) of this section, and to which any or a combination of any of the following, pursuant to section 3302.038 of the Revised Code, apply for 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:

(a) The building was declared to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code as that section existed prior to March 22, 2013.

(b) The building, pursuant to section 3302.038 of the Revised Code, 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 or 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, 2013-2014, 2014-2015, or 2015-2016 school year; or if the building serves only grades ten through twelve, the building received a grade of "D" or "F" for either the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code or for the value-added progress dimension measure under division (A)(1)(e) or (B)(1)(e) of that section and had a four-year adjusted cohort graduation rate of less than seventy-five per cent.

(c) The building received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter or a grade of "F" for the 2016-2017 school year or any school year thereafter, a grade of "F" on either of the following measures
pursuant to section 3302.038 of the Revised Code:

(i) The performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(ii) The value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter.

(2) The student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (A)(1) of this section.

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1) of this section.

(4) The student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(5) The student will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought, or is enrolled in a community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident
(a) The district has in force an intradistrict open enrollment policy under which no student in the student's grade level is automatically assigned to a particular school building;

(b) In the most recent rating published prior to the first day of July of the school year for which scholarship is sought, the district did not receive a rating described in division (I) of 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, pursuant to section 3302.038 of the Revised Code, 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, pursuant to section 3302.038 of the Revised Code, 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 or 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, 2013-2014, 2014-2015, or 2015-2016 school year.

(c) The district received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter or a grade of "F" for the, for the 2016-2017 school year or any school year thereafter, a grade of "F" on either of the following measures pursuant to section 3302.038 of the Revised Code:

   (i) The performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;
(ii) The value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 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 prior to the first day of July of the school year for which a scholarship is sought, in the lowest ten per cent of all buildings operated by city, local, and exempted village school districts according to performance index score as determined by the department of education. This section does not apply to a school building that is ranked according to the value-added progress dimension under section 3302.03 of the Revised Code above the lowest ten per cent of all public school buildings statewide for at least two out of the three most recent rankings prior to the first day of July of the school year for which a scholarship is sought.

(b) The building was not declared to be excellent or effective, or the equivalent of such ratings as determined by the department, under section 3302.03 of the Revised Code in the most
recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(2) The student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (B)(1) of this section.

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (B)(1) of this section.

(4) The student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (B)(1) of this section in the school year for which the scholarship is sought.

(C) The student is enrolled in a nonpublic school at the time the school is granted a charter by the state board of education under section 3301.16 of the Revised Code and the student meets the standards of division (B) of section 3310.031 of the Revised Code.

(D) For the 2016-2017 school year and each school year thereafter, the student is in any of grades kindergarten through three, is enrolled in a school building that is operated by the student's resident district or will be enrolling in any of grades
kindergarten through twelve in this state for the first time in
the school year for which a scholarship is sought, and to which
both of the following apply:

(1) The building, in at least two of the three most recent
ratings of school buildings published prior to the first day of
July of the school year for which a scholarship is sought,
received a grade of "D" or "F" for making progress in improving
literacy in grades kindergarten through three under division
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;

(2) The building did not receive a grade of "A" for making
progress in improving literacy in grades kindergarten through
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of
the Revised Code in the most recent rating published prior to the
first day of July of the school year for which a scholarship is
sought.

(E) The student's resident district is subject to former
section 3302.10 of the Revised Code and the student either:

(1) Is enrolled in a school building operated by the resident
district or in a community school established under Chapter 3314.
of the Revised Code;

(2) Will be both enrolling in any of grades kindergarten
through twelve in this state for the first time and at least five
years of age by the first day of January of the school year for
which a scholarship is sought as it existed prior to the effective
date of this amendment.

(F) A student who receives a scholarship under the
educational choice scholarship pilot program remains an eligible
student and may continue to receive scholarships in subsequent
school years until the student completes grade twelve, so long as
all of the following apply:

   (1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1), (B)(1), (D), or (E) of this section.

   (2) Except as provided in divisions (K)(1) and (L) of section 3301.0711 of the Revised Code, the student takes each assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school.

   (3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

   (G)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section.

   (2) The department shall cease awarding first-time scholarships pursuant to divisions (B)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code
prior to the first day of July of the school year, ceases to meet the criteria in division (B)(1) of this section.

(3) The department shall cease awarding first-time scholarships pursuant to division (D) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (D) of this section.

(4) The department shall cease awarding first-time scholarships pursuant to division (E) of this section with respect to a school district subject to former section 3302.10 of the Revised Code as it existed prior to the effective date of this amendment when the academic distress commission established for the district ceases to exist.

(5) However, students who have received scholarships in the prior school year remain eligible students pursuant to division (F) of this section.

(H) The state board of education shall adopt rules defining excused absences for purposes of division (F)(3) of this section.

(I)(1) A student who satisfies only the conditions prescribed in divisions (A)(1) to (4) of this section shall not be eligible for a scholarship if the student's resident building meets any of the following in the most recent rating under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought:

(a) The building has an overall designation of excellent or effective under section 3302.03 of the Revised Code as it existed prior to March 22, 2013.

school year, the building has a grade of "A" or "B" for the 984 performance index score under division (A)(1)(b) or (B)(1)(b) of 985 section 3302.03 of the Revised Code and or for the value-added 986 progress dimension under division (A)(1)(e) or (B)(1)(e) of 987 section 3302.03 of the Revised Code; or if the building serves 988 only grades ten through twelve, the building received a grade of 989 "A" or "B" for the performance index score under division 990 (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 991 had a four-year adjusted cohort graduation rate of greater than or 992 equal to seventy-five per cent.

(c) For the 2016-2017 school year or any school year 993 thereafter, the building has a grade of "A" or "B" under division 994 (C)(3) of section 3302.03 of the Revised Code and a grade of "A" 995 for the performance index score under division (C)(1)(b) or for 996 the value-added progress dimension under division (C)(1)(e) of 997 section 3302.03 of the Revised Code; or if the building serves 998 only grades ten through twelve, the building received a grade of 999 "A" or "B" for the performance index score under division 1000 (C)(1)(b) or for the value-added progress dimension under division 1001 (C)(1)(e) of section 3302.03 of the Revised Code and had a 1002 four-year adjusted cohort graduation rate of greater than or equal 1003 to seventy-five per cent.

(2) A student who satisfies only the conditions prescribed in 1004 division (A)(5) of this section shall not be eligible for a 1005 scholarship if the student's resident district meets any of the 1006 following in the most recent rating under section 3302.03 of the 1007 Revised Code published prior to the first day of July of the 1008 school year for which a scholarship is sought:

(a) The district has an overall designation of excellent or 1009 effective under section 3302.03 of the Revised Code as it existed 1010...
prior to March 22, 2013.

(b) The district has a grade of "A" or "B" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and or 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, 2013-2014, 2014-2015, and 2015-2016 school years.

(c) The district has an overall grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code and a grade of "A" for the performance index score under division (C)(1)(b) or for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter.

After line 17507, insert:

"Sec. 3311.29. (A) Except as provided under division (B), (C), or (D) of this section, no school district shall be created and no school district shall exist which does not maintain within such district public schools consisting of grades kindergarten through twelve and any such existing school district not maintaining such schools shall be dissolved and its territory joined with another school district or districts by order of the state board of education if no agreement is made among the surrounding districts voluntarily, which order shall provide an equitable division of the funds, property, and indebtedness of the dissolved school district among the districts receiving its territory. The state board of education may authorize exceptions to school districts where topography, sparsity of population, and other factors make compliance impracticable.

The superintendent of public instruction is without authority
to distribute funds under Chapter 3317. of the Revised Code to any school district that does not maintain schools with grades kindergarten through twelve and to which no exception has been granted by the state board of education.

(B) Division (A) of this section does not apply to any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(C)(1)(a) Except as provided in division (C)(3) of this section, division (A) of this section does not apply to any cooperative education school district established pursuant to section 3311.521 of the Revised Code nor to the city, exempted village, or local school districts that have territory within such a cooperative education district.

(b) The cooperative district and each city, exempted village, or local district with territory within the cooperative district shall maintain the grades that the resolution adopted or amended pursuant to section 3311.521 of the Revised Code specifies.

(2) Any cooperative education school district described under division (C)(1) of this section that fails to maintain the grades it is specified to operate shall be dissolved by order of the state board of education unless prior to such an order the cooperative district is dissolved pursuant to section 3311.54 of the Revised Code. Any such order shall provide for the equitable adjustment, division, and disposition of the assets, property, debts, and obligations of the district among each city, local, and exempted village school district whose territory is in the cooperative district and shall provide that the tax duplicate of each city, local, and exempted village school district whose territory is in the cooperative district shall be bound for and
assume its share of the outstanding indebtedness of the cooperative district.

(3) If any city, exempted village, or local school district described under division (C)(1) of this section fails to maintain the grades it is specified to operate the cooperative district within which it has territory shall be dissolved in accordance with division (C)(2) of this section and upon that dissolution any city, exempted village, or local district failing to maintain grades kindergarten through twelve shall be subject to the provisions for dissolution in division (A) of this section.

(D) Division (A) of this section does not apply to any school district that is or has ever been subject to former section 3302.10 of the Revised Code, as it existed on and after the effective date of this amendment, and has had a majority of its schools reconstituted or closed under that section."

After line 21318, insert:

"Sec. 3314.102. (A) As used in this section:"

(1) "Chief executive officer" means a chief executive officer appointed by an academic distress commission pursuant to section 3302.10 of the Revised Code.

(2) "Municipal , "municipal school district" and "mayor" have the same meanings as in section 3311.71 of the Revised Code.

(B) Notwithstanding section 3314.10 and sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school that is sponsored by the board of education of a municipal school district or a school district for
which an academic distress commission has been established under section 3302.10 of the Revised Code shall cease to be subject to any future collective bargaining agreement, if the mayor or chief executive officer submits to the board of education sponsoring the school and to the state employment relations board a statement requesting that all employees of the community school be removed from a collective bargaining unit. The employees of the community school who are covered by a collective bargaining agreement in effect on the date the mayor or chief executive officer submits the statement shall remain subject to that collective bargaining agreement until the collective bargaining agreement expires on its terms. Upon expiration of that collective bargaining agreement, the employees of that school are not subject to Chapter 4117. of the Revised Code and may not organize or collectively bargain pursuant to that chapter."

In line 63397, after "131.35," insert "133.06,"

In line 63408, after "3302.03," insert "3302.036," delete "3302.12," and insert "3302.16, 3302.17,"

In line 63409, after "3310.03," insert "3311.29,"

In line 63412, after "3314.085," insert "3314.102,"

In line 63747, after "2151.861," insert "3302.10, 3302.101, 3302.102, 3302.11, 3302.12,"

In line 73114, delete "$6,946,280,845 $6,895,518,845" and insert "$6,945,108,845 $6,893,758,845"

In line 73122, subtract $1,172,000 from fiscal year 2020 and $1,760,000 from fiscal year 2021

In line 73174, subtract $1,172,000 from fiscal year 2020 and $1,760,000 from fiscal year 2021

Delete lines 74165 through 74173
After line 82284, insert:

"Section 610.___. That Sections 4, 5, and 6 of Am. Sub. H.B. 70 of the 131st General Assembly are hereby repealed."

Delete lines 82400 through 82408

After line 82806, insert:

"Section 3302.036 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st General Assembly."

The motion was __________ agreed to.

SYNOPSIS

Academic distress commissions and improvement interventions

R.C. 133.06, 3302.036, 3302.042, 3302.10, 3302.101, 3302.102, 3302.11; New R.C. 3302.10, 3302.12, 3302.16, 3302.17, 3310.03, 3311.29, 3314.102; and Sections 4, 5, and 6 of the 131st General Assembly; Sections 265.10 and 265.210; Section 733.30

Repeals the establishment of academic distress commissions and makes conforming changes.

Dissolves existing academic distress commissions.

Establishes progressive interventions for poor-performing schools operated by a school district that include the following:

(1) A designation of "in need of improvement" status.

(2) The formation of an improvement team that must conduct a performance audit and develop an improvement plan for the school to be submitted and approved by the district board of education.

(3) Optional reviews by the Department of Education of
measurable benchmarks in a school's improvement plan.

(4) Optional hiring of an academic coordinator and request of technical support from the Department.

(5) Review by the Superintendent of Public Instruction on the progress of a school in making improvements.

Subjects schools operated by a school district to progressive interventions as follows:

(1) Beginning July 1, 2019, schools in a district that was subject to an academic distress commission and received an overall grade of "F" on the most recent state report card.

(2) Beginning July 1, 2020, schools that receive an overall grade of "F" on the most recent state report card.

Requires the state Superintendent to determine when a school may move out of in need of improvement status.

Requires the State Board of Education to adopt rules to establish criteria for the state Superintendent to consider when moving a school out of in need of improvement status.

Requires the state Superintendent, by January 1, 2020, to submit a report to the House and Senate Education Committees on the best methods to support schools that fail to meet improvement benchmarks.

Repeals a current provision on school restructuring.

Removes the substitute bill's moratorium on academic distress commissions (in favor of the amendment's repeal of them).

Department of Education

Sections 265.10 and 265.210

Decreases GRF appropriation item 200550, Foundation Funding,
by $1,172,000 in FY 2020 and by $1,760,000 in FY 2021 and
eliminates an earmark for the same amounts supporting academic
distress commissions.
moved to amend as follows:

1. In line 80445, delete "$80,102,332 $81,704,378" and insert "$83,072,332 $84,758,355"
2. In line 80450, add $2,970,000 to fiscal year 2020 and $3,053,977 to fiscal year 2021
3. In line 80473, add $2,970,000 to fiscal year 2020 and $3,053,977 to fiscal year 2021
4. After line 80493, insert:
   "COMMUNITY BASED CORRECTIONAL FACILITIES
   Of the foregoing appropriation item 501501, Community Residential Programs – Community Based Correctional Facilities, $2,970,000 in fiscal year 2020 and $3,053,977 in fiscal year 2021 shall be used to support staff retention for community based correctional facilities."

The motion was ______ agreed to.

SYNOPSIS

Department of Rehabilitation and Correction

Section 383.10

Increases GRF appropriation item 501501, Community Residential Programs – Community Based Correctional Facilities, by $2,970,000 in FY 2020, from $80,102,332 to $83,072,332, and
by $3,053,977 in FY 2021, from $81,704,378 to $84,758,355.
Requires those increases in each fiscal year to be used to
support staff retention for community based correctional
facilities.
In line 120 of the title, after "1181.23," insert "1349.05,"

In line 280, after "1181.23," insert "1349.05,"

In line 5598, after "recording" insert ";

(kk) Telephone numbers for a victim, as defined in section 2930.01 of the Revised Code, a witness to a crime, or a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report"

After line 9196, insert:

"Sec. 1349.05. (A) As used in this section:

(1) "Agency" and "license" have the same meanings as in section 119.01 of the Revised Code.

(2) "Crime" and "victim" have the same meanings as in section 2930.01 of the Revised Code.

(3) "Health care practitioner" means any of the following:

(a) An individual licensed under Chapter 4731. of the Revised Code to practice medicine and surgery;

(b) An individual licensed under Chapter 4723. of the Revised Code to practice as an advanced practice registered nurse;
(c) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;

(d) An individual licensed under Chapter 4732. of the Revised Code to practice as a psychologist;

(e) An individual licensed under Chapter 4734. of the Revised Code to practice as a chiropractor.

(B) No health care practitioner, with the intent to obtain professional employment for the health care practitioner, shall directly contact in person, by telephone, or by electronic means any party to a motor vehicle accident, any victim of a crime, or any witness to a motor vehicle accident or crime until thirty days after the date of the motor vehicle accident or crime. Any communication to obtain professional employment shall be sent via the United States postal service.

(C) No person who has been paid or given, or was offered to be paid or given, money or anything of value to solicit employment on behalf of another shall directly contact in person, by telephone, or by electronic means any party to a motor vehicle accident, any victim of a crime, or any witness to a motor vehicle accident or crime until thirty days after the date of the motor vehicle accident or crime. Any communication to solicit employment on behalf of another shall be sent via the United States postal service.

(D) If the attorney general believes that a health care practitioner or a person described in division (C) of this section has violated division (B) or (C) of this section, the attorney general shall issue a notice and conduct a hearing in accordance with Chapter 119. of the Revised Code. If, after the hearing, the attorney general determines that a violation of division (B) or (C) of this section occurred, the attorney general shall impose a
fine of five thousand dollars for each violation to each health

care practitioner or person described in division (C) of this

section who sought to financially benefit from the solicitation.

If the attorney general determines that a health care practitioner

or person described in division (C) of this section has

subsequently violated division (B) or (C) of this section, the

attorney general shall impose a fine of twenty-five thousand
dollars for each violation.

(E) After determining that a health care practitioner or

person described in division (C) of this section has violated

division (B) or (C) of this section on three separate occasions,

and if that health care practitioner or person described in

division (C) of this section holds a license issued by an agency,

the attorney general shall notify that agency in writing of the

three violations. On receipt of that notice, the agency shall

suspend the health care practitioner's or the person's license

without a prior hearing and shall afford the health care

practitioner or the person a hearing on request in accordance with

section 119.06 of the Revised Code."

The motion was __________ agreed to.

SYNOPSIS

Victim information and solicitation for professional

employment

R.C. 149.43 and 1349.05

Provides that the telephone number of a victim of a crime, a

witness to a crime, or a party to a motor vehicle accident that is
included in a law enforcement record or report is not a public record, prohibits a health care practitioner or another specified person from contacting those persons for professional employment purposes until 30 days after the date of the motor vehicle accident or crime, allows the Attorney General to issue a fine to a health care practitioner or another specified person who violates that prohibition, and allows for the suspension of that health care practitioner's or person's license, if applicable.
moved to amend as follows:

In line 47 of the title, after "4503.515," insert "4505.11,"

In line 226, after "4503.515," insert "4505.11,"

After line 32974, insert:

"Sec. 4505.11. This section shall also apply to all-purpose vehicles and off-highway motorcycles as defined in section 4519.01 of the Revised Code.

(A) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title, when the motor vehicle is dismantled, destroyed, or changed in such manner that it loses its character as a motor vehicle, or changed in such manner that it is not the motor vehicle described in the certificate of title, shall surrender the certificate of title to that motor vehicle to a clerk of a court of common pleas, and the clerk, with the consent of any holders of any liens noted on the certificate of title, then shall enter a cancellation upon the clerk's records and shall notify the registrar of motor vehicles of the cancellation.

Upon the cancellation of a certificate of title in the manner prescribed by this section, any clerk and the registrar of motor vehicles may cancel and destroy all certificates and all
memorandum certificates in that chain of title.

(B)(1) If an Ohio certificate of title or salvage certificate of title to a motor vehicle is assigned to a salvage dealer, the dealer is not required to obtain an Ohio certificate of title or a salvage certificate of title to the motor vehicle in the dealer's own name if the dealer dismantles or destroys the motor vehicle, indicates the number of the dealer's motor vehicle salvage dealer's license on it, marks "FOR DESTRUCTION" across the face of the certificate of title or salvage certificate of title, and surrenders the certificate of title or salvage certificate of title to a clerk of a court of common pleas as provided in division (A) of this section. If the salvage dealer retains the motor vehicle for resale, the dealer shall make application for a salvage certificate of title to the motor vehicle in the dealer's own name as provided in division (C)(1) of this section.

(2) At the time any salvage motor vehicle is sold at auction or through a pool, the salvage motor vehicle auction or salvage motor vehicle pool shall give a copy of the salvage certificate of title or a copy of the certificate of title marked "FOR DESTRUCTION" to the purchaser.

(C)(1) When an insurance company declares it economically impractical to repair such a motor vehicle and has paid an agreed price for the purchase of the motor vehicle to any insured or claimant owner, the insurance company shall proceed as follows:

(a) If an insurance company receives the certificate of title and the motor vehicle, within thirty business days, the insurance company shall deliver the certificate of title to a clerk of a court of common pleas and shall make application for a salvage certificate of title. This certificate of title, any supporting power of attorney, or application for a salvage certificate of
title shall be exempt from the requirements of notarization and verification as described in this chapter and in section 1337.25 of the Revised Code.

(b) If an insurance company obtains possession of the motor vehicle and a physical certificate of title was issued for the vehicle but the insurance company is unable to obtain the properly endorsed certificate of title for the motor vehicle within thirty business days following the vehicle's owner or lienholder's acceptance of the insurance company's payment for the vehicle, the insurance company may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the certificate of title for the motor vehicle. The application shall be accompanied by evidence that the insurance company has paid a total loss claim on the vehicle, a copy of the written request for the certificate of title from the insurance company or its designee, and proof that the request was delivered by a nationally recognized courier service to the last known address of the owner of the vehicle and any known lienholder, to obtain the certificate of title.

(c) If an insurance company obtains possession of the motor vehicle and a physical certificate of title was not issued for the vehicle, the insurance company may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering a certificate of title for the motor vehicle. The application shall be accompanied by the electronic certificate of title control number and a properly executed power of attorney, or other appropriate document, from the owner of the motor vehicle authorizing the insurance company to apply for a salvage certificate of title. The application for a salvage certificate of title, any supporting power of attorney, and any other appropriate document shall be exempt from the requirements of notarization and verification as described in this chapter and in section 1337.25 of the Revised Code.
verification as described in this chapter and in section 1337.25 of the Revised Code.

(d) Upon receipt of a properly completed application for a salvage certificate of title as described in division (C)(1)(a), (b), or (c) or (C)(2) of this section, the clerk shall issue the salvage certificate of title on a form, prescribed by the registrar, that shall be easily distinguishable from the original certificate of title and shall bear the same information as the original certificate of title except that it may bear a different number than that of the original certificate of title. The salvage certificate of title shall include the following notice in bold lettering:

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01."

Except as provided in division (C)(3) of this section, the salvage certificate of title shall be assigned by the insurance company to a salvage dealer or any other person for use as evidence of ownership upon the sale or other disposition of the motor vehicle, and the salvage certificate of title shall be transferable to any other person. The clerk shall charge a fee of four dollars for the cost of processing each salvage certificate of title.

(2) If an insurance company requests that a salvage motor vehicle auction take possession of a motor vehicle that is the subject of an insurance claim, and subsequently the insurance company denies coverage with respect to the motor vehicle or does not otherwise take ownership of the motor vehicle, the salvage motor vehicle auction may proceed as follows. After the salvage motor vehicle auction has possession of the motor vehicle for forty-five days, it may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the
certificate of title for the motor vehicle. The application shall be accompanied by a copy of the written request that the vehicle be removed from the facility on the salvage motor vehicle auction's letterhead, and proof that the request was delivered by a nationally recognized courier service to the last known address of the owner of the vehicle and any known lienholder, requesting that the vehicle be removed from the facility of the salvage motor vehicle auction. Upon receipt of a properly completed application, the clerk shall follow the process as described in division (C)(1)(d) of this section. The salvage certificate of title so issued shall be free and clear of all liens.

(3) If an insurance company considers a motor vehicle as described in division (C)(1)(a), (b), or (c) of this section to be impossible to restore for highway operation, the insurance company may assign the certificate of title to the motor vehicle to a salvage dealer or scrap metal processing facility and send the assigned certificate of title to the clerk of the court of common pleas of any county. The insurance company shall mark the face of the certificate of title "FOR DESTRUCTION" and shall deliver a photocopy of the certificate of title to the salvage dealer or scrap metal processing facility for its records.

(4) If an insurance company declares it economically impractical to repair a motor vehicle, agrees to pay to the insured or claimant owner an amount in settlement of a claim against a policy of motor vehicle insurance covering the motor vehicle, and agrees to permit the insured or claimant owner to retain possession of the motor vehicle, the insurance company shall not pay the insured or claimant owner any amount in settlement of the insurance claim until the owner obtains a salvage certificate of title to the vehicle and furnishes a copy of the salvage certificate of title to the insurance company.
(D) When a self-insured organization, rental or leasing company, or secured creditor becomes the owner of a motor vehicle that is burned, damaged, or dismantled and is determined to be economically impractical to repair, the self-insured organization, rental or leasing company, or secured creditor shall do one of the following:

(1) Mark the face of the certificate of title to the motor vehicle "FOR DESTRUCTION" and surrender the certificate of title to a clerk of a court of common pleas for cancellation as described in division (A) of this section. The self-insured organization, rental or leasing company, or secured creditor then shall deliver the motor vehicle, together with a photocopy of the certificate of title, to a salvage dealer or scrap metal processing facility and shall cause the motor vehicle to be dismantled, flattened, crushed, or destroyed.

(2) Obtain a salvage certificate of title to the motor vehicle in the name of the self-insured organization, rental or leasing company, or secured creditor, as provided in division (C)(1) of this section, and then sell or otherwise dispose of the motor vehicle. If the motor vehicle is sold, the self-insured organization, rental or leasing company, or secured creditor shall obtain a salvage certificate of title to the motor vehicle in the name of the purchaser from a clerk of a court of common pleas.

(E) If a motor vehicle titled with a salvage certificate of title is restored for operation upon the highways, application shall be made to a clerk of a court of common pleas for a certificate of title. Upon inspection by the state highway patrol, which shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle and of documentation or receipts for the
materials used in restoration by the owner of the motor vehicle being inspected, which documentation or receipts shall be presented at the time of inspection, the clerk, upon surrender of the salvage certificate of title, shall issue a certificate of title for a fee prescribed by the registrar. The certificate of title shall be in the same form as the original certificate of title and shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. Every subsequent certificate of title, memorandum certificate of title, or duplicate certificate of title issued for the motor vehicle also shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. The exact location on the face of the certificate of title of the words "REBUILT SALVAGE" shall be determined by the registrar, who shall develop an automated procedure within the automated title processing system to comply with this division. The clerk shall use reasonable care in performing the duties imposed on the clerk by this division in issuing a certificate of title pursuant to this division, but the clerk is not liable for any of the clerk's errors or omissions or those of the clerk's deputies, or the automated title processing system in the performance of those duties. A fee of fifty dollars shall be assessed by the state highway patrol for each inspection made pursuant to this division and shall be deposited into the public safety - highway purposes fund established by section 4501.06 of the Revised Code.

(F) No person shall operate upon the highways in this state a motor vehicle, title to which is evidenced by a salvage certificate of title, except to deliver the motor vehicle pursuant to an appointment for an inspection under this section.

(G) No motor vehicle the certificate of title to which has been marked "FOR DESTRUCTION" and surrendered to a clerk of a court of common pleas shall be used for anything except parts and
scrap metal.

(H)(1) Except as otherwise provided in this division, an owner of a manufactured or mobile home that will be taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code shall surrender the certificate of title to the auditor of the county containing the taxing district in which the home is located. An owner whose home qualifies for real property taxation under divisions (B)(1)(a) and (b) of section 4503.06 of the Revised Code shall surrender the certificate within fifteen days after the home meets the conditions specified in those divisions. The auditor shall deliver the certificate of title to the clerk of the court of common pleas who issued it.

(2) If the certificate of title for a manufactured or mobile home that is to be taxed as real property is held by a lienholder, the lienholder shall surrender the certificate of title to the auditor of the county containing the taxing district in which the home is located, and the auditor shall deliver the certificate of title to the clerk of the court of common pleas who issued it. The lienholder shall surrender the certificate within thirty days after both of the following have occurred:

(a) The homeowner has provided written notice to the lienholder requesting that the certificate of title be surrendered to the auditor of the county containing the taxing district in which the home is located.

(b) The homeowner has either paid the lienholder the remaining balance owed to the lienholder, or, with the lienholder's consent, executed and delivered to the lienholder a mortgage on the home and land on which the home is sited in the amount of the remaining balance owed to the lienholder.

(3) Upon the delivery of a certificate of title by the county
auditor to the clerk, the clerk shall inactivate it and maintain it in the automated title processing system for a period of thirty years.

(4) Upon application by the owner of a manufactured or mobile home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code and that no longer satisfies divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that section, the clerk shall reactivate the record of the certificate of title that was inactivated under division (H)(3) of this section and shall issue a new certificate of title, but only if the application contains or has attached to it all of the following:

(a) An endorsement of the county treasurer that all real property taxes charged against the home under Title LVII of the Revised Code and division (B) of section 4503.06 of the Revised Code for all preceding tax years have been paid;

(b) An endorsement of the county auditor that the home will be removed from the real property tax list;

(c) Proof that there are no outstanding mortgages or other liens on the home or, if there are such mortgages or other liens, that the mortgagee or lienholder has consented to the reactivation of the certificate of title.

(I)(1) Whoever violates division (F) of this section shall be fined not more than two thousand dollars, imprisoned not more than one year, or both.

(2) Whoever violates division (G) of this section shall be fined not more than one thousand dollars, imprisoned not more than six months, or both."

In line 63426, after "4503.515," insert "4505.11,"
The motion was __________ agreed to.

SYNOPSIS

Salvage certificate of title notary exemption  
R.C. 4505.11

Exempts the following documents from notarization and verification requirements when an insurance company obtains a motor vehicle, does not have a physical certificate of title, and applies for a salvage certificate of title: (1) any supporting power of attorney from the owner of the vehicle, and (2) any other appropriate document that demonstrates assignment of ownership. (Current law already so exempts the application for a salvage certificate of title.)
moved to amend as follows:

In line 11 of the title, after "341.34," insert "505.262."

In line 199, after "341.34," insert "505.262."

After line 8361, insert:

"Sec. 505.262. (A) Notwithstanding division (D) of section 505.37 of the Revised Code or any other statute of this state and subject to division (C) of this section, the board of township trustees of any township, by unanimous vote, may adopt a resolution allowing the township to contract for the purchase of equipment, buildings, and sites, or for the construction of buildings, for any lawful township purpose. The board may issue, by resolution adopted by unanimous vote, securities of the township to finance purchases and construction made pursuant to this division. The securities shall be signed by the board and attested by the signature of the township fiscal officer, and the maximum maturity of those securities is subject to the limitations in section 133.20 of the Revised Code. The securities shall bear interest not to exceed the rate determined as provided in section 9.95 of the Revised Code and shall not be subject to Chapter 133 of the Revised Code. The resolution authorizing the issuance of the securities shall provide for levying and collecting annually by taxation, amounts sufficient to pay the interest on and
The motion was __________ agreed to.

SYNOPSIS

Township construction projects
R.C. 505.262

Allows the board of township trustees of an urban township (a limited home rule township with a population of 15,000 or more in its unincorporated territory) to choose to approve contracts and the issuance of securities for construction by a majority vote rather than by unanimous vote as required under current law.
moved to amend as follows:

1 After line 76900, insert:
2 "GRF 651XXX Food Farmacy Pilot Project  $250,000  $250,000"
3 In line 76902, add $250,000 to each fiscal year
4 In line 76904, add $250,000 to each fiscal year
5 In line 76928, add $250,000 to each fiscal year
6 After line 77068, insert:

"Section 333.83. FOOD FARMACY PILOT PROJECT

The foregoing appropriation item 651XXX, Food Farmacy Pilot Project, shall be distributed to a hospital system in a county with a charter form of government and with a total population between 500,000 persons and 1,000,000 persons to provide comprehensive medical, nutrition, and lifestyle support for food-insecure patients with type 2 diabetes and their families."

The motion was ______ agreed to.
Legislative Service Commission

SYNOPSIS

Department of Medicaid

Sections 333.10 and 333.83

Establishes an appropriation of $250,000 in each fiscal year in new GRF line item 651XX, Food Farmacy Pilot Project. Requires the funds to be distributed to a hospital system in counties with a charter form of government and with a total population between 500,000 and 1.0 million persons to provide comprehensive medical, nutrition, and lifestyle support for food-insecure patients with type 2 diabetes and their families.
moved to amend as follows:

In line 4 of the title, after "120.35," insert "120.52, 120.521, 120.53,"

In line 16 of the title, after "1901.123," insert "1901.26,; after "1907.143," insert "1907.24,"

In line 17 of the title, after "2151.86," insert "2303.201,"

In line 44 of the title, after "3901.3814," insert "3953.231,"

In line 47 of the title, after "4701.16," insert "4705.10,"

In line 195, after "120.35," insert "120.52, 120.521, 120.53,"

In line 203, after "1901.123," insert "1901.26,; after "1907.143," insert "1907.24,"

In line 204, after "2151.86," insert "2303.201,"

In line 224, after "3901.3814," insert "3953.231,"

In line 226, after "4701.16," insert "4705.10,"

After line 2301, insert:

"Sec. 120.52. There is hereby established in the state treasury the legal aid fund, which shall be for the charitable
public purpose of providing financial assistance to legal aid societies that provide civil legal services to indigents. The fund shall contain all funds credited to it by the treasurer of state pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised Code.

The treasurer of state may invest moneys contained in the legal aid fund in any manner authorized by the Revised Code for the investment of state moneys. However, no such investment shall interfere with any apportionment, allocation, or payment of moneys as required by section 120.53 of the Revised Code.

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

Sec. 120.521. (A) The state public defender shall establish a
charitable, tax exempt foundation, named the Ohio legal assistance access to justice foundation, to actively solicit and accept gifts, bequests, donations, and contributions for use in providing financial assistance to legal aid societies, enhancing or improving the delivery of civil legal services to indigents, and operating the foundation. The Ohio legal assistance access to justice foundation shall deposit all gifts, bequests, donations, and contributions accepted by it into the legal assistance access to justice foundation fund established under this section. If the state public defender, pursuant to section 120.52 of the Revised Code as it existed prior to June 30, 1995, established a charitable, tax exempt foundation named the Ohio legal assistance access to justice foundation and if that foundation is in existence on the day before June 30, 1995, that foundation shall continue in existence and shall serve as the Ohio legal assistance access to justice foundation described in this section.

There is hereby established the legal assistance access to justice foundation fund, which shall be under the custody and control of the Ohio legal assistance access to justice foundation. The fund shall contain all moneys distributed to the Ohio legal assistance access to justice foundation pursuant to section 120.53 of the Revised Code and all gifts, bequests, donations, and contributions accepted by the Ohio legal assistance access to justice foundation under this section.

The Ohio legal assistance access to justice foundation shall distribute or use all moneys in the legal assistance access to justice foundation fund for the charitable public purpose of providing financial assistance to legal aid societies that provide civil legal services to indigents, enhancing or improving the delivery of civil legal services to indigents, and operating the foundation. The Ohio legal assistance access to justice foundation
shall establish rules governing the administration of the legal assistance access to justice foundation fund.

The Ohio legal assistance access to justice foundation shall include, in the annual report it is required to make to the governor, the general assembly, and the supreme court pursuant to division (G)(2) of section 120.53 of the Revised Code, an audited financial statement on the distribution and use of the legal assistance access to justice foundation fund. No information contained in the statement shall identify or enable the identification of any person served by a legal aid society or in any way breach confidentiality.

Membership on the board of the Ohio legal assistance access to justice foundation does not constitute holding another public office and does not constitute grounds for resignation from the senate or house of representatives under section 101.26 of the Revised Code.

(B) A foundation is tax exempt for purposes of this section if the foundation is exempt from federal income taxation under subsection 501(a) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a), as amended, and if the foundation has received from the internal revenue service a determination letter that is in effect stating that the foundation is exempt from federal income taxation under that subsection.

Sec. 120.53. (A) A legal aid society that operates within the state may apply to the Ohio legal assistance access to justice foundation for financial assistance from the legal aid fund established by section 120.52 of the Revised Code to be used for the funding of the society during the calendar year following the calendar year in which application is made.
(B) An application for financial assistance made under division (A) of this section shall be submitted by the first day of November of the calendar year preceding the calendar year for which financial assistance is desired and shall include all of the following:

1. Evidence that the applicant is incorporated in this state as a nonprofit corporation;

2. A list of the trustees of the applicant;

3. The proposed budget of the applicant for these funds for the following calendar year;

4. A summary of the services to be offered by the applicant in the following calendar year;

5. A specific description of the territory or constituency served by the applicant;

6. An estimate of the number of persons to be served by the applicant during the following calendar year;

7. A general description of the additional sources of the applicant's funding;

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

9. A specific description of any services, programs, training, and legal technical assistance to be delivered by the applicant or by another person pursuant to a contract with the applicant, including, but not limited to, by private attorneys or through reduced fee plans, judicare panels, organized pro bono programs, and mediation programs.
(C) The Ohio legal assistance access to justice foundation shall determine whether each applicant that filed an application for financial assistance under division (A) of this section in a calendar year is eligible for financial assistance under this section. To be eligible for such financial assistance, an applicant shall satisfy the criteria for being a legal aid society and shall be in compliance with the provisions of sections 120.51 to 120.55 of the Revised Code and with the rules and requirements the foundation establishes pursuant to section 120.52 of the Revised Code. The Ohio legal assistance access to justice foundation then, on or before the fifteenth day of December of the calendar year in which the application is filed, shall notify each such applicant, in writing, whether it is eligible for financial assistance under this section, and if it is eligible, estimate the amount that will be available for that applicant for each six-month distribution period, as determined under division (D) of this section.

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

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

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

(a) Five per cent of the moneys remaining in the fund shall be reserved for use in the manner described in division (A) of section 120.521 of the Revised Code or for distribution to legal aid societies that provide assistance to special population groups of their eligible clients, engage in special projects that have a substantial impact on their local service area or on significant segments of the state's poverty population, or provide legal training or support to other legal aid societies in the state;

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

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

(2) After deduction of the actual, reasonable administrative costs under section 120.52 of the Revised Code and after deduction of the amounts identified in divisions (D)(1)(a), (b), and (c) of this section, the remaining moneys shall be apportioned among the counties that are served by eligible legal aid societies that have
applied for financial assistance under this section so that each such county is apportioned a portion of those moneys, based upon the ratio of the number of indigents who reside in that county to the total number of indigents who reside in all counties of this state that are served by eligible legal aid societies that have applied for financial assistance under this section. Subject to division (E) of this section, the moneys apportioned to a county under this division then shall be allocated to the eligible legal aid society that serves the county and that has applied for financial assistance under this section. For purposes of this division, the source of data identifying the number of indigent persons who reside in a county shall be selected by the Ohio legal assistance access to justice foundation from the best available figures maintained by the United States census bureau.

(E) If the Ohio legal assistance access to justice foundation, in attempting to make an allocation of moneys under division (D)(2) of this section, determines that a county that has been apportioned money under that division is served by more than one eligible legal aid society that has applied for financial assistance under this section, the Ohio legal assistance access to justice foundation shall allocate the moneys that have been apportioned to that county under division (D)(2) of this section among all eligible legal aid societies that serve that county and that have applied for financial assistance under this section on a pro rata basis, so that each such eligible society is allocated a portion based upon the amount of its total budget expended in the prior calendar year for legal services in that county as compared to the total amount expended in the prior calendar year for legal services in that county by all eligible legal aid societies that serve that county and that have applied for financial assistance under this section.
(F) Moneys allocated to eligible applicants under this section shall be paid monthly beginning the calendar year following the calendar year in which the application is filed.

(G)(1) A legal aid society that receives financial assistance in any calendar year under this section shall file an annual report with the Ohio legal assistance access to justice foundation detailing the number and types of cases handled, and the amount and types of legal training, legal technical assistance, and other service provided, by means of that financial assistance. No information contained in the report shall identify or enable the identification of any person served by the legal aid society or in any way breach client confidentiality.

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

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

After line 10700, insert:

"Sec. 1901.26. (A) Subject to division (E) of this section, costs in a municipal court shall be fixed and taxed as follows:

(1)(a) The municipal court shall require an advance deposit for the filing of any new civil action or proceeding when required
by division (C) of this section, subject to its waiver pursuant to that division, and in all other cases, by rule, shall establish a schedule of fees and costs to be taxed in any civil or criminal action or proceeding.

(b)(i) The legislative authority of a municipal corporation may by ordinance establish a schedule of fees to be taxed as costs in any civil, criminal, or traffic action or proceeding in a municipal court for the performance by officers or other employees of the municipal corporation's police department or marshal's office of any of the services specified in sections 311.17 and 509.15 of the Revised Code. No fee in the schedule shall be higher than the fee specified in section 311.17 of the Revised Code for the performance of the same service by the sheriff. If a fee established in the schedule conflicts with a fee for the same service established in another section of the Revised Code or a rule of court, the fee established in the other section of the Revised Code or the rule of court shall apply.

(ii) When an officer or employee of a municipal police department or marshal's office performs in a civil, criminal, or traffic action or proceeding in a municipal court a service specified in section 311.17 or 509.15 of the Revised Code for which a taxable fee has been established under this or any other section of the Revised Code, the applicable legal fees and any other extraordinary expenses, including overtime, provided for the service shall be taxed as costs in the case. The clerk of the court shall pay those legal fees and other expenses, when collected, into the general fund of the municipal corporation that employs the officer or employee.

(iii) If a bailiff of a municipal court performs in a civil, criminal, or traffic action or proceeding in that court a service
specified in section 311.17 or 509.15 of the Revised Code for which a taxable fee has been established under this section or any other section of the Revised Code, the fee for the service is the same and is taxable to the same extent as if the service had been performed by an officer or employee of the police department or marshal's office of the municipal corporation in which the court is located. The clerk of that court shall pay the fee, when collected, into the general fund of the entity or entities that fund the bailiff's salary, in the same prorated amount as the salary is funded.

(iv) Division (A)(1)(b) of this section does not authorize or require any officer or employee of a police department or marshal's office of a municipal corporation or any bailiff of a municipal court to perform any service not otherwise authorized by law.

(2) The municipal court, by rule, may require an advance deposit for the filing of any civil action or proceeding and publication fees as provided in section 2701.09 of the Revised Code. The court shall waive the requirement for advance deposit for a party that the court determines qualifies as an indigent litigant as set forth in section 2323.311 of the Revised Code.

(3) When a jury trial is demanded in any civil action or proceeding, the party making the demand may be required to make an advance deposit as fixed by rule of court, unless the court determines that the party qualifies as an indigent litigant as set forth in section 2323.311 of the Revised Code. If a jury is called, the fees of a jury shall be taxed as costs.

(4) In any civil or criminal action or proceeding, each witness shall receive twelve dollars for each full day's attendance and six dollars for each half day's attendance. Each
witness in a municipal court that is not a county-operated municipal court also shall receive fifty and one-half cents for each mile necessarily traveled to and from the witness's place of residence to the action or proceeding.

(5) A reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in any proceeding may be taxed as part of the costs in a trial of the cause, in an amount that shall be fixed by rule of court.

(6) Chattel property seized under any writ or process issued by the court shall be preserved pending final disposition for the benefit of all persons interested and may be placed in storage when necessary or proper for that preservation. The custodian of any chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.

(7) The municipal court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.

(8) Charges for the publication of legal notices required by statute or order of court may be taxed as part of the costs, as provided by section 7.13 of the Revised Code.

(B)(1)(a) The municipal court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment
of magistrates, the training and education of judges, acting
judges, and magistrates, and other related services. Upon that
determination, the court by rule may charge a fee, in addition to
all other court costs, on the filing of each criminal cause, civil
action or proceeding, or judgment by confession.

(b) If the municipal court offers a special program or
service in cases of a specific type, the municipal court by rule
may assess an additional charge in a case of that type, over and
above court costs, to cover the special program or service. The
municipal court shall adjust the special assessment periodically,
but not retroactively, so that the amount assessed in those cases
does not exceed the actual cost of providing the service or
program.

(c) Any fee or charge assessed under division (B)(1)(a) or
(b) of this section on the filing of a civil action or proceeding
shall be waived if the court determines that the person on whom
the fee or charge is assessed qualifies as an indigent litigant as
set forth in section 2323.311 of the Revised Code.

(d) All moneys collected under division (B) of this section
shall be paid to the county treasurer if the court is a
county-operated municipal court or to the city treasurer if the
court is not a county-operated municipal court for deposit into
either a general special projects fund or a fund established for a
specific special project. Moneys from a fund of that nature shall
be disbursed upon an order of the court in an amount no greater
than the actual cost to the court of a project. If a specific fund
is terminated because of the discontinuance of a program or
service established under division (B) of this section, the
municipal court may order that moneys remaining in the fund be
transferred to an account established under this division for a
similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(C) The municipal court shall collect in all its divisions except the small claims division the sum of twenty-six dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. The municipal court shall collect in its small claims division the sum of eleven dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. This division does not apply to any execution on a judgment, proceeding in aid of execution, or other post-judgment proceeding arising out of a civil action. The filing fees required to be collected under this division shall be in addition to any other court costs imposed in the action or proceeding and shall be collected at the time of the
filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives the advanced payment of all filing fees in the action or proceeding for the party that the court determines is qualified as an indigent litigant as set forth in section 2323.311 of the Revised Code. All such moneys collected during a month except for an amount equal to up to one per cent of those moneys retained to cover administrative costs shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state in a manner prescribed by the treasurer of state or by the Ohio legal assistance access to justice foundation. The treasurer of state shall deposit four per cent of the funds collected under this division to the credit of the civil case filing fee fund established under section 120.07 of the Revised Code and ninety-six per cent of the funds collected under this division to the credit of the legal aid fund established under section 120.52 of the Revised Code.

The court may retain up to one per cent of the moneys it collects under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division. If the court fails to transmit to the treasurer of state the moneys the court collects under this division in a manner prescribed by the treasurer of state or by the Ohio legal assistance access to justice foundation, the court shall forfeit the moneys the court retains under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division, and shall transmit to the treasurer of state all moneys collected under this division, including the forfeited amount retained for administrative costs, for deposit in the legal aid fund.
(D) In the Cleveland municipal court, reasonable charges for investigating titles of real estate to be sold or disposed of under any writ or process of the court may be taxed as part of the costs.

(E) Under the circumstances described in sections 2969.21 to 2969.27 of the Revised Code, the clerk of the municipal court shall charge the fees and perform the other duties specified in those sections.

(F) As used in this section:

1. "Full day's attendance" means a day on which a witness is required or requested to be present at an action or proceeding before and after twelve noon, regardless of whether the witness actually testifies.

2. "Half day's attendance" means a day on which a witness is required or requested to be present at an action or proceeding either before or after twelve noon, but not both, regardless of whether the witness actually testifies.

"Sec. 1907.24. (A) Subject to division (C) of this section, a county court shall fix and tax fees and costs as follows:

1. The county court shall require an advance deposit for the filing of any new civil action or proceeding when required by division (C) of this section, subject to its waiver pursuant to that division, and, in all other cases, shall establish a schedule of fees and costs to be taxed in any civil or criminal action or proceeding.

2. The county court by rule may require an advance deposit for the filing of a civil action or proceeding and publication
fees as provided in section 2701.09 of the Revised Code. The court shall waive an advance deposit requirement for a party that the court determines qualifies as an indigent litigant as set forth in section 2323.311 of the Revised Code.

(3) When a party demands a jury trial in a civil action or proceeding, the county court may require the party to make an advance deposit as fixed by rule of court, unless the court determines that the party qualifies as an indigent litigant as set forth in section 2323.311 of the Revised Code. If a jury is called, the county court shall tax the fees of a jury as costs.

(4) In a civil or criminal action or proceeding, the county court shall fix the fees of witnesses in accordance with sections 2335.06 and 2335.08 of the Revised Code.

(5) A county court may tax as part of the costs in a trial of the cause, in an amount fixed by rule of court, a reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in a proceeding.

(6) The court shall preserve chattel property seized under a writ or process issued by the court pending final disposition for the benefit of all interested persons. The court may place the chattel property in storage when necessary or proper for its preservation. The custodian of chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.

(7) The county court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.
(8) The court may tax as part of costs charges for the publication of legal notices required by statute or order of court, as provided by section 7.13 of the Revised Code.

(B)(1)(a) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

(b) If the county court offers a special program or service in cases of a specific type, the county court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The county court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

(c) Any fee or charge assessed under division (B)(1)(a) or (b) of this section on the filing of a civil action or proceeding shall be waived if the court determines that the person on whom the fee or charge is assessed qualifies as an indigent litigant as set forth in section 2323.311 of the Revised Code.

(d) All moneys collected under division (B) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific
special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (B) of this section, the county court may order that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(C) Subject to division (E) of this section, the county court shall collect in all its divisions except the small claims division the sum of twenty-six dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. Subject to division (E) of this section, the county court shall collect in its small claims division the sum of eleven dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of
providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. This division does not apply to any execution on a judgment, proceeding in aid of execution, or other post-judgment proceeding arising out of a civil action. The filing fees required to be collected under this division shall be in addition to any other court costs imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives the advanced payment of all filing fees in the action or proceeding for the party that the court determines is qualified as an indigent litigant as set forth in section 2323.311 of the Revised Code. All such moneys collected during a month except for an amount equal to up to one per cent of those moneys retained to cover administrative costs shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state in a manner prescribed by the treasurer of state or by the Ohio legal assistance access to justice foundation. The treasurer of state shall deposit four per cent of the funds collected under this division to the credit of the civil case filing fee fund established under section 120.07 of the Revised Code and ninety-six per cent of the funds collected under this division to the credit of the legal aid fund established under section 120.52 of the Revised Code.

The court may retain up to one per cent of the moneys it collects under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division. If the court fails to transmit to the treasurer of state the moneys the court collects under this division in a manner prescribed by the treasurer of state or by
the Ohio legal assistance access to justice foundation, the court shall forfeit the moneys the court retains under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division, and shall transmit to the treasurer of state all moneys collected under this division, including the forfeited amount retained for administrative costs, for deposit in the legal aid fund.

(D) The county court shall establish by rule a schedule of fees for miscellaneous services performed by the county court or any of its judges in accordance with law. If judges of the court of common pleas perform similar services, the fees prescribed in the schedule shall not exceed the fees for those services prescribed by the court of common pleas.

(E) Under the circumstances described in sections 2969.21 to 2969.27 of the Revised Code, the clerk of the county court shall charge the fees and perform the other duties specified in those sections."

After line 12268, insert:

"Sec. 2303.201. (A)(1) The court of common pleas of any county may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both. Upon making a determination that additional funds are required for either or both of those purposes, the court shall authorize and direct the clerk of the court of common pleas to charge one additional fee, not to exceed six dollars, on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of section 2303.20 of the Revised Code.

(2) All fees collected under division (A)(1) of this section
shall be paid to the county treasurer. The treasurer shall place the funds from the fees in a separate fund to be disbursed either upon an order of the court, subject to an appropriation by the board of county commissioners, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, in an amount not greater than the actual cost to the court of procuring and maintaining computerization of the court, computerized legal research services, or both.

(3) If the court determines that the funds in the fund described in division (A)(2) of this section are more than sufficient to satisfy the purpose for which the additional fee described in division (A)(1) of this section was imposed, the court may declare a surplus in the fund and, subject to an appropriation by the board of county commissioners, expend those surplus funds, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend those surplus funds, for other appropriate technological expenses of the court.

(B)(1) The court of common pleas of any county may determine that, for the efficient operation of the court, additional funds are required to make technological advances in or to computerize the office of the clerk of the court of common pleas and, upon that determination, authorize and direct the clerk of the court of common pleas to charge an additional fee, not to exceed twenty dollars, on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code and not to exceed one dollar each for the services described in
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of
the Revised Code. Subject to division (B)(2) of this section, all
moneys collected under division (B)(1) of this section shall be
paid to the county treasurer to be disbursed, upon an order of the
court of common pleas and subject to appropriation by the board of
county commissioners, in an amount no greater than the actual cost
to the court of procuring and maintaining technology and computer
systems for the office of the clerk of the court of common pleas.

(2) If the court of common pleas of a county makes the
determination described in division (B)(1) of this section, the
board of county commissioners of that county may issue one or more
general obligation bonds for the purpose of procuring and
maintaining the technology and computer systems for the office of
the clerk of the court of common pleas. In addition to the
purposes stated in division (B)(1) of this section for which the
moneys collected under that division may be expended, the moneys
additionally may be expended to pay debt charges on and financing
costs related to any general obligation bonds issued pursuant to
division (B)(2) of this section as they become due. General
obligation bonds issued pursuant to division (B)(2) of this
section are Chapter 133. securities.

(C) The court of common pleas shall collect the sum of
twenty-six dollars as additional filing fees in each new civil
action or proceeding for the charitable public purpose of
providing financial assistance to legal aid societies that operate
within the state and to support the office of the state public
defender. This division does not apply to a juvenile division of a
court of common pleas, except that an additional filing fee of
fifteen dollars shall apply to custody, visitation, and parentage
actions; to a probate division of a court of common pleas, except
that the additional filing fees shall apply to name change,
guardianship, adoption, and decedents' estate proceedings; or to an execution on a judgment, proceeding in aid of execution, or other post-judgment proceeding arising out of a civil action. The filing fees required to be collected under this division shall be in addition to any other filing fees imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives the advanced payment of all filing fees in the action or proceeding. All such moneys collected during a month except for an amount equal to up to one per cent of those moneys retained to cover administrative costs shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state in a manner prescribed by the treasurer of state or by the Ohio legal assistance access to justice foundation. The treasurer of state shall deposit four per cent of the funds collected under this division to the credit of the civil case filing fee fund established under section 120.07 of the Revised Code and ninety-six per cent of the funds collected under this division to the credit of the legal aid fund established under section 120.52 of the Revised Code.

The court may retain up to one per cent of the moneys it collects under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division. If the court fails to transmit to the treasurer of state the moneys the court collects under this division in a manner prescribed by the treasurer of state or by the Ohio legal assistance access to justice foundation, the court shall forfeit the moneys the court retains under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division, and shall transmit
to the treasurer of state all moneys collected under this division, including the forfeited amount retained for administrative costs, for deposit in the legal aid fund.

(D) On and after the thirtieth day after December 9, 1994, the court of common pleas shall collect the sum of thirty-two dollars as additional filing fees in each new action or proceeding for annulment, divorce, or dissolution of marriage for the purpose of funding shelters for victims of domestic violence pursuant to sections 3113.35 to 3113.39 of the Revised Code. The filing fees required to be collected under this division shall be in addition to any other filing fees imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new action or proceeding for annulment, divorce, or dissolution of marriage unless the court waives the advanced payment of all filing fees in the action or proceeding. On or before the twentieth day of each month, all moneys collected during the immediately preceding month pursuant to this division shall be deposited by the clerk of the court into the county treasury in the special fund used for deposit of additional marriage license fees as described in section 3113.34 of the Revised Code. Upon their deposit into the fund, the moneys shall be retained in the fund and expended only as described in section 3113.34 of the Revised Code.

(E)(1) The court of common pleas may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment
of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the court of common pleas offers or requires a special program or additional services in cases of a specific type, the court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

All moneys collected under division (E) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court, subject to an appropriation by the board of county commissioners, in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (E) of this section, the court may order, subject to an appropriation by the board of county commissioners, that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (E) of this section:

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty,
whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

After line 31474, insert:

"Sec. 3953.231. (A)(1) Each title insurance agent or title insurance company shall establish and maintain an interest-bearing trust account for the deposit of all non-directed escrow funds that meet the requirements of sections 1349.20 to 1349.22 of the Revised Code.

(2) The account shall be established and maintained in any federally insured bank, savings and loan association, credit union, or savings bank that is authorized to transact business in this state.

(3) The account shall be in the name of the title insurance agent or company, and shall be identified as an "interest on trust account" or "IOTA." The name of the account may contain additional identifying information to distinguish it from other accounts.

(4) The title insurance agent or company establishing the account shall submit, in writing, to the superintendent of insurance the name, account number, and location of the bank, savings and loan association, credit union, or savings bank in which the trust account is maintained.

(B) Each title insurance agent or company shall deposit all
non-directed escrow funds that are nominal in amount or are to be held for a short period of time into the account established under division (A) of this section no later than the next business day after receipt.

(C) Each account established under division (A) of this section shall comply with all of the following:

(1) All funds in the account shall be subject to withdrawal or transfer upon request and without delay, or as soon as permitted by law;

(2) The rate of interest payable on the account shall not be less than the rate paid by the bank, savings and loan, credit union, or savings bank to its regular depositors. The rate may be higher if there is no impairment of the right to the immediate withdrawal or transfer of the principal;

(3) All interest earned on the account, net of service charges and other related charges, shall be transmitted to the treasurer of state for deposit in the legal aid fund established under section 120.52 of the Revised Code. No part of the interest earned shall be paid to the title insurance agent or company.

(D) The title insurance agent or company establishing an account under division (A) of this section shall direct the bank, savings and loan association, credit union, or savings bank to do both of the following:

(1) Remit interest or dividends on the average monthly balance in the account, or as otherwise computed in accordance with the standard accounting practice of the bank, savings and loan association, credit union, or savings bank, less reasonable service charges and other related charges, to the treasurer of state at least quarterly for deposit in the legal aid fund.
established under section 120.52 of the Revised Code;

(2) At the time of each remittance, transmit to the treasurer of state, and if requested, to the Ohio legal assistance access to justice foundation, and the title insurance agent or company, a statement showing the name of the title insurance agent or company for whom the remittance is sent, the rate of interest applied, the accounting period, the net amount remitted to the treasurer of state for each account, the total remitted, the average account balance for each month of the period for which the report is made, and the amount deducted for service charges and other related charges.

(E) The statements and reports submitted by the bank, savings and loan association, credit union, or savings bank under this section, are not public records subject to section 149.43 of the Revised Code and shall be used only to administer the legal aid fund.

(F) No funds belonging to a title insurance agent or company shall be deposited into an account established under division (A) of this section except funds necessary to pay service charges and other related charges of the bank, savings and loan association, credit union, or savings bank that are in excess of earnings on the account.

(G) No liability arising out of any negligent act or omission of any title insurance agent or company with respect to any account established under division (A) of this section shall be imputed to the bank, savings and loan association, credit union, or savings bank.

(H) No liability or responsibility arising out of any negligent act or omission of any title insurance agent with respect to any account established under division (A) of this
section shall be imputed to a title insurance company.

(I) The superintendent may adopt, in accordance with Chapter 119. of the Revised Code, rules that pertain to the use of accounts established under division (A) of this section and to the enforcement of this section."

After line 33202, insert:

"Sec. 4705.10. (A) All of the following apply to an interest-bearing trust account established under authority of section 4705.09 of the Revised Code:

(1) All funds in the account shall be subject to withdrawal upon request and without delay, or as soon as is permitted by federal law;

(2) The rate of interest payable on the account shall not be less than the rate paid by the depository institution to regular, nonattorney depositors. Higher rates offered by the institution to customers whose deposits exceed certain time or quantity qualifications, such as those offered in the form of certificates of deposit, may be obtained by a person or law firm establishing the account if there is no impairment of the right to withdraw or transfer principal immediately.

(3) The depository institution shall be directed, by the person or law firm establishing the account, to do all of the following:

(a) Remit interest or dividends, whichever is applicable, on the average monthly balance in the account or as otherwise computed in accordance with the institution's standard accounting practice, less reasonable service charges, to the treasurer of state at least quarterly for deposit in the legal aid fund.
established under section 120.52 of the Revised Code;

(b) Transmit to the treasurer of state, upon its request, to the Ohio Legal Assistance Foundation access to justice foundation, and the depositing attorney, law firm, or legal professional association upon the attorney's, firm's, or association's request, at the time of each remittance required by division (A)(3)(a) of this section, a statement showing the name of the attorney for whom or the law firm or legal professional association for which the remittance is sent, the rate of interest applied, the accounting period, the net amount remitted to the treasurer of state for each account, the total remitted, the average account balance for each month of the period for which the report is made, and the amount deducted for service charges;

(4) The depository institution shall notify the office of disciplinary counsel or other entity designated by the supreme court on each occasion when a properly payable instrument is presented for payment from the account, and the account contains insufficient funds. The depository institution shall provide this notice without regard to whether the instrument is honored by the depository institution. The depository institution shall provide the notice described in division (A)(4) of this section by electronic or other means within five banking days of the date that the instrument was honored or returned as dishonored. The notice shall contain all of the following:

(a) The name and address of the depository institution;

(b) The name and address of the lawyer, law firm, or legal professional association that maintains the account;

(c) The account number and either the amount of the overdraft and the date issued or the amount of the dishonored instrument and the date returned.
(B)(1) The statements and reports of individual depositor
information made under divisions (A)(3) and (4) of this section
are confidential and shall be used only for purposes of
administering the legal aid fund and for enforcement of the rules
of professional conduct adopted by the supreme court.

(2) A depository institution may charge the lawyer, law firm,
or legal professional association that maintains the account with
fees associated with producing and mailing a notice required by
division (A)(4) of this section but shall not deduct such fees
from the interest earned on the account."

In line 63395, after "120.35," insert "120.52, 120.521,
120.53,"

In line 63403, after "1901.123," insert "1901.26,"

In line 63404, after "1907.143," insert "1907.24,"; after
"2151.86," insert "2303.201,"

In line 63424, after "3901.3814," insert "3953.231,"

In line 63427, after "4701.16," insert "4705.10,"

In line 78581, delete "Legal Assistance" and insert "Access
to Justice"

The motion was __________ agreed to.

SYNOPSIS

Changes the name of the Ohio Legal Assistance Foundation
R.C. 120.52, 120.521, 120.53, 1901.26, 1907.24, 2303.201,
3953.231, and 4705.10 and Section 371.10

Changes the name of the Ohio Legal Assistance Foundation to
the Ohio Access to Justice Foundation.
In line 51 of the title, after "4729.80," insert "4729.86,"  
In line 229, after "4729.80," insert "4729.86,"  
In line 34973, after "(22)" insert "On receipt of a request from a requestor described in division (A)(5) or (6) of this section who is from or participating with a prescription monitoring program that is operated by a federal agency and approved by the board, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state. (23)"

After line 35026, insert:

"Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:

(A)(1) No person identified in divisions (A)(1) to (13), (15) to (22), (23), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the
database, except as follows:

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;

(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code;

(c) When a prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code provides the information to a person who is approved by the board to serve as such a delegate of the prescriber, pharmacist, or retail dispensary;

(d) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code.

(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database.

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code.

(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding.

(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing
in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case:

(a) The person violates division (A)(1), (2), or (3) of this section;

(b) The person is a requestor identified in division (A)(14) or (22) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section;

(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred;

(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database.

(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining further information from the drug database without a prior hearing, the board may summarily impose the restriction. A telephone conference call may be used for reviewing the allegations and taking a vote on the summary restriction. The summary restriction shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective.

(3) The board shall determine the extent to which the person is restricted from obtaining further information from the database."

In line 63429, after "4729.80," insert "4729.86,"
The motion was __________ agreed to.

**SYNOPSIS**

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moved to amend as follows:

In line 98 of the title, after "5525.03," insert "5537.07, 5537.13,"

In line 263, after "5525.03," insert "5537.07, 5537.13,"

After line 53693, insert:

"Sec. 5537.07. (A) When the cost to the Ohio turnpike and infrastructure commission under any contract with a person other than a governmental agency involves an expenditure of more than fifty thousand dollars, the commission shall make a written contract with the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code, after advertisement, in accordance with section 7.16 of the Revised Code, for not less than two consecutive weeks in a newspaper of general circulation in Franklin county, and in such other publications as the commission determines, which. The notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. The commission may require that the cost estimate for the construction, demolition, alteration, repair, improvement, renovation, or reconstruction of roadways and bridges for which the commission is required to receive bids be kept confidential"
and remain confidential until after all bids for the public
improvement have been received or the deadline for receiving bids
has passed. Thereafter, and before opening the bids submitted for
the roadways and bridges, the commission shall make the cost
estimate public knowledge by reading the cost estimate in a public
place. The commission may reject any and all bids. The
requirements of this division do not apply to contracts for the
acquisition of real property or compensation for professional or
other personal services.

(B) Each bid for a contract for construction, demolition,
alteration, repair, improvement, renovation, or reconstruction
shall contain the full name of every person interested in it and
shall meet the requirements of section 153.54 of the Revised Code.

(C) Other than for a contract referred to in division (B) of
this section, each bid for a contract that involves an expenditure
in excess of one five hundred fifty thousand dollars or any
contract with a service facility operator shall contain the full
name of every person interested in it and shall be accompanied by
a sufficient bond or certified check on a solvent bank that if the
bid is accepted a contract will be entered into and the
performance of its proposal secured.

(D) Other than a contract referred to in division (B) of this
section, a bond with good and sufficient surety, in a form as
prescribed and approved by the commission, shall be required of
every contractor awarded a contract that involves an expenditure
in excess of one five hundred fifty thousand dollars or any
contract with a service facility operator. The bond shall be in an
amount equal to at least fifty per cent of the contract price and
shall be conditioned upon the faithful performance of the
contract.
(E)(1) Notwithstanding any other provisions of this section, the commission may establish a program to expedite special turnpike projects by combining the design and construction elements of any public improvement project into a single contract. The commission shall prepare and distribute a scope of work document upon which the bidders shall base their bids. At a minimum, bidders shall meet the requirements of section 4733.161 of the Revised Code. Except in regard to those requirements relating to providing plans, the commission shall award contracts following the requirements set forth in divisions (A), (B), (C), and (D) of this section.

(2) Notwithstanding any other provision of this section or any other provision of the Revised Code to the contrary, the commission may use a value-based selection process when selecting a contractor to perform a project that contains both design and construction elements in a single contract under this division.

(F) Notwithstanding any other provision of this section or any other provision of the Revised Code to the contrary, the commission may enter into a written contract after submission of competitive proposals when the commission determines that competitive bidding is not practical or advantageous to the commission. The commission may conduct discussions with anyone that submits a competitive proposal when that proposal might be selected to ensure that the person understands and is responsive to the requirements of the project. The commission may award the contract to the person that submits the best proposal, as determined by the commission. The commission shall consider multiple factors in awarding a contract under this division, including price and the evaluation criteria set forth in the request for competitive proposals.
(G) The commission may contract for the purchase of equipment, materials, and services without public advertisement in any of the following circumstances:

1. The construction of a temporary bridge;

2. The making of temporary emergency repairs to a highway or bridge when necessary because of a storm, flood, landslide, or other natural disaster;

3. While responding to circumstances created by an extraordinary emergency, as determined by the commission.

Sec. 5537.13. (A) Subject to division (C)(1) of this section and section 5537.26 of the Revised Code, the Ohio turnpike and infrastructure commission may fix, revise, charge, and collect tolls for each turnpike project, and contract in the manner provided by this section with any person desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, electric light, or power lines, service facilities, or for any other purpose, and fix the terms, conditions, rents, and rates of charge for such use, provided that no toll, charge, or rental may be made by the commission for placing in, on, along, over, or under the turnpike project, equipment or public utility facilities that are necessary to serve service facilities or to interconnect any public utility facilities.

(B) Contracts for the operation of service facilities shall be made in writing. Such contracts, except contracts with state agencies or other governmental agencies, shall be made with the bidder whose bid is determined by the commission to be the best bid received, after advertisement, in accordance with section 7.16 of the Revised Code, for two consecutive weeks in a newspaper of
general circulation in Franklin county, and in other publications that the commission determines. The notice shall state the general character of the service facilities operation proposed, the place where plans and specifications may be examined, and the time and place of receiving bids. Bids shall contain the full name of each person interested in them, and shall be in such form as the commission requires. The commission may reject any and all bids. All contracts for service facilities shall be preserved in the principal office of the commission.

(C)(1) Except as necessary to comply with covenants in bond proceedings in existence before July 1, 2013, for calendar years 2013 through 2023, the commission shall not increase the toll rates for any class of passenger vehicle as fixed on the effective date of this amendment, July 1, 2013, when both of the following apply:

(a) The tolls are collected and remitted in accordance with a multi-jurisdiction electronic toll collection agreement; and

(b) The distance traveled is thirty miles or less.

(2) Subject to division (C)(1) of this section, tolls shall be so fixed and adjusted as to provide funds at least sufficient with other revenues of the Ohio turnpike system, if any, to pay:

(a) The cost of maintaining, improving, repairing, constructing, and operating the Ohio turnpike system and its different parts and sections, and to create and maintain any reserves for those purposes;

(b) Any unpaid bond service charges on outstanding bonds payable from pledged revenues as such charges become due and payable, and to create and maintain any reserves for that purpose.

(D) Tolls are not subject to supervision, approval, or
regulation by any state agency other than the turnpike and infrastructure commission.

(E) Revenues derived from each turnpike project shall be first applied to pay the cost of maintenance, improvement, repair, and operation and to provide any reserves therefor that are provided for in the bond proceedings authorizing the issuance of those outstanding bonds, and otherwise as provided by the commission. The bond proceedings also shall provide, subject to the provisions of any other applicable bond proceedings, for the pledge of all, or such part as the commission may determine of the pledged revenues and the applicable special fund or funds to the payment of the bond service charges, which pledge may be made to secure the bonds senior or subordinate to or on a parity with bonds theretofore or thereafter issued, if and to the extent provided in the bond proceedings. The pledge shall be valid and binding from the time the pledge is made; the revenues and the pledged revenues thereafter received by the commission immediately shall be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the commission, whether or not those parties have notice thereof. The bond proceedings by which a pledge is created need not be filed or recorded except in the records of the commission. The use and disposition of moneys to the credit of a bond service fund shall be subject to the applicable bond proceedings.

(F) The proceeds of bonds issued for the payment of the costs of infrastructure projects, net of the payment of all financing expenses and deposits into debt service reserves or other special funds as may be required in the applicable bond proceedings, shall be deposited to the infrastructure fund or funds and shall be
exclusively used to pay the cost of infrastructure projects approved by the commission, except that income earned by the infrastructure fund may be used by the commission towards the payment of bond service charges."

In line 63464, after "5525.03," insert "5537.07, 5537.13,"

The motion was __________ agreed to.

**SYNOPSIS**

**Ohio Turnpike and Infrastructure Commission**

**R.C. 5537.07 and 5537.13**

Authorizes the Commission to use a shorter form of public notice, available to state agencies and political subdivisions, and removes the restriction that all notices occur in a Franklin County newspaper.

Authorizes the Commission to use a value-based selection process for projects that involve both design and construction elements in a single contract, rather than being required to select the lowest responsive and responsible bidder, as under current law.

Authorizes the Commission to enter into contracts via a competitive proposal process, when the Commission determines that competitive bidding is not practical or advantageous to the Commission.

Raises the threshold for when a bond is required for goods and services contracts from $150,000 to $500,000.

Authorizes the Commission to enter into contracts for the
purchase of equipment, materials, and services without public advertising for all of the following:

1. Construction of a temporary bridge;

2. Making temporary emergency repairs to a highway or bridge after a storm, flood, landslide, or other natural disaster;

3. While responding to circumstances created by an extraordinary emergency, as determined by the Commission.
moved to amend as follows:

In line 18 of the title, after "2317.54," insert "2323.52," 1
In line 204, after "2317.54," insert "2323.52," 2
In line 5987, after "(8)" insert "(a)" 3
After line 6000, insert:

"(b) A public office or person responsible for public records is not required to permit a person who is subject to an order finding the person to be a vexatious litigant under section 2323.52 of the Revised Code to inspect or to obtain a copy of any public record, except pursuant to a court order issued under division (J) of that section."

After line 12399, insert:

"Sec. 2323.52. (A) As used in this section:

(1) "Conduct" has the same meaning as in section 2323.51 of the Revised Code.

(2) "Vexatious conduct" means conduct of a party in a civil action that satisfies any of the following:

(a) The conduct obviously serves merely to harass or maliciously injure another party to the civil action.

(b) The conduct is not warranted under existing law and
cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

(c) The conduct is imposed solely for delay.

(3) "Vexatious litigator" means any person who has habitually, persistently, and without reasonable grounds engaged in vexatious conduct in a civil action or actions, whether in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court, whether the person or another person instituted the civil action or actions, and whether the vexatious conduct was against the same party or against different parties in the civil action or actions. "Vexatious litigator" does not include a person who is authorized to practice law in the courts of this state under the Ohio Supreme Court Rules for the Government of the Bar of Ohio unless that person is representing or has represented self pro se in the civil action or actions. For the purposes of division (A)(3) of this section, "civil action" includes a proceeding under section 2743.75 of the Revised Code.

(B) A person, the office of the attorney general, or a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation who has defended against habitual and persistent vexatious conduct in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court may commence a civil action in a court of common pleas with jurisdiction over the person who allegedly engaged in the habitual and persistent vexatious conduct to have that person declared a vexatious litigator. The person, office of the attorney general, prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation may commence this civil action while the civil action or actions in which the habitual and persistent
vexatious conduct occurred are still pending or within one year
after the termination of the civil action or actions in which the
habitual and persistent vexatious conduct occurred.

(C) A civil action to have a person declared a vexatious
litigator shall proceed as any other civil action, and the Ohio
Rules of Civil Procedure apply to the action.

(D)(1) If the person alleged to be a vexatious litigator is
found to be a vexatious litigator, subject to division (D)(2) of
this section, the court of common pleas may enter an order
prohibiting the vexatious litigator from doing one or more of the
following without first obtaining the leave of that court to
proceed:

(a) Instituting legal proceedings in the court of claims or
in a court of common pleas, municipal court, or county court;

(b) Continuing any legal proceedings that the vexatious
litigator had instituted in any of the courts specified in
division (D)(1)(a) of this section prior to the entry of the
order;

(c) Making any application, other than an application for
leave to proceed under division (F)(1) of this section, in any
legal proceedings instituted by the vexatious litigator or another
person in any of the courts specified in division (D)(1)(a) of
this section.

(2) If the court of common pleas finds a person who is
authorized to practice law in the courts of this state under the
Ohio Supreme Court Rules for the Government of the Bar of Ohio to
be a vexatious litigator and enters an order described in division
(D)(1) of this section in connection with that finding, the order
shall apply to the person only insofar as the person would seek to
institute proceedings described in division (D)(1)(a) of this
section on a pro se basis, continue proceedings described in
division (D)(1)(b) of this section on a pro se basis, or make an
application described in division (D)(1)(c) of this section on a
pro se basis. The order shall not apply to the person insofar as
the person represents one or more other persons in the person's
capacity as a licensed and registered attorney in a civil or
criminal action or proceeding or other matter in a court of common
pleas, municipal court, or county court or in the court of claims.
Division (D)(2) of this section does not affect any remedy that is
available to a court or an adversely affected party under section
2323.51 or another section of the Revised Code, under Civil Rule
11 or another provision of the Ohio Rules of Civil Procedure, or
under the common law of this state as a result of frivolous
conduct or other inappropriate conduct by an attorney who
represents one or more clients in connection with a civil or
criminal action or proceeding or other matter in a court of common
pleas, municipal court, or county court or in the court of claims.

(3) A person who is subject to an order entered pursuant to
division (D)(1) of this section may not institute legal
proceedings in a court of appeals, continue any legal proceedings
that the vexatious litigator had instituted in a court of appeals
prior to entry of the order, or make any application, other than
the application for leave to proceed allowed by division (F)(2) of
this section, in any legal proceedings instituted by the vexatious
litigator or another person in a court of appeals without first
obtaining leave of the court of appeals to proceed pursuant to
division (F)(2) of this section.

(E) An order that is entered under division (D)(1) of this
section shall remain in force indefinitely unless the order
provides for its expiration after a specified period of time.
(F)(1) A court of common pleas that entered an order under division (D)(1) of this section shall not grant a person found to be a vexatious litigator leave for the institution or continuance of, or the making of an application in, legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court unless the court of common pleas that entered that order is satisfied that the proceedings or application are not an abuse of process of the court in question and that there are reasonable grounds for the proceedings or application. If a person who has been found to be a vexatious litigator under this section requests the court of common pleas that entered an order under division (D)(1) of this section to grant the person leave to proceed as described in division (F)(1) of this section, the period of time commencing with the filing with that court of an application for the issuance of an order granting leave to proceed and ending with the issuance of an order of that nature shall not be computed as a part of an applicable period of limitations within which the legal proceedings or application involved generally must be instituted or made.

(2) A person who is subject to an order entered pursuant to division (D)(1) of this section and who seeks to institute or continue any legal proceedings in a court of appeals or to make an application, other than an application for leave to proceed under division (F)(2) of this section, in any legal proceedings in a court of appeals shall file an application for leave to proceed in the court of appeals in which the legal proceedings would be instituted or are pending. The court of appeals shall not grant a person found to be a vexatious litigator leave for the institution or continuance of, or the making of an application in, legal proceedings in the court of appeals unless the court of appeals is satisfied that the proceedings or application are not an abuse of
process of the court and that there are reasonable grounds for the proceedings or application. If a person who has been found to be a vexatious litigator under this section requests the court of appeals to grant the person leave to proceed as described in division (F)(2) of this section, the period of time commencing with the filing with the court of an application for the issuance of an order granting leave to proceed and ending with the issuance of an order of that nature shall not be computed as a part of an applicable period of limitations within which the legal proceedings or application involved generally must be instituted or made.

(G) During the period of time that the order entered under division (D)(1) of this section is in force, no appeal by the person who is the subject of that order shall lie from a decision of the court of common pleas or court of appeals under division (F) of this section that denies that person leave for the institution or continuance of, or the making of an application in, legal proceedings in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court.

(H) The clerk of the court of common pleas that enters an order under division (D)(1) of this section shall send a certified copy of the order to the supreme court for publication in a manner that the supreme court determines is appropriate and that will facilitate the clerk of the court of claims and a clerk of a court of appeals, court of common pleas, municipal court, or county court in refusing to accept pleadings or other papers submitted for filing by persons who have been found to be a vexatious litigator under this section and who have failed to obtain leave to proceed under this section.

(I) Whenever it appears by suggestion of the parties or
otherwise that a person found to be a vexatious litigator under this section has instituted, continued, or made an application in legal proceedings without obtaining leave to proceed from the appropriate court of common pleas or court of appeals to do so under division (F) of this section, the court in which the legal proceedings are pending shall dismiss the proceedings or application of the vexatious litigator.

(J) A person who is subject to an order entered pursuant to division (D)(1) of this section shall not be permitted to request public records under section 149.43 of the Revised Code without first receiving both leave to proceed from the court of common pleas as described in this section and an accompanying order from the court that specifies with particularity what public records the person may request. Until the requirements set forth in this division are satisfied and evidence of satisfaction is presented to the public office or person responsible for public records, the public office or person responsible for public records is under no duty to respond to a public records request submitted by a person who is subject to an order entered pursuant to division (D)(1) of this section."

In line 63405, after "2317.54," insert "2323.52,"

The motion was __________ agreed to.

SYNOPSIS

Public Records Law – vexatious litigators

R.C. 149.43 and 2323.52

Prohibits a vexatious litigator from requesting public
records without first obtaining permission from the court.
moved to amend as follows:

In line 8 of the title, after "166.01," insert "167.03,"

In line 198, after "166.01," insert "167.03,"

After line 6598, insert:

"Sec. 167.03. (A) The council shall have the power to:

(1) Study such area governmental problems common to two or more members of the council as it deems appropriate, including but not limited to matters affecting health, safety, welfare, education, economic conditions, and regional development;

(2) Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;

(3) Make recommendations for review and action to the members and other public agencies that perform functions within the region;

(4) Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;

(5) Operate a public safety answering point in accordance
with Chapter 128. of the Revised Code;

(6) Perform planning directly by personnel of the council, or under contracts between the council and other public or private planning agencies.

(B) The council may:

(1) Review, evaluate, comment upon, and make recommendations, relative to the planning and programming, and the location, financing, and scheduling of public facility projects within the region and affecting the development of the area;

(2) Act as an areawide agency to perform comprehensive planning for the programming, locating, financing, and scheduling of public facility projects within the region and affecting the development of the area and for other proposed land development or uses, which projects or uses have public metropolitan wide or interjurisdictional significance;

(3) Act as an agency for coordinating, based on metropolitan wide comprehensive planning and programming, local public policies, and activities affecting the development of the region or area.

(C) The council may, by appropriate action of the governing bodies of the members, perform such other functions and duties as are performed or capable of performance by the members and necessary or desirable for dealing with problems of mutual concern.

(D) The authority granted to the council by this section or in any agreement by the members thereof shall not displace any existing municipal, county, regional, or other planning commission or planning agency in the exercise of its statutory powers.

(E) A council, with an educational service center as its
fiscal agent, that is established to provide health care benefits to the council members' officers and employees and their dependents may contract to administer and coordinate a self-funded health benefit program of a nonprofit corporation organized under Chapter 1702. of the Revised Code. Operating a program under this division does not constitute engaging in the business of insurance or the business of an administrator under section 3959.01 of the Revised Code and is not subject to the insurance laws of this state."

In line 63398, after "166.01," insert "167.03,"

The motion was __________ agreed to.

SYNOPSIS

Insurance role of regional council of governments

R.C. 167.03

Specifies that a program operated by a regional council of governments and a nonprofit corporation to administer and coordinate a self-funded health benefit program does not constitute engaging in the business of insurance or the business of an administrator and is not subject to Ohio's insurance laws.
moved to amend as follows:

After line 76023, insert:

"Section 307.18. YMCA OF GREATER CLEVELAND

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, $200,000 in each fiscal year shall be used to support the YMCA of Greater Cleveland's Early Learning Center Trauma informed pre-school for homeless, low income, and at-risk pre-school children."

The motion was ______ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.18

Earmarks $200,000 in FY 2020 and FY 2021 from GRF appropriation item 600410, TANF State Maintenance of Effort, for the YMCA of Greater Cleveland's Early Learning Center Trauma informed pre-school for homeless, low income, and at-risk pre-school children.
moved to amend as follows:

1. In line 78952, delete "$753,000 $253,000" and insert "953,000 $453,000"

2. In line 78973, add $200,000 to each fiscal year

3. In line 79000, add $200,000 to each fiscal year

4. After line 79929, insert:

"Of the foregoing appropriation item 235533, Program and Project Support, $200,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the development and implementation of an apprenticeship program administered through the Manufacturing Advocacy and Growth Network's (MAGNET) Early College Early Career Program. The apprenticeship program shall place high school students in a participating local private business that will employ the student and provide the training necessary for the student to earn a technical certification in Computer Integrated Manufacturing (CIM), machining, or welding."

17. The motion was ______ agreed to.
SYNOPSIS

Department of Higher Education

Sections 381.10 and 381.288

Increases GRF appropriation item 235533, Program and Project Support, by $200,000 in each fiscal year. Earmarks this amount for an apprenticeship program administered through the Manufacturing Advocacy and Growth Network's (MAGNET) Early College Early Career Program, whereby high school students will be placed in a participating local private business that will employ the student and provide the training necessary for the student to earn a technical certification in Computer Integrated Manufacturing (CIM), machining, or welding.
moved to amend as follows:

1. In line 78968, delete "$1,087,500 $1,287,500" and insert "$1,287,500 $1,487,500"
2. In line 78973, add $200,000 to each fiscal year
3. In line 79000, add $200,000 to each fiscal year
4. After line 80146, insert:
   "Of the foregoing appropriation item 235591, Co-Op Internship Program, $200,000 in each fiscal year shall be allocated to support the Museum of Contemporary Art Cleveland Fellowship Program in collaboration with Cleveland State University."

The motion was ______ agreed to.

SYNOPSIS

Department of Higher Education

Sections 381.10 and 381.373

Increases GRF appropriation item 235591, Co-Op Internship Program, and earmarks $200,000 in each fiscal year for the Museum of Contemporary Art Cleveland Fellowship Program in collaboration with Cleveland State University.
moved to amend as follows:

1. After line 76023, insert:

"Section 307.19. UNIVERSITY SETTLEMENT

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, $100,000 in each fiscal year shall be used to support University Settlement family assistance programs in the Broadway-Slavic Village neighborhood of Cleveland."

The motion was _______ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.19

Earmarks $100,000 in FY 2020 and FY 2021 from GRF appropriation item 600410, TANF State Maintenance of Effort, for University Settlement family assistance programs in the Broadway-Slavic Village neighborhood of Cleveland.
HC2559

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DPS031
DPSCD25

______________________________ moved to amend as follows:

1 In line 78634, after "used" insert "by the Office of
2 Criminal Justice Services to provide funding"; after "to" insert
3 "local law enforcement agencies to"

4 In line 78636, after the period insert "The interdiction
5 task forces shall be designated Ohio Organized Crime Commission
6 task forces subject to approval and supervision of the
7 Commission."

8 The motion was ______ agreed to.

9

SYNOPSIS

10 Department of Public Safety

11 Section 373.20

12 Clarifies that up to $3,400,000 of GRF appropriation item
13 761403, Recovery Ohio Law Enforcement, may be used by the Office
14 of Criminal Justice Services to provide funding to local law
15 enforcement agencies to create narcotics task forces that will
16 focus on cartel trafficking interdiction and specifies that the
17 interdiction task forces shall be designated Ohio Organized
18 Crime Commission task forces subject to approval and supervision
19 of the Commission.
moved to amend as follows:

1 In line 71640, delete "by the"
2 Delete lines 71641 and 71642
3 In line 71643, delete everything before the period and
4 insert "to support narcotics task forces funded by the Attorney
5 General"
6 The motion was ______ agreed to.

SYNOPSIS

Attorney General

Section 221.20

Changes the temporary law provision requiring the Attorney
General to use up to $500,000 of GRF appropriation item 055321,
Operating Expenses, in each fiscal year to support narcotics
task forces funded by the Department of Public Safety to instead
require those amounts to be used to support narcotics task
forces funded by the Attorney General.
moved to amend as follows:

In line 3 of the title, after "120.04," insert "120.06,"

In line 194, after "120.04," insert "120.06,"

After line 1939, insert:

"Sec. 120.06. (A)(1) The state public defender, when
designated by the court or requested by a county public defender
or joint county public defender, may provide legal representation
in all courts throughout the state to indigent adults and
juveniles who are charged with the commission of an offense or act
for which the penalty or any possible adjudication includes the
potential loss of liberty.

(2) The state public defender may provide legal
representation to any indigent person who, while incarcerated in
any state correctional institution, is charged with a felony
offense, for which the penalty or any possible adjudication that
may be imposed by a court upon conviction includes the potential
loss of liberty.

(3) The state public defender may provide legal
representation to any person incarcerated in any correctional
institution of the state, in any matter in which the person
asserts the person is unlawfully imprisoned or detained.
(4) The state public defender, in any case in which the state public defender has provided legal representation or is requested to do so by a county public defender or joint county public defender, may provide legal representation on appeal.

(5) The state public defender, when designated by the court or requested by a county public defender, joint county public defender, or the director of rehabilitation and correction, shall provide legal representation in parole and probation revocation matters or matters relating to the revocation of community control or post-release control under a community control sanction or post-release control sanction, unless the state public defender finds that the alleged parole or probation violator or alleged violator of a community control sanction or post-release control sanction has the financial capacity to retain the alleged violator's own counsel.

(6) If the state public defender contracts with a county public defender commission, a joint county public defender commission, or a board of county commissioners for the provision of services, under authority of division (C)(7) of section 120.04 of the Revised Code, the state public defender shall provide legal representation in accordance with the contract.

(B) The state public defender shall not be required to prosecute any appeal, postconviction remedy, or other proceeding pursuant to division (A)(3), (4), or (5) of this section, unless the state public defender first is satisfied that there is arguable merit to the proceeding.

(C) A court may appoint counsel or allow an indigent person to select the indigent's own personal counsel to assist the state public defender as co-counsel when the interests of justice so require. When co-counsel is appointed to assist the state public defender, the state public defender shall provide legal representation in accordance with the contract.
defender, the co-counsel shall receive any compensation that the
court may approve, not to exceed the amounts provided for in
section 2941.51 of the Revised Code.

(D)(1) When the state public defender is designated by the
court or requested by a county public defender or joint county
public defender to provide legal representation for an indigent
person in any case, other than pursuant to a contract entered into
under authority of division (C)(7) of section 120.04 of the
Revised Code, the state public defender shall send to the county
in which the case is filed a bill detailing the actual cost of the
representation that separately itemizes legal fees and expenses.
The county, upon receipt of an itemized bill from the state public
defender pursuant to this division, shall pay the state public
defender each of the following amounts:

(a) For the amount identified as legal fees in the itemized
bill, one hundred per cent of the amount identified as legal fees
less the state reimbursement rate as calculated by the state
public defender pursuant to section 120.34 of the Revised Code for
the month the case terminated, as set forth and expenses in the
itemized bill;

(b) For the amount identified as expenses in the itemized
bill, one hundred per cent.

(2) Upon payment of the itemized bill under division (D)(1)
of this section, the county may submit the cost of the legal fees
and expenses, excluding legal fees, to the state public defender
for reimbursement pursuant to section 120.33 of the Revised Code.

(3) When the state public defender provides investigation or
mitigation services to private appointed counsel or to a county or
joint county public defender as approved by the appointing court,
other than pursuant to a contract entered into under authority of
division (C)(7) of section 120.04 of the Revised Code, the state public defender shall send to the county in which the case is filed a bill itemizing the actual cost of the services provided. The county, upon receipt of an itemized bill from the state public defender pursuant to this division, shall pay one hundred per cent of the amount as set forth in the itemized bill. Upon payment of the itemized bill received pursuant to this division, the county may submit the cost of the investigation and mitigation services to the state public defender for reimbursement pursuant to section 120.33 of the Revised Code.

(4) There is hereby created in the state treasury the county representation fund for the deposit of moneys received from counties under this division. All moneys credited to the fund shall be used by the state public defender to provide legal representation for indigent persons when designated by the court or requested by a county or joint county public defender or to provide investigation or mitigation services, including investigation or mitigation services to private appointed counsel or a county or joint county public defender, as approved by the court.

(E)(1) Notwithstanding any contrary provision of sections 109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code that pertains to representation by the attorney general, an assistant attorney general, or special counsel of an officer or employee, as defined in section 109.36 of the Revised Code, or of an entity of state government, the state public defender may elect to contract with, and to have the state pay pursuant to division (E)(2) of this section for the services of, private legal counsel to represent the Ohio public defender commission, the state public defender, assistant state public defenders, other employees of the commission or the state public defender, and attorneys described
in division (C) of section 120.41 of the Revised Code in a malpractice or other civil action or proceeding that arises from alleged actions or omissions related to responsibilities derived pursuant to this chapter, or in a civil action that is based upon alleged violations of the constitution or statutes of the United States, including section 1983 of Title 42 of the United States Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that arises from alleged actions or omissions related to responsibilities derived pursuant to this chapter, if the state public defender determines, in good faith, that the defendant in the civil action or proceeding did not act manifestly outside the scope of the defendant's employment or official responsibilities, with malicious purpose, in bad faith, or in a wanton or reckless manner. If the state public defender elects not to contract pursuant to this division for private legal counsel in a civil action or proceeding, then, in accordance with sections 109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the attorney general shall represent or provide for the representation of the Ohio public defender commission, the state public defender, assistant state public defenders, other employees of the commission or the state public defender, or attorneys described in division (C) of section 120.41 of the Revised Code in the civil action or proceeding.

(2)(a) Subject to division (E)(2)(b) of this section, payment from the state treasury for the services of private legal counsel with whom the state public defender has contracted pursuant to division (E)(1) of this section shall be accomplished only through the following procedure:

(i) The private legal counsel shall file with the attorney general a copy of the contract; a request for an award of legal fees, court costs, and expenses earned or incurred in connection
with the defense of the Ohio public defender commission, the state
public defender, an assistant state public defender, an employee,
or an attorney in a specified civil action or proceeding; a
written itemization of those fees, costs, and expenses, including
the signature of the state public defender and the state public
defender's attestation that the fees, costs, and expenses were
earned or incurred pursuant to division (E)(1) of this section to
the best of the state public defender's knowledge and information;
a written statement whether the fees, costs, and expenses are for
all legal services to be rendered in connection with that defense,
are only for legal services rendered to the date of the request
and additional legal services likely will have to be provided in
connection with that defense, or are for the final legal services
rendered in connection with that defense; a written statement
indicating whether the private legal counsel previously submitted
a request for an award under division (E)(2) of this section in
connection with that defense and, if so, the date and the amount
of each award granted; and, if the fees, costs, and expenses are
for all legal services to be rendered in connection with that
defense or are for the final legal services rendered in connection
with that defense, a certified copy of any judgment entry in the
civil action or proceeding or a signed copy of any settlement
agreement entered into between the parties to the civil action or
proceeding.

(ii) Upon receipt of a request for an award of legal fees,
court costs, and expenses and the requisite supportive
documentation described in division (E)(2)(a)(i) of this section,
the attorney general shall review the request and documentation;
determine whether any of the limitations specified in division
(E)(2)(b) of this section apply to the request; and, if an award
of legal fees, court costs, or expenses is permissible after
applying the limitations, prepare a document awarding legal fees, court costs, or expenses to the private legal counsel. The document shall name the private legal counsel as the recipient of the award; specify the total amount of the award as determined by the attorney general; itemize the portions of the award that represent legal fees, court costs, and expenses; specify any limitation applied pursuant to division (E)(2)(b) of this section to reduce the amount of the award sought by the private legal counsel; state that the award is payable from the state treasury pursuant to division (E)(2)(a)(iii) of this section; and be approved by the inclusion of the signatures of the attorney general, the state public defender, and the private legal counsel.

(iii) The attorney general shall forward a copy of the document prepared pursuant to division (E)(2)(a)(ii) of this section to the director of budget and management. The award of legal fees, court costs, or expenses shall be paid out of the state public defender's appropriations, to the extent there is a sufficient available balance in those appropriations. If the state public defender does not have a sufficient available balance in the state public defender's appropriations to pay the entire award of legal fees, court costs, or expenses, the director shall make application for a transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies in an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations. A transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account requests, or requests for releases from the other appropriation. If a transfer of appropriations out of the
the emergency purposes account or other appropriation for emergencies or contingencies is made to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the director shall cause the payment to be made to the private legal counsel. If sufficient moneys do not exist in the emergency purposes account or other appropriation for emergencies or contingencies to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the private legal counsel shall request the general assembly to make an appropriation sufficient to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, and no payment in that amount shall be made until the appropriation has been made. The private legal counsel shall make the request during the current biennium and during each succeeding biennium until a sufficient appropriation is made.

(b) An award of legal fees, court costs, and expenses pursuant to division (E) of this section is subject to the following limitations:

(i) The maximum award or maximum aggregate of a series of awards of legal fees, court costs, and expenses to the private legal counsel in connection with the defense of the Ohio public defender commission, the state public defender, an assistant state public defender, an employee, or an attorney in a specified civil action or proceeding shall not exceed fifty thousand dollars.

(ii) The private legal counsel shall not be awarded legal fees, court costs, or expenses to the extent the fees, costs, or expenses are covered by a policy of malpractice or other insurance.
(iii) The private legal counsel shall be awarded legal fees and expenses only to the extent that the fees and expenses are reasonable in light of the legal services rendered by the private legal counsel in connection with the defense of the Ohio public defender commission, the state public defender, an assistant state public defender, an employee, or an attorney in a specified civil action or proceeding.

(c) If, pursuant to division (E)(2)(a) of this section, the attorney general denies a request for an award of legal fees, court costs, or expenses to private legal counsel because of the application of a limitation specified in division (E)(2)(b) of this section, the attorney general shall notify the private legal counsel in writing of the denial and of the limitation applied.

(d) If, pursuant to division (E)(2)(c) of this section, a private legal counsel receives a denial of an award notification or if a private legal counsel refuses to approve a document under division (E)(2)(a)(ii) of this section because of the proposed application of a limitation specified in division (E)(2)(b) of this section, the private legal counsel may commence a civil action against the attorney general in the court of claims to prove the private legal counsel's entitlement to the award sought, to prove that division (E)(2)(b) of this section does not prohibit or otherwise limit the award sought, and to recover a judgment for the amount of the award sought. A civil action under division (E)(2)(d) of this section shall be commenced no later than two years after receipt of a denial of award notification or, if the private legal counsel refused to approve a document under division (E)(2)(a)(ii) of this section because of the proposed application of a limitation specified in division (E)(2)(b) of this section, no later than two years after the refusal. Any judgment of the court of claims in favor of the private legal counsel shall be
paid from the state treasury in accordance with division (E)(2)(a) of this section.

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

(G)(1) The state public defender may conduct a legal assistance referral service for children committed to the department of youth services relative to conditions of confinement claims. If the legal assistance referral service receives a request for assistance from a child confined in a facility operated, or contracted for, by the department of youth services and the state public defender determines that the child has a conditions of confinement claim that has merit, the state public defender may refer the child to a private attorney. If no private attorney who the child has been referred to by the state public defender accepts the case within a reasonable time, the state public defender may prepare, as appropriate, pro se pleadings in the form of a complaint regarding the conditions of confinement at the facility where the child is confined with a motion for appointment of counsel and other applicable pleadings necessary for sufficient pro se representation.

(2) Division (G)(1) of this section does not authorize the
state public defender to represent a child committed to the
department of youth services in general civil matters arising
solely out of state law.

(3) The state public defender shall not undertake the
representation of a child in court based on a conditions of
confinement claim arising under this division.

(H) A child's right to representation or services under this
section is not affected by the child, or another person on behalf
of the child, previously having paid for similar representation or
services or having waived legal representation.

(I) The state public defender shall have reasonable access to
any child committed to the department of youth services,
department of youth services institution, and department of youth
services record as needed to implement this section.

(J) As used in this section:

(1) "Community control sanction" has the same meaning as in
section 2929.01 of the Revised Code.

(2) "Conditions of confinement" means any issue involving a
constitutional right or other civil right related to a child's
incarceration, including, but not limited to, actions cognizable

(3) "Post-release control sanction" has the same meaning as
in section 2967.01 of the Revised Code."

In line 63394, after "120.04," insert "120.06,"

After line 78558, insert:

"INDIGENT DEFENSE TASK FORCE

(A) There is hereby created a task force to study Ohio's
indigent defense system and provide recommendations to the General
Assembly regarding the delivery, structure, and funding of indigent defense.

(B) The task force shall consist of the following voting members, appointed not later than October 15, 2019:

(1) The State Public Defender;

(2) The Chair of the Ohio Public Defender Commission;

(3) The Governor or the Governor's designee;

(4) The Chief Justice of the Ohio Supreme Court, or the Chief Justice's designee;

(5) One judge appointed by the Ohio Judicial Conference;

(6) One attorney appointed by the Ohio State Bar Association;

(7) One public defender appointed by the Ohio Public Defender Commission;

(8) One attorney who participates in the assigned counsel system, appointed by the Ohio Public Defender Commission;

(9) One county commissioner appointed by the president of the County Commissioners' Association of Ohio;

(10) The Attorney General or a designee of the Attorney General;

(11) Six members of the General Assembly, including:

(a) Three members of the Senate, including two from the majority party appointed by the Senate President, and one from the minority party appointed by the Senate Minority Leader;

(b) Three members of the House of Representatives, including two from the majority party appointed by the Speaker of the House of Representatives, and one from the minority party appointed by the House Minority Leader.
(C) The task force shall be co-chaired by one member of the Senate and one member of the House of Representatives, both from the majority party and appointed by their respective leaders.

(D) Not later than August 1, 2020, the task force shall report its recommendations to the General Assembly. The Legislative Service Commission shall assist the task force as needed.

(E) The task force may reimburse the travel expenses of any experts invited to present to the task force.

Of the foregoing appropriation item 109401, State Legal Defense Services, $9,100 in fiscal year 2020 and $900 in fiscal year 2021 shall be used for the reimbursement of travel expenses of experts invited to present to the task force."

The motion was __________ agreed to.

**SYNOPSIS**

*Billing practices of the State Public Defender*

*R.C. 120.06*

Changes how much a county is required to pay the State Public Defender for legal representation of an indigent defendant so that the county must pay 100% of the legal fees and expenses identified in the itemized bill for those services, but may submit the combined cost to the State Public Defender for up to full reimbursement under a change in the law currently included in the bill.

*Task force to study indigent defense*
Section 371.20

Creates a task force to study Ohio's indigent defense system and provide recommendations to the General Assembly regarding the delivery, structure, and funding of indigent defense.

Specifies the membership composition of the task force and requires the committee to report its recommendations to the General Assembly by August 1, 2020.

Earmarks $9,100 in FY 2020 and $900 in FY 2021 to be used to reimburse travel expenses of experts invited to present to the task force.
moved to amend as follows:

In line 27 of the title, delete "3314.27,"

In line 212, delete "3314.27,"

Delete lines 21519 through 21590

In line 63412, delete "3314.27,"

The motion was __________ agreed to.

SYNOPSIS

E-school attendance and student absence policies

R.C. 3314.27

Removes the provision in the bill that requires each internet- or computer-based community school (e-school) to do all of the following:

(1) Develop an individual learning plan for each student that enrolls in the school;

(2) Include in its attendance policy, adopted under continuing law, provisions for determining whether a student is participating in learning opportunities in any given school day
and for any portion of the school year that specify a student must complete not less than 90% of learning opportunities;

(3) Include in its policy guidance to employees in addressing student absences adopted under continuing law a tiered consequences procedure that includes notifying the parent, guardian, or custodian when a student has been absent for ten or more school days in a year and disenrollment for continued failure to comply with an individual learning plan.

Removes the provisions of the bill that do the following:

(1) Specifies that each e-school must continue to comply with any applicable continuing law requirement that does not directly conflict with one or more of the requirements described above.

(2) Specifies that "learning opportunities" offered by an e-school include any of the following that a student is expected to complete, participate, or attend during any given school day:

(a) Online logins to curriculum or programs;
(b) Offline activities;
(c) Assignments within a particular program, curriculum, or class;
(d) Testing;
(e) Face-to-face communication;
(f) Telephone or video conferences; and
(g) Electronic mail, texts, phone calls, or other meetings.
moved to amend as follows:

In line 32 of the title, after "3333.45," insert "3333.59,"; after "3353.07," insert "3358.02, 3358.06,"

In line 126 of the title, after "3333.052," insert "3358.11,"

In line 215, after "3333.45," insert "3333.59,"; after "3353.07," insert "3358.02, 3358.06,"

In line 285, after "3333.052," insert "3358.11,"

After line 24563, insert:

"Sec. 3333.59. (A) As used in this section:

(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the department of higher education by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year.

(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.

(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.

(4) "Chancellor" means the chancellor of higher education.

(5) "Community or technical college" or "college" means any
of the following state-supported or state-assisted institutions of higher education:

(a) A community college as defined in section 3354.01 of the Revised Code;

(b) A technical college as defined in section 3357.01 of the Revised Code;

(c) A state community college as defined in section 3358.01 of the Revised Code.

(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:

(a) A community college district as defined in section 3354.01 of the Revised Code;

(b) A technical college district as defined in section 3357.01 of the Revised Code;

(c) A state community college district as defined in section 3358.01 of the Revised Code.

(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.

(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires.

(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10, or 3358.11 of the Revised Code, or for whose benefit and on whose behalf the issuing authority proposes to issue obligations under section 154.25 of the Revised Code, may adopt a resolution requesting the chancellor to enter into an agreement with the
community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds otherwise due the district or the community or technical college it operates in respect of its allocated state share of instruction, for the payment of bond service charges on such obligations.

The board of trustees shall deliver to the chancellor a copy of the resolution and any additional pertinent information the chancellor may require.

The chancellor and the office of budget and management, and the issuing authority in the case of obligations to be issued by the issuing authority, shall evaluate each request received from a community or technical college district under this section. The chancellor, with the advice and consent of the director of budget and management and the issuing authority in the case of obligations to be issued by the issuing authority, shall approve each request if all of the following conditions are met:

(1) Approval of the request will enhance the marketability of the obligations for which the request is made;

(2) The chancellor and the office of budget and management, and the issuing authority in the case of obligations to be issued by the issuing authority, have no reason to believe the requesting community or technical college district or the community or technical college it operates will be unable to pay when due the bond service charges on the obligations for which the request is made, and bond service charges on those obligations are therefore not anticipated to be paid pursuant to this section from the allocated state share of instruction for purposes of Section 17 of Article VIII, Ohio Constitution.

(3) Any other pertinent conditions established in rules
adopted under division (H) of this section.

(C) If the chancellor approves the request of a community or technical college district to withhold and deposit funds pursuant to this section, the chancellor shall enter into a written agreement with the district and the primary paying agent or fiscal agent for the obligations, which agreement shall provide for the withholding of funds pursuant to this section for the payment of bond service charges on those obligations. The agreement may also include both of the following:

(1) Provisions for certification by the district to the chancellor, prior to the deadline for payment of the applicable bond service charges, whether the district and the community or technical college it operates are able to pay those bond service charges when due;

(2) Requirements that the district or the community or technical college it operates deposits amounts for the payment of those bond service charges with the primary paying agent or fiscal agent for the obligations prior to the date on which the bond service charges are due to the owners or holders of the obligations.

(D) Whenever a district or the community or technical college it operates notifies the chancellor that it will not be able to pay the bond service charges when they are due, subject to the withholding provisions of this section, or whenever the applicable paying agent or fiscal agent notifies the chancellor that it has not timely received from a district or from the college it operates the full amount needed for payment of the bond service charges when due to the holders or owners of such obligations, the chancellor shall immediately contact the district or college and the paying agent or fiscal agent to confirm that the district and
the college are not able to make the required payment by the date on which it is due.

If the chancellor confirms that the district and the college are not able to make the payment and the payment will not be made pursuant to a credit enhancement facility, the chancellor shall promptly pay to the applicable primary paying agent or fiscal agent the lesser of the amount due for bond service charges or the amount of the next periodic distribution scheduled to be made to the district or to the college in respect of its allocated state share of instruction. If this amount is insufficient to pay the total amount then due the agent for the payment of bond service charges, the chancellor shall continue to pay to the agent from each periodic distribution thereafter, and until the full amount due the agent for unpaid bond service charges is paid in full, the lesser of the remaining amount due the agent for bond service charges or the amount of the next periodic distribution scheduled to be made to the district or college in respect of its allocated state share of instruction.

(E) The chancellor may make any payments under this section by direct deposit of funds by electronic transfer.

Any amount received by a paying agent or fiscal agent under this section shall be applied only to the payment of bond service charges on the obligations of the community or technical college district or community or technical college subject to this section or to the reimbursement of the provider of a credit enhancement facility that has paid the bond service charges.

(F) The chancellor may make payments under this section to paying agents or fiscal agents during any fiscal biennium of the state only from and to the extent that money is appropriated to the department by the general assembly for distribution during
such biennium for the state share of instruction and only to the extent that a portion of the state share of instruction has been allocated to the community or technical college district or community or technical college. Obligations of the issuing authority or of a community or technical college district to which this section is made applicable do not constitute an obligation or a debt or a pledge of the faith, credit, or taxing power of the state, and the holders or owners of those obligations have no right to have excises or taxes levied or appropriations made by the general assembly for the payment of bond service charges on the obligations, and the obligations shall contain a statement to that effect. The agreement for or the actual withholding and payment of money under this section does not constitute the assumption by the state of any debt of a community or technical college district or a community or technical college, and bond service charges on the related obligations are not anticipated to be paid from the state general revenue fund for purposes of Section 17 of Article VIII, Ohio Constitution.

(G) In the case of obligations subject to the withholding provisions of this section, the issuing community or technical college district, or the issuing authority in the case of obligations issued by the issuing authority, shall appoint a paying agent or fiscal agent who is not an officer or employee of the district or college.

(H) The chancellor, with the advice and consent of the office of budget and management, may adopt reasonable rules not inconsistent with this section for the implementation of this section to secure payment of bond service charges on obligations issued by a community or technical college district or by the issuing authority for the benefit of a community or technical college district or the community or technical college it
operates. Those rules shall include criteria for the evaluation and approval or denial of community or technical college district requests for withholding under this section.

(I) The authority granted by this section is in addition to and not a limitation on any other authorizations granted by or pursuant to law for the same or similar purposes."

After line 24749, insert:

"Sec. 3358.02. (A) A state community college district may be created to take the place of a technical college or a university branch with the approval of the Ohio board of regents chancellor of higher education upon the proposal of the board of trustees of a technical college district, or upon the proposal of the board of trustees of a state university, or upon the joint proposal of both such boards, and pursuant to an agreement entered into under section 3358.05 of the Revised Code. A state community college district may not be created to take the place of both a technical college district and a university branch without the consent of both boards of trustees.

The attorney general shall be the attorney for each state community college district and shall provide legal advice in all matters relating to its powers and duties.

(B)(1) Qualified electors residing in a county, or in two or more contiguous counties, with a total population of at least one hundred fifty thousand may, in the manner prescribed in division (C) of section 3354.02 of the Revised Code, execute a petition proposing the creation of a state community college district within the territory of the county or counties. Upon the certification to the board of regents chancellor that a majority of the electors voting on the proposition in the territory in
which the proposed college is to be located voted in favor thereof, the board chancellor may create a state community college district comprising the territory included in the petition.

(2) The board of county commissioners of a county in which there is no university branch or technical college and which has a population of not less than one hundred fifty thousand may, by resolution approved by two-thirds of its members, propose the creation of a state community college district within the county. Upon certification to the board of regents chancellor of a copy of such resolution, the board chancellor may create a state community college district comprising a county.

(3) The boards of county commissioners of any two or more contiguous counties in which there is no university branch or technical college and which have a combined population of not less than one hundred fifty thousand may, by a resolution approved by two-thirds of the members of each such board, jointly propose the creation of a state community college district within the territory of the counties. Upon certification to the board of regents chancellor of a copy of the resolution, the board chancellor may create a state community college district comprising the counties.

(C) A state community college district may be expanded to include one or more counties, by a majority vote of the board of trustees and upon approval by the board of regents chancellor.

(D) Upon a proposal of the board of trustees of a state community college district, the board of regents may amend the charter of a state community college to change it into a community college as defined in section 3354.01 of the Revised Code, in order to permit the college to seek a local levy. Such amendment
of the charter is effective immediately upon its acceptance by the board of regents, and the state community college district shall thereupon become a community college district. If a levy is defeated by the voters or if no levy is approved by the electors within one year after the date the amendment takes effect, such amendment becomes void, and the college shall thereupon become a state community college, and the district operating such college shall become a state community college district. On the effective date of a charter amendment the board of trustees of the state community college district shall become the initial board of trustees for the community college district to serve for the balance of their existing terms, and the board or boards of county commissioners from the counties involved shall fill the first six vacancies occurring on the community college board, and thereafter board members shall be appointed under section 3354.05 of the Revised Code. If such an amendment takes effect and is subsequently voided under this section, any persons appointed to the board during the period the amendment was in effect shall be considered members of the state community college district board, and thereafter trustees shall be appointed in accordance with section 3358.03 of the Revised Code.

Within thirty days after approval by the board of regents of a state community college district proposed under this section, the board of regents shall file with the secretary of state a copy of its certification or resolution creating the district. This copy shall be recorded in the office of the secretary of state, who shall then declare the district to be established.

In addition to the process described in this division, a state community college may seek a local levy in accordance with section 3358.11 of the Revised Code for the purposes prescribed in that section.
Sec. 3358.06. (A)(1) The treasurer of each state community college district shall be its fiscal officer, and the treasurer shall receive and disburse all funds under the direction of the college president. No contract of the college's board of trustees involving the expenditure of money shall become effective until the treasurer certifies that there are funds of the board otherwise uncommitted and sufficient to provide therefor, subject to division (A)(2) of this section.

When the treasurer ceases to hold the office, the treasurer or the treasurer's legal representative shall deliver to the treasurer's successor or the president all moneys, books, papers, and other property of the college.

Before entering upon the discharge of official duties, the treasurer shall give bond to the state or be insured for the faithful performance of official duties and the proper accounting for all moneys coming into the treasurer's care. The amount of the bond or insurance shall be determined by the board but shall not be for a sum less than the estimated amount that may come into the treasurer's control at any time, less any reasonable deductible.

(2) If the board of trustees levies a tax under section 3358.11 of the Revised Code, the board and the treasurer are subject to and shall comply with division (D) of section 5705.41 of the Revised Code.

(B) The board of trustees may provide for the investment of district funds. Investments may be made in securities of the United States government or of its agencies or instrumentalities, the treasurer of state's pooled investment program, obligations of this state or any political subdivision of this state, certificates of deposit of any national bank located in this
state, written repurchase agreements with any eligible Ohio financial institution that is a member of the federal reserve system or federal home loan bank, money market funds, or bankers acceptances maturing in two hundred seventy days or less which are eligible for purchase by the federal reserve system, as a reserve. Notwithstanding the foregoing or any provision of the Revised Code to the contrary, the board of trustees of a state community college district may provide for the investment of district funds in any manner authorized under section 3345.05 of the Revised Code.

Sec. 3358.11. (A) In the same manner as a tax may be proposed by a board of trustees of a community college district under section 3354.12 of the Revised Code, the board of trustees of a state community college district may adopt and certify a resolution to the board of elections of one or more of the counties comprising the state community college district directing the board of elections to place on the ballot at any general or special election the question of levying a tax in excess of the ten-mill limitation on all the taxable property in that county or those counties. The tax may be for any of the following purposes, as stated in the resolution:

(1) The acquisition of sites in that county or those counties;

(2) The erection, furnishing, and equipment of buildings in that county or those counties;

(3) The acquisition, construction, or improvement of any property in that county or those counties which the board of trustees of a state community college is authorized to acquire, construct, or improve and which has an estimated life or
usefulness of five years or more as certified by the treasurer of the board of trustees.

The resolution shall declare that the proceeds of the levy or issue may be used solely within the county or counties in which the tax is levied and state the term of the tax, which may be for any term authorized for a tax levied under section 3354.12 of the Revised Code. The question of such a tax may not be submitted at more than two special elections held in any one calendar year. Levies for a continuing period of time adopted under this section may be reduced in accordance with section 5705.261 of the Revised Code.

The election shall be held, canvassed, and certified in the manner provided for the submission of a tax levy under section 3354.12 of the Revised Code. A tax levied under this section may be renewed in the same manner as a tax levied under section 3354.12 of the Revised Code or replaced in accordance with section 5705.192 of the Revised Code.

If electors approve the levy, the board of trustees may anticipate a fraction of the proceeds of the levy and may, from time to time, issue anticipation notes in the same manner and subject to the same limitations provided under section 3354.12 of the Revised Code.

(B) In accordance with Chapter 133. of the Revised Code, the board of trustees of a state community college district may adopt and certify a resolution to the board of elections of one or more of the counties comprising the district directing the board of elections to place on the ballot at any election authorized under section 133.18 of the Revised Code both of the following questions:

(1) The question of issuing bonds for paying all or part of
the cost of the following:

(a) The purchase of sites in that county or those counties;

(b) The erection, furnishings, and equipment of buildings in that county or those counties;

(c) The acquisition or construction of any property in that county or those counties which the board of trustees is authorized to acquire or construct and which has an estimated life or usefulness of five years or more as certified by the treasurer of the board of trustees.

(2) The question of levying a tax in excess of the ten-mill limitation on all the taxable property in that county or those counties to pay the interest on and retire any bonds approved by the electors under division (B)(1) of this section.

The election shall be held, canvassed, and certified in the manner provided for the submission of a bond issuance and tax levy under section 3354.11 of the Revised Code. Bonds approved by electors under division (B)(1) of this section may be issued for one or more improvements which the district is authorized to acquire or construct, notwithstanding the fact that such improvements may not be for more than one purpose under Chapter 133. of the Revised Code.

Notes may be issued in anticipation of any bonds that may be approved by the electors under division (B)(1) of this section in the manner provided under section 133.22 of the Revised Code.

For the purpose of applying Chapter 133. of the Revised Code to division (B) of this section, the treasurer of the state community college district shall be considered to be the district's fiscal officer, and the board of trustees of the state community college district shall be considered to be the taxing
authority.

(C) The board of trustees of a state community college district that levies a tax or proposes to levy a tax under division (A) or (B) of this section shall be considered to be a taxing authority, the county or counties in which the tax is levied shall be considered to be a subdivision, and the treasurer of the board of trustees shall be considered to be a fiscal officer for the purposes of Chapter 5705. of the Revised Code, except for section 5705.19 of the Revised Code."

In line 63415, after "3333.45," insert "3333.59,"

In line 63416, after "3353.07," insert "3358.02, 3358.06,"

The motion was ________ agreed to.

SYNOPSIS

State community college permanent improvements levy

R.C. 3358.11, 3333.59, 3358.02, and 3358.06

Authorizes the board of trustees of a state community college district to levy a property tax for permanent improvements, or a combination bond issuance and tax levy for that purpose. Specifies that the tax is subject to voter approval and that it may be levied for a specified number of years or for a continuing period of time.

The tax levy authorized by the amendment is nearly identical to a tax levy authorized under continuing law for community college districts, except that the community college district levy can also be used for operating expenses. Community college
districts and state community college districts perform similar functions - operating community colleges within certain territory - but there are some administrative differences such as how trustees are appointed.
moved to amend as follows:

In line 40 of the title, delete "3721.022,"
In line 41 of the title, delete "3721.027,"
In line 89 of the title, after "5164.342," insert "5164.36,"
In line 92 of the title, delete "5164.69, 5165.80,"
In line 117 of the title, delete the first "and"; after "4751.10" insert ", and 5164.37,
In line 149 of the title, delete "173.60,"
In line 153 of the title, delete "3721.072,"
In line 157 of the title, after "5162.64," insert "5164.37,"
delete "5165.771,"
In line 221, delete "3721.022, 3721.027,"
In line 257, after "5164.342," insert "5164.36,"
In line 259, delete "5165.69, 5165.80,"
In line 277, delete the second "and"; after "4751.10," insert
"and 5164.37,"

In line 7524, strike through "division (C) of"; strike through "5164.37" and insert "5164.36"

In line 7530, strike through "5164.37" and insert "5164.36"

Delete lines 27186 through 27270

Delete lines 27315 through 27338

After line 50535, insert:

"Sec. 5164.36. (A) As used in this section:

(1) "Credible allegation of fraud" has the same meaning as in 42 C.F.R. 455.2, except that for purposes of this section any reference in that regulation to the "state" or the "state medicaid agency" means the department of medicaid.

(2) "Disqualifying indictment" means an indictment of a medicaid provider or its officer, authorized agent, associate, manager, employee, or, if the provider is a noninstitutional provider, its owner, if either of the following applies:

(a) The indictment charges the person with committing an act to which both of the following apply:

(i) The act would be a felony or misdemeanor under the laws of this state or the jurisdiction within which the act occurred.

(ii) The act relates to or results from furnishing or billing for medicaid services under the medicaid program or relates to or results from performing management or administrative services relating to furnishing medicaid services under the medicaid program.

(b) If the medicaid provider is an independent provider, the indictment charges the person with committing an act that would
constitute a disqualifying offense.

(3) "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.

(4) "Independent provider" has the same meaning as in section 5164.341 of the Revised Code.

(5) "Noninstitutional medicaid provider" means any person or entity with a provider agreement other than a hospital, nursing facility, or ICF/IID.

(6) "Owner" has the same meaning as in section 5164.37 of the Revised Code means any person having at least five per cent ownership in a noninstitutional medicaid provider.

(B)(1) Except as provided in division (C) of this section and in rules authorized by this section, on determining there is a credible allegation of fraud for which an investigation is pending under the medicaid program against a medicaid provider, the department of medicaid shall suspend the provider agreement held by the a medicaid provider on determining either of the following:

(a) There is a credible allegation of fraud against any of the following for which an investigation is pending under the medicaid program:

   (i) The medicaid provider;

   (ii) The medicaid provider's owner, officer, authorized agent, associate, manager, or employee.

(b) A disqualifying indictment has been issued against any of the following:

   (i) The medicaid provider;

   (ii) The medicaid provider's officer, authorized agent,
associate, manager, or employee;

(iii) If the medicaid provider is a noninstitutional provider, its owner. Subject

(2) Subject to division (C) of this section, the department shall also terminate suspend all medicaid payments to the a medicaid provider for services rendered, regardless of the date that the services are rendered, when the department suspends the provider's provider agreement under this section.

(2)(a)(3) The suspension of a provider agreement shall continue in effect until either of the following is the case occurs:

(i) If the suspension is the result of a credible allegation of fraud, the department or a prosecuting authority determines that there is insufficient evidence of fraud by the medicaid provider;

(ii) Regardless of whether the suspension is the result of a credible allegation of fraud or a disqualifying indictment, 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 or, if the department commences a process to terminate the suspended provider agreement, the suspension shall also continue in effect until the termination process is concluded.

(3)(4)(a) When subject to a suspension provider agreement is suspended under this section, a medicaid provider, owner, officer, authorized agent, associate, manager, or employee shall not own none of the following shall take, during the period of the suspension, any of the actions specified in division (B)(4)(b) of this section:
(i) The medicaid provider;

(ii) If the suspension is the result of an action taken by an officer, authorized agent, associate, manager, or employee of the medicaid provider, that person;

(iii) If the medicaid provider is a noninstitutional provider and the suspension is the result of an action taken by the owner of the provider, the owner.

(b) The following are the actions that persons specified in division (B)(4)(a) of this section cannot take during the suspension of a provider agreement:

(i) Own services provided, or provide services, to any other medicaid provider or risk contractor or arrange;

(ii) Arrange for, render to, or order services to any other medicaid provider or risk contractor or arrange;

(iii) Arrange for, render to, 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;

(iv) 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, if the provider is a noninstitutional provider, the 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 credible allegation of
fraud or disqualifying indictment.

(D) The termination of medicaid payment under division (B) of this section applies only to payments for medicaid services rendered subsequent to the date on which the notice required by division (E) of this section is sent. Claims for payment of medicaid services rendered by the medicaid provider prior to the issuance of the notice may be subject to prepayment review procedures whereby the department reviews claims to determine whether they are supported by sufficient documentation, are in compliance with state and federal statutes and rules, and are otherwise complete.

(E) After suspending a provider agreement under division (B) of this section, the department shall, as specified in 42 C.F.R. 455.23(b), send notice of the suspension to the affected medicaid provider or, if the provider is a noninstitutional provider, the owner in accordance with the following timeframes:

1. Not later than five days after the suspension, unless a law enforcement agency makes a written request to temporarily delay the notice;

2. If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division (F).

(F) A written request for a temporary delay described in division (E) of this section may be renewed in writing by a law enforcement agency not more than two times except that under no circumstances shall the notice be issued more than ninety days after the suspension occurs.

(G) The notice required by division (E) of this section shall do all of the following:
(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23;

(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;

(3) State that the suspension continues to be in effect until either of the following is the case:

   a) The department or a prosecuting authority determines that there is insufficient evidence of fraud by the provider;

   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.

(4) Specify, if applicable, the type or types of medicaid claims or business units of the medicaid provider that are affected by the suspension;

(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.

(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 or, if the provider is a noninstitutional provider, the owner 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.
section. The reconsideration is not subject to an adjudication hearing pursuant to Chapter 119. of the Revised Code.

(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.

(b) If there has been an indictment in a related criminal case, whether any offense charged in the indictment resulted from an offense specified in division (E) of section 5164.37 of the Revised Code is a disqualifying indictment.

(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.

(H) The department shall review the information and documents submitted in a request made under division (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.

(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) The department of medicaid may suspend a medicaid provider's provider agreement without prior notice if the department has evidence that the provider presents a danger of immediate and serious harm to the health, safety, or welfare of medicaid recipients. The department also shall suspend all medicaid payments to the medicaid provider for services rendered, regardless of the date that the services were rendered, when the department suspends the provider agreement under this section.

(B) If the department suspends a medicaid provider's provider agreement under this section, the department shall do both of the following:

(1) Not later than five days after suspending the provider agreement, notify the medicaid provider of the suspension;

(2) Not later than ten business days after suspending the provider agreement, notify the medicaid provider that the department intends to terminate the provider agreement.

(C) The notice that the department provides to a medicaid provider under division (B)(2) of this section shall include the allegation that the provider presents a danger of immediate and serious harm to the health, safety, or welfare of medicaid recipients. It may also include other grounds for terminating the provider agreement. Section 5164.38 of the Revised Code applies to the termination of the provider agreement.

(D) The suspension of a medicaid provider's provider agreement and medicaid payments shall cease at the earliest of the following:

(1) The department's failure to provide a notice required by division (B) of this section by the time specified in that division:
(2) The department rescinds its notice to terminate the provider agreement.

(3) The department issues an order regarding the termination of the provider agreement pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.

(E) This section does not limit the department's authority to suspend or terminate a provider agreement or medicaid payments to a medicaid provider under any other provision of the Revised Code.

In line 50621, after "(5)" strike through the balance of the line

In line 50622, strike through "Revised Code, the" and insert "The"; strike through "is" and insert "and medicaid payments to the provider are"

In line 50623, after the first "suspended" strike through the balance of the line

In line 50624, strike through "indictment of the provider" and insert "under section 5164.36 or 5164.37 of the Revised Code"

Delete lines 51961 through 52037

In line 63422, delete "3721.022, 3721.027,"

In line 63458, after "5164.342," insert "5164.36,"

In line 63459, delete "5165.69,"

In line 63460, delete "5165.80,"

In line 63472, delete "173.60,"

In line 63475, delete "3721.072,"

In line 63478, after "5162.64," insert "5164.37,"

"5165.771,"
The motion was __________ agreed to.

SYNOPSIS

Suspension of Medicaid provider agreements and payments

R.C. 5164.36 (primary), 173.391, 5164.37 (repealed and new enact), and 5164.38

Restores executive provisions that do all of the following:

- Apply the terms and procedures that apply when a Medicaid provider agreement is suspended because of a credible allegation of fraud to when a provider agreement is suspended because of a disqualifying indictment;

- Require, that a nursing facility, intermediate care facility for individuals with intellectual disabilities, or hospital provider agreement be suspended when a disqualifying indictment is issued against the provider or the provider's officer, authorized agent, associate, manager, or employee;

- Require, with certain exceptions, that an independent provider's provider agreement be suspended when an indictment charges the provider with a crime relating to billing or performing administrative services relating to furnishing Medicaid services;

- Require, that all Medicaid payments to a provider for services rendered be suspended, regardless of the date of service, when the provider agreement is suspended because of a credible allegation of fraud or disqualifying indictment;

- Permit the Department of Medicaid to suspend, without prior
notice, a provider agreement and Medicaid payments to a provider if there is evidence that the provider presents a danger of immediate and serious harm to the health, safety, or welfare of Medicaid recipients.

Nursing facility survey and certification issues

R.C. 3721.022, 3721.027, and 5165.69 (removed from the bill)

Removes House-added provisions that would have done all of the following:

- Establish requirements regarding reviews of deficiencies found in the survey and certification processes for skilled nursing facilities and nursing facilities.
- Require the Director of Health to establish a program that addresses various training and education issues related to skilled nursing facilities and nursing facilities.
- Eliminate a requirement that the Department of Health, within ten working days and in accordance with procedures and criteria to be established by the Department and the Department of Aging, investigate any unresolved complaint that the Office of the State Long-Term Care Ombudsman has investigated and found to be valid.
- Require that the Department investigate an allegation that a nursing facility or skilled nursing facility has violated a federal Medicare or Medicaid regulation in accordance with federal requirements and time frames the Department is to establish.
- Eliminate from statute the provisions that are to be included in a nursing facility's plan of correction that must be submitted when the facility receives a statement of deficiencies.

Nursing home quality initiative
R.C. 173.60 and 3721.072

Removes a House-added provision that would have eliminated a requirement that the Department of Aging implement a nursing home quality initiative to improve person-centered care in nursing homes.

Nursing home advance care planning and overhead paging requirements

R.C. 3721.072

Removes a House-added provision that would have done both of the following:

- Eliminated a requirement that nursing homes participate in advance care planning with each resident or their sponsors.

- Eliminated a requirement that each nursing home prohibit the use of overhead paging except for matters of urgent public safety or urgent clinical operations.

Special Focus Facility Program

R.C. 5165.771 and 5165.80 (removed from the bill)

Removes a House-added provision of the bill that would have eliminated a requirement that the Department of Medicaid terminate a nursing facility's Medicaid participation for reasons related to the facility's placement on the federal Special Focus Facility Program.
moved to amend as follows:

1  In line 2427, strike through "determining" and insert
2    "utilizing a telephone conference call to do either of the
3    following:
4      (a) Make a determination of"
5  In line 2428, after "license" insert ", certificate, or
6    registration"; strike through "division (D)"
7  In line 2429, strike through "of section 4729.16" and
8    insert "Chapters 3719., 3796., 4729., and 4752."
9    After line 2429, insert:
10      "(b) Make a determination pursuant to division (A) or (B)
11    of section 3719.45 of the Revised Code."

12  The motion was ______ agreed to.

13  SYNOPSIS

Open meetings exemption for Pharmacy Board conference calls

R.C. 121.22

Specifies that an existing exemption from the Open Meetings
Law that is applicable to the State Board of Pharmacy when
determining whether to suspend a pharmacist or pharmacy intern
license without a prior hearing by utilizing a telephone
conference call also applies to the Board when (1) making other summary suspension determinations under the laws governing the Medical Marijuana Control Program, controlled substances, distributors of dangerous drugs, pharmacy technicians, and providers of home medical equipment services (R.C. Chapters 3719., 3796., 4729., and 4752.) and (2) determining whether to add a substance to schedule I through an emergency rule, as authorized by current law.
moved to amend as follows:

In line 31702, delete "shall" and insert "may"

In line 31742, after "patient" insert "if the patient is paying out-of-pocket."

In line 31763, after "patient" insert "if the patient is paying out-of-pocket."

In line 31768, delete "the"

In line 31798, after "estimate" insert "information specified in division (A)(1) of section 3962.04 of the Revised Code"; after "on" insert "either"; after "charge" insert "for the product, service, or procedure that is submitted to the patient's health plan issuer or the average out-of-pocket price"

In line 31799, after "procedure" insert "paid by patients who are uninsured"

In line 31899, delete "A patient is responsible for payment" and insert "Nothing in this section prohibits a health care provider or health plan issuer from collecting payment from a patient"

In line 31900, delete "even if" and insert "regardless of whether"
In line 31901, after "does" insert "or does"

In line 32000, after "charge" insert "submitted to the health plan issuer"

The motion was __________ agreed to.

SYNOPSIS

Health care price transparency

R.C. 3962.011, 3962.04, and 3962.06

Modifies the House-added provisions that require cost estimates to be given to patients and their representatives by health care providers and health plan issuers, as follows:

-- Clarifies what is to occur with the provision of a cost estimate when specific information (such as the provider who will be providing the health care product, service, or procedure) is not readily available at the time the appointment for the product, service, or procedure is made;

-- Clarifies that the bill's provision requiring the provision of a cost estimate to the patient or the patient's representative does not prohibit the provider or the patient's health plan issuer from collecting payment from the patient;

-- Makes other clarifying changes regarding the role of health care providers and health plan issuers in providing cost estimates.
mov[ed to amend as follows:

In line 50 of the title, delete "4729.20,"

In line 115 of the title, delete "5167.12 (5167.05),"

In line 144 of the title, after "5166.50," insert "5167.05,"

In line 228, delete "4729.20,"

In line 275, delete "5167.12 (5167.05),"

In line 298, after "5166.50," insert "5167.05,"

Delete lines 34756 through 34765

Delete lines 52362 through 52410 and insert:

"Sec. 5167.05. The department of medicaid shall include
prescribed drugs covered by the medicaid program in the care
management system."

After line 52503, insert:

"Sec. 5167.12. (A) When contracting under section 5167.10 of
the Revised Code with a managed care organization that is a health
insuring corporation, the department of medicaid shall require the
health insuring corporation to provide coverage of prescribed
drugs for medicaid recipients enrolled in the health insuring
In providing the required coverage, the health insuring corporation may use Medicaid MCO plans may include strategies for the management of drug utilization, but any such strategies are subject to the limitations and requirements of this section and the department's approval of the department of Medicaid.

(B) The department A Medicaid MCO plan shall not permit a health insuring corporation to impose a prior authorization requirement in the case of a drug to which all of the following apply:

1. The drug is an antidepressant or antipsychotic.

2. The drug is administered or dispensed in a standard tablet or capsule form, except that in the case of an antipsychotic, the drug also may be administered or dispensed in a long-acting injectable form.

3. The drug is prescribed by any of the following:
   
   (a) A physician who is allowed by the health insuring corporation Medicaid managed care organization that offers the plan allows to provide care as a psychiatrist through its credentialing process, as described in division (C) of section 5167.10 of the Revised Code;

   (b) A psychiatrist who is practicing at a location on behalf of a community mental health services provider whose mental health services are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;

   (c) A certified nurse practitioner, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code;
(d) A clinical nurse specialist, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code.

(4) The drug is prescribed for a use that is indicated on the drug's labeling, as approved by the federal food and drug administration.

(C) Subject to division (E) of this section, the The department shall authorize a health insuring corporation medicaid MCO plan to develop and implement include a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription.

(D) The department shall require a health insuring corporation to Each medicaid managed care organization and medicaid MCO plan shall comply with sections 5164.091, 5164.7511, 5164.7512, and 5164.7514 of the Revised Code, as if the health insuring corporation organization were the department and the plan were the medicaid program."

In line 63429, delete "4729.20,"

The motion was _________ agreed to.

SYNOPSIS

Prescribed drugs in Medicaid managed care

R.C. 5167.05 and 5167.12; R.C. 4729.20 (removed from the bill)
Retains in law, with clarifications and simplifications, all of the following provisions regarding the inclusion of prescribed drugs in the Medicaid managed care system:

(1) The requirement that prescribed drugs be part of the system;

(2) The permissive authority of Medicaid managed care organizations (MCOs), in covering the prescribed drug benefit, to use strategies for drug utilization management;

(3) A restriction against Medicaid MCOs requiring prior authorization for certain antidepressant and antipsychotic drugs;

(4) A requirement that the Department of Medicaid authorize Medicaid MCOs to develop and implement a pharmacy utilization management program for controlled substances;

(5) A requirement that Medicaid MCOs comply with the following in the same manner as the Medicaid program's fee-for-service system:

- Prior authorization and utilization review measures as a condition of covering opioids to treat chronic pain;

- Medication synchronization requirements;

- Step therapy protocols and exemptions.
moved to amend as follows:

1. In line 31427, delete "reimbursement" and insert "rate"
2. In line 31428, delete "health benefit plan's"
3. Delete line 31429
4. In line 31430, delete "rate" and insert "following:

   (1) The average contracted rate for the same service delivered by an in-network health care practitioner in the same or similar specialty in the same geographic area;
   (2) The amount the health plan issuer would pay under the covered person's health benefit plan for out-of-network emergency services"
5. In line 31456, after "either" insert "of"; delete everything after "the"
6. In line 31457, delete everything before the period and insert "following:

   (a) The average contracted rate for the same service delivered by an in-network health care practitioner in the same or similar specialty in the same geographic area;
(b) The amount the health plan issuer would pay under the covered person's health benefit plan for out-of-network health care services"

The motion was ________ agreed to.

SYNOPSIS

Reimbursement for out-of-network health services

R.C. 3902.50 and 3902.51

Clarifies that the in-network rate is the average contracted rate for the same service delivered by an in-network health care practitioner in the same or similar specialty in the same geographic area.

Clarifies that the out-of-network rate is the amount that a health plan issuer will reimburse an out-of-network provider under the terms of a health benefit plan.
moved to amend as follows:

In line 43 of the title, after "3772.19," insert "3781.03, 3781.06, 3781.061,"

In line 127 of the title, after "3742.50," insert "3781.40, 3781.41, 3781.42, 3781.43, 3781.44,"

In line 223, after "3772.19," insert "3781.03, 3781.06, 3781.061,"

In line 285, after "3742.50," insert "3781.40, 3781.41, 3781.42, 3781.43, 3781.44,"

After line 30080, insert:

"Sec. 3781.03. (A) The state fire marshal, the fire chief of a municipal corporation that has a fire department, or the fire chief of a township that has a fire department shall enforce the provisions of this chapter and Chapter 3791. of the Revised Code that relate to fire prevention.

(B) The superintendent of industrial compliance, or the building inspector or commissioner of buildings in a municipal corporation, county, or township in which the building department is certified by the board of building standards under section 3781.10 of the Revised Code shall enforce in the jurisdiction of
each entity all the provisions in this chapter and Chapter 3791. of the Revised Code and any rules adopted pursuant to those chapters that relate to the construction, arrangement, and erection of all buildings or parts of buildings, as defined in section 3781.06 of the Revised Code, including the sanitary condition of those buildings in relation to heating and ventilation.

(2) The superintendent, or the building inspector or commissioner of buildings in a municipal corporation, county, or township in which the building department is certified by the superintendent under section 3781.43 of the Revised Code shall enforce in the jurisdiction of each entity section 3781.41 of the Revised Code.

(C) The division of industrial compliance in the department of commerce, boards of health of health districts, certified departments of building inspection of municipal corporations, and county building departments that have authority to perform inspections pursuant to a contract under division (C)(1) of section 3703.01 of the Revised Code, subject to Chapter 3703. of the Revised Code, shall enforce this chapter and Chapter 3791. of the Revised Code and the rules adopted pursuant to those chapters that relate to plumbing. Building drains are considered plumbing for the purposes of enforcement of those chapters.

(D)(1) In accordance with Chapter 3703. of the Revised Code, the department of the city engineer, in cities having such departments, the boards of health of health districts, or the sewer purveyor, as appropriate, shall have complete authority to supervise and regulate the entire sewerage and drainage system in the jurisdiction in which it is exercising the authority described in this division, including the building sewer and all laterals draining into the street sewers.
(2) In accordance with Chapter 3703. of the Revised Code, the department of the city engineer, the boards of health of health districts, or the sewer purveyor, as appropriate, shall control and supervise the installation and construction of all drains and sewers that become a part of the sewerage system and shall issue all the necessary permits and licenses for the construction and installation of all building sewers and of all other lateral drains that empty into the main sewers. The department of the city engineer, the boards of health of health districts, and the sewer purveyor, as appropriate, shall keep a permanent record of the installation and location of every drain and sewer of the drainage and sewerage system of the jurisdiction in which it has exercised the authority described in this division.

(E) This section does not exempt any officer or department from the obligation to enforce this chapter and Chapter 3791. of the Revised Code.

Sec. 3781.06. (A)(1) Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances of those buildings erected within this state, shall be so constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy.

(2) Nothing in sections 3781.06 to 3781.18, 3781.40 to 3781.43, and 3791.04 of the Revised Code shall be construed to limit the power of the division of industrial compliance of the department of commerce to adopt rules of uniform application governing manufactured home parks pursuant to section 4781.26 of the Revised Code.
(B) Sections 3781.06 to 3781.18, 3781.40 to 3781.43, and 3791.04 of the Revised Code do not apply to either of the following:

(1) Buildings or structures that are incident to the use for agricultural purposes of the land on which the buildings or structures are located, provided those buildings or structures are not used in the business of retail trade. For purposes of this division, a building or structure is not considered used in the business of retail trade if fifty per cent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller.

(2) Existing single-family, two-family, and three-family detached dwelling houses for which applications have been submitted to the director of job and family services pursuant to section 5104.03 of the Revised Code for the purposes of operating type A family day-care homes as defined in section 5104.01 of the Revised Code.

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code:

(1) "Agricultural purposes" include agriculture, farming, dairying, pasturage, apiculture, algaculture meaning the farming of algae, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry.

(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances.
(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the division of industrial compliance of the department of commerce pursuant to Chapter 4781 of the Revised Code, to which a manufactured or mobile home may be affixed.

(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

(a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;

(b) The structure, excluding any addition, has a width of at
least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;

(c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;

(d) The structure was manufactured after January 1, 1995;

(e) The structure is not located in a manufactured home park as defined by section 4781.01 of the Revised Code.

(7) "Safe," with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.

(8) "Sanitary," with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house.
"Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

Sec. 3781.061. Whenever a county zoning inspector under section 303.16 of the Revised Code, or a township zoning inspector under section 519.16 of the Revised Code, issues a zoning certificate that declares a specific building or structure is to be used in agriculture, such building is not subject to sections 3781.06 to 3781.20, 3781.40 to 3781.43, or 3791.04 of the Revised Code."

In line 30160, strike through "The" and insert "Except as provided in division (E)(14) of this section, the"

After line 30295, insert:

"(14) The board does not have jurisdiction over certifications governed by sections 3781.40 to 3781.44 of the Revised Code."

After line 30337, insert:

"Sec. 3781.40. As used in sections 3781.40 to 3781.44 of the Revised Code:

(A) "Adequate welding standards" means specifications,"
guidelines, tests, and other methods used to ensure that all structural steel welds meet, at minimum, the codes and standards for such welds established in the American welding society structural steel welding code D1.1 and the nonresidential building code adopted under section 3781.10 of the Revised Code.

(B) "Certified welding inspector" means a person who has been certified by the American welding society to inspect structural steel welding projects and conduct welder qualification tests.

(C) "Structural steel welding" means structural welds, weld repair, the structural system, and the welding of all primary steel members of a structure in accordance with the American welding society structural steel welding code D1.1. "Structural steel welding" does not include welding that is required by the American society of mechanical engineers to have its own certification.

Sec. 3781.41. A contractor, subcontractor, or project manager who is responsible for the structural steel welding on a construction project shall ensure that all of the following occur:

(A) All welders performing structural steel welding for the project have been tested by and hold a valid certification from a facility that has been accredited by the American welding society to test and certify welders and welding inspectors.

(B) All structural steel welding performed for the project meets adequate welding standards.

(C) All structural steel welding inspections listed in the project's job specifications are completed by a certified welding inspector.

Sec. 3781.42. The superintendent of industrial compliance
shall adopt rules pursuant to Chapter 119, of the Revised Code to do all of the following:

(A) Govern the inspection of structural steel welding;

(B) Require the division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 3781.43 of the Revised Code to conduct all inspections of structural steel welding to determine compliance with section 3781.41 of the Revised Code;

(C) Establish fees for conducting inspections to determine compliance with section 3781.41 of the Revised Code;

(D) Govern the investigation of complaints concerning any contractor, subcontractor, or project manager who fails to comply with section 3781.41 of the Revised Code;

(E) Establish the requirements and procedures for the certification of building departments, building department personnel, and private third parties pursuant to section 3781.43 of the Revised Code;

(F) Establish fees to be charged to building departments, building department personnel, and private third parties applying for certification and renewal of certification pursuant to section 3781.43 of the Revised Code;

(G) Develop a policy regarding the maintenance of records for any inspection authorized or conducted pursuant to sections 3781.40 to 3781.43 of the Revised Code.

Sec. 3781.43. (A) Pursuant to the rules the superintendent of industrial compliance adopts under section 3781.42 of the Revised Code, the superintendent may certify municipal, township, and county building departments and the personnel of those
departments, or any private third party, to conduct all
inspections of structural steel welding to determine compliance
with section 3781.41 of the Revised Code.

(B) On the superintendent's own motion or on the petition of
a person affected by an inspection of structural steel welding to
determine compliance with section 3781.41 of the Revised Code, the
superintendent may investigate a municipal, township, or county
building department or the personnel of those departments, or any
private third party certified pursuant to this section. Following
an investigation and finding of facts that support the
superintendent's action, the superintendent may revoke or suspend
a certification.

(C)(1) If a municipal corporation, township, or county does
not have a building department that is certified pursuant to this
section, it may designate by resolution or ordinance another
building department or a private third party that has been
certified pursuant to this section to conduct all inspections of
structural steel welding to determine compliance with section
3781.41 of the Revised Code. The designation is effective on
acceptance by the designee.

(2) An owner of a project involving structural steel welding
or a contractor, subcontractor, or project manager of the project
may request an inspection and obtain an approval from any building
department or private third party certified pursuant to this
section and designated pursuant to division (C)(1) of this section
by the municipal corporation, township, or county in which the
project is located.

Sec. 3781.44. No person shall recklessly fail to comply with
sections 3781.41 to 3781.43 of the Revised Code or any rule
adopted thereunder."

In line 63424, after "3772.19," insert "3781.03, 3781.06, 3781.061,"

The motion was __________ agreed to.

SYNOPSIS

Structural steel welding standards

R.C. 3781.40, 3781.41, 3781.42, 3781.43, 3781.44, 3781.03, 3781.06, 3781.061, and 3781.10

Requires a contractor, subcontractor, or project manager responsible for the structural steel welding on a construction project to ensure that all of the following occur:

All welders performing structural steel welding on the project have been tested by and hold a valid certification from an American Welding Society (AWS) accredited facility.

All the project's structural steel welds meet, at minimum, the codes and standards for such welds established in the AWS Structural Steel Welding Code D1.1 and the Ohio Building Code.

All structural steel welding inspections listed in the project's job specifications are completed by an AWS certified welding inspector.

Exempts from the structural steel welding requirements certain buildings and any welding that is required by the American Society of Mechanical Engineers to have its own certification.

Authorizes the Superintendent of Industrial Compliance to certify municipal, township, and county building departments or
private third parties to inspect structural steel welding projects to determine that the welding complies with the requirements.

Requires the Superintendent to adopt rules for the purpose of implementing and administering the structural steel welding requirements, including to establish fees for certification.
Sub. H.B. 166
LSC 133 0001-4
MCDCD31

______________________________ moved to amend as follows:

1 In line 52655, delete "If the care management system covers
2 home"

3 In line 52656, delete "health services provided by a home
4 health agency, both" and insert "Both"

5 In line 52658, delete "home health agency"

6 In line 52659, delete "for such services" and insert
7 "provider"

8 In line 52664, delete "home health agency" and insert
9 "provider"

10 In line 52670, after "recoupment" insert ";"

11 (4) The method by which the provider may contest the
12 proposed recoupment"

13 The motion was ________ agreed to.

14

SYNOPSIS

Medicaid managed care organization recoupment of payment

R.C. 5167.22

Revises the bill's provision that establishes requirements
for Medicaid managed care organizations (MCOs) seeking to recoup
an overpayment as follows:
(1) Makes the requirements apply when a Medicaid MCO seeks to recoup an overpayment from any provider rather than just a home health agency;

(2) Requires a Medicaid MCO to provide a provider the method to contest a proposed recoupment as part of the details of the recoupment.
moved to amend as follows:

1. In line 120 of the title, after "1521.08,", insert "1711.532,"

2. In line 280, after "1521.08,", insert "1711.532,"

3. After line 10531, insert:

"Sec. 1711.532. Not later than November 1, 2019, and annually thereafter, the director of agriculture shall submit a detailed financial report to the speaker of the house of representatives and to the president of the senate that includes all of the following information applicable to the twelve months immediately preceding the report's submission:

(A) The revenue from fees collected under section 1711.53 of the Revised Code and any other revenue collected for the amusement ride safety program;

(B) Expenses relating to the operation of the department of agriculture's amusement ride safety program established under sections 1711.50 to 1711.57 of the Revised Code;

(C) Any proposed changes to the fee schedule established under section 1711.53 of the Revised Code that the director determines are necessary for purposes of issuing amusement ride
permits and conducting amusement ride inspections and reinspections;

(D) The amount expended from any appropriations made for the department of agriculture's amusement ride safety program;

(E) Any additional revenue that the director determines is necessary to meet the expenses of the amusement ride safety program during the twelve months immediately following the submission of the report;

(F) Any other information that the director determines is necessary to include in the report."

The motion was ______ agreed to.

SYNOPSIS

Amusement ride safety program financial report

R.C. 1711.531

Requires the Director of Agriculture, by November 1, 2019, and annually thereafter, to submit a detailed financial report to the Speaker of the House of Representatives and to the President of the Senate that includes all of the following information applicable to the 12 months immediately preceding the report's submission:

(A) The revenue collected from fees for amusement ride permits, inspections, and reinspections and any other revenue collected for the Department of Agriculture's amusement ride safety program;

(B) Expenses relating to the operation of the Department's amusement ride safety program;
(C) Any proposed changes to the amusement ride fee schedule (including annual permit fees, inspection fees, and reinspection fees) that the Director determines is necessary for purposes of issuing permits and conducting amusement ride inspections and reinspections;

(D) The amount expended from any appropriation made for the Department's amusement ride safety program;

(E) Any additional revenue that the Director determines is necessary to meet the expenses of the amusement ride safety program during the 12 months immediately following the submission of the report; and

(F) Any other information that the Director determines is necessary to include in the report.
moved to amend as follows:

1. In line 43826, delete everything after ".(O)"
2. Delete line 43827
3. In line 43828, delete "make customer sharing as simple as possible" and insert "Encourage cost-effective, timely, and efficient access to and sharing of customer usage data with customers and competitive suppliers to promote customer choice and grid modernization"
4. In line 43829, delete "standardized" and insert "provided in a standard format"

The motion was ______ agreed to.

SYNOPSIS

Customer rights regarding electric usage data

R.C. 4928.02

Replaces the customer electric usage data provisions in the bill to the Ohio competitive retail electric service policy with the policy to encourage access and sharing of customers' electric usage data in a standard format with customers and suppliers to promote customer choice and grid modernization.
moved to amend as follows:

1 In line 75818, delete "$338,500 $338,500" and insert "$438,500 $438,500"

2 In line 75820, add $100,000 to each fiscal year

3 In line 75825, add $100,000 to each fiscal year

4 After line 75854, insert:

"Of the foregoing appropriation item 360508, State Historical Grants, $100,000 in each fiscal year shall be allocated to support the Nancy and David Wolf Holocaust and Humanity Center."

The motion was ______ agreed to.

SYNOPSIS

Ohio History Connection

Section 297.10

Increases GRF appropriation item 360508, State Historical Grants, by $100,000 in each fiscal year and earmarks that amount to support the Nancy and David Wolf Holocaust and Humanity Center.
HC2670

Sub. H.B. 166
LSC 133 0001-4

______________________________ moved to amend as follows:

1 In line 75522, delete "$2,783,438 $2,779,841" and insert
2 "$2,933,438 $2,929,841"
3 In line 75534, add $150,000 to each fiscal year
4 In line 75584, add $150,000 to each fiscal year
5 After line 75611, insert:
6 "ENVIRONMENTAL HEALTH/RADIATION PROTECTION
7 Of the foregoing appropriation item 440454, Environmental Health/Radiation Protection, $150,000 in each fiscal year shall
8 be used for the Historic South Initiative in Toledo for lead abatement."
9
10 The motion was ______ agreed to.

SYNOPSIS

Department of Health

Sections 291.10 and 291.20

Increases GRF line item 440454, Environmental Health/ Radiation Protection, by $150,000 in each fiscal year. Requires these funds be used for the Historic South Initiative in Toledo for lead abatement.
moved to amend as follows:

In line 41 of the title, after "3734.901," insert "3735.31, 3735.33, 3735.40, 3735.41,"

In line 222, after "3734.901," insert "3735.31, 3735.33, 3735.40, 3735.41,"

After line 28377, insert:

"Sec. 3735.31. A metropolitan housing authority created under sections 3735.27 to 3735.50 of the Revised Code constitutes a body corporate and politic. Nothing in this chapter shall limit the authority of a metropolitan housing authority, or a nonprofit corporation formed by a metropolitan housing authority to carry out its functions, to compete for and perform federal housing contracts or grants within or outside this state. To clear, plan, redevelop, and rebuild slum areas within the district in which the authority is created to provide safe and sanitary housing accommodations to families of low income within that district to make available, acquire, construct, improve, manage, lease, or own mixed-use or mixed-income developments, or a combination of such developments; or to accomplish any combination of the foregoing public purposes, the authority may do any of the following:

(A) Sue and be sued; have a seal; have corporate succession;
receive grants from state, federal, or other governments, or from private sources; conduct investigations into housing and living conditions; enter any buildings or property in order to conduct its investigations; conduct examinations, subpoena, and require the attendance of witnesses and the production of books and papers; issue commissions for the examination of witnesses who are out of the state or unable to attend before the authority or excused from attendance; and in connection with these powers, any member of the authority may administer oaths, take affidavits, and issue subpoenas;

(B) Determine what areas constitute slum areas, and prepare plans for housing or other projects in those areas; purchase, lease, sell, exchange, transfer, assign, or mortgage any property, real or personal, or any interest in that property, or acquire the same by gift, bequest, or eminent domain; own, hold, clear, and improve property; provide and set aside housing projects, or dwelling units comprising portions of housing projects, designed especially for the use of families, the head of which or the spouse of which is sixty-five years of age or older; engage in, or contract for, the construction, reconstruction, alteration, or repair, or both, of any housing project or part of any housing project; participate in partnerships or joint ventures relating to the development of housing or projects with other public or private entities; include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions that the federal government has attached to its financial aid of the project; lease or operate, or both, any project, and establish or revise schedules of rents for any projects or part of any project; arrange with the county or municipal corporations, or both, for
the planning and replanning of streets, alleys, and other public places or facilities in connection with any area or project;
borrow money upon its notes, debentures, or other evidences of indebtedness, and secure the same by mortgages upon property held or to be held by it, or by pledge of its revenues, or in any other manner; invest any funds held in reserves or sinking funds or not required for immediate disbursements; enter into a shared service agreement with another metropolitan housing authority; execute contracts and all other instruments necessary or convenient to the exercise of the powers granted in this section; make, amend, and repeal bylaws and rules to carry into effect its powers and purposes;

(C) Borrow money or accept grants or other financial assistance from the federal government for or in aid of any housing project within its territorial limits; take over or lease or manage any housing project or undertaking constructed or owned by the federal government; comply with any conditions and enter into any mortgages, trust indentures, leases, or agreements that are necessary, convenient, or desirable;

(D) Subject to section 3735.311 of the Revised Code, employ a police force to protect the lives and property of the residents of housing projects within the district, to preserve the peace in the housing projects, and to enforce the laws, ordinances, and regulations of this state and its political subdivisions in the housing projects and, when authorized by law, outside the limits of the housing projects.

(E) Enter into an agreement with a county, municipal corporation, or township in whose jurisdiction the metropolitan housing authority is located that permits metropolitan housing authority police officers employed under division (D) of this section to exercise full arrest powers as provided in section
2935.03 of the Revised Code, perform any police function, exercise any police power, or render any police service within specified areas of the county, municipal corporation, or township for the purpose of preserving the peace and enforcing all laws of the state, ordinances of the municipal corporation, or regulations of the township.
Sec. 3735.33. Any two or more metropolitan housing authorities created under sections 3735.27 to 3735.50 of the Revised Code, may join or cooperate with one another in the exercise, either jointly or otherwise, of any or all of their powers relative to the purpose of financing as provided in sections 3735.31 and 3735.45 to 3735.49 of the Revised Code. The moneys received from such joint or cooperative financing may be used for planning, undertaking, owning, constructing, operating, or contracting with respect to a housing project or projects located within the area of operation of any one or more of the authorities. An authority may by resolution prescribe and authorize any other authority or authorities, joining or cooperating with it, to act on its behalf with respect to any or all powers relative to the purpose of financing, as its agent or otherwise, in the name of the authority or authorities so joining or cooperating, or in its own name.

Any two or more metropolitan housing authorities created under sections 3735.27 to 3735.50 of the Revised Code may enter into a shared service agreement.

A metropolitan housing authority may, directly or through its subsidiaries or instrumentalities, provide, consult, sell, license, transfer, or contract to provide to other metropolitan housing authorities, public housing authorities, or other organizations formed inside or outside of this state, or to government agencies, housing-related knowledge, technology, software, innovations, or expertise for any of the following:

(A) The development or redevelopment of housing projects;

(B) The performance of federal housing contracts or grants;

(C) Any matter related to the efficient operation of housing
organizations;

(D) The management or operation of a metropolitan housing authority or redevelopment authority.
Sec. 3735.40. As used in sections 3735.27, 3735.31, and 3735.40 to 3735.50 of the Revised Code:

(A) "Federal government" includes the United States, the federal works administrator, or any other agency or instrumentality, corporate or otherwise, of the United States.

(B) "Slum" has the meaning defined in section 1.08 of the Revised Code.

(C) "Housing project" or "project" means any of the following works or undertakings:

(1) Demolish, clear, or remove buildings from any slum area. Such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes.

(2) Provide decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons of low income.

(3) Provide for buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, commercial, residential, or other purposes.

(4) Accomplish a combination of the foregoing. "Housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.
(D) "Families of low income" means and "persons of low income" mean persons or families who lack the amount of income which is necessary, as determined by the metropolitan housing authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. The terms include persons or families as defined by federal law or regulations who are eligible for a federally derived rent subsidy.

(E) "Families" means families consisting of two or more persons, a single person who has attained the age at which an individual may elect to receive an old age benefit under Title II of the "Social Security Act" or is under disability as defined in section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as amended, or the remaining member of a tenant family.

(F) "Families" also means a single person discharged by the head of a hospital pursuant to section 5122.21 of the Revised Code after March 10, 1964.

(G) "Mixed-income development" means a development that includes decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons or families of varying incomes.

(H) "Mixed-use development" means a development that is both residential and nonresidential in character.
Sec. 3735.41. Except as otherwise provided in section 3735.43 of the Revised Code, in the operation or management of housing projects a metropolitan housing authority shall observe the following with respect to rentals and tenant selection:

(A)(1) It shall not provide a federally derived rent subsidy to any tenant for any dwelling in a housing project if the persons who would occupy the dwelling have an aggregate annual net income that equals or exceeds the amount that the authority determines to be necessary to enable such persons to do both of the following:

(a) Secure safe, sanitary, and uncongested dwelling accommodations within the area of operation of the authority;  

(b) Provide an adequate standard of living for themselves.

(2) As used in this division, "aggregate annual net income" means the aggregate annual income less the deductions and exemptions from that income authorized by law or regulations established by the United States department of housing and urban development.

(B) (1) Except as provided in division (B)(2) of this section, it may rent or lease the dwelling accommodations therein only at rentals within the financial reach of persons who lack the amount of income which it determines, pursuant to division (A) of this section, to be necessary in order to obtain safe, sanitary, and uncongested dwelling accommodations within the area of operation of the authority and to provide an adequate standard of living.

(2) It may rent or lease to nonresidential tenants and persons of varying incomes within a project, mixed-use development, or mixed-income development.
(C) It may use a federally derived rent subsidy to rent or lease to a tenant a dwelling consisting of the number of rooms, but no greater number, which it considers necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding.

Sections 3735.27 to 3735.50 of the Revised Code do not limit the power of an authority to vest in a bondholder the right, in the event of a default by such authority, to take possession of a housing project or cause the appointment of a receiver thereof or acquire title thereto through foreclosure proceedings, free from all the restrictions imposed by such sections."

In line 63422, after "3734.901," insert "3735.31, 3735.33, 3735.40, 3735.41,"

The motion was __________ agreed to.

SYNOPSIS

Metropolitan Housing Authority

R.C. 3735.31, 3735.33, 3735.40, and 3735.41

Specifies that a metropolitan housing authority (MHA) may redevelop slum areas within the district in which the authority is created.

Authorizes an MHA to make available, acquire, construct, improve, manage, lease, or own mixed-use and mixed-income developments.

Permits an MHA to participate in partnerships or joint ventures relating to the development of housing or projects with
other public or private entities.

Authorizes an MHA to provide, consult, sell, license, or transfer to organizations and government agencies housing-related technology, innovations, and expertise for specified purposes.

Permits an MHA to rent or lease to nonresidential tenants and persons of varying incomes within a project, mixed-use development, or mixed-income development.
moved to amend as follows:

1. In line 76896, delete "$4,076,259,989  $4,627,369,304" and insert "$4,076,269,989  $4,627,379,304"
2. In line 76897, delete "$9,705,936,048  $10,493,958,715" and insert "$9,705,953,075  $10,493,975,742"
3. In line 76898, delete "$13,782,196,037  $15,121,328,019" and insert "$13,782,223,064  $15,121,355,046"
4. In line 76902, add $10,000 to each fiscal year
5. In line 76903, add $17,027 to each fiscal year
6. In line 76904, add $27,027 to each fiscal year
7. In line 76928, add $27,027 to each fiscal year
8. After line 76982, insert:

"Section 333.55. PASSPORT ENHANCED COMMUNITY LIVING SERVICES

Of the foregoing appropriation item 651525, Medicaid Health Care Services, $27,027 in each fiscal year shall be used to increase the payment rates for enhanced community living services covered by the PASSPORT Program."

The motion was _________ agreed to.
Department of Medicaid

Sections 333.10 and 333.55

Increases GRF appropriation item 651525, Medicaid Health Care Services, by $27,027 ($10,000 state share) in each fiscal year to be used to increase the payment rates for enhanced community living services covered by the PASSPORT Program.
In line 117 of the title, delete "9.71,"

In line 132 of the title, after "4109.22," insert "4729.261,"

In line 146 of the title, after "5167.243," insert "5167.244,"

In line 278, delete "9.71,"

In line 289, after "4109.22," insert "4729.261,"

In line 300, after "5167.243," insert "5167.244,"

Delete lines 326 through 348

In line 4720, after "services," insert "in consultation with the medicaid director and"

In line 4723, after the underlined period, insert "The state pharmacy benefit manager shall be responsible for processing all pharmacy claims under the care management system. The department of medicaid also shall be a party to the contract and is responsible for enforcing the contract after the procurement process."

In line 4733, delete the underlined semicolon and insert "which shall prohibit the state pharmacy benefit manager from requiring a medicaid recipient to obtain a specialty drug from a specialty pharmacy owned or otherwise associated with the state pharmacy benefit manager."
In line 4755, delete "specialty"

In line 4764, delete "ten" and insert "eleven"

In line 4767, delete "ten" and insert "eleven"

After line 4771, insert:

"(E) The medicaid director shall review the state pharmacy benefit manager contract every six months and shall make recommendations for changes to the director of administrative services. By contract amendment or renewal, the director of administrative services shall effect the changes recommended by the medicaid director.

(F) Every four years, the director of administrative services shall reprocure the state pharmacy benefit manager contract under division (C) of this section."

Delete lines 4776 through 4779

In line 4780, delete "(C)" and insert "(B)"

In line 4783, delete "seeking" and insert "negotiating"

In line 4784, delete the underlined comma and insert "and"

In line 4786, delete "125.931" and insert "5167.241"; delete ", and" and insert "to maximize the health of medicaid recipients and promote the efficiency of the medicaid program. It also includes"

After line 34765, insert:

"Sec. 4729.261. Not later than July 1, 2020, the state board of pharmacy shall adopt rules in accordance with Chapter 119. of the Revised Code to define "specialty drug" and "specialty pharmacy" for the purpose of contracts entered into under section 125.93 of the Revised Code. The board may consult with the
department of medicaid in adopting the rules."

In line 49939, after "public" insert ", except that the
department may share the document or information with other state
agencies or entities"

In line 52317, after "(Q)" insert "Practice of pharmacy has
the same meaning as in section 4729.01 of the Revised Code

(R)"

In line 52319, delete "(R)" and insert "(S)"

In line 52323, delete "(S)" and insert "(T)"

In line 52325, delete "(T)" and insert "(U)"

In line 52689, after the underlined period, insert "The state
pharmacy benefit manager shall be responsible for processing all
pharmacy claims under the care management system."

Delete lines 52690 through 52693 and insert "(B)
Notwithstanding division (A) of this section, a medicaid managed
care organization may contract directly with a pharmacy regarding
the practice of pharmacy."

In line 52694, delete "The" and insert "In consultation with
the medicaid director, the"

In line 52703, after the underlined period insert "The
formulary shall not become effective until the medicaid director
approves it."

In line 52705, delete "quarterly" and insert "immediately"

In line 52706, after the underlined period insert "The
director may disapprove any changes to the formulary."

In line 52715, after "(D)" insert "(I)"

In line 52717, delete "drugs" and insert "drug"
In line 52724, after the underlined period insert "The formulary shall not become effective until the medicaid director approves it."

In line 52725, delete "(E)" and insert "(2)"

In line 52729, after the underlined period insert "The state pharmacy benefit manager shall disclose immediately and in writing to the department of medicaid any changes to the medicaid prescribed drug formulary. The director may disapprove any changes to the formulary."

In line 52730, delete "(F)" and insert "(E)"

In line 52733, delete "(D)" and insert "(A)"

After line 52733, insert:

"(F) In developing the medicaid prescribed drug formulary under this section in consultation with the department, the state pharmacy benefit manager shall negotiate prices for and price prescribed drugs at the lowest prices possible to maximize the health of medicaid recipients and promote the efficiency of the medicaid program."

In line 52738, delete "paid" and insert "negotiated"

In line 52739, delete "drug manufacturers"

In line 52742, after "(2)" insert "The prices the state pharmacy benefit manager paid to pharmacies for prescribed drugs; (3)"

In line 52744, delete "(3)" and insert "(4)"

In line 52746, delete "(4)" and insert "(5)"

In line 52748, delete "(5)" and insert "(6)"

Delete lines 52751 through 52754 and insert "(C) At the time..."
of contract execution, renewal, or modification, the department shall modify the reporting requirements under its medicaid managed care organization contracts as necessary to meet the requirements of this section."

In line 52758, after "director" delete the balance of the line

In line 52759, delete "Revised Code"

After line 52759, insert:

**Sec. 5167.244.** The medicaid director shall adopt rules under section 5167.02 of the Revised Code as necessary to implement and enforce sections 5167.24 to 5167.243 of the Revised Code, including all of the following:

(A) Specifying the information that must be disclosed to the department by the state pharmacy benefit manager under section 5167.242 of the Revised Code;

(B) Establishing the amount of the civil penalties for violations of sections 5167.24 to 5167.243 of the Revised Code;

(C) Adjusting its capitation payments to medicaid managed care organizations as necessary as a result of the state pharmacy benefit manager processing all pharmacy claims under the care management system under section 5167.24 of the Revised Code;

(D) In accordance with section 4729.261 of the Revised Code, consulting with the state board of pharmacy to develop a definition for "specialty drug" and "specialty pharmacy" and to prohibit the state pharmacy benefit manager from requiring a medicaid recipient to obtain a specialty drug from a specialty pharmacy owned or otherwise associated with the state pharmacy benefit manager."
After line 77434 insert:

"Section 333. 340B STUDY COMMITTEE"

(A) As used in this section:


(3) "Medicaid provider" and "prescribed drug" have the same meanings as in section 5164.01 of the Revised Code.

(B) There is hereby created within the Department of Medicaid the 340B Study Committee. The Study Committee shall consist of members appointed by the Governor not later than ninety days after the effective date of this section.

(C) Members shall serve without compensation, except to the extent that serving on the Study Committee is considered part of the member's regular duties of employment, but shall be reimbursed for actual and necessary expenses incurred in the performance of official duties.

(D) The Study Committee shall collect the following data from 340B covered entities that are hospitals and Medicaid providers:

(1) The cost of the prescribed drug to the 340B covered entity;

(2) The amount the patient was billed by the 340B covered entity for the prescribed drug.

(E) The Study Committee shall study the data provided under
division (D) of this section and prepare a report outlining its findings related to all of the following:

(1) Whether the 340B Drug Pricing Program federal regulations and the Program's intent are being followed by the hospitals;

(2) Whether the hospitals are passing along to patients the drug discounts under the Program;

(3) Ways this state can control prescription drug costs under the Program and ensure that the discounts under the Program are used for their intended purpose.

(F) Not later than January 1, 2021, the Study Committee shall submit the report detailing its findings to the General Assembly in accordance with section 101.68 of the Revised Code. On submission of the report, the Study Committee shall cease to exist."

The motion was __________ agreed to.

**SYNOPSIS**

**State pharmacy benefit manager – DAS procurement process**

R.C. 125.93 and 125.931

Makes the following changes to the House-added provisions regarding the state pharmacy benefit manager (PBM):

- Requires the Director of Administrative Services (DAS Director) to consult with the Medicaid Director during the procurement process.

- Clarifies that during the procurement process a prospective state PBM must disclose:
-Its interest in pharmacies, instead of specialty pharmacies.
-Imposes fees on pharmacies that operate more than eleven locations or eleven or less locations, rather than ten.
-Clarifies that the info that must be disclosed to the Medicaid Director quarterly by the state PBM includes the price negotiated for prescription drugs between the state PBM and the drug manufacturer, not the price paid for the drug by the state PBM, and further requires the state PBM to disclose the price paid to the pharmacy.

-Removes a prohibition on a Medicaid managed care organization (MCO) or its affiliates from being owned or otherwise associated with the state PBM or its affiliates.
-Specifies that the Medicaid Director is a party to the state PBM contract and is responsible for enforcing the contract after the procurement process is complete.
-Requires the DAS director to reprocure the state PBM contract every four years.

State pharmacy benefit manager – Department of Medicaid

R.C. 5167.24, 5167.241, 5167.242, 5167.243 and 5167.244

Makes the following changes to the House-added provisions regarding the state PBM:
-Tasks the state PBM with processing all pharmacy claims under Medicaid managed care, but clarifies that a Medicaid MCO can still contract directly with a pharmacy regarding the practice of pharmacy.
-Requires the Department of Medicaid to increase the reporting requirements of Medicaid MCO contracts as necessary to comply with the state PBM disclosure requirements.
-Requires the Medicaid Director to review the state PBM contract and recommend any changes to the DAS Director, and requires the DAS Director to effect those changes at the time of contract amendment or renewal.

-Requires the rules adopted by the Medicaid Director to require the Director to adjust the Department's payment capitation to MCOs based on the state PBM processing all pharmacy claims.

-Requires the state PBM to develop the Medicaid prescribed drug formulary in consultation with the Medicaid Director and that in developing the formulary, the state PBM must seek to price the prescription drugs at the lowest rate possible and to maximize the health of Medicaid recipients and the efficiency of the Medicaid program.

-Specifies that the Medicaid Director must approve the formulary before it becomes effective.

-Requires the state PBM to notify the Medicaid Director immediately of any changes to the prescribed drug formulary, and authorizes the Director to disapprove any change.

-Clarifies that the Department of Medicaid may share with other state agencies or entities any information disclosed as part of the quarterly disclosures marked "confidential" and "proprietary."

**State Board of Pharmacy**

**R.C. 4729.261**

By July 1, 2020, requires the State Board of Pharmacy to adopt rules (1) defining "specialty drug" and "specialty pharmacy" and (2) prohibiting the state PBM from requiring Medicaid recipients to use a specialty pharmacy owned or otherwise affiliated with the state PBM to obtain specialty drugs.
Permits the Board to consult with MCD in adopting the rules.

**340B covered entities**

**R.C. 9.71**

Removes a House-added provision that requires health insurers that are 340B covered entities to pass on savings to patients who are dispensed drugs at 340B discounted prices.

**340B Study Committee**

**Section 333.**

Creates a 340B Study Committee and requires the committee to collect data from 340B covered entities that are hospital Medicaid providers.

Requires the Study Committee to make recommendations based on the collected data and submit a report to the General Assembly by January 1, 2021, outlining its findings with respect to:

- Whether the 340B Drug Pricing Program federal regulations and intent are being followed;
- Whether 340B covered entities are passing along to patients the drug discounts under the Program.
- Ways this state can control prescription drug costs under the Program.
- Terminates the Study Committee on submission of the report.
HC2705

________________________________ moved to amend as follows:

1. In line 88 of the title, delete "5162.06,"
2. In line 89 of the title, delete "5163.01,"
3. In line 142 of the title, delete "5163.12,"
4. In line 256, delete "5162.06,"
5. In line 257, delete "5163.01,"
6. In line 296, delete "5163.12,"
7. Delete lines 49857 through 49874
8. Delete lines 50002 through 50124
9. In line 63457, delete "5162.06,; delete "5163.01,"

The motion was ______ agreed to.

SYNOPSIS

Presumptive Medicaid eligibility

R.C. 5163.12 (primary), 5162.06, and 5163.01

Removes the House-added provisions that provide for an individual to be presumptively eligible for long-term care services under the Medicaid program if (1) the individual's eligibility for the services is not determined by the federally prescribed deadline for the processing of the application and (2) the individual is not notified of the right to request a hearing before that deadline.
HC2706

Sub. H.B. 166
LSC 133 0001-4

______________________________ moved to amend as follows:

1. In line 72313, delete "$10,991,465 $11,000,000" and insert "$15,991,465 $16,000,000"

2. In line 72321, add $5,000,000 to each fiscal year

3. In line 72376, add $5,000,000 to each fiscal year

4. After line 72461, insert:

   "Of the foregoing appropriation item 195455, Appalachia Assistance, $5,000,000 in each fiscal year shall be allocated to the Foundation for Appalachian Ohio."

5. The motion was ______ agreed to.

SYNOPSIS

Development Services Agency

Sections 259.10 and 259.20

Increases appropriations by $5.0 million in each of FY 2020 and FY 2021 for GRF line item 195455, Appalachia Assistance, and earmarks the increased appropriations for the Foundation for Appalachian Ohio.
moved to amend as follows:

In line 1 of the title, after "101.38," insert "102.021,"

In line 192, after "101.38," insert "102.021,"

After line 417, insert:

"Sec. 102.021. (A)(1) For the twenty-four-month period immediately following the end of the former state elected officer's or staff member's service or public employment, except as provided in division (B) or (D) of this section, each former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code shall file, on or before the deadlines specified in division (D) of this section, with the joint legislative ethics committee a statement that shall include the information described in divisions (A)(2), (3), (4), and (5) of this section, as applicable. The statement shall be filed on a form and in the manner specified by the joint legislative ethics committee. This division does not apply to a state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code, who leaves service or public employment, and who takes another position as a state elected officer or staff member who files or is required to file a disclosure statement under that section."
No person shall fail to file, on or before the deadlines specified in division (D) of this section, a statement that is required by this division.

(2) The statement referred to in division (A)(1) of this section shall describe the source of all income received, in the former state elected officer's or staff member's own name or by any other person for the person's use or benefit, and briefly describe the nature of the services for which the income was received if the source of the income was any of the following:

(a) An executive agency lobbyist or a legislative agent;

(b) The employer of an executive agency lobbyist or legislative agent, except that this division does not apply if the employer is any state agency or political subdivision of the state;

(c) Any entity, association, or business that, at any time during the two immediately preceding calendar years, was awarded one or more contracts by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more, or bid on one or more contracts to be awarded by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more.

(3) If the former state elected officer or staff member received no income as described in division (A)(2) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(4) If the former state elected officer or staff member directly or indirectly made, either separately or in combination with another, any expenditure or gift for transportation, lodging, or food or beverages to, at the request of, for the benefit of, or
on behalf of any public officer or employee, and if the former state elected officer or staff member would be required to report the expenditure or gift in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made, the statement referred to in division (A)(1) of this section shall include all information relative to that gift or expenditure that would be required in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made.

(5) If the former state elected officer or staff member made no expenditure or gift as described in division (A)(4) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(B) If, at any time during the twenty-four-month period immediately following the end of the former state elected officer's or staff member's service or public employment, a former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code becomes a legislative agent or an executive agency lobbyist, the former state elected officer or staff member shall comply with all registration and filing requirements set forth in sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, and, the former state elected officer or staff member also shall file a statement under division (A)(1) of this section except that the statement filed under division (A)(1) of this section does not need to include information regarding any income source, expenditure, or gift to the extent that that
information was included in any registration or statement filed under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code.

(C) Except as otherwise provided in this division, division (A)(2) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose in the brief description of the nature of services required by division (A)(2) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal,
medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(D)(1) Each state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall file an initial statement under division (A)(1) of this section not later than the day on which the former state elected officer or staff member leaves public service or public employment. The initial statement shall specify whether the person will, or will not, receive any income from a source described in division (A)(2)(a), (b), or (c) of this section.

If a person files an initial statement under this division that states that the person will receive income from a source described in division (A)(2)(a), (b), or (c) of this section, the person is required to file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, except as otherwise provided in this division, the person is not required to file statements under division (A)(2), (4), or (5) of this section or to file subsequent statements under division (A)(3) of this section. If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, and, subsequent to the filing of that initial statement, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person
within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division, and the person thereafter shall file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

(2) After the filing of the initial statement under division (D)(1) of this section, each person required to file a statement under division (A)(2), (3), (4), or (5) of this section shall file it on or before the last calendar day of January, May, and September. The statements described in divisions (A)(2), (3), and (5) of this section shall relate to the sources of income the person received in the immediately preceding filing period from each source of income in each of the categories listed in division (A)(2) of this section. The statement described in division (A)(4) of this section shall include any information required to be reported regarding expenditures and gifts of the type described in division (A)(4) of this section occurring since the filing of the immediately preceding statement.

If, pursuant to this division, a person files a statement under division (A)(2) of this section, the person is required to file statements under division (A)(4) of this section, and subsequent statements under division (A)(2), (3), or (5) of this section, at the times specified in this division. In addition, if, subsequent to the filing of the statement under division (A)(2) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section that was not listed on the statement filed under division (A)(2) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source.
If, pursuant to this division, a person files a statement under division (A)(3) of this section, except as otherwise provided in this division, the person thereafter is not required to file statements under division (A)(2), (4), or (5) of this section, or to file subsequent statements under division (A)(3) of this section. If, subsequent to the filing of the statement under division (A)(3) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source, and the person thereafter shall file statements under division (A)(4) of this section, and subsequent statements under division (A)(2) or (3) of this section, at the times specified in this division.

(3) No fee shall be required for filing an initial a statement under division (D)(1) of this section. The person filing a statement under division (D)(2) of this section that is required to be filed on or before the last calendar day of January, May, and September shall pay a ten dollar filing fee with each such statement not to exceed thirty dollars in any calendar year. The, except that the joint legislative ethics committee may charge late fees in the same manner as specified in division (G) of section 101.72 of the Revised Code.

(E) Any state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall provide a forwarding address to the officer's or staff member's last employer, and the employer shall provide the person's name and address to the joint legislative ethics committee. The former elected state officer or staff member shall
provide updated forwarding addresses as necessary to the joint legislative ethics committee during the twenty-four-month period during which division (A)(1) of this section applies. The public agency or appointing authority that was the last employer of a person required to file a statement under division (A)(2) of this section shall furnish to the person a copy of the form needed to complete the initial statement required under division (D)(1) of this section.

(F) During the twenty-four-month period immediately following the end of the former state elected officer's or staff member's service or public employment, no person required to file a statement under this section shall receive from a source described in division (A)(2)(a), (b), or (c) of this section, and no source described in division (A)(2)(a), (b), or (c) of this section shall pay to that person, any compensation that is contingent in any way upon the introduction, modification, passage, or defeat of any legislation or the outcome of any executive agency decision.

(G) As used in this section "state elected officer or staff member" means any elected officer of this state, any staff, as defined in section 101.70 of the Revised Code, or any staff, as defined in section 121.60 of the Revised Code."

In line 63392, after "sections" insert "102.021,"

The motion was __________ agreed to.

SYNOPSIS

Joint Legislative Ethics Commission filing fees

R.C. 102.021
Eliminates the $10 filing fee for a former state official or employee who is required to file periodic financial disclosure statements for two years after leaving the person's office or employment.
moved to amend as follows:

1. In line 73561, delete "utilize" and insert "use a portion of these funds in partnership with"
2. In line 73600, delete "may" and insert "shall"
3. In line 73765, after the period insert "A portion of this funding shall be provided to educational service centers, consistent with requirements of section 3312.01 of the Revised Code, in the development and delivery of professional development programs supported under this section."
4. In line 74110, after "districts" insert "consistent with section 3312.01 of the Revised Code"
5. In line 74369, after "teams" insert "consistent with section 3312.01 of the Revised Code"
6. After line 75055, insert:

   "Section 265.505. Not later than December 31, 2020, and December 31, 2021, the Department of Education shall submit an annual report to the General Assembly in accordance with section 101.68 of the Revised Code describing the manner in which the Department partnered with educational service centers in the delivery of services consistent with Chapter 3312. of the Revised Code, as specified in the sections of this act entitled..."
"ACADEMIC STANDARDS," "ACCOUNTABILITY/REPORT CARDS," "LITERACY IMPROVEMENT," "EDUCATOR PREPARATION," and "FOUNDATION FUNDING," during the previous fiscal year."

The motion was _______ agreed to.

SYNOPSIS

Department of Education

Sections 265.80, 265.100, 265.120, 265.210, 265.240, and 265.505

Requires, rather than permits as under the substitute bill, the Department of Education (ODE) to use a portion of GRF appropriation item 200439, Accountability/Report Cards, in each fiscal year to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement.

Requires ODE to provide a portion of the funds allocated from GRF appropriation item 200448, Educator Preparation, for implementation of teacher and principal evaluation systems and teacher value-added reports to educational service centers (ESCs) to develop and deliver professional development programs.

Specifies that ODE must use a portion of the funds appropriated in GRF appropriation item 200427, Academic Standards, in partnership with ESCs, rather than utilize ESCs as in the substitute bill, to develop and deliver professional development programs.

Specifies that funds distributed to ESCs from GRF appropriation item 200576, Literacy Improvement, for support of regional literacy professional development teams and from GRF appropriation item 200550, Foundation Funding, for school improvement initiatives and technical assistance, be done so consistent with R.C. 3312.01, which under continuing law establishes the educational regional delivery system and describes the services ESCs must or may provide.
Requires ODE to submit an annual report not later than December 31, 2020, and December 31, 2021, to the General Assembly describing the manner in which the Department partnered with ESCs in the delivery of certain specified services for which state funding was provided to ESCs.
moved to amend as follows:

In line 25 of the title, after "3313.813," insert "3313.834," 1

In line 210, after "3313.813," insert "3313.834," 2

After 19194, insert:

"Sec. 3313.843. (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to any cooperative education school district.

(B)(1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

(3) Services provided under an agreement entered into under
division (B)(1) or (2) of this section shall be specified in the agreement, and may include any of the following: supervisory teachers; in-service and continuing education programs for district personnel; curriculum services; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; assistance in the provision of special accommodations and classes for students with disabilities; or any other services the district board and service center governing board agree can be better provided by the service center and are not provided under an agreement entered into under section 3313.845 of the Revised Code. Services included in the agreement shall be provided to the district in the manner specified in the agreement. The district board of education shall reimburse the educational service center governing board pursuant to division (H) of this section.

(C) Any agreement entered into pursuant to this section shall be filed with the department of education by the first day of July of the school year for which the agreement is in effect.

(D)(1) An agreement for services from an educational service center entered into under this section may be terminated by the school district board of education, at its option, by notifying the governing board of the service center by March 1, 2012, or by the first day of January of any odd-numbered year thereafter, that the district board intends to terminate the agreement in that year, and that termination shall be effective on the thirtieth day of June of that year. The failure of a district board to notify an educational service center of its intent to terminate an agreement by March 1, 2012, shall result in renewal of the existing agreement for the following school year. Thereafter, the failure of a district board to notify an educational service center of its intent to terminate an agreement by the first day of January of an
odd-numbered year shall result in renewal of the existing agreement for the following two school years.

(2) If the school district that terminates an agreement for services under division (D)(1) of this section is also subject to the requirement of division (B)(1) of this section, the district board shall enter into a new agreement with any educational service center so that the new agreement is effective on the first day of July of that same year.

(3) If all moneys owed by a school district to an educational service center under an agreement for services terminated under division (D)(1) of this section have been paid in full by the effective date of the termination, the governing board of the service center shall submit an affidavit to the department certifying that fact not later than fifteen days after the termination's effective date. Notwithstanding anything in the Revised Code to the contrary, until the department receives such an affidavit, it shall not make any payments to any other educational service center with which the district enters into an agreement under this section for services that the educational service center provides to the district.

(E) An educational service center may apply to any state or federal agency for competitive grants. It may also apply to any private entity for additional funds.

(F) Not later than January 1, 2014, each educational service center shall post on its web site a list of all of the services that it provides and the corresponding cost for each of those services.

(G)(1) For purposes of calculating any state operating subsidy to be paid to an educational service center for the operation of that service center and any services required under
Title XXXIII of the Revised Code to be provided by the service center to a school district, the service center's student count shall be the sum of the total student counts of all the school districts with which the educational service center has entered into an agreement under this section.

(2) When a district enters into a new agreement with a new educational service center, the department of education shall ensure that the state operating subsidy for services provided to the district is paid to the new educational service center and that the educational service center with which the district previously had an agreement is no longer paid a state operating subsidy for providing services to that district.

(H) Pursuant to division (B) of section 3317.023 of the Revised Code, the department annually shall deduct from each school district that enters into an agreement with an educational service center under this section, and pay to the service center, an amount equal to six dollars and fifty cents times the school district's total student count. The district board of education, or the district superintendent acting on behalf of the district board, may agree to pay an amount in excess of six dollars and fifty cents per student in total student count. If a majority of the boards of education, or superintendents acting on behalf of the boards, of the districts that entered into an agreement under this section approve an amount in excess of six dollars and fifty cents per student in total student count, each district shall pay the excess amount to the service center.

(I)(1) An educational service center may enter into a contract to purchase supplies, materials, equipment, and services, which may include those specified in division (B) of this section or Chapter 3312, of the Revised Code, or the delivery of such
services, on behalf of a school district or political subdivision that has entered into an agreement with the service center under this section or section 3313.844, 3313.845, or 3313.846 of the Revised Code.

(2) Purchases made by a school district or political subdivision that has entered into an agreement with the service center as described in this division are exempt from competitive bidding required by law for the purchase of supplies, materials, equipment, or services. No political subdivision shall make any purchase under this division when the political subdivision has received bids for such purchase, unless the same terms, conditions, and specifications at a lower price can be made for such purchase under this division.

(J) Any school district, community school, or STEM school that has entered into an agreement with an educational service center under this section or section 3313.844 or 3313.845 of the Revised Code shall be in compliance with federal law and exempt from competitive bidding requirements for personnel-based services pursuant to the authority granted to the Ohio department of education under federal law, provided the service center has met the following conditions:

(1) It is in compliance with division (F) of this section.

(2) It has been designated "high performing" under rule of the state board of education.

(3) It has been found to be substantially in compliance with audit rules and guidelines in its most recent audit by the auditor of state.

(K) For purposes of this section, a school district's "total student count" means the average daily student enrollment reported on the most recent report card issued for the district pursuant to
section 3302.03 of the Revised Code."

In line 63410, after "3313.813," insert "3313.834,"

The motion was __________ agreed to.

SYNOPSIS

Educational service centers – competitive bidding

R.C. 3313.843

Permits an educational service center (ESC) to enter into a contract to purchase supplies, materials, equipment, and services on behalf of a school district or political subdivision that has entered into an agreement with the ESC.

Exempts a school district or political subdivision that has entered into an agreement with an ESC from competitive bidding requirements for the purchase of supplies, materials, equipment, or services.

Prohibits a political subdivision from making purchases under this provision when the political subdivision has received bids for a purchase, unless the same terms, conditions, and prices can be made for the purchase.

Conditions the authority to purchase for districts and subdivisions on the ESC being in compliance with service posting requirements, designation as "high performing" under State Board rule, and substantial compliance with audit rules and guidelines.
In line 23 of the title, delete "3310.03,"

In line 208, delete "3310.03,"

In line 16230, after the underlined period insert "However, for the purposes of prescribing new buildings where students are eligible for the educational choice scholarship under section 3310.03 of the Revised Code or defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code, the department shall use the actual calculated letter grade a district or building received for each measure."

In line 16606, after "measure" insert ". However, for the purposes of prescribing new buildings where students are eligible for the educational choice scholarship under section 3310.03 of the Revised Code or defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code, the department shall use both measures to determine the overall letter grade for a district or a building"

Delete lines 16814 through 16819

In line 16820, delete ",(6)" and insert ",(4)"
After lines 16822, insert:

"(C) This section does not apply to either of the following:

(1) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

(2) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code."

In line 16823, after "3302.038." insert "(A)"

After line 16832, insert:

"(B) This section does not apply to either of the following:

(1) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

(2) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code."

In line 16833, after "3302.039." insert "(A)"

After line 16845, insert:

"(B) This section does not apply to either of the following:

(1) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

(2) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code."

Delete lines 17150 through 17435
In line 19942, after "district" delete the balance of the line

In line 19943, after "for" delete the balance of the line
Delete line 19944
In line 63409, delete "3310.03,"

The motion was ________ agreed to.

SYNOPSIS

Use and calculation of report card ratings – Ed Choice scholarships and "challenged school districts"

R.C. 3302.03, 3302.037, 3302.038, 3302.039, 3310.03, and 3314.02

Removes provisions prescribing new buildings where students are eligible for the Ed Choice scholarship and defining "challenged school districts" in which new start-up community schools may be located from the list of sanctions and penalties included in provisions of the substitute bill that do the following:

(1) Specify that for the overall grade on the state report card and for any sanction or penalty based on the measures, only the performance index score measure or the value-added progress dimension measure be used, whichever is higher and prohibits the use of both measures for those purposes.

(2) Specify that, if the Department of Education fails to assign letter grades on the state report card for a school district or building by the specified deadline, the Department
must assign the school district or building the same grade for each measure that it was assigned for the previous school year or a "B" for each measure, whichever is higher.

(3) Specify that, if the Department fails to assign report card ratings or community school sponsor ratings by the specified deadlines those ratings, as well as any from previous years, may not be considered in determining whether a school district, building, or sponsor is subject to sanctions or penalties, thereby creating a new starting point for determinations that are based on ratings over multiple years.

(4) Specify that if any statutory change is made to the calculation or determination of grades, or to the graded measures, on the state report card the report card ratings issued for the school year in which the change takes effect and any previous report card ratings are not considered when determining whether a school district or school is subject to penalties or sanctions.
moved to amend as follows:

In line 36 of the title, after "3702.30," insert "3702.51, 3702.52, 3702.57, 3702.59, 3702.593, 3702.60,"

In line 41 of the title, after "3721.027," insert "3721.03,"

In line 152 of the title, after "3701.27," insert "3702.594,"

In line 218, after "3702.30," insert "3702.51, 3702.52, 3702.57, 3702.59, 3702.593, 3702.60,"

In line 221, after "3721.027," insert "3721.03,"

After line 26024, insert:

"Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the Revised Code:

(A) "Applicant" means any person that submits an application for a certificate of need and who is designated in the application as the applicant.

(B) "Person" means any individual, corporation, business trust, estate, firm, partnership, association, joint stock company, insurance company, government unit, or other entity.

(C) "Certificate of need" means a written approval granted by the director of health to an applicant to authorize conducting a reviewable activity."
(D) "Service area" means the current and projected primary and secondary service areas to which the long-term care facility is, or will be, providing long-term care services.

(E) "Primary service area" means the geographic region, usually comprised of the Ohio zip code in which the long-term care facility is located and contiguous zip codes, from which approximately seventy-five to eighty per cent of the facility's residents currently originate or are expected to originate.

(F) "Secondary service area" means the geographic region, usually comprised of Ohio zip codes not included in the primary service area, excluding isolated exceptions, from which the facility's remaining residents currently originate or are expected to originate.

(G) "Third-party payer" means a health insuring corporation licensed under Chapter 1751. of the Revised Code, a health maintenance organization as defined in division (I) of this section, an insurance company that issues sickness and accident insurance in conformity with Chapter 3923. of the Revised Code, a state-financed health insurance program under Chapter 3701. or 4123. of the Revised Code, the medicaid program, or any self-insurance plan.

(H) "Government unit" means the state and any county, municipal corporation, township, or other political subdivision of the state, or any department, division, board, or other agency of the state or a political subdivision.

(I) "Health maintenance organization" means a public or private organization organized under the law of any state that is qualified under section 1310(d) of Title XIII of the "Public Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9.
(J) "Existing long-term care facility" means either of the following:

(1) A long-term care facility that is licensed or otherwise authorized to operate in this state in accordance with applicable law, including a county home or a county nursing home that is certified under Title XVIII or Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed and equipped to provide long-term care services, and is actively providing long-term care services;

(2) A long-term care facility that is licensed or otherwise authorized to operate in this state in accordance with applicable law, including a county home or a county nursing home that is certified under Title XVIII or Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has beds registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds and has provided long-term care services for at least three hundred sixty-five consecutive days within the twenty-four months immediately preceding the date a certificate of need application is filed with the director of health.

(K) "State" means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state of Ohio. "State" does not include political subdivisions.

(L) "Political subdivision" means a municipal corporation, township, county, school district, and all other bodies corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state to which the
sovereign immunity of the state attaches.

(M) "Affected person" means:

(1) An applicant for a certificate of need, including an applicant whose application was reviewed comparatively with the application in question;

(2) The person that requested the reviewability ruling in question;

(3) Any person that resides or regularly uses long-term care facilities within the service area served or to be served by the long-term care services that would be provided under the certificate of need or reviewability ruling in question;

(4) Any long-term care facility that is located in the service area where the long-term care services would be provided under the certificate of need or reviewability ruling in question;

(5) Third-party payers that reimburse long-term care facilities for services in the service area where the long-term care services would be provided under the certificate of need or reviewability ruling in question.

(N) "Long-term care facility" means, except as provided in section 3702.594 of the Revised Code, any of the following:

(1) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;

(2) The portion of any facility, including a county home or county nursing home, that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act";

(3) The portion of any hospital that contains beds registered
under section 3701.07 of the Revised Code as skilled nursing beds
or long-term care beds.

(O) "Long-term care bed" or "bed" means a bed that is
categorized as one of the following:

(1) A bed that is located in a facility that is a nursing
home licensed under section 3721.02 of the Revised Code or a
facility licensed by a political subdivision certified under
section 3721.09 of the Revised Code and is included in the
authorized maximum licensed capacity of the facility;

(2) A bed that is located in the portion of any facility,
including a county home or county nursing home, that is certified
as a skilled nursing facility under the medicare program or a
nursing facility under the medicaid program and is included in the
authorized maximum certified capacity of that portion of the
facility;

(3) A bed that is registered under section 3701.07 of the
Revised Code as a skilled nursing bed, a long-term care bed, or a
special skilled nursing bed;

(4) A bed in a county home or county nursing home that has
been certified under section 5155.38 of the Revised Code as having
been in operation on July 1, 1993, and is eligible for licensure
as a nursing home bed;

(5) A bed held as an approved bed under a certificate of need
approved by the director.

A bed cannot simultaneously be both a bed described in
division (O)(1), (2), (3), or (4) of this section and a bed
described in division (O)(5) of this section.

(P) "Reviewability ruling" means a ruling issued by the
director of health under division (A) of section 3702.52 of the
Revised Code as to whether a particular proposed project is or is not a reviewable activity.

(Q) "County nursing home" has the same meaning as in section 5155.31 of the Revised Code.

(R) "Principal participant" means both of the following:

(1) A person who has an ownership or controlling interest of at least five per cent in an applicant, in a long-term care facility that is the subject of an application for a certificate of need, or in the owner or operator of the applicant or such a facility;

(2) An officer, director, trustee, or general partner of an applicant, of a long-term care facility that is the subject of an application for a certificate of need, or of the owner or operator of the applicant or such a facility.

(S) "Actual harm but not immediate jeopardy deficiency" means a deficiency that, under 42 C.F.R. 488.404, either constitutes a pattern of deficiencies resulting in actual harm that is not immediate jeopardy or represents widespread deficiencies resulting in actual harm that is not immediate jeopardy.

(T) "Immediate jeopardy deficiency" means a deficiency that, under 42 C.F.R. 488.404, either constitutes a pattern of deficiencies resulting in immediate jeopardy to resident health or safety or represents widespread deficiencies resulting in immediate jeopardy to resident health or safety.

(U) "Existing bed" or "existing long-term care bed" means a bed from an existing long-term care facility, a bed described in division (O)(5) of this section, or a bed correctly reported as a long-term care bed pursuant to section 5155.38 of the Revised Code.
Sec. 3702.52. The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. Administration of the program shall include both a standard review process and an expedited review process.

(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling, except that if an expedited review is requested, the ruling shall be issued not later than thirty days after receiving the request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in the required time, the project shall be considered to have been ruled not a reviewable activity.

(B)(1) Each application for a certificate of need shall be submitted to the director on forms and in the manner prescribed by the director. An application for which expedited review is requested must meet the same requirements as all other applications.

Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.524 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

(2) Each application shall be accompanied by the application fee established in rules adopted under division (G) of section 3702.57 of the Revised Code. Application fees received by the
director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted.

(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. For an application being considered under the standard review process, the director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. For an application for which expedited review is requested, the director's notice or request shall be mailed not later than fourteen days after the director receives the application or a response to an earlier request for information. Except as provided in section 3702.522 of the Revised Code, the director shall not make more than two requests for additional information. The director's determination that an application is not complete is final and not subject to appeal.
(4) Except as necessary to comply with a subpoena issued under division (F) of this section, after a notice of completeness has been received, no person shall make revisions to information that was submitted to the director before the director mailed the notice of completeness or knowingly discuss in person or by telephone the merits of the application with the director. A person may supplement an application after a notice of completeness has been received by submitting clarifying information to the director.

(C) All of the following apply to the process of granting or denying a certificate of need:

(1) If the project proposed in a certificate of need application meets all of the applicable certificate of need criteria for approval under sections 3702.51 to 3702.62 of the Revised Code and the rules adopted under those sections, the director shall grant a certificate of need for all or part of the project that is the subject of the application by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section.

(2) The director's grant of a certificate of need does not affect, and sets no precedent for, the director's decision to grant or deny other applications for similar reviewable activities.

(3) Any affected person may submit written comments regarding an application. The director shall consider all written comments received by the forty-fifth day after the application is submitted to the director, except that to be considered in an expedited review, written comments must be received by the twenty-first day after the application is submitted.

(4) Except as provided in division (C)(5) of this section,
the director shall grant or deny certificate of need applications not later than sixty days after mailing the notice of completeness unless the application is receiving expedited review. If the application is receiving expedited review, the director shall grant or deny the application not later than forty-five days after mailing the notice of completeness.

(5) Except as otherwise provided in division (C)(6) of this section, the director or the applicant may extend the deadline prescribed in division (C)(4) of this section once, for no longer than thirty days, by written notice before the end of the deadline prescribed by division (C)(4) of this section. An extension by the director under division (C)(5) of this section shall apply to all applications that are in comparative review.

(6) No applicant in a comparative review may extend the deadline specified in division (C)(4) of this section.

(7) If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted.

(8) In granting a certificate of need, the director shall specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred ten per cent of the approved project cost.

(9) In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) When a certificate of need is granted for a project under which beds are to be relocated, upon completion of the project for which the certificate of need was granted a number of beds equal
to the number of beds relocated shall cease to be operated in the
long-term care facility from which they are relocated, except that
the beds may continue to be operated for not more than fifteen
days to allow relocation of residents to the facility to which the
beds have been relocated. Notwithstanding section 3721.03 of the
Revised Code, if the relocated beds are in a home licensed under
Chapter 3721. of the Revised Code, the facility's license is
automatically reduced by the number of beds relocated effective
fifteen days after the beds are relocated. If the beds are in a
facility that is certified as a skilled nursing facility or
nursing facility under Title XVIII or XIX of the "Social Security
Act," the certification for the beds shall be surrendered. If the
beds are registered under section 3701.07 of the Revised Code as
skilled nursing beds or long-term care beds, the director shall
remove the beds from registration not later than fifteen days
after the beds are relocated.

(E) During the period beginning with the granting of a
certificate of need and ending five years after implementation of
the reviewable activity for which the certificate was granted, the
director shall monitor the activities of the person granted the
certificate to determine whether the reviewable activity is
conducted in substantial accordance with the certificate. A
reviewable activity shall not be determined to be not in
substantial accordance with the certificate of need solely because
of either of the following:

(1) A decrease in bed capacity;

(2) A change in the owner or operator of the facility unless
any of the circumstances specified in division (B) of section
3702.59 of the Revised Code apply to the new owner or operator.

(F) When reviewing applications for certificates of need,
considering appeals under section 3702.60 of the Revised Code, or
monitoring activities of persons granted certificates of need, the
director may issue and enforce, in the manner provided in section
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to
compel a person to testify and produce documents relevant to
review of the application, consideration of the appeal, or
monitoring of the activities. In addition, the director or the
director's designee may visit the sites where the activities are
or will be conducted.

(G) The director may withdraw certificates of need.

(H) All long-term care facilities shall submit to the
director, upon request, any information prescribed by rules
adopted under division (H) of section 3702.57 of the Revised Code
that is necessary to conduct reviews of certificate of need
applications and to develop criteria for reviews.

(I) Any decision to grant or deny a certificate of need shall
consider the special needs and circumstances resulting from moral
and ethical values and the free exercise of religious rights of
long-term care facilities administered by religious organizations,
and the special needs and circumstances of inner city and rural
communities.

**Sec. 3702.57.** (A) The director of health shall adopt rules
establishing procedures and criteria for reviews of applications
for certificates of need and issuance, denial, or withdrawal of
certificates.

(1) In adopting rules that establish criteria for reviews of
applications of certificates of need, the director shall consider
the availability of and need for long-term care beds to provide
care and treatment to persons diagnosed as having traumatic brain
injuries and shall prescribe criteria for reviewing applications that propose to add long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries.

(2) The criteria for reviews of applications for certificates of need shall relate to the need for the reviewable activity and shall pertain to all of the following matters:

(a) The impact of the reviewable activity on the cost and quality of long-term care services in the relevant service area, including, but not limited, to the historical and projected utilization of the services to which the application pertains and the effect of the reviewable activity on utilization of other providers of similar services;

(b) The quality of the services to be provided as the result of the activity, as evidenced by the historical performance of the persons that will be involved in providing the services and by the provisions that are proposed in the application to ensure quality, including but not limited to adequate available personnel, available ancillary and support services, available equipment, size and configuration of physical plant, and relations with other providers;

(c) The impact of the reviewable activity on the availability and accessibility of the type of services proposed in the application to the population of the relevant service area, and the level of access to the services proposed in the application that will be provided to medically underserved individuals such as recipients of public assistance and individuals who have no health insurance or whose health insurance is insufficient;

(d) The activity's short- and long-term financial feasibility and cost-effectiveness, the impact of the activity on the applicant's costs and charges, and a comparison of the applicant's
costs and charges with those of providers of similar services in
the applicant's proposed service area;

(e) The advantages, disadvantages, and costs of alternatives
to the reviewable activity;

(f) The impact of the activity on all other providers of
similar services in the relevant service area, including the
impact on their utilization, market share, and financial status;

(g) The historical performance of the applicant and related
or affiliated parties in complying with previously granted
certificates of need and any applicable certification,
accreditation, or licensure requirements;

(h) The historical performance of the applicant and related
or affiliated parties in providing cost-effective long-term care
services;

(i) The special needs and circumstances of the applicant or
population proposed to be served by the proposed project,
including research activities, prevalence of particular diseases,
unusual demographic characteristics, cost-effective contractual
affiliations, and other special circumstances;

(j) The appropriateness of the zoning status of the proposed
site of the activity;

(k) The participation by the applicant in research conducted
by the United States food and drug administration or clinical
trials sponsored by the national institutes of health.

(3) The criteria for reviews of applications shall include a
formula for determining each county's long-term care bed need for
purposes of section 3702.593 of the Revised Code and may include
other formulas for determining need for beds.
Any rules prescribing criteria that establish ratios of beds to population shall specify the bases for establishing the ratios or mitigating factors or exceptions to the ratios.

(B) The director shall adopt rules specifying all of the following:

(1) Information that must be provided in applications for certificates of need;

(2) Procedures for reviewing applications for completeness of information;

(3) Criteria for determining that the application is complete;

(4) Procedures for making a final determination regarding an application's completeness and issuing a notice of the determination in accordance with division (B)(3) of section 3702.52 of the Revised Code.

(C) The director shall adopt rules specifying requirements that holders of certificates of need must meet in order for the certificates to remain valid and establishing definitions and requirements for obligation of capital expenditures and implementation of projects authorized by certificates of need.

(D) The director shall adopt rules establishing criteria and procedures under which the director of health may withdraw a certificate of need if the holder fails to meet requirements for continued validity of the certificate.

(E) The director shall adopt rules establishing procedures under which the department of health shall monitor project implementation activities of holders of certificates of need. The rules adopted under this division also may establish procedures for monitoring implementation activities of persons that have
received nonreviewability rulings.

(F) The director shall adopt rules establishing procedures under which the director of health shall review certificates of need whose holders exceed or appear likely to exceed an expenditure maximum specified in a certificate.

(G) The director shall adopt rules establishing certificate of need application fees sufficient to pay the costs incurred by the department for administering sections 3702.51 to 3702.62 of the Revised Code. Unless rules are adopted under this division establishing different application fees, the application fee for a project not involving a capital expenditure shall be three thousand dollars and the application fee for a project involving a capital expenditure shall be nine-tenths of one per cent of the capital expenditure proposed subject to a minimum of three thousand dollars and a maximum of twenty thousand dollars.

(H) The director shall adopt rules specifying information that is necessary to conduct reviews of certificate of need applications and to develop criteria for reviews that long-term care facilities are to submit to the director under division (H) of section 3702.52 of the Revised Code.

(I) The director shall adopt rules defining "affiliated person," "related person," and "ultimate controlling interest" for purposes of section 3702.523 of the Revised Code.

(J) The director shall adopt rules prescribing requirements for holders of certificates of need to demonstrate to the director under section 3702.525 of the Revised Code that reasonable progress is being made toward completion of the reviewable activity and establishing standards by which the director shall determine whether reasonable progress is being made.
The director shall adopt rules establishing procedures for providing administrative reviews for purposes of appeals made under division (A) of section 3702.60 of the Revised Code.

The director shall adopt all rules under divisions (A) to (K) of this section in accordance with Chapter 119. of the Revised Code. The director may adopt other rules as necessary to carry out the purposes of sections 3702.51 to 3702.62 of the Revised Code.

Sec. 3702.59. (A) The director of health shall accept for review certificate of need applications as provided in sections 3702.592, 3702.593, and 3702.594 of the Revised Code.

(B)(1) The director shall not approve an application for a certificate of need for the addition of long-term care beds to an existing long-term care facility or for the development of a new long-term care facility if any of the following apply:

   (a) The existing long-term care facility in which the beds are being placed has one or more waivers for life safety code deficiencies, one or more state fire code violations, or one or more state building code violations, and the project identified in the application does not propose to correct all life safety code deficiencies for which a waiver has been granted, all state fire code violations, and all state building code violations at the existing long-term care facility in which the beds are being placed;

   (b) During the sixty-month period preceding the filing of the application, a notice of proposed license revocation was issued under section 3721.03 of the Revised Code for the existing long-term care facility in which the beds are being placed or a nursing home owned or operated by the applicant or a principal.
participant, unless in the case of such a nursing home the notice was issued solely because the nursing home had already closed or ceased operations.

(c) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing long-term care facility in which the beds are being placed, any of the following occurred:

(i) The facility was cited on three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies.

(ii) The facility was cited on two or more separate occasions for final, nonappealable immediate jeopardy deficiencies.

(iii) The facility was cited on two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.

(d) More than two nursing homes owned or operated in this state by the applicant or a principal participant or, if the applicant or a principal participant owns or operates more than twenty nursing homes in this state, more than ten per cent of those nursing homes, were each cited during the period that precedes the filing of the application for the certificate of need and is encompassed by the three most recent standard surveys of the nursing homes that were so cited in any of the following manners:

(i) On three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies;

(ii) On two or more separate occasions for final, nonappealable immediate jeopardy deficiencies;
(iii) On two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.

(2) In applying divisions (B)(1)(a) to (d) of this section, the director shall not consider deficiencies or violations cited before the applicant or a principal participant acquired or began to own or operate the long-term care facility at which the deficiencies or violations were cited. The director may disregard deficiencies and violations cited after the long-term care facility was acquired or began to be operated by the applicant or a principal participant if the deficiencies or violations were attributable to circumstances that arose under the previous owner or operator and the applicant or principal participant has implemented measures to alleviate the circumstances. In the case of an application proposing development of a new long-term care facility by relocation of beds, the director shall not consider deficiencies or violations that were solely attributable to the physical plant of the existing long-term care facility from which the beds are being relocated.

(C) The director also shall accept for review any application for the conversion of infirmary beds to long-term care beds if the infirmary meets all of the following conditions:

(1) Is operated exclusively by a religious order;

(2) Provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related;

(3) Was providing care exclusively to members of such a religious order on January 1, 1994.

(D) Notwithstanding division (C)(2) of this section, a
facility that has been granted a certificate of need under division (C) of this section may provide care to any of the following family members of the individuals described in division (C)(2) of this section: mothers, fathers, brothers, sisters, brothers-in-law, sisters-in-law, or children. Such a facility may also provide care to any individual who has been designated an associate member by the religious order that operates the facility.

The long-term care beds in a facility that have been granted a certificate of need under division (C) of this section may not be relocated pursuant to sections 3702.592 to 3702.594 and 3702.593 of the Revised Code.

Sec. 3702.593. (A) At the times specified in this section, the director of health shall accept, for review under section 3702.52 of the Revised Code, certificate of need applications for any of the following purposes if the proposed increase in beds is attributable solely to relocation of existing beds from an existing long-term care facility in a county with excess beds to a long-term care facility in a county in which there are fewer long-term care beds than the county's bed need:

(1) Approval of beds in a new long-term care facility or an increase of beds in an existing long-term care facility if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;

(2) Approval of beds in a new county home or new county nursing home, or an increase of beds in an existing county home or existing county nursing home if the beds are proposed to be certified as skilled nursing facility beds under the medicare program, Title XVIII of the "Social Security Act," 49 Stat. 286
An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long-term care beds.

(B) For the purpose of implementing this section, the director shall do all of the following:

(1) Not later than April 1, 2012, and every four years thereafter, determine the long-term care bed supply for each county, which shall consist of all of the following:

(a) Nursing home beds licensed under Chapter 3721. of the Revised Code;

(b) Beds certified as skilled nursing facility beds under the medicare program or nursing facility beds under the medicaid program;

(c) Beds in any portion of a hospital that are properly registered under section 3701.07 of the Revised Code as skilled nursing beds, long-term care beds, or special skilled nursing beds;

(d) Beds in a county home or county nursing home that are certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and are eligible for licensure as nursing home beds;

(e) Beds described in division (O)(5) of section 3702.51 of the Revised Code.

(2) Determine the long-term care bed occupancy rate for the state at the time the determination is made;

(3) For each county, determine the county's bed need by
identifying the number of long-term care beds that would be needed in the county in order for the statewide occupancy rate for a projected population aged sixty-five and older to be ninety percent.

In determining each county's bed need, the director shall use the formula developed in rules adopted under section 3702.57 of the Revised Code. A determination shall be made every four years. After each determination is made, the director shall publish the county's bed need on the web site maintained by the department of health.

(C) The director's consideration of a certificate of need that would increase the number of beds in a county shall be consistent with the county's bed need determined under division (B) of this section except as follows:

(1) If a county's occupancy rate is less than eighty-five percent, the county shall be considered to have no need for additional beds.

(2) Even if a county is determined not to need any additional long-term care beds, the director may approve an increase in beds equal to up to ten percent of the county's bed supply if the county's occupancy rate is greater than ninety percent.

(D)(1) The review period for the first review process shall begin July 1, 2010, and end June 30, 2012. The next review period shall begin July 1, 2012, and end June 30, 2016. Thereafter, the review period for each comparative review process shall begin on the first day of July following the end of the previous review period and shall be four years.

(2) Certificate Except as provided in division (D)(3) of this section, certificate of need applications shall be accepted during
the first month of the review period and reviewed through the thirtieth day of April of the following year.

(3) Except for the first review period after October 16, 2009, each review period may consist of two phases. The first phase of the review period shall be the period during which the director accepts and reviews certificate of need applications as provided in division (D)(2) of this section. If the director determines that there will be acceptance and review of additional certificate of need applications, the second phase of the review period shall begin on the first day of July of the third year of the review period. The second phase shall be limited to acceptance and review of applications for redistribution of beds made available pursuant to division (I) of this section. During the period between the first and second phases of the review period, the director shall act in accordance with division (I) of this section. The director shall accept certificate of need applications from January 1, 2020, through January 31, 2020.

(E) The director shall consider certificate of need applications in accordance with all of the following:

(1) The number of beds approved for a county shall include only beds available for relocation from another county and shall not exceed the bed need of the receiving county;

(2) The director shall consider the existence of community resources serving persons who are age sixty-five or older or disabled that are demonstrably effective in providing alternatives to long-term care facility placement.

(3) The director shall approve relocation of beds from a county only if, after the relocation, the number of beds remaining in the county will exceed the county's bed need by at least one hundred beds;
(4) The director shall approve relocation of beds from a long-term care facility only if, after the relocation, the number of beds in the facility's service area is at least equal to the state bed need rate. For purposes of this division, a facility's service area shall be either of the following:

(a) The census tract in which the facility is located, if the facility is located in an area designated by the United States secretary of health and human services as a health professional shortage area under the "Public Health Service Act," 88 Stat. 682 (1944), 42 U.S.C. 254(e), as amended;

(b) The area that is within a fifteen-mile radius of the facility's location, if the facility is not located in a health professional shortage area.

(F) Applications made under this section are subject to comparative review if two or more applications are submitted during the same review period and any of the following applies:

(1) The applications propose to relocate beds from the same county and the number of beds for which certificates of need are being requested totals more than the number of beds available in the county from which the beds are to be relocated.

(2) The applications propose to relocate beds to the same county and the number of beds for which certificates of need are being requested totals more than the number of beds needed in the county to which the beds are to be relocated.

(3) The applications propose to relocate beds from the same service area and the number of beds left in the service area from which the beds are being relocated would be less than the state bed need rate determined by the director.

(G) In determining which applicants should receive preference...
in the comparative review process, the director shall consider all of the following as weighted priorities:

1. Whether the beds will be part of a continuing care retirement community;

2. Whether the beds will serve an underserved population, such as low-income individuals, individuals with disabilities, or individuals who are members of racial or ethnic minority groups;

3. Whether the project in which the beds will be included will provide alternatives to institutional care, such as adult day-care, home health care, respite or hospice care, mobile meals, residential care, independent living, or congregate living services;

4. Whether the long-term care facility's owner or operator will participate in medicaid waiver programs for alternatives to institutional care;

5. Whether the project in which the beds will be included will reduce alternatives to institutional care by converting residential care beds or other alternative care beds to long-term care beds;

6. Whether the facility in which the beds will be placed has positive resident and family satisfaction surveys;

7. Whether the facility in which the beds will be placed has fewer than fifty long-term care beds;

8. Whether the long-term care facility in which the beds will be placed is located within the service area of a hospital and is designed to accept patients for rehabilitation after an in-patient hospital stay;

9. Whether the long-term care facility in which the beds
will be placed is or proposes to become a nurse aide training and testing site;

(10) The rating, under the centers for medicare and medicaid services' five star nursing home quality rating system, of the long-term care facility in which the beds will be placed.

(H) A person who has submitted an application under this section that is not subject to comparative review may revise the site of the proposed project pursuant to section 3702.522 of the Revised Code.

(I) When a certificate of need application is approved during the initial phase of a four-year review period, in addition to the actions required by division (D) of section 3702.52 of the Revised Code, the long-term care facility from which the beds were relocated shall reduce the number of beds operated in the facility by a number of beds equal to at least ten per cent of the number of beds relocated. If these beds are in a home licensed under Chapter 3721. of the Revised Code, the long-term care facility shall have the beds removed from the license. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the facility shall surrender the certification of these beds. If the beds are registered as skilled nursing beds or long-term care beds under section 3701.07 of the Revised Code, the long-term care facility shall surrender the registration for these beds. This reduction shall be made not later than the completion date of the project for which the beds were relocated.

(J)(1) Once approval of certificate of need applications in the first phase of a four-year review period is complete, the director shall make a new determination of the bed need for each county by reducing the county's bed need by the number of beds
approved for relocation to the county. The new bed-need determination shall be made not later than the first day of April of the third year of the review period.

(2) The director may publish on the department's web site the remaining updated bed need for counties that will be considered for redistribution of beds that, in accordance with division (I) of this section, have ceased or will cease to be operated. The director shall base the determination of whether to include a county on all of the following:

(a) The statewide number of beds that, in accordance with division (I) of this section, have ceased or will cease to be operated;

(b) The county's remaining bed need;

(c) The county's bed occupancy rate.

(K) If the director publishes the remaining bed need for a county under division (J)(2) of this section, the director may, beginning on the first day of the second phase of the review period, accept certificate of need applications for redistribution to long-term care facilities in that county of beds that have ceased or will cease operation in accordance with division (I) of this section. The total number of beds approved for redistribution in the second phase of a review period shall not exceed the number that have ceased or will cease operation in accordance with division (I) of this section. Beds that are not approved for redistribution during the second phase of a review period shall not be available for redistribution at any future time had a new determination.

Sec. 3702.60. (A) Any affected person who is other than a certificate of need applicant may appeal a reviewability ruling to
the director of health in accordance with Chapter 119. of the Revised Code a reviewability ruling made by the director or a decision issued by the director to grant or deny a certificate of need application, and the director shall provide an adjudication hearing administrative review in accordance with that chapter rules adopted under section 3702.57 of the Revised Code. An affected person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals. The affected person appealing the director's reviewability ruling or decision to grant or deny a certificate of need application must prove by a preponderance of the evidence that the director's ruling or decision is not in accordance with sections 3702.52 to 3702.62 of the Revised Code or rules adopted under those sections. The administrative review decision shall be made not later than sixty days after receiving notification of the appeal. The administrative review decision is final and not subject to appeal.

(B) The certificate of need applicant or another affected person may appeal to the director in accordance with Chapter 119. of the Revised Code a decision issued by the director to grant or deny a certificate of need application, and the director shall provide an adjudication hearing in accordance with that chapter. The certificate of need applicant or other affected person that appeals the director's decision to grant or deny a certificate of need application must prove by a preponderance of the evidence that the director's decision is not in accordance with sections 3702.52 to 3702.62 of the Revised Code or rules adopted under those sections. The certificate of need applicant or an affected person that was a party to and participated in an adjudication hearing conducted under this division may appeal to the tenth district court of appeals the decision issued by the director following the adjudication hearing.
(C) The certificate of need holder may appeal to the director in accordance with Chapter 119. of the Revised Code a decision issued by the director under section 3702.52 or 3702.525 of the Revised Code to withdraw a certificate of need, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals.

(D) Any person determined by the director to have violated section 3702.53 of the Revised Code may appeal that determination, or the penalties imposed under section 3702.54 or 3702.541 of the Revised Code, to the director in accordance with Chapter 119. of the Revised Code, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals.

(E) Each person appealing under this section to the director shall file with the director, not later than thirty days after the decision, ruling, or determination of the director was mailed, a notice of appeal designating the decision, ruling, or determination appealed from.

(F) Each person appealing under this section to the tenth district court of appeals shall file with the court, not later than thirty four days after the date the director's adjudication order was mailed, a notice of appeal designating the order appealed from. The appellant also shall file notice with the director not later than thirty days after the date the order was mailed.

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises.
The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (F)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed material procedural error, the court shall remand the matter to the director for further consideration or action.

(G) The court may award reasonable attorney's fees against the appellant if it determines that the appeal was frivolous. Sections 119.092, 119.093, and 2335.39 of the Revised Code do not apply to adjudication hearings under this section or section 3702.52 of the Revised Code and judicial appeals under this section.
(H) No person may intervene in an appeal brought under this section.

After line 27338, insert:

"Sec. 3721.03. (A) As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code.

(B) The director of health shall enforce the provisions of sections 3721.01 to 3721.13 and 3721.99 of the Revised Code and may issue orders to secure compliance with the provisions of these sections and the rules adopted under them. The director may hold hearings, issue subpoenas, compel testimony, and make adjudications.

The director may issue an order revoking a license in the event the director finds, upon hearing or opportunity afforded pursuant to Chapter 119. of the Revised Code, that any of the following apply to a person, county home, or district home licensed under section 3721.07 of the Revised Code:

(1) Has violated any of the provisions of Chapter 3721. of the Revised Code or rules adopted by the director under it;

(2) Has violated any order issued by the director;

(3) Is not, or any of its principals are not suitable, morally or financially to operate such an institution;

(4) Is not furnishing humane, kind, and adequate treatment and care;

(5) Has had a long-standing pattern of violations of this chapter or the rules adopted under it that has caused physical, emotional, mental, or psychosocial harm to one or more residents.

Upon the issuance of any order of revocation, the person...
whose license is revoked, or the county home or district home that has its license revoked, may appeal in accordance with Chapter 119. of the Revised Code.

(C) Once the director notifies a person, county home, or district home licensed to operate a home that the license may be revoked or issues any order under this section, the person, county home, or district home shall not assign or transfer to another person or entity the right to operate the home, unless the notice or order is issued solely because the home has already closed or ceased operations or a certificate of need application has been filed with the director prior to the notification. This prohibition shall remain in effect until proceedings under Chapter 119. of the Revised Code concerning the order or license revocation have been concluded or the director notifies the person, county home, or district home that the prohibition has been lifted.

If a license is revoked under this section, the former license holder shall not assign or transfer or consent to assignment or transfer of the right to operate the home. Any attempted assignment or transfer to another person or entity is void.

On revocation of a license, the former licensee shall take all necessary steps to cease operation of the home.

The director of health shall not accept a certificate of need application under section 3702.52 of the Revised Code regarding a home if the license to operate the home has been revoked under this section."

In line 63419, after "3702.30," insert "3702.51, 3702.52, 3702.57, 3702.59, 3702.593, 3702.60,"
The motion was __________ agreed to.

**SYNOPSIS**

**Certificate of need**

R.C. 3702.51, 3702.52, 3702.57, 3702.59, 3702.593, 3702.60, and 3721.03; R.C. 3702.594, repealed

Requires the Ohio Department of Health (ODH) to adopt rules specifying procedures for determining whether a certificate of need (CON) application is complete and issuing a notice of that determination within 180 days of receiving the initial application.

Eliminates the two circumstances in which the ODH Director may make a decision regarding a CON application that deviates from the decision that otherwise would result from considering the county's nursing home bed need.

Eliminates the provision that authorizes the relocation of nursing home beds to a county that is contiguous to the county from which the beds are to be relocated.

Authorizes nursing homes to submit CON applications in January 2020 under the bed need formula that was updated in 2016.

Eliminates the "phase two" CON review period for relocation of certain forfeited beds, thus making the beds permanently forfeited.
Authorizes a nursing home to assign or transfer the right to operate a home if that home filed a CON application before being notified that the ODH Director is revoking or taking other action against the home's license.

Eliminates the ODH Director's authority to remove the prohibition on transferring nursing home beds after a nursing home has been notified that the Director is revoking or taking other action against the home's license.

Replaces the right of an affected person (other than a CON applicant) to receive a hearing when appealing a CON application decision with a right to receive an administrative review, which is final and not appealable.

Reduces to 14 (from 30) the number of days in which a person has to appeal a CON reviewability ruling, a CON application decision, or a determination that the CON laws have been violated.
moved to amend as follows:

In line 142 of the title, after "5163.12," insert "5164.302,"

In line 296, after "5163.12," insert "5164.302,"

After line 50282, insert:

"Sec. 5164.302. As used in this section, "post-hospital
extended care agreement" means a contract between a hospital and
a nursing home regarding inpatients' discharges from the
hospital and admissions to the nursing home for post-hospital
extended care.

The department of medicaid shall not enter into a provider
agreement with, or revalidate the provider agreement of, a
hospital if any of the following applies:

(A) The hospital has a post-hospital extended care
agreement with a nursing home that does any of the following:

(1) Permits the hospital to do either of the following:

(a) Negotiate with a third-party payer the rates the
nursing home is to be paid for providing extended care under the
agreement;
(b) Receive payment for the services the nursing home provides under the agreement.

(2) Requires, incentivizes, or coerces the nursing home to do any of the following:

(a) Use or make referrals to the hospital's staff, including physicians, medical directors, and nurses;

(b) Use a specific technology or software program unless both of the following apply:

(i) The technology or software program is standardized, uniform, and compatible with the technology or software programs used by all hospitals in this state;

(ii) Unless the nursing home already has and uses the technology or software program, the hospital compensates the nursing home for the costs associated with acquiring the technology or software program, subscription payments for the technology or software program, and training individuals to use the technology or software program.

(c) Provide a service without prior authorization from a managed care organization if the organization requires the nursing home to obtain prior authorization for the service as a condition of being paid for the service.

(3) Permits the hospital to do either of the following regarding a service the nursing facility provides if prior
authorization from a managed care organization is needed for the
nursing home to receive payment for the service:

(a) Obtain the prior authorization;

(b) Represent the nursing home in obtaining the prior
authorization.

(4) Supersedes, negates, or otherwise interferes with a
contract between the nursing home and a third-party payer.

(B) When the hospital selects a nursing home with which to
enter into a post-hospital extended care agreement, either of
the following applies:

(1) The hospital fails to do either of the following:

(a) Include quality measures and other necessary outcome
measures and define thresholds for the measures as part of the
selection process;

(b) Ensure that the nursing home can meet the needs of
persons admitted to the nursing home under the agreement.

(2) The hospital does either of the following:

(a) Uses referrals or patient utilization of services as
part of the selection process;

(b) Considers the use of any of the hospital's staff,
resources, or downstream services, as defined in rules the
medicaid director shall adopt under section 5164.02 of the
Revised Code, that create revenue for the hospital.
(C) The hospital fails to make either of the following available to a nursing home or the department of medicaid on request:

(1) The hospital's process for selecting nursing homes with which to enter into post-hospital extended care agreements;

(2) An explanation of how the hospital complied with division (B) of this section when selecting nursing homes for such agreements."

The motion was ______ agreed to.

SYNOPSIS

Post-hospital extended care agreements

R.C. 5164.302

Prohibits the Department of Medicaid from entering into a Medicaid provider agreement with, or revalidating the provider agreement of, a hospital unless requirements regarding post-hospital extended care agreements with nursing homes are met.
HC2764

Sub. H.B. 166
LSC 133 0001-4
MCDCD34

moved to amend as follows:

1 In line 143, delete "5164.891,"
2 In line 297, delete "5164.891,"
3 Delete lines 50783 through 50796

4 The motion was ______ agreed to.

SYNOPSIS

Nonemergency medical transportation brokerage program

R.C. 5164.891

Removes House-added provisions that require ODM to permit each board of county commissioners to choose whether to participate in a state-based nonemergency medical transportation brokerage program under the Medicaid program or to continue to be responsible for coordinating such services for Medicaid recipients residing in its county.
HC2774

Sub. H.B. 166
LSC 133 0001-4

______________________________ moved to amend as follows:

1 In line 78741, delete everything before "public"

2 The motion was ______ agreed to.

3

SYNOPSIS

4 Department of Public Safety

5 Section 373.30

6 Removes the requirement that the uses of DPF appropriation
7 item 760621, Community Police Relations, include a database on
8 use of force and officer involved shootings.
moved to amend as follows:

In line 1 of the title, after "sections" insert "101.15,"

In line 192, after "sections" insert "101.15,"

After line 348, insert:

"Sec. 101.15. (A) As used in this section:

(1) "Caucus" means all of the members of either house of the general assembly who are members of the same political party.

(2) "Committee" means any committee of either house of the general assembly, a joint committee of both houses of the general assembly, including a committee of conference, or a subcommittee of any committee listed in division (A)(2) of this section.

(3) "Meeting" means any prearranged discussion of the public business of a committee by a majority of its members.

(4) "Standing committee caucus" means all of the members of a standing committee of either house of the general assembly who are members of the same political party.

(B) Except as otherwise provided in division (F) of this section, all meetings of any committee are declared to be public meetings open to the public at all times. The secretary assigned to the chairperson of the committee shall prepare, file, and
maintain the minutes of every regular or special meeting of a committee. The committee, at its next regular or special meeting, shall approve the minutes prepared, filed, and maintained by the secretary, or, if the minutes prepared, filed, and maintained by the secretary require correction before their approval, the committee shall correct and approve the minutes at the next following regular or special meeting. The committee shall make the minutes available for public inspection not later than seven days after the meeting the minutes reflect or not later than the committee's next regular or special meeting, whichever occurs first.

(C) Each committee shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. No committee shall hold a regular or special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification.

The method established by each committee shall provide that, upon request and payment of a reasonable fee, any person may obtain reasonable advance notification of all meetings at which any specific type of public business will be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed stamped envelopes provided by the person who desires advance notification.

(D) Any action of a committee relating to a bill or resolution, or any other formal action of a committee, is invalid unless taken in an open meeting of the committee. Any action of a committee relating to a bill or resolution, or any other formal action of a committee, taken in an open meeting is invalid if it
results from deliberations in a meeting not open to the public.

(E)(1) Any person may bring an action to enforce this section. An action under this division 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 committee to comply with its provisions.

(2)(a) If the court of common pleas issues an injunction under division (E)(1) of this section, the court shall order the committee that it enjoins to pay a civil forfeiture of five hundred dollars to the party that sought the injunction and shall award to that party all court costs and, subject to reduction as described in this division, reasonable attorney's fees. The court, in its discretion, may reduce an award of attorney's fees to the party that sought the injunction or not award attorney's fees to that party 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 violation or threatened violation that was the basis of the injunction, a well-informed committee reasonably would believe that the committee was not violating or threatening to violate this section;

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

(b) If the court of common pleas does not issue an injunction under division (E)(1) of this section and the court determines at
that time that the bringing of the action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the committee all court costs and reasonable attorney's fees, as determined by the court.

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

(4) A member of a committee who knowingly violates an injunction issued under division (E)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney of Franklin county or by the attorney general.

(5) The remedies described in divisions (E)(1) to (4) of this section shall be the exclusive remedies for a violation of this section.

(F) This section does not apply to or affect either of the following:

(1) All meetings of the joint legislative ethics committee created under section 101.34 of the Revised Code other than a meeting that is held for any of the following purposes:

   (a) To consider the adoption, amendment, or recission of any rule that the joint legislative ethics committee is authorized to adopt pursuant to division (B)(11) of section 101.34, division (E) of section 101.78, division (B) of section 102.02, or division (E) of section 121.68 of the Revised Code;

   (b) To discuss and consider changes to any administrative operation of the joint legislative ethics committee other than any matter described in division (G) of section 121.22 of the Revised Code;
(c) To discuss pending or proposed legislation.

(2) Meetings of a caucus.

(3) Meetings of a standing committee caucus.

(G) For purposes of division (F)(1)(a) of this section, an advisory opinion, written opinion, or decision relative to a complaint is not a rule."

In line 63392, after "sections" insert "101.15,"

The motion was __________ agreed to.

SYNOPSIS

GA open meetings- allow committee caucus

R.C. 101.15

Allows the same-party members of a standing committee of the House or Senate to meet without violating the General Assembly Open Meetings Law.
moved to amend as follows:

1 In line 81618, delete "$285,000,000" and insert "$470,000,000"

2 The motion was ______ agreed to.


SYNOPSIS

FY 2019 GRF ending balance

Section 513.10

Increases the amount of the FY 2019 GRF surplus to be retained in the GRF from $285 million to $470 million
moved to amend as follows:

In line 58 of the title, after "4735.15," insert "4735.18,"

In line 234, after "4735.15," insert "4735.18,"

After line 37711, insert:

"Sec. 4735.18. (A) Subject to section 4735.32 of the Revised Code, the superintendent of real estate, upon the superintendent's own motion, may investigate the conduct of any licensee. Subject to division (E) of this section and section 4735.32 of the Revised Code, the Ohio real estate commission shall impose disciplinary sanctions upon any licensee who, whether or not acting in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found to have been convicted of a felony or a crime of moral turpitude, and may impose disciplinary sanctions upon any licensee who, in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found guilty of:

(1) Knowingly making any misrepresentation;

(2) Making any false promises with intent to influence, persuade, or induce;

(3) A continued course of misrepresentation or the making of false promises through agents, salespersons, advertising, or
otherwise;

(4) Acting for more than one party in a transaction except as permitted by and in compliance with section 4735.71 of the Revised Code;

(5) Failure within a reasonable time to account for or to remit any money coming into the licensee's possession which belongs to others;

(6) Dishonest or illegal dealing, gross negligence, incompetency, or misconduct;

(7) (a) By final adjudication by a court, a violation of any municipal or federal civil rights law relevant to the protection of purchasers or sellers of real estate or, by final adjudication by a court, any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate, in the licensee's practice as a licensed real estate broker or salesperson;

(b) A second or subsequent violation of any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code or any second or subsequent violation of municipal or federal civil rights laws relevant to purchasing or selling real estate whether or not there has been a final adjudication by a court, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate. For any second offense under this division, the commission shall suspend for a minimum of two months or revoke the license of the broker or salesperson. For any subsequent offense, the commission shall revoke the license of the broker or salesperson.
(8) Procuring a license under this chapter, for the licensee or any salesperson by fraud, misrepresentation, or deceit;

(9) Having violated or failed to comply with any provision of sections 4735.51 to 4735.74 of the Revised Code or having willfully disregarded or violated any other provisions of this chapter;

(10) As a real estate broker, having demanded, without reasonable cause, other than from a broker licensed under this chapter, a commission to which the licensee is not entitled, or, as a real estate salesperson, having demanded, without reasonable cause, a commission to which the licensee is not entitled;

(11) Except as permitted under section 4735.20 of the Revised Code, having paid commissions or fees to, or divided commissions or fees with, anyone not licensed as a real estate broker or salesperson under this chapter or anyone not operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;

(12) Having falsely represented membership in any real estate professional association of which the licensee is not a member;

(13) Having accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal;

(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance;

(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and
undisclosed principal, in any transaction;

(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;

(17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent;

(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal;

(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code;

(20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent;

(21) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any properties, terms, values, policies, or services of the business conducted;

(22) Having knowingly withheld from or inserted in any statement of account or invoice any statement that made it inaccurate in any material particular;
(23) Having published or circulated unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harassing competitors or intimidating their customers;

(24) Having failed to keep complete and accurate records of all transactions for a period of three years from the date of the transaction, such records to include copies of listing forms, earnest money receipts, offers to purchase and acceptances of them, records of receipts and disbursements of all funds received by the licensee as broker and incident to the licensee's transactions as such, and records required pursuant to divisions (C)(4) and (5) of section 4735.20 of the Revised Code, and any other instruments or papers related to the performance of any of the acts set forth in the definition of a real estate broker;

(25) Failure of a real estate broker or salesperson to furnish all parties involved in a real estate transaction true copies of all listings and other agreements to which they are a party, at the time each party signs them;

(26) Failure to maintain at all times a special or trust bank account in a depository located in this state. The account shall be noninterest-bearing, separate and distinct from any personal or other account of the broker, and, except as provided in division (A)(27) of this section, shall be used for the deposit and maintenance of all escrow funds, security deposits, and other moneys received by the broker in a fiduciary capacity. The name, account number, if any, and location of the depository wherein such special or trust account is maintained shall be submitted in writing to the superintendent. Checks drawn on such special or trust bank accounts are deemed to meet the conditions imposed by section 1349.21 of the Revised Code. Funds deposited in the trust
or special account in connection with a purchase agreement shall be maintained in accordance with section 4735.24 of the Revised Code.

(27) Failure to maintain at all times a special or trust bank account in a depository in this state, to be used exclusively for the deposit and maintenance of all rents, security deposits, escrow funds, and other moneys received by the broker in a fiduciary capacity in the course of managing real property. This account shall be separate and distinct from any other account maintained by the broker. The name, account number, and location of the depository shall be submitted in writing to the superintendent. This account may earn interest, which shall be paid to the property owners on a pro rata basis.

Division (A)(27) of this section does not apply to brokers who are not engaged in the management of real property on behalf of real property owners.

(28) Having failed to put definite expiration dates in all written agency agreements to which the broker is a party;

(29) Having an unsatisfied final judgment or lien in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson;

(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction;

(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a
real estate salesperson the salesperson's earned share of it;

(32) Performing any service for another constituting the practice of law, as determined by any court of law;

(33) Having been adjudicated incompetent for the purpose of holding the license by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability.

(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;

(35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document, including naming a false consideration;

(36) Having failed to inform the licensee's client of the existence of an offer or counteroffer or having failed to present an offer or counteroffer in a timely manner, unless otherwise instructed by the client, provided the instruction of the client does not conflict with any state or federal law;

(37) Having failed to comply with section 4735.24 of the Revised Code;

(38) Having acted as a broker without authority, impeded the ability of a principal broker to perform any of the duties described in section 4735.081 of the Revised Code, or impeded the ability a management level licensee to perform the licensee's duties.
(B) Whenever the commission, pursuant to section 4735.051 of the Revised Code, imposes disciplinary sanctions for any violation of this section, the commission also may impose such sanctions upon the broker with whom the salesperson is affiliated if the commission finds that the broker had knowledge of the salesperson's actions that violated this section.

(C) The commission shall, pursuant to section 4735.051 of the Revised Code, impose disciplinary sanctions upon any foreign real estate dealer or salesperson who, in that capacity or in handling the dealer's or salesperson's own property, is found guilty of any of the acts or omissions specified or comprehended in division (A) of this section insofar as the acts or omissions pertain to foreign real estate. If the commission imposes such sanctions upon a foreign real estate salesperson for a violation of this section, the commission also may suspend or revoke the license of the foreign real estate dealer with whom the salesperson is affiliated if the commission finds that the dealer had knowledge of the salesperson's actions that violated this section.

(D) The commission may suspend, in whole or in part, the imposition of the penalty of suspension of a license under this section.

(E) A person licensed under this chapter who represents a party to a transaction or a proposed transaction involving the sale, purchase, exchange, lease, or management of real property that is or will be used in the cultivation, processing, dispensing, or testing of medical marijuana under Chapter 3796. of the Revised Code, or who receives, holds, or disburses funds from a real estate brokerage trust account in connection with such a transaction, shall not be subject to disciplinary sanctions under this chapter as a consequence of that action."
In line 63435, after "4735.15," insert "4735.18,"

The motion was __________ agreed to.

SYNOPSIS

Transacting in real estate used for medical marijuana

R.C. 4735.18

Provides that licensed real estate brokers and salespersons do not commit a crime and are not subject to professional discipline for participating in a real estate transaction involving property used for purposes related to the Medical Marijuana Program.
HC2797

Sub. H.B. 166
LSC 133 0001-4

________________________________________________________________________ moved to amend as follows:

1 In line 72317, delete "$1,015,000  $0” and insert
2 "$1,265,000  $250,000"

3 In line 72321, add $250,000 to each fiscal year
4 In line 72376, add $250,000 to each fiscal year

5 After line 72492, insert:
6 "Of the foregoing appropriation item 195503, Local Development Projects, $250,000 in each fiscal year shall be used to support the Cleveland Chain Reaction Project."

9 The motion was ________ agreed to.

10 SYNOPSIS

Development Services Agency

Sections 259.10 and 259.20

13 Increases appropriations by $250,000 in each of FY 2020 and FY 2021 to GRF line item 195503, Local Development Projects, and earmarks the increase for the Cleveland Chain Reaction Project.
moved to amend as follows:

In line 90 of the title, delete "5165.01,"

In line 91 of the title, delete "5165.16, 5165.17, 5165.19, 5165.21,"

In line 157 of the title, delete "5165.361,"

In line 258, delete "5165.01,\"; delete "5165.16, 5165.17, 5165.19, 5165.21,\"

Delete lines 50797 through 51224

In line 51248, reinsert "the following:"

In line 51249, reinsert "(1) For state fiscal years 2018 and 2019,"

In line 51250, reinsert the semicolon

Reinsert lines 51251 through 51269

In line 51270, reinsert "preceding state fiscal year"

In line 51278, after "add" insert ", for the second half of state fiscal year 2020 and all of each state fiscal year thereafter."

Delete lines 51295 through 51821

Delete lines 51911 through 51960
After line 51960, insert:

"Sec. 5165.26. (A) As used in this section:

1) "Base rate" means the portion of a nursing facility's total per medicaid day payment rate determined under division (A) of section 5165.15 of the Revised Code.

2) "CMS" means the United States centers for medicare and medicaid services.

3) "Long-stay resident" and "measurement period" have the same meanings as in section 5165.25 of the Revised Code.

(B) For the second half of with state fiscal year 2020 and all of each state fiscal year thereafter, and subject to divisions (D) and (E) of this section, the department of medicaid shall determine each nursing facility's per medicaid day quality incentive payment rate as follows:

1) Determine the sum of the quality scores determined under division (C) of this section for all nursing facilities.

2) Determine the average quality score by dividing the sum determined under division (B)(1) of this section by the number of nursing facilities for which a quality score was determined.

3) Determine the following:

(a) For the second half of state fiscal year 2020, the sum of the total number of medicaid days for the second half of calendar year 2018 for all nursing facilities for which a quality score was determined;

(b) For all of state fiscal year 2021 and each state fiscal year thereafter, the sum of the total number of medicaid days for the measurement period applicable to the state fiscal year for all
nursing facilities for which a quality score was determined.

(4) Multiply the average quality score determined under division (B)(2) of this section by the sum determined under division (B)(3) of this section.

(5) Determine the value per quality point by determining the quotient of the following:

(a) The following:

(i) For the second half of state fiscal year 2020, the sum determined under division (E)(1)(b) of this section;

(ii) For all of state fiscal year 2021 and each state fiscal year thereafter, the sum determined under division (E)(2)(b) of this section.

(b) The product determined under division (B)(4) of this section.

(6) Multiply the value per quality point determined under division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section.

(C)(1) Except as provided in divisions (C)(2) and (3) of this section, a nursing facility's quality score for a state fiscal year shall be the sum of the total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics:

(a) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers during the measurement period;

(b) The percentage of the nursing facility's long-stay residents who had a urinary tract infection during the measurement period;
(c) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened during the measurement period;

(d) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder during the measurement period.

(2) In determining a nursing facility's quality score for a state fiscal year, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in division (C)(1) of this section:

(a) Unless division (C)(2)(b) of this section applies, divide the number of the nursing facility's points for the quality metric by twenty.

(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero.

(3) A nursing facility's quality score shall be zero for a state fiscal year if it is not to receive a quality incentive payment for that state fiscal year because of division (D) of this section.

(D)(1) A nursing facility shall not receive a quality incentive payment for a state fiscal year if the following applies:

(a) In the case of the quality incentive payment to be paid for the second half of state fiscal year 2020, the nursing facility's licensed occupancy percentage is less than eighty percent;

(b) In the case of the quality incentive payment to be paid
for all of state fiscal year 2021 and each state fiscal year
thereafter, the nursing facility's licensed occupancy percentage is less than the statewide average licensed occupancy percentage.

(2) A nursing facility's licensed occupancy percentage for a state fiscal year shall be determined as follows:

(a) Multiply the nursing facility's licensed capacity on the last day of the measurement period applicable to the state fiscal year by the number of days in that measurement period;

(b) Divide the product determined under division (D)(2)(a) of this section by the number of the nursing facility's inpatient days for the measurement period applicable to the state fiscal year.

(E) The total amount to be spent on quality incentive payments for a state fiscal year shall be the following:

(1) For the second half of state fiscal year 2020, the amount determined as follows:

(a) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment because of division (D) of this section:

(i) The amount that is two and four-tenths per cent of the nursing facility's base rate for nursing facility services provided on January 1, 2020;

(ii) Multiply the amount determined under division (E)(1)(a)(i) of this section by the number of the nursing facility's medicaid days for the second half of calendar year 2018.

(b) Determine the sum of the products determined under division (E)(1)(a)(ii) of this section for all nursing facilities
for which the product was determined for the second half of state fiscal year 2020.

(2) For all of state fiscal year 2021 and each state fiscal year thereafter, the amount determined as follows:

(a) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment because of division (D) of this section:

(i) The amount that is two and four-tenths per cent of the nursing facility's base rate for nursing facility services provided on the first day of the state fiscal year;

(ii) Multiply the amount determined under division (E)(2)(a)(i) of this section by the number of the nursing facility's medicaid days for the measurement period applicable to the state fiscal year.

(b) Determine the sum of the products determined under division (E)(2)(a)(ii) of this section for all nursing facilities for which the product was determined for the state fiscal year.

In line 63458, delete "5165.01,"

In line 63459, delete "5165.16, 5165.17, 5165.19, 5165.21,"

In line 63478, delete "5165.361,"

In line 76896, delete "$4,076,259,989 $4,627,369,304" and insert "$4,099,471,989 $4,634,824,471"

In line 76897, delete "$9,705,936,048 $10,493,958,715" and insert "$9,745,394,318 $10,506,625,621"

In line 76898, delete "$13,782,196,037 $15,121,328,019" and insert "$13,844,866,307 $15,141,450,092"

In line 76902, add $23,212,000 to fiscal year 2020 and
$7,455,167 to fiscal year 2021

In line 76903, add $39,458,270 to fiscal year 2020 and $12,666,906 to fiscal year 2021

In line 76904, add $62,670,270 to fiscal year 2020 and $20,122,073 to fiscal year 2021

In line 76913, delete "$415,666,000 $418,845,000" and insert "$420,154,000 $420,286,000"

In line 76917, add $4,488,000 to fiscal year 2020 and $1,441,000 to fiscal year 2021

In line 76923, delete "$6,459,332,595 $6,272,222,392" and insert "$6,466,974,325 $6,274,675,986"

In line 76927, add $7,641,730 to fiscal year 2020 and $2,453,594 to fiscal year 2021

In line 76928, add $74,800,000 to fiscal year 2020 and $24,016,667 to fiscal year 2021

After line 77434, insert:

"Section 333.____. BUDGET REDUCTION ADJUSTMENT FACTOR"

As used in this section, "budget reduction adjustment factor" and "Medicare skilled nursing facility market basket index" have the same meanings as in section 5165.01 of the Revised Code.

For the purpose of sections 5165.15, 5165.16, 5165.17, 5165.19, and 5165.21 of the Revised Code, the budget reduction adjustment factor shall be the following:

(A) For the second half of state fiscal year 2020, two and four-tenths per cent;

(B) For all of state fiscal year 2021, an amount equal to the Medicare skilled nursing facility market basket index determined
The motion was __________ agreed to.

SYNOPSIS

Nursing facilities' Medicaid rates

R.C. 5165.15 and 5165.26; R.C. 5165.01, 5165.16, 5165.17, 5165.19, 5165.21, and 5165.361 (all removed from the bill);

Section 333.___

Removes the bill's Executive provisions that would have repealed laws that provide for nursing facilities' Medicaid rates to be increased beginning in fiscal year 2020 in an amount equal to the difference between the Medicare skilled nursing facility market basket index and a budget reduction adjustment factor.

Provides for the budget reduction adjustment factor to be, for the second half of FY 2020, 2.4%.

Provides for the budget reduction adjustment factor to be, for FY 2021, equal to the Medicare skilled nursing facility market basket index for federal FY 2020.

Revises the bill's provision that provides for nursing facilities to receive a quality incentive payment.

Department of Medicaid

Section 333.10

Increases GRF appropriation item 651525, Medicaid Health Care Services, by $62.7 million ($23.2 million state share) in FY 2020 and $20.1 million ($7.5 million state share) in FY 2021.

Increases DPF Fund 5R20 appropriation item 651608, Medicaid
Services – Long Term, by $4.5 million in FY 2020 and $1.4 million in FY 2021.

Increases FED Fund 3F00 appropriation item 651623, Medicaid Services – Federal, by $7.6 million in FY 2020 and $2.5 million in FY 2021.
moved to amend as follows:

In line 147 of the title, after "5709.51," insert "5709.54,"
In line 301, after "5709.51," insert "5709.54,"
After line 54592, insert:

"Sec. 5709.54. (A) As used in this section:

(1) "Pre-residential development property" means a subdivided parcel of unimproved real property on which construction of one or more residential buildings is planned but has not yet commenced. The construction of streets, sidewalks, curbs, or driveways or the installation of water, sewer, or other utility lines on a subdivided parcel does not cause construction of a residential building to commence for purposes of division (A)(1) or (B) of this section.

(2) "Residential building" means a building or structure any part of which is to be used as a dwelling.

(3) "Unexempted value" means, for any subdivided parcel, one of the following:

(a) Except as provided in division (A)(3)(b) of this section, the nonagricultural taxable value of the original property for the tax year preceding the tax year the subdivided property first appears on the tax list as a subdivided parcel multiplied by a
fraction, the numerator of which is the true value in money of the
subdivided parcel for the tax year the subdivided parcel first
appears on the tax list and the denominator of which is the true
value in money of all subdivided parcels subdivided from that
original parcel for that tax year.

(b) If a subdivided parcel exempted under this section is
itself subdivided, the "unexempted value" of the newly subdivided
parcel equals the unexempted value, as defined in division
(A)(3)(a) of this section, of the parcel from which the newly
subdivided parcel was subdivided for the tax year preceding the
tax year the newly subdivided parcel first appears on the tax list
multiplied by a fraction, the numerator of which is the true value
in money of the newly subdivided parcel for the tax year it first
appears on the tax list and the denominator of which is the true
value in money for that year of all newly subdivided parcels
resulting from the most recent subdivision.

(4) "Subdivided parcel" means a parcel resulting from the
subdivision of original property pursuant to a plat subdividing
that property presented to the county auditor under section
5713.18 of the Revised Code.

(5) "Original property" means the parcel from which a
subdivided parcel is subdivided.

(6) "Qualifying owner" means the owner of pre-residential
development property for any portion of a tax year ending on or
after the effective date of the enactment of this section by H.B.
166 of the 133rd general assembly that includes the date a plat
subdividing land including such property is presented to the
county auditor under section 5713.18 of the Revised Code, or any
other person to which title to the property is transferred,
without consideration, by another qualifying owner.
(7) "Nonagricultural taxable value" means the taxable value of land as if such land were valued and assessed for a tax year pursuant to Section 2 of Article XII, Ohio Constitution, and not in accordance with Section 36 of Article II, Ohio Constitution.

(B) Any increase in taxable value above the unexempted value of pre-residential development property owned by a qualifying owner is exempted from taxation beginning with the first tax year the pre-residential development property appears on the tax list after a plat subdividing land including that property is presented to the county auditor under section 5713.18 of the Revised Code and for each of the two ensuing tax years or, if later, each of the ensuing tax years until, but not including, the tax year in which a sexennial reappraisal is completed, except that the exemption shall not apply beginning with the tax year that begins after the tax year in which the earlier of the following occurs:

(1) Construction of a residential building on that property commences;

(2) Title to the property is transferred for consideration by a qualifying owner to another person.

(C) The tax commissioner shall not approve an application for an exemption authorized under this section unless the applicant for the exemption certifies that the parcel that is the subject of the exemption satisfies the requirements of division (A)(1) of this section for pre-residential development property.

(D) Nothing in this section shall be construed to authorize a parcel subject to the partial exemption authorized by this section to be valued and assessed for taxation in any manner other than in accordance with Section 36 of Article II or Section 2 of Article XII, Ohio Constitution, as applicable to the parcel."
The motion was __________ agreed to.

**SYNOPSIS**

*Exemption of residential development property*

*R.C. 5709.54*

Exempts from property tax the value of unimproved land subdivided for residential development in excess of the fair market value of the property from which that land was subdivided, apportioned according to the relative value of each subdivided parcel. Authorizes the exemption for the later of three years the year before a sexennial reappraisal is completed, unless construction begins or the land is sold before the end of that period.
moved to amend as follows:

1 Delete lines 76122 through 76157

2 The motion was ______ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.100

Removes an earmark for $15.0 million in FY 2020 and FY 2021 from Federal Fund 3V60 appropriation item 600689, TANF Block Grant, to provide kinship care services through county departments of job and family services (CDJFS). Removes language specifying the formula for the distribution of funds; inclusion of the program in CDJFS's prevention, retention, and contingency plan; and authority of ODJFS to develop rules to carry out the program.
moved to amend as follows:

1 After line 76121, insert:
2 "Section 307.98. WATERFORD INSTITUTE PILOT PROGRAM
3 Of the foregoing appropriation item 600689, TANF Block Grant, $2,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Waterford Institute to implement a pilot program for pre-kindergarten children."

8 The motion was ______ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.98

Earmarks $2.0 million in FY 2020 and FY 2021 from federal Fund 3V60 appropriation item 600689, TANF Block Grant, for the Waterford Institute to implement a pilot program for pre-kindergarten children.
moved to amend as follows:

1  In line 148 of the title, after "5747.461," insert "and";
2  delete ", and 5747.82"
3  In line 301, after "5747.461," insert "and"; delete ", and
4  5747.82"
5  In line 610, delete "5747.82" and insert "122.84"
6  In line 3608, delete "at least ninety" and insert "one
7  hundred"
8  In line 3614, delete "substantially"
9  In line 3616, delete "substantially"
10 In line 3620, delete "substantially"
11 In line 3621, delete "substantially"
12 After line 3622, insert:
13 "All terms used in division (A) of this section have the
14 same meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be
15 substituted for "substantially all" wherever "substantially all"
16 appears in the definition of those terms or in the definition of
17 terms used in those terms."
In line 3624, after "1400Z-1" insert "before, on, or after the effective date of the enactment of this section by H.B. 166 of the 133rd general assembly"

In line 3625, delete ""Individual," "taxpayer,"") and insert "Taxpayer"

After line 3626, insert:

"(4) "Qualifying taxable year" means a taxpayer's taxable year that includes the first day of a calendar year during which an Ohio qualified opportunity fund in which the taxpayer invests makes an investment in a project located in an Ohio opportunity zone."

In line 3627, delete "An individual" and insert "A"

In line 3629, delete everything after "a"

In line 3630, delete everything before "of" and insert "nonrefundable credit against the tax levied under section 5747.02"

Delete lines 3635 and 3636 and insert "that the fund invested during the preceding calendar year in projects located in Ohio opportunity zones."

In line 3638, delete everything after "application"

Delete line 3639

In line 3640, delete "commissioner"

In line 3642, after "taxpayer's" insert "qualifying"

In line 3648, delete "date the investment was"
Delete line 3649 and insert "amount of that investment the fund invested in projects located in Ohio opportunity zones during the preceding calendar year. The statement shall describe each project funded by the investment and state each project's location and the portion of the taxpayer's investment invested in each such project. Unless the fund demonstrates otherwise to the director's satisfaction, the amount of a taxpayer's investment that the fund invested in a project located in an Ohio opportunity zone equals the same proportion of the amount of the fund's investment in the project as the taxpayer's investment in the fund bears to the total investment by all investors in that fund on the date the fund makes the investment in the project."

In line 3654, delete "twenty" and insert "sixty"
In line 3658, delete "for the taxable year"
In line 3663, delete "an"
Delete line 3664 and insert "that applicant, and any person to whom the applicant transfers the certificate under division (E) of this section, to exceed one million dollars."

After line 3668, insert:

"(3) The credit may be claimed for the taxpayer's qualifying taxable year or the next ensuing taxable year. The taxpayer shall claim the credit in the order prescribed by section 5747.98 of the Revised Code. Any unused amount may be
carried forward for the following five taxable years. If the certificate is issued to a pass-through entity for an investment by the entity, any taxpayer that is a direct or indirect investor in the pass-through entity on the last day of the entity's qualifying taxable year may claim the taxpayer's proportionate or distributive share of the credit against the taxpayer's aggregate amount of tax levied under that section.

(D) A taxpayer claiming a credit under this section shall submit a copy of the certificate with the taxpayer's return or report.

(E) A taxpayer that holds an unclaimed certificate under this section may notify the tax commissioner, in writing, that the taxpayer is transferring the right to claim the credit stated on the certificate. The taxpayer shall identify in that notification the certificate's number and the name and the tax identification number of the transferee. Pursuant to division (D) of this section, the transferee may claim the credit stated on the certificate, subject to the limitations of this section. A transferee may not transfer the right to claim the credit to any other person.

(F) On or before the first day of August each year, the director of development services shall submit a report to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives.
on the tax credit program authorized under this section. The report shall include the following information:

(1) The number of projects funded by investments for which a tax credit application was submitted under this section during the preceding year, the Ohio opportunity zone in which each such project is located, the number of projects funded by investments for which certificates were allocated during the preceding year, a description of each such project, and the composition of an Ohio qualified opportunity fund's investments in each project funded by investments for which a tax credit application was submitted under this section;

(2) The number of taxpayers that invested in an Ohio qualified opportunity fund and applied for a tax credit based on the fund's investment in a project during the preceding year, the name of the fund in which each such investment was made, the number of taxpayers allocated a credit for such investments under this section, and the dollar amount of those credits;

(3) A map that shows the location of each Ohio opportunity zone and that indicates which zones include existing or pending projects that are, or will be, funded by tax credit-eligible investments."

In line 4071, strike through "The" and insert "For any fiscal biennium beginning before July 1, 2019, the"

In line 4073, strike through "any fiscal" and insert "that"
In line 4074, reinsert "one hundred"; delete "fifty"; after the period insert "For any fiscal biennium beginning on or after July 1, 2019, the director shall not issue small business investment allocations in a total amount that would cause the tax credits claimed in that biennium to exceed fifty million dollars."

After line 4081, insert:

"(5) The director shall not issue a small business investment allocation on the basis of any investment for which an Ohio opportunity zone investment certificate has been issued under section 122.84 of the Revised Code."

Delete lines 63087 through 63100

In line 63138, delete "5747.82" and insert "122.84"

The motion was _______ agreed to.

SYNOPSIS

Opportunity zone tax credit

R.C. 122.84, 5747.82 (removed), 107.036, 122.86, and 5747.98

Modifies the bill's proposed income tax credit for investments in funds that invest in property located or used in "opportunity zones." As proposed in both the Executive and House-pending bills and the amendment, the credit is available for investments in funds that in turn invest in qualifying kinds of property located in certain areas in Ohio that meet federally-designated criteria. (Property is not limited to real estate; it includes other tangible property, and ownership of
businesses in the form of stock or partnership-type interests.)
The credit is nonrefundable; equals 10% of the investment; is limited to a total of $50 million per biennium and $1 million per taxpayer, per biennium. It is an enhancement of a new federal income tax partial exclusion for capital gains reinvested in an opportunity zone fund, but the state credit is independent of a taxpayer's having realized any prior capital gain or otherwise qualifying for the federal exclusion.

The amendment modifies the credit by substituting the content of Sub. S.B. 8, As Passed by the Senate, which differs from the pending bill in the following respects:

--The amendment allows an investor to transfer the credit to another person; the pending bill does not allow transfers.

--The amendment hinges the credit on when the fund invests in opportunity zone property; the pending bill hinges it on an investor's investment in the fund.

--The amendment allows a credit only if the fund invests 100% of its invested assets in Ohio opportunity zone property; the pending bill's threshold is 90% (similar to the threshold for the federal exclusion). The amendment's rules governing how much and for how long the property must be used in the zone versus elsewhere is stricter than under the pending bill, requiring all of the use to be in a zone for all of the fund's holding period, versus "substantially all" under the pending bill (which, under proposed federal regulations, may be as low as 70%).

--The amendment allows a five-year carry forward of any excess credit; the pending bill does not permit any carry forward.

--The amendment allows the credit to be claimed not only by individuals but also by taxable trusts and estates, and expressly contemplates a pass-through credit to taxpayers through a pass-through entity that invests in a fund; the pending bill allows the credit only for individuals who invest directly in a fund and appears to preclude pass-through of the credit.

--The amendment requires annual reporting of certain information to the legislature and the Governor by the Development Services Agency; the pending bill does not expressly require any reporting.
moved to amend as follows:

1. In line 126 of the title, delete "3702.21,"
2. In line 285, delete "3702.21,"
3. Delete lines 25845 through 25870
4. In line 27346, after "(1)" delete the balance of the line
5. Delete lines 27347 and 27348
6. In line 27349, delete "(2)"
7. In line 27353, delete "(3)" and insert "(2)"
8. Delete lines 27355 through 27358
9. Delete lines 27393 and 27394

10. The motion was ______ agreed to.

SYNOPSIS

Facility fee prohibition

R.C. 3702.21

Removes the House-added provision that would have prohibited health care facilities (including a physician's office) from charging a facility fee that is in addition to fees for professional services.

Freestanding emergency department facility fee

R.C. 3727.49

Removes the House-added provision that would have prohibited a freestanding emergency department from charging a facility fee.
moved to amend as follows:

1 In line 158 of the title, after "5167.25," insert "5747.031,"
2 In line 62019, strike through everything after "(HH)"
3 Strike through lines 62020 through 62023
4 In line 62024, strike through "(II)"
5 In line 62034, delete "(JJ)" and insert "(II)"
6 In line 62049, strike through "(4)" and insert "(3)"
7 In line 62058, delete "one and"; strike through "four hundred"; delete "eighteen" and insert "one and three hundred seventy-four"
8 In line 62064, strike through "on income"
9 In line 62065, strike through "other than taxable business income"
10 In line 62066, strike through ", less taxable business income and"
11 Strike through line 62074a
12 In line 62084, delete "315.41" and insert "309.12"; delete "2.829" and insert "2.773"
In line 62085, delete "942.14" and insert "923.34"; delete "3.302" and insert "3.236"

In line 62086, delete "2,408.31" and insert "2,360.12"; strike through "3.960" and insert "3.699"

In line 62087, delete "3,291.39" and insert "3,185.00"; strike through "4.597" and insert "4.294"

In line 62088, delete "8,398.66" and insert "7,955.63"; strike through "4.997" and insert "4.667"

In line 62089, strike through "(a) In the case of individuals,"

In line 62090, strike through "the tax imposed by this section"

Strike through lines 62091 through 62099

In line 62100, strike through "(5)"

In line 62158, delete "5747.29,"

In line 62181, strike through "taxable"

In line 62182, strike through "business income and"

In line 63478, after "5167.25," insert "5747.031,"

In line 82727, after "5747.02," insert "5747.031,"

In line 82742, delete "(5)" and insert "(4)"

The motion was ________ agreed to.
Income tax: Rate reduction and business income taxation

R.C. 5747.01, 5747.02, and 5747.031 (repealed); Sections 757.140 and 757.160

Reduces income tax rates for all income brackets by 6.6%.

In the pending bill, an individual's taxable nonbusiness income above $22,500 is subject to five graduated tax rates ranging from 2.829% for taxable income up to $44,400, to 4.997% for taxable income above $222,200; under the amendment, the rates would range from 2.773% to 4.667%. (Rates are reduced to the same degree for trusts and estates, but apply to all their taxable income, including that less than $22,500.)

Eliminates a special, lower tax rate of 3% on business income in excess of the exempted amount of such income ($100,000 in the pending bill, $250,000 in the Executive bill and current law), and instead taxes business income in excess of $100,000 at the same graduated rates as nonbusiness income — i.e., the amendment's reduced graduated rates would apply to the sum of a taxpayer's business and nonbusiness income.

The changes apply to taxable years beginning on or after January 1, 2019.

Repeals a provision of current law (R.C. 5747.031) that requires a DOT report of pre-credit tax liability attributable to taxable business income versus nonbusiness income and the incorporation of those liabilities into OBM's revenue estimation and reporting.
moved to amend as follows:

After line 76017, insert:

"Section 307.16. MARRIAGE WORKS

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, $200,000 in each fiscal year shall be provided to Marriage Works! Ohio in Dayton."

The motion was agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.16

Earmarks $200,000 in FY 2020 and FY 2021 from GRF appropriation item 600410, TANF State Maintenance of Effort, to Marriage Works! Ohio in Dayton.
moved to amend as follows:

1 In line 33199, delete "does not commit a crime and"

2 The motion was ______ agreed to.

3

**SYNOPSIS**

4 Providing accounting services to marijuana licensees

5 **R.C. 4701.16**

6 Removes the provision specifying that public accountants are not guilty of a crime solely because they provide accounting services to a marijuana licensee.
moved to amend as follows:

In line 72345, delete "$10,000,000" and insert "$25,000,000"

In line 72350, add $15,000,000 to fiscal year 2020

In line 72376, add $15,000,000 to fiscal year 2020

In line 72641, delete "$10,000,000" and insert "$25,000,000"

The motion was ______ agreed to.

SYNOPSIS

Development Services Agency

Sections 259.10 and 259.20

Increases appropriations by $15.0 million in FY 2020 for Rural Industrial Park Loan Fund (Fund 4Z60) line item 195647, Rural Industrial Park Loan, so that appropriations total $25.0 million in FY 2020.

Increases the amount of cash to be transferred from the Facilities Establishment Fund (Fund 7037) to Fund 4Z60 by $15.0 million in FY 2020, so that the cash transfer totals $25.0 million.
moved to amend as follows:

In line 90 of the title, after "5164.7510," insert "5164.91," 1
In line 257, after "5164.7510," insert "5164.91," 2
After line 50796, insert:

"Sec. 5164.91. (A) The medicaid director may implement a
demonstration project called the integrated care delivery system
to test and evaluate the integration of the care that dual
eligible individuals receive under medicare and medicaid. No
 provision of Title LI of the Revised Code applies to the
integrated care delivery system if that provision implements or
incorporates a provision of federal law governing medicaid and
that provision of federal law does not apply to the system.

(B) The director shall create a standardized claim form and
standardized claim codes for the integrated care delivery system.
The forms and codes shall allow a medical provider that renders a
medically necessary health care service under the integrated care
delivery system to use the same claim forms and codes for that
service, regardless of the payor.

Any claim for a medically necessary service that is properly
submitted using the standardized claim form and claim codes shall
be considered a clean claim and shall be paid by the department or
its designee not later than thirty days from the date the claim is submitted. If the department or its designee fails to pay the claim within thirty-five calendar days, it shall pay interest on the claim equal to one per cent per month calculated from the expiration of the thirty-five-day period. Interest shall accrue until the claim and interest are paid in full to the provider."

In line 63458, after "5164.7510," insert "5164.91,"

The motion was __________ agreed to.

SYNOPSIS

Integrated Care Delivery System (My Care Ohio)

R.C. 5164.91

Requires the Director of Medicaid to develop a standardized claim form and standardized claim codes that can be used by medical providers providing medically necessary health care services under the Integrated Care Delivery System (known as My Care Ohio).